

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

WEDNESDAY, NOVEMBER 10, 2004

SESSION OF 2004 188TH OF THE GENERAL ASSEMBLY

No. 60

**SENATE**

WEDNESDAY, November 10, 2004

The Senate met at 11 a.m., Eastern Standard Time.

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

**PRAYER**

The Chaplain, Colonel ROBERT D. BOIDOCK, Pennsylvania Associate Pastor of the Presbyterian Churches of America, California, Maryland, offered the following prayer:

Let us pray.

Almighty God, creator and sovereign over all nations, peoples, and times, You have given us a good land for our heritage. We are here for two reasons today.

First, to honor our American veterans, those who have fought since the founding of our great Commonwealth and our nation, protecting our land in both times of war and peace in defense of freedom. Bring humility to us according to their sacrifice, and challenge us to continue their legacy.

While struggles continue around our world, there are those who continue to bravely serve the causes of freedom, justice, and peace, bringing honor to those we remember today. Give to us gathered here courage to offer renewed commitment to bring about and maintain that same peace to which those whose deaths we do commemorate did pledge themselves.

Second, we are here to seek You for guidance. One of our country's Founding Fathers, Benjamin Franklin, who in 1787 said these words, Father. I have lived, sir, a long time, and the longer I live the more convincing proofs I see of this truth, that God governs the affairs of men, and if a sparrow cannot fall to the ground without his notice, is it probable that an empire can rise without his aid? I therefore beg leave to move that, henceforth, prayers imploring the assistance of heaven and its blessing on our deliberations be held in this assembly every morning before we proceed to business.

And yes, Father, we seek You for guidance. These men and women before You now are special and have been set apart and given the special task of leading and governing our Commonwealth. Imbue them with minds that lead with courage, wisdom, and strength of character that will cause them to proceed with perseverance and hearts that remember their calling purpose and sacrifice of those who have governed before them. This we ask in Your holy name. Amen.

The PRESIDENT. The Chair thanks Colonel Boidock, who is the guest today of Senator Donald White. He formerly served at Indiantown Gap and currently serves as our National Guard State Chaplain. Thank you, very much.

**PLEDGE OF ALLEGIANCE**

(The Pledge of Allegiance was recited by those assembled, led by Adjutant General Jessica L. Wright.)

**JOURNAL APPROVED**

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of November 9, 2004.

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

**COMMUNICATIONS FROM THE GOVERNOR**

**NOMINATIONS REFERRED TO COMMITTEE**

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

**MEMBER OF THE STATE HARNES  
RACING COMMISSION**

November 10, 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, The Honorable Roy W. Wilt, 262 Leech Road, Greenville 16125, Mercer County, Fiftieth Senatorial District, for reappointment as a member of the State Harness Racing Commission, to serve for a term of three years and until his successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

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

November 10, 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, Linton L. Moyer, Esquire, 10 Woodbrook Drive, Pittsburgh 15215, Allegheny County, Thirty-eighth Senatorial District, for appointment as Judge of the Court of Common Pleas of Allegheny County, to serve until the first Monday of January 2006, vice The Honorable Alan S. Penkower, resigned.

EDWARD G. RENDELL  
Governor

JUDGE, COURT OF COMMON PLEAS,  
LANCASTER COUNTY

November 10, 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, Jeffery D. Wright, Esquire, 1191 Gypsy Hill Road, Lancaster 17602, Lancaster County, Thirteenth Senatorial District, for appointment 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.

EDWARD G. RENDELL  
Governor

MEMBER OF THE WORKERS'  
COMPENSATION APPEAL BOARD

November 10, 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, David Mann, 2917 Fairview Street, Allentown 18103, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, add to complement.

EDWARD G. RENDELL  
Governor

HOUSE MESSAGES

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

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate by amending said amendments to **HB 2405**, in which 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.

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 938, 959** and **1192**, 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, these bills will be referred to the Committee on Rules and Executive Nominations.

HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bill for concurrence, which was referred to the committee indicated:

November 10, 2004

**HB 2748** -- Committee on Local Government.

BILLS REPORTED FROM COMMITTEES

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

**HB 1238 (Pr. No. 1522)**

An Act amending the act of February 11, 1998 (P.L.58, No.15), known as the Combustible and Flammable Liquids Act, further providing for self-service dispensing stations, for prohibition and for penalties.

**HB 2749 (Pr. No. 4223)**

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for referenced standards; and abrogating regulations.

Senator ERICKSON, from the Committee on Local Government, reported the following bills:

**HB 818 (Pr. No. 3109)**

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, providing for impact of plat; and further providing for application for tentative approval of planned residential development.

**HB 2748 (Pr. No. 4663)**

An Act amending the act of February 1, 1974 (P.L.34, No.15), known as the Pennsylvania Municipal Retirement Law, providing for part-time employees; and further providing for existing local retirement systems and compulsory and optional membership and for return to service relating to certain municipal employees and optional retirement plans.

**HB 2798 (Pr. No. 4543)**

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.

LEGISLATIVE LEAVES

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

Senator BRIGHTBILL. Madam President, I request legislative leaves for Senator Orié, Senator Punt, and Senator Scarnati.

The PRESIDENT. Senator Brightbill requests legislative leaves for Senator Orié, Senator Punt, and Senator Scarnati. Without objection, those leaves will be granted.

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

Senator O'PAKE. Madam President, I request a legislative leave for Senator Schwartz.

The PRESIDENT. Senator O'Pake requests a legislative leave for Senator Schwartz. Without objection, that leave will be granted.

