

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

SUNDAY, JULY 3, 2005

SESSION OF 2005 189TH OF THE GENERAL ASSEMBLY

No. 46

**SENATE**

SUNDAY, July 3, 2005

The Senate met at 2:18 p.m., Eastern Daylight Saving Time.

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

**PRAYER**

The Chaplain, Reverend CARL VINING, of House of Judah Ministries, Montgomery, offered the following prayer:

I pray to the God of Abraham, Isaac, and Jacob. The Lord our God is one God. I pray for this fine Senate and the Governor and the citizens which they serve. I pray for our faith to rise and unite together, believing that You are the God of increase, and it is Your good will that we prosper. Open our eyes to see that Your spirit of increase that is upon us shall bring economic growth to the Commonwealth of Pennsylvania. Let us see it is not time to cut back, but rather to launch forth, for You honor the giving of alms to the poor. Let us be the role model for one nation, under God, from the leaders to the least, and prosperity will come and our barns will overflow.

Together we stand in faith to see You move on our behalf. In Your holy name, the great I Am. Amen.

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

**PLEDGE OF ALLEGIANCE**

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

**LEGISLATIVE LEAVE**

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

Senator BRIGHTBILL. Madam President, I ask for a legislative leave for Senator Punt.

The PRESIDENT. Without objection, the leave 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 July 2, 2005.

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

**NAY-0**

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

The PRESIDENT. The Journal is approved.

**HOUSE MESSAGES**

**HOUSE CONCURS IN SENATE BILL**

The Clerk of the House of Representatives returned to the Senate SB 724, with the information the House has passed the same without amendments.

**HOUSE CONCURS IN SENATE AMENDMENTS  
TO HOUSE BILLS**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to HB 129 and 157.

**SENATE BILLS RETURNED WITH AMENDMENTS**

The Clerk of the House of Representatives returned to the Senate SB 386, 406, 697 and 722 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 BILLS FOR CONCURRENCE

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

July 2, 2005

**HB 759 and 1358** -- Committee on Urban Affairs and Housing.

**HB 876, 1223 and 1291** -- Committee on Education.

**HB 958 and 1819** -- Committee on Finance.

**HB 1059, 1273 and 1686** -- Committee on Judiciary.

#### 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:

July 3, 2005

Senator BRIGHTBILL presented to the Chair **SB 823**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for spending limitations on the State.

Which was committed to the Committee on FINANCE, July 3, 2005.

#### 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 a Republican caucus and a meeting of the Committee on Rules and Executive Nominations and a meeting of the Committee on Appropriations. The Republican caucus will begin at 3 p.m. in the Rules room to the rear of the Chamber. My guess is that the caucus will not be long, and we will be back here by 4 p.m. or earlier to run today's Calendar.

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

Senator COSTA. Madam President, I would like to inquire of the Majority Leader when we will be having the meeting of the Committee on Rules and Executive Nominations, if we are?

Senator BRIGHTBILL. Between now and 4 o'clock.

Senator COSTA. Thank you, Madam President.

The PRESIDENT. For purposes of Republican and Democratic caucuses and meetings of the Committee on Rules and Executive Nominations and the Committee on Appropriations, without objection, the Senate stands in recess.

#### AFTER RECESS

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

#### BILLS REPORTED FROM COMMITTEE

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

**SB 511 (Pr. No. 1053)** (Rereported) (*Concurrence*)

An Act amending the act of June 29, 1996 (P.L.434, No.67), known as the Job Enhancement Act, further providing, in Family Savings Account Program, for definitions and for administration; and further providing, in technology work experience, for definitions, for approved courses, for emerging technology companies, for responsibility of approved educational institutions and for eligible interns.

**SB 600 (Pr. No. 1052)** (Rereported) (*Concurrence*)

An Act authorizing the release of Project 70 restrictions imposed on certain land owned by Indiana County, being conveyed by the county in return for the imposition of Project 70 restrictions on certain land being conveyed to the county by the Department of Transportation.

**SB 697 (Pr. No. 1060)** (Rereported) (*Concurrence*)

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Basalt Trap Rock Company, a Pennsylvania company, or its assigns, certain lands, situate in Morgan and Franklin Townships, Greene County, Pennsylvania; authorizing the Department of General Services, with the concurrence of the Department of Environmental Protection, to lease to Pier 25 North Associates Limited Partnership land within the bed of the Delaware River in the City of Philadelphia; and authorizing the Department of Transportation to convey to Montour County two tracts of land situate in the Borough of Danville, Montour County, Pennsylvania.