**CALENDAR**

**SB 844 CALLED UP OUT OF ORDER**

**SB 844 (Pr. No. 1922)** -- Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator BRIGHTBILL, as a Special Order of Business.

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

**SB 844 (Pr. No. 1922)** -- The Senate proceeded to consideration of the bill, entitled:

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

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 present said bill to the House of Representatives for concurrence.

**SENATE RESOLUTION ADOPTED**

Senators ROBBINS, D. WHITE, KASUNIC, PIPPY, ORIE, DENT, LEMMOND, PUNT, TOMLINSON, STACK, WAGNER, ARMSTRONG, FUMO, KUKOVICH, MUSTO, PICCOLA, STOUT, JUBELIRER, BRIGHTBILL, THOMPSON, WENGER, M. WHITE, CONTI, O'PAKE, COSTA, CORMAN, RHOADES, TARTAGLIONE, SCARNATI, GORDNER, FERLO, MOWERY, WONDERLING, LOGAN, MADIGAN, PILEGGI, SCHWARTZ, EARLL, ERICKSON, LaVALLE, RAFFERTY, WAUGH and GREENLEAF, by unanimous consent, offered **Senate Resolution No. 322**, entitled:

A Resolution honoring all Pennsylvania veterans who served during war and peace on the occasion of Veterans' Day, November 11, 2004.

On the question,  
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Mercer, Senator Robbins.

Senator ROBBINS. Madam President, first, I want to thank you for allowing us this opportunity and to remind Pennsylvanians that in 1918 on the 11th hour of the 11th day in the 11th month, the world rejoiced and celebrated because after 4 bitter years of war, an armistice was signed that declared the war to end all wars over.

While World War I did not end all wars, November 11 was subsequently designated as Armistice Day. In 1953, people in Emporia, Kansas, called the holiday Veterans Day, in gratitude to all the veterans in their town. Soon thereafter, Congress passed a bill renaming Armistice Day as Veterans Day.

The latest observance is tomorrow. It is important that we pay our respect to all of our service men and women. They travel around the world and put their lives on the line in service to our great country. Many have fought, and many have died to ensure that our flag flies forever free, from Valley Forge to Put-In Bay, from Gettysburg to the Argonne Forest, from Normandy to the 38th parallel, from Saigon to Baghdad, American soldiers have served with honor and distinction and deserve our deep appreciation.

In our Senate Chamber today we have many Members who have served proudly in our Armed Forces whom I would like to recognize: Gib Armstrong, United States Marine Corps; Vince Fumo, United States Coast Guard; Richard Kasunic, Pennsylvania National Guard; Allen Kukovich, Pennsylvania National Guard; Gerald LaValle, United States Marine Corps; Charles Lemmond, United States Army; Robert Mellow, Pennsylvania National Guard; Raphael Musto, United States Army; Jeff Piccola, United States Air Force; John Pippy, United States Army Reserves and the Pennsylvania National Guard; Terry Punt, United States Army; J. Barry Stout, United States Army; Jack Wagner, United States Marine Corps; Don White, United States Army; and myself, United States Army.

Today it is my privilege to offer this resolution saluting veterans who have served in the United States Army, Navy, Marine Corps, Air Force, Coast Guard, PA National Guard, and the United States Reserves for a job well done. We live in uncertain

times, but what is certain is that America's military has proven itself ready to answer the call, and in future Veterans Days, today's service men and women will take our place next to those who fought before them, as objects of our gratitude.

I ask that the Senate approve this resolution honoring all Pennsylvania veterans who served during war and peace on the occasion of Veterans Day, November 11, 2004.

Thank you, Madam President.

(Applause.)

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

Senator KASUNIC. Madam President, I rise in support of this resolution. With our soldiers in harm's way in the Middle East, Veterans Day events will take on an even greater significance this year. By actively expressing our appreciation, support, and prayers for our fighting men and women, all of us, all of us will help strengthen our devotion to democracy and our resolve to defend freedom.

Madam President, Pennsylvania has always had an abiding respect and admiration for its veterans. As a matter of fact, Madam President, we here in Pennsylvania have a very proud and strong tradition of men and women serving in our military. Per capita, we have more veterans than any other State in these United States, something we are very proud of here in Pennsylvania. Our citizens have always been ready, willing, and able to answer the call to duty for our country. In fact, Madam President, Senator Robbins gave you a little bit of history about Veterans Day and Armistice Day. Let me add a little bit to that.

The idea of Armistice Day began right here in Pennsylvania, in fact, in my senatorial district, in Connellsville, Pennsylvania, when Max Floto and his fellow veteran Thomas Scott first fought for an Armistice Day in Pennsylvania. Following their success here, the men went about pressuring our Federal government and lobbying our Federal government to make an Armistice Day a national holiday. Following 20 years of tireless work and lobbying by many, many war veterans all over America, President Franklin D. Roosevelt declared the first national holiday honoring World War I veterans in 1938. Finally, as a means to honor all American veterans who fought in all wars, the name Armistice Day was changed to Veterans Day in 1954. The fact that Veterans Day originated in Pennsylvania speaks volumes about how much our citizens honor the sacrifices of American war veterans.

Madam President, most of us personally know families who have lost loved ones in the line of duty in this war and in wars past. I encourage all Pennsylvanians to reach out to these families, help them in any way you can. Let them know you care, and let them know that you respect them and that you honor them. Our support will serve to comfort and crystallize the importance of their significance. On this Veterans Day, Madam President, I urge all Americans, all Americans to keep our war veterans and our fallen heroes alive in our hearts and in our souls and in our prayers. I also ask that sometime between today and the end of this weekend, that everybody pay tribute to our veterans, those who have given of their time and themselves and many of them who have paid the ultimate sacrifice, that sometime in the next few days we remember them, remember them in our thoughts and in our prayers, and certainly do everything that we can, make every effort to thank a veteran who gave of themselves for this

country so that we may be free, so that we may continue to be the greatest nation that this world has ever seen.

We often hear people complain about how there are so few heroes and role models to look up to today. Well, let me tell you something, there are some pretty good ones in our neighborhoods, in our families, those men and women who have served, those men and women who have fought, and those who are currently fighting overseas. I encourage young people to please reach out, meet a veteran. If you do not know one, if you do not have one in your family, if not your brother or sister or uncle, perhaps your father or grandfather, if you do not know one personally, make every effort, make every effort this weekend to meet one and say thank you. We should all be inspired by our veterans and what they have done and the patriotic example that they led through us.

Madam President, while the recent election may have been divisive, there is no question, no question that there was never any disagreement over how much all of us as Americans support our military personnel and our veterans. We stand united in our appreciation for their sacrifice, and we share a common admiration and hope for their safe return.

Madam President, we are fortunate we live in the freest nation in the world. Our flag stands for freedom and is the envy of the rest of the world, and that is because America is made up of good people, and that is why America is great, because America is good. We will continue to defend our rights and the rights of others to protect the freedoms and help others gain the freedoms that in recent times some of us have taken for granted. We must never forget the blood that was shed in order to keep us free and to keep us great. So, Madam President, I ask for unanimous support for this resolution.

Thank you very much.

And the question recurring,

Will the Senate adopt the resolution?

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

**SPECIAL ORDER OF BUSINESS  
GUESTS OF SENATOR DONALD C.  
WHITE PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Indiana, Senator Don White.

Senator D. WHITE. Madam President, my fellow Senators, colleagues, on a regular basis we have had the distinct honor and privilege of recognizing in this hall the achievements and accomplishments of many of Pennsylvania's greatest individuals and organizations. We know that Pennsylvania is a great State with a rich cultural diversity and has many, many talented citizens. However, I will contend that the men and women we are recognizing here today and tomorrow in ceremonies across this Commonwealth have earned the right to stand at the very top of the list of distinguished Pennsylvanians. In this day and age, many beliefs and principles have been distilled down into 30-second sound bites or bumper stickers. Unfortunately, that distilling process most often leaves much to be desired. But there is always an exception, and in this case I am referring to a bumper sticker

that I think most of you have seen which simply reads, "If you love freedom, thank a Vet." What more needs to be said than that.

Today and every day it is fitting we honor our veterans for their service and sacrifices they have all made for our Commonwealth and our country. Throughout our nation's history, Pennsylvanians have played vital roles in earning our freedom and preserving our Union. They served with distinction during two wars in Europe and southeast Asia. When our nation called Pennsylvanians, every time they answered, just as they are doing today at posts all around the world. How can we equitably and adequately repay such faithful and honorable service? Certainly, it is important that our men and women in uniform know that they have our deepest gratitude and appreciation, but it is also important for them to know that our thoughts and prayers are with them everyday and not just Veterans Day.

Finally, before I introduce our special guest, I would be remiss if I failed to note that today is a special occasion for another reason as well, so to my colleagues Gib Armstrong, Gerry LaValle, and Jack Wagner, and all those current and former Leathernecks out there, I want to congratulate the U.S. Marine Corps on its 229th birthday today.

Now, I am honored to introduce Brigadier General Jessica Wright, our State Adjutant General, who will help us pay tribute to our special veterans. She has served with distinction in every post that she has held, and she is now leading Pennsylvania's citizen soldiers as they strive to bring freedom to people all around this world and provide a strong defense against terrorism here at home.

So, without further comment, I ask my colleagues to please welcome the Honorable Brigadier General Jessica Wright.

(Applause.)

Brigadier General WRIGHT. Thank you very much. On behalf of the 20,000 members of the Pennsylvania National Guard, it clearly is my pleasure and my honor to be here today. As Senator Robbins said, on the 11th hour of the 11th day of the 11th month in 1918, warring nations of the world signed an armistice to attempt to bring peace to end the war, to end all wars. Although the peace was shattered just decades later, we signed into law what is known as Veterans Day, a day set aside to not only honor those 116,000 Americans who lost their lives in World War I, but also for all the brave souls past and present.

Today it is fitting not only to reflect upon the deeds and sacrifices of the past, but also upon the cowardly event of September 11, the attack that left us stunned and disbelieving. It is fitting to display yellow ribbons to honor our military forces and reflect on the values that sustain us in difficult times, and, ladies and gentlemen, these are difficult times. Our country is at war, but still our values and our traditions will sustain us. Those same values that are the core of the United States Armed Forces, from Bunker Hill to Gettysburg, from Afghanistan to Iraq, American values were forged by the flames of combat. This is a proud day. It is a great day to be a soldier, especially a soldier in the Pennsylvania National Guard. Some 2,700 of us are deployed around the world with our active duty and reserve partners engaging in a global war on terrorism in places like Iraq and Afghanistan. Today we humbly gather to pay tribute to our country's men and women who served in the line of duty, citizens of this great nation who

preserved the liberties upon which America was founded. All across America, a grateful nation comes together to honor these individuals, some heroes unknown and known, but each are a patriot and a hero. These brave Americans exemplify the best of American values under the harshest of conditions and often far from home. On battlefields like Lexington, on the beaches of Normandy, the skies over Germany and Burma, in the mountains of Korea, the jungles of Vietnam, the streets of Somalia, in Kuwait, in war torn nations like Bosnia and Kosovo, and now the mountains of Afghanistan and the deserts of Iraq, American history is punctuated with the selfless service of veterans. To say that we owe these heroes a tremendous debt of gratitude is clearly a gross understatement. They sacrificed so that the future generations not only would live free but also prosper under the wings of liberty. They helped mold America into the greatest country in the world, and along the way, Pennsylvanians were at the forefront. The glorious history of the Pennsylvania National Guard spans 257 years. From the very start of the nation, the Pennsylvania National Guard was at the tip of the sphere of selfless service.