**SB 722 (Pr. No. 1051)** (Rereported) (*Concurrence*)

An Act amending the act of July 6, 1989 (P.L.169, No.32), known as the Storage Tank and Spill Prevention Act, further providing for definition of "department," for powers and duties of the Environmental Quality Board, for interim requirements for aboveground storage tanks and underground storage tanks, for the expiration of the additional allocation and for the Underground Storage Tank Environmental Cleanup Program; and providing for investigations and closure costs.

#### RESOLUTION REPORTED FROM COMMITTEE

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

**SR 150 (Pr. No. 1037)**

A Resolution urging the President and Congress of the United States to utilize all available trade remedy laws to prevent surges, dumping and subsidized imports of steel pipes, tubes and fittings in the United States market.

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

**CALENDAR**

**THIRD CONSIDERATION CALENDAR**

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

**SB 712 (Pr. No. 1055)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the notification of residents whose personal information data was or may have been disclosed due to a security system breach; and imposing 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	Greenleaf	Piccola	Tomlinson
Boscola	Hughes	Pileggi	Vance
Brightbill	Jubelirer	Pippy	Washington
Browne	Kasunic	Punt	Waugh
Conti	Kitchen	Rafferty	Wenger
Corman	LaValle	Regola	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earl	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlio	Mellow	Stack	Wonderling
Fontana	Musto	Stout	Wozniak
Fumo	O'Pake	Tartaglione	
Gordner	Orie	Thompson	

**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.

**LEAVE OF ABSENCE**

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

**CONSIDERATION OF CALENDAR RESUMED**

**THIRD CONSIDERATION CALENDAR RESUMED**

**PREFERRED APPROPRIATION BILLS OVER IN ORDER**

**HB 816, HB 817, HB 818, HB 819, HB 820, HB 821 and HB 822** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

**BILL ON THIRD CONSIDERATION AND FINAL PASSAGE**

**SB 196 (Pr. No. 1040)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing immunity for physician reporting of suspected use of controlled substance for illicit purpose.

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-45**

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

**NAY-5**

Ferlio	Hughes	Stack	Tartaglione
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.

**LEAVE CANCELLED**

The PRESIDENT. Senator Corman's personal leave is cancelled.

**PERMISSION TO ADDRESS**

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

Senator RAFFERTY. Madam President, I want to thank my colleagues for the passage of Senate Bill No. 196 and thank Andy Sandusky from the Pennsylvania Academy of Family Physicians for his efforts in working with Sean from my staff and me to draft this legislation. I also want to thank Mark Phenicie and the Trial Lawyers for their input and suggestions on the terminology as well.

Thank you, Madam President.

**CONSIDERATION OF CALENDAR RESUMED**

**THIRD CONSIDERATION CALENDAR RESUMED**

**BILL OVER IN ORDER TEMPORARILY**

**HB 489** -- Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

**BILLS OVER IN ORDER**

**SB 582** and **HB 599** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

**BILL REREFERRED**

**SB 665 (Pr. No. 793)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for the grant of limited letters of administration and for the administration of estates.

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

**BILL ON THIRD CONSIDERATION AND FINAL PASSAGE**

**SB 669 (Pr. No. 808)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 2 (Administrative Law and Procedure) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for court and administrative proceeding interpreters; and repealing related provisions.

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	Greenleaf	Piccola	Tomlinson
Boscola	Hughes	Pileggi	Vance
Brightbill	Jubelirer	Pippy	Washington
Browne	Kasunic	Punt	Waugh
Conti	Kitchen	Rafferty	Wenger
Corman	LaValle	Regola	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earl	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance

Ferlo	Mello	Stack	Wonderling
Fontana	Musto	Stout	Wozniak
Fumo	O'Pake	Tartaglione	
Gordner	Orie	Thompson	

**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**

**HB 746** and **HB 1168** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

**SECOND CONSIDERATION CALENDAR**

**BILL REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION**

**HB 1650 (Pr. No. 2489)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for resident, nonresident and tourist fishing licenses.

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

**BILL OVER IN ORDER**

**HB 107** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

**BILL ON SECOND CONSIDERATION**

**HB 612 (Pr. No. 2100)** -- 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, further providing for definitions.

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

**BILL OVER IN ORDER**

**SB 643** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

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

**SENATE CONCURS IN HOUSE AMENDMENTS**

**SB 511 (Pr. No. 1053)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 29, 1996 (P.L.434, No.67), known as the Job Enhancement Act, further providing, in Family Savings Account Program, for definitions and for administration; and further providing, in