In the Chamber today we are joined by four Pennsylvania Guardsmen who we recognize and honor today. While serving our nation in Iraq, Pennsylvania Army National Guard soldiers Sergeant Brian Messersmith and specialist Ryan Owlett were wounded in the line of duty, and from the Pennsylvania Air Guard, the 193rd Special Operations Wing, we also honor Master Sergeant Donald Koch and Technical Sergeant Philip Myers, the first Purple Heart recipients in the history of the Pennsylvania Air National Guard.

Ladies and gentlemen, please help me recognize these fine individuals.

(Applause.)

These are only four of our fine soldiers and airmen in the 20,000 that we have in the Pennsylvania Army National Guard. We thank the brave soldiers and airmen for their sacrifices.

The greatest generation has passed the torch to us, and we are seeing a new generation of heroes come back to our communities. As citizens, we need to thank all veterans for their service and remember that they hold the simplest and greatest title of all, American Veteran.

I truly appreciate the time you have given me today to address this fine body. I would like to make sure that we honor our fine men and women, both past and present, the American soldiers, sailors, Marines, and airmen. May God bless them, and may God bless the United States of America.

(Applause.)

#### GUESTS OF SENATOR CONSTANCE WILLIAMS PRESENTED TO THE SENATE

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

Senator WILLIAMS. Madam President, today we have been visited by high school students, the youth representatives of the March of Dimes, who are lobbying us on the issues of premature birth and newborn screening. I think they are up in the gallery today with Dolores Smith, who is the public affairs director of the March of Dimes, and I would like them to rise.

The PRESIDENT. Will the guests of Senator Connie Williams please rise so we can give you a nice welcome.

### RECESS

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

Senator BRIGHTBILL. Madam President, I ask for a recess of the Senate for purposes of a Republican caucus, which will begin immediately after a meeting of the Committee on Appropriations, which will be held in the Rules room at the rear of the Chamber. We will conduct the Republican caucus also in the Rules room.

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

Senator O'PAKE. Madam President, the Senate Democrats will caucus after the meeting of the Committee on Appropriations. Does the Chair have any idea when we will return to the floor?

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

Senator BRIGHTBILL. Madam President, it is a lengthy Calendar, but we think it will be a relatively short caucus.

The PRESIDENT. Without objection, for those purposes, the Senate stands in recess.

### AFTER RECESS

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

### BILLS REPORTED FROM COMMITTEES

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

**SB 1167 (Pr. No. 1926)** (Amended)

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, further providing for amount of rebate for certain prescription drugs.

**HB 552 (Pr. No. 4690)** (Amended) (Rereported)

An Act amending the act of December 5, 1972 (P.L.1280, No.284), known as the Pennsylvania Securities Act of 1972, further providing for exempt transactions; providing for fees; and making a related repeal.

**HB 553 (Pr. No. 655)** (Rereported)

An Act amending the act of December 5, 1972 (P.L.1280, No.284), known as the Pennsylvania Securities Act of 1972, authorizing the commission to petition for the escrow of extraordinary payments by issuers in certain circumstances.

**HB 561 (Pr. No. 663)** (Rereported)

An Act amending act of December 5, 1972 (P.L.1280, No.284), known as the Pennsylvania Securities Act of 1972, further defining "institutional investor"; adding a definition; and further providing for prohibited advisory activities and for prohibited transactions involving public school districts in this Commonwealth.

**HB 595 (Pr. No. 697)** (Rereported)

An Act amending the act of December 5, 1972 (P.L.1280, No.284), known as the Pennsylvania Securities Act of 1972, further providing for right of commission to bring actions for injunctions and equitable relief.

**HB 604 (Pr. No. 1484)** (Rereported)

An Act amending the act of December 5, 1972 (P.L.1280, No.284), known as the Pennsylvania Securities Act of 1972, further providing for definitions, for registration sanctions and for criminal penalties.

**HB 2021 (Pr. No. 4691)** (Amended) (Rereported)

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 board, for when sales may be made at Pennsylvania liquor stores, for sales by Pennsylvania liquor stores, for continuing care retirement community retail licenses, for limiting number of retail licenses to be issued in each county and for privately owned golf courses located in more than one county; providing for liquor license control through a point system and for licensee management training; further providing for shipment of wine into Commonwealth, for unlawful acts relative to malt or brewed beverages and licensees, for unlawful acts relative to liquor, malt and brewed beverages and licensees and for limited wineries; and providing for distilleries.

Senator D. WHITE, from the Committee on Veterans Affairs and Emergency Preparedness, reported the following bill:

**HB 56 (Pr. No. 4242)**

An Act providing a bonus to Pennsylvanians who are United States Merchant Marine veterans who served during World War II; imposing certain duties on the Adjutant General; providing penalties; and making an appropriation.

### HB 2655 TAKEN FROM THE TABLE

Senator PICCOLA. Madam President, I move that House Bill No. 2655, Printer's No. 3954, be taken from the table and placed on the Calendar.

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

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

### CALENDAR

#### BILL ON CONCURRENCE IN HOUSE AMENDMENTS AS AMENDED

#### SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED

**SB 137 (Pr. No. 1921)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 13, 1970 (P.L.19, No.10), entitled "An act enabling certain minors to consent to medical, dental and health services, declaring consent unnecessary under certain circumstances, further providing for consent to treatment; providing for release of medical records and requiring a report by the Legislative Budget and Finance Committee.

On the question,  
Will the Senate concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 137?

Senator PICCOLA. Madam President, I move that the Senate do concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 137.

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

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

YEA-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.

**BILLS ON CONCURRENCE IN HOUSE AMENDMENTS**

**SENATE CONCURS IN HOUSE AMENDMENTS**

**SB 1208 (Pr. No. 1852)** -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Frenchcreek Township, Venango County, approximately 65.36 acres which includes the sewage treatment facilities, conveyance system, all improvements thereon and easements, at Polk Center in Polk Borough, Venango County.

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

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

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

The yeas and nays were required by Senator PICCOLA 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.

**THIRD CONSIDERATION CALENDAR**

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

**SB 669** -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

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

**SB 904 (Pr. No. 1905)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses), 23 (Domestic Relations), 34 (Game), 42 (Judiciary and Judicial Procedure), 53 (Municipalities Generally), 68 (Real and Personal Property), 71 (State Government), 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, changing the name of "district justice" to "magisterial district judge" and replacing references to "justice of the peace" with "magisterial district judge."

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 present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

**SB 1, HB 176 and HB 310** -- Without objection, the bills were passed over in their order at the request of Senator PICCOLA.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 936 (Pr. No. 1250)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the Pennsylvania Amber Alert System; authorizing and directing the Pennsylvania State Police to establish and maintain the Pennsylvania Amber Alert System; assessing costs; and providing for immunity and penalties.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

Senator O'PAKE. Madam President, I think it is fairly well known that Pennsylvania has an Amber Alert System. This bill ensures the existence and integrity of the Amber Alert System by giving it statutory basis. This bill is simple but very important, this legislation is about saving the lives of abducted children.

The Amber Alert System was instituted here following the abduction of 13 school students from Berks County in my district by their bus driver in January 2002, and fortunately their safe recovery hours later in suburban Maryland. As you will recall, the bus driver, who was supposed to take the kids from a public school to a Christian school, instead drove them to Washington, D.C., and he had a shotgun underneath his seat.

This bill is the result of voluntary cooperation among the media and various State agencies, particularly the Pennsylvania Association of Broadcasters, the Pennsylvania State Police, and the Pennsylvania Emergency Management Agency.

For those unfamiliar with Amber, very briefly, Amber is activated by a small group of specially-trained State troopers upon their determination that a child under the age of 18 has been ab-

ducted and may be at imminent risk of death or serious injury. The State Police place an alert through PEMA's Emergency Broadcast System, and thus you see the little trailer at the bottom of the television screen or hear the alert over your local radio station. The alert is also given to the print media, and members of the public signed up to receive e-mail notices. It is sent to the appropriate regions of the State and also posted now on electronic highway signs and boards operated by the Turnpike Commission and PennDOT. Amber alerts have been activated 20 times in Pennsylvania in the last 2 1/2 years, and they are credited with aiding directly in the recovery, the safe return of a dozen children. Our program is looked to as a model nationally.

This bill will protect what has been accomplished and will allow the program to continue to improve. It will give the State Police the specific responsibility and exclusive authority to activate alerts so that the media and the public can be confident when they are issued that they are credible, and they may well save a child's life. The bill also gives the media civil immunity while they are participating in good faith and while they are carrying out the alerts. The participation by Pennsylvania's media has been absolutely outstanding. So, it is appropriate to ensure that future participation will not be diminished by concerns about being sued. There is a parallel immunity to protect people who help rescue children subject to an alert.

Finally, the bill imposes a \$25 cost on convictions for relevant crimes, for example, kidnapping and interfering with custody. This will ensure proper funding for Amber and avoid diverting limited resources that are needed elsewhere. Madam President, this bill is here today not only because of the cooperation and efforts of the participating associations and agencies, but because of the bipartisan support here in the Senate. I ask for a positive vote to protect our children, Madam President.

And the question recurring,  
Shall the bill pass finally?

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

YEA-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 present said bill to the House of Representatives for concurrence.



**SB 981 (Pr. No. 1332)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for Educational Assistance Program definitions; and establishing the Educational Assistance Program Fund.

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 present said bill to the House of Representatives for concurrence.

**SB 1032 (Pr. No. 1920)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 54 (Names) of the Pennsylvania Consolidated Statutes, consolidating provisions on judicial procedure for name changes; further providing for name change by order of court; and making a repeal related to judicial procedure for name changes.

Considered the third time and agreed to,

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

On the question,  
Shall the bill pass finally?

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

**YEA-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 present said bill to the House of Representatives for concurrence.

**BILL OVER IN ORDER**

**HB 1113** -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

**BILL ON THIRD CONSIDERATION AND FINAL PASSAGE**

**HB 1152 (Pr. No. 4379)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for contributions for juvenile diabetes cure research.

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.

BILL OVER IN ORDER

SB 1230 -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1233 (Pr. No. 1848) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for general powers of the Pennsylvania Liquor Control Board, for sales by Pennsylvania Liquor Stores and for unlawful acts relative to liquor, malt and brewed beverages.

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

Table listing names of Senators who voted 'YEA' for SB 1233, including Armstrong, Hughes, Ori, Thompson, etc.

NAY-0

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

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

HB 1487 (Pr. No. 1877) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 25, 1919 (P.L.581, No.274), referred to as the First Class City Government Law, deleting provisions relating to the Department of Public Works and the Department of Supplies and Purchases.

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

Table listing names of Senators who voted 'YEA' for SB 1230, including Armstrong, Hughes, Ori, Thompson, etc.

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.

BILLS OVER IN ORDER

HB 1535, HB 1867, HB 1868, HB 1929 and HB 2055 -- Without objection, the bills were passed over in their order at the request of Senator PICCOLA.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2306 (Pr. No. 3215) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a bridge on State Route 11 crossing the Susquehanna River between Great Bend Township and Hallstead Borough, Susquehanna County, Pennsylvania, as the Community Memorial Bridge.

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

Table listing names of Senators who voted 'YEA' for HB 2306, including Armstrong, Hughes, Ori, Thompson, etc.

NAY-0

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

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

**HB 2409 (Pr. No. 3404)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 20, 1991 (P.L.398, No.45), entitled "An act designating a certain bridge on Pennsylvania Route 45 in Northumberland and Union Counties as the Judge Herbert W. Cummings/Judge Harold M. McClure Memorial Bridge; and designating the bridge on which Main Street crosses Trout Creek in the Borough of Slatington, Lehigh County, as the General Thomas R. Morgan Bridge," further designating the General Thomas R. Morgan Bridge.

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 OVER IN ORDER

**HB 2528** -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 2826 (Pr. No. 4354)** -- The Senate proceeded to consideration of the bill, entitled:

An Act designating the bridge on State Route 522 crossing the Black Log Creek, just south of Orbisonia, Cromwell Township, Huntingdon County, as the Huntingdon County World War II Veterans Memorial Bridge.

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

**HB 138 (Pr. No. 4594)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, providing for the Vital Statistics Improvement Account; and further providing for local registrars' fees, for reports to county registration commissions and for issuance of certificates of death.

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

BILL REREFERRED

**HB 30 (Pr. No. 4645)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for residential telephone service rates based on duration or distance of call and for local exchange

service increases and limitations; adding and repealing provisions relating to alternative form of regulation of telecommunications services; establishing the Broadband Outreach and Aggregation Fund; providing for Voice Over Internet Protocol; and making a repeal.

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

#### BILLS OVER IN ORDER

**HB 109, HB 148, HB 168, HB 248 and HB 250** -- Without objection, the bills were passed over in their order at the request of Senator PICCOLA.

#### BILL REREFERRED

**SB 528 (Pr. No. 1914)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 29, 1956 (1955 P.L.1804, No.600), referred to as the Municipal Police Pension Law, further providing for payments under existing pension plans for service increments to pensions of police officers.

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

#### BILLS OVER IN ORDER

**SB 667 and SB 722** -- Without objection, the bills were passed over in their order at the request of Senator PICCOLA.

#### BILL REREFERRED

**HB 798 (Pr. No. 930)** -- The Senate proceeded to consideration of the bill, entitled:

An Act prohibiting any municipal pension or retirement system in a city of the first class from denying certain benefits to surviving spouses of police officers or certain employees upon a subsequent remarriage of the surviving spouse; and making repeals.

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

#### BILLS OVER IN ORDER

**SB 848 and SB 850** -- Without objection, the bills were passed over in their order at the request of Senator PICCOLA.

#### BILL ON SECOND CONSIDERATION

**HB 851 (Pr. No. 1809)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of scattering rubbish.

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

#### BILLS OVER IN ORDER

**SB 859, HB 873 and SB 963** -- Without objection, the bills were passed over in their order at the request of Senator PICCOLA.

#### BILL REREFERRED

**SB 983 (Pr. No. 1911)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act, further providing for permit and license application requirements, for granting, denying, renewing, modifying, revoking and suspending permits and licenses, for enforcement orders and for unlawful conduct; and providing for repeat violations.

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

#### BILL ON SECOND CONSIDERATION

**HB 994 (Pr. No. 4666)** -- The Senate proceeded to consideration of the bill, entitled:

An Act empowering municipalities, counties and public transportation agencies to work cooperatively to establish Transit Revitalization Investment Districts (TRID), including partnerships with the National Railroad Passenger Corporation requiring planning studies, comprehensive plan and zoning amendments and use of existing statutes and techniques to achieve transit-oriented development, redevelopment, community revitalization and enhanced community character through TRID creation; establishing value capture areas as a means to reserve and use future, designated incremental tax revenues for public transportation capital improvements, related site development improvements and maintenance; promoting the involvement of and partnerships with the private sector in TRID development and implementation; encouraging public involvement during TRID planning and implementation; and providing for 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 ON SECOND CONSIDERATION AND REREFERRED

**SB 997 (Pr. No. 1906)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for expenses for district justices; and making a related repeal.

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.  
Upon motion of Senator PICCOLA, and agreed to by voice vote, the bill just considered was rereferred to the Committee on Appropriations.

**SB 1030 (Pr. No. 1912)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the sale of electric energy generated from renewable and environmentally beneficial sources, for the acquisition of electric energy generated from renewable and environmentally beneficial sources by electric distribution and supply companies and for the powers and duties of the Pennsylvania Public Utility Commission.

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

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

#### BILL ON SECOND CONSIDERATION

**SB 1079 (Pr. No. 1493)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, further providing for beneficiaries of fund not to be employed by the city.

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

#### BILL REREFERRED

**SB 1170 (Pr. No. 1720)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 1, 1988 (P.L.82, No.16), known as the Pennsylvania Infrastructure Investment Authority Act, establishing Municipal Connection Funding Programs; making an appropriation; and making editorial changes.

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

#### BILLS OVER IN ORDER

**SB 1189, SB 1198, HB 1530, HB 1716, HB 1954, HB 2022, HB 2029, HB 2035, HB 2036, HB 2071, HB 2185, HB 2218, HB 2227, HB 2262 and HB 2289** -- Without objection, the bills were passed over in their order at the request of Senator PICCOLA.

#### BILL ON SECOND CONSIDERATION

**HB 2298 (Pr. No. 3198)** -- The Senate proceeded to consideration of the bill, entitled:

An Act relating to the permanent identification labeling of dentures.

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

#### BILLS REREFERRED

**HB 2304 (Pr. No. 4647)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 7, 1947 (P.L.1368, No.542), known as the Real Estate Tax Sale Law, further providing for property subject to or exempt from claim and for content of claims entered; and providing for public record lists and for report of nonpayment of taxes.

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

**HB 2308 (Pr. No. 4655)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for information relating to prospective child-care personnel.

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

**HB 2315 (Pr. No. 3236)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 7, 1947 (P.L.1368, No.542), known as the Real Estate Tax Sale Law, further providing for hearing and order for judicial sale; and providing for combined judicial sales.

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

**HB 2336 (Pr. No. 3289)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 16, 1923 (P.L.207, No.153), referred to as the Municipal Claim and Tax Lien Law, further providing for judicial sales; and providing for procedure for judicial sale of multiple properties.

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

**HB 2358 (Pr. No. 4648)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 16, 1923 (P.L.207, No.153), referred to as the Municipal Claim and Tax Lien Law, providing for donation of property; and further providing for form of claims, for records of claims and tax liens and for report of nonpayment of taxes.

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

#### BILLS OVER IN ORDER

**HB 2384, HB 2385, HB 2398, HB 2430 and HB 2470** -- Without objection, the bills were passed over in their order at the request of Senator PICCOLA.

#### BILL REREFERRED

**HB 2482 (Pr. No. 4244)** -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing the State Railroad Infrastructure Bank and the State Railroad Infrastructure Bank Fund; and providing for the powers and duties of the Department of Transportation.

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

BILL OVER IN ORDER

HB 2572 -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

BILLS REREFERRED

HB 2638 (Pr. No. 4649) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 7, 1947 (P.L.1368, No.542), known as the Real Estate Tax Sale Law, further providing for alternative collection of delinquent property taxes; and providing for assignment of claims by taxing district.

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

HB 2664 (Pr. No. 4590) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, providing for flying while impaired; and imposing penalties.

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

BILL ON SECOND CONSIDERATION

HB 2666 (Pr. No. 4591) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for period of registration and for the prohibition on expenditures for emission inspection program.

Considered the second time and agreed to,

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 1

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1167 (Pr. No. 1926) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, further providing for amount of rebate for certain prescription drugs.

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

Table with 4 columns of names: Armstrong, Hughes, Ori, 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 present said bill to the House of Representatives for concurrence.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 3

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

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.

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

Table with 4 columns of names: Armstrong, Hughes, Ori, 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.

### RECESS

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

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

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room, without objection, the Senate will stand in recess.

### AFTER RECESS

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

### UNFINISHED BUSINESS

#### BILLS REPORTED FROM COMMITTEE

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

#### SB 798 (Pr. No. 1923)

An Act establishing the Capitol Centennial Commission; providing for the commission's powers and duties; imposing a penalty; and providing for funding.

#### SB 959 (Pr. No. 1917) (Rereported) (Concurrence)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the Constables' Education and Training Account and for information required upon commitment and subsequent disposition.

#### HB 2027 (Pr. No. 4051) (Amended) (Rereported) (Concurrence)

An Act amending the act of May 24, 1945 (P.L.991, No.385), known as the Urban Redevelopment Law, further providing for appointment and qualifications of members of authority.

### SENATE RESOLUTION ADOPTED

Senators DENT, WONDERLING, RHOADES, BOSCOLA and O'PAKE, by unanimous consent, offered **Senate Resolution No. 323**, entitled:

A Resolution recognizing the anniversary of the 150th birthday of General Harry Clay Trexler, one of the greatest and most accomplished businessmen, civic leaders and philanthropists of Lehigh County.

On the question,  
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Lehigh, Senator Dent.

Senator DENT. Madam President, this resolution commemorates the 150th birthday of General Harry C. Trexler, a great philanthropist from Lehigh County, and I should note this might be my last speech on the Senate floor.

Thank you, Madam President.

The PRESIDENT. I hope not.

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

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

### CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. Andrew Zourides and to Brian J. Kurzik by Senator Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. Henry Schultz, Mr. and Mrs. Alex Smolenski, Ryan Matthew Hay, James P. O'Leary, Daniel M. Dietrich, Kyle G. Newman, Joshua J. Bernaski and to Amanda Riegel by Senator Boscola.

Congratulations of the Senate were extended to Matthew Adams, Benjamin Adams and to Ryan Ahn by Senators Boscola and Dent.

Congratulations of the Senate were extended to Jeff Williams and to Matthew R. Piechoski by Senator Conti.

Congratulations of the Senate were extended to Dorothy M. Strasser by Senator Earll.

Congratulations of the Senate were extended to Josephine Laird, Yvonne Gilberti and to Lillian Griffin by Senators Erickson and Pileggi.

Congratulations of the Senate were extended to Saverio Celia, Domenic Dinella, Charles Quinlin and to John Flynn by Senator Fumo.

Congratulations of the Senate were extended to Mr. and Mrs. Earl F. Cupp and to Mr. and Mrs. Wayne Gardner by Senator Gordner.

Congratulations of the Senate were extended to Vincent Zeli and to the St. Joseph Polish Beneficial Society of Latrobe by Senator Kukovich.

Congratulations of the Senate were extended to Daniel James Doen and to the Trinity Church of God in Christ of McKeesport by Senator Logan.

Congratulations of the Senate were extended to Michael Sisto by Senator Madigan.

Congratulations of the Senate were extended to Jason R. Bingaman, Michael R. Bartoszek and to Robert M. Schroeder by Senator O'Pake.

Congratulations of the Senate were extended to James E. Mahood and to Gregory W. Jackson by Senator Orie.

Congratulations of the Senate were extended to Charlotte Grubic, Lillian Clemens Bower and to the Rabbi David L. Silver Yeshiva Academy of Harrisburg by Senator Piccola.

Congratulations of the Senate were extended to Brian W. Hannan, Benjamin E. Gibson and to Christopher Michael McGough by Senator Pileggi.

Congratulations of the Senate were extended to John H. Ream III by Senator Punt.

Congratulations of the Senate were extended to Jeffrey S. Miller and to Jay Lloyd by Senator Rafferty.

Congratulations of the Senate were extended to Norbert Charles Wagner, Sr., by Senator Robbins.

Congratulations of the Senate were extended to Louis Evangelista by Senator Thompson.

Congratulations of the Senate were extended to Dr. Alan G. Elko and to Donna M. Coughy by Senator Thompson and others.

Congratulations of the Senate were extended to Monica Wooden, Remington Trolli, Matthew Erwin, Travis D. Edwards and to John McGill by Senator Tomlinson.

Congratulations of the Senate were extended to Sally Fabian by Senators Tomlinson and Conti.

Congratulations of the Senate were extended to Robert H. Leeper by Senators Tomlinson, Conti, and Greenleaf.

Congratulations of the Senate were extended to Johnathan Frederick by Senator M.J. White.

Congratulations of the Senate were extended to Frank H. Abbott by Senator A.H. Williams.

Congratulations of the Senate were extended to Joseph M. Manko, Sr., Lynn Manko, Michael J. Creciun, Daniel Delaney, Thomas J. Macrina, Clarence L. Rader, David G. Lockwood and to John J. Sylvester by Senator C. Williams.

### 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 William Bierbower by Senator Kukovich.

Condolences of the Senate were extended to the family of the late Homer Woessner and to the family of the late Dr. William Edward Wallace by Senator Orie.

### POSTHUMOUS CITATION

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

A posthumous citation honoring the late Robert W. McCracken was extended to the family by Senator C. Williams.

### BILLS ON FIRST CONSIDERATION

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

The motion was agreed to by voice vote.

The bills were as follows:

**SB 758, HB 56, HB 818, HB 1238, HB 2748, HB 2749 and HB 2798.**

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

## COMMUNICATION FROM THE 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:

#### JUDGE, COURT OF COMMON PLEAS, ALLEGHENY COUNTY

November 10, 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 November 10, 2004, for the appointment of Linton L. Moyer, Esquire, 10 Woodbrook Drive, Pittsburgh 15215, Allegheny County, Thirty-eighth Senatorial District, as Judge of the Court of Common Pleas of Allegheny County, to serve until the first Monday of January 2006, vice The Honorable Alan S. Penkower, resigned.

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

EDWARD G. RENDELL  
Governor

### RECALL COMMUNICATIONS LAID ON THE TABLE

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows and laid on the table:

#### MEMBER OF THE STATE HARNESS RACING COMMISSION

November 10, 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 14, 2004, for the appointment of Jeffrey A. Seder, Esquire, 1055 Doe Run Road, Coatesville 19320, Chester County, Nineteenth Senatorial District, as a member of the State Harness Racing Commission, to serve for a term of three years and until his successor is appointed and qualified, vice George Patterson, Naples, Florida, resigned.

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

EDWARD G. RENDELL  
Governor

### MEMBER OF THE WORKERS' COMPENSATION APPEAL BOARD

November 10, 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 14, 2004, for the appointment of David Mann, 2917 Fairview Street, Allentown 18103, Lehigh County, Sixteenth Senatorial District, as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2007, 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

**CORRECTION TO NOMINATION  
REFERRED TO COMMITTEE**

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

**MEMBER OF THE STATE  
HARNESS RACING COMMISSION**

November 10, 2004

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

Please note the nomination dated July 7, 2004, for the appointment of Richard J. Bolte, Sr., 510 Walnut Street, Philadelphia 19106, Philadelphia County, First Senatorial District, for appointment as a member of the State Harness Racing Commission, to serve for a term of three years and until his successor is appointed and qualified, vice The Honorable Roy W. Wilt, Greenville, whose term expired, should be corrected to read:

Richard J. Bolte, Sr., 510 Walnut Street, Philadelphia 19106, Philadelphia County, First Senatorial District, for appointment as a member of the State Harness Racing Commission, to serve for a term of three years and until his successor is appointed and qualified, vice George Patterson, Naples, Florida, resigned.

**ADJOURNMENT**

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

Senator PICCOLA. Madam President, I move that the Senate do now adjourn until Monday, November 15, 2004, at 2 p.m., Eastern Standard Time.

The motion was agreed to by voice vote.

The Senate adjourned at 4:03 p.m., Eastern Standard Time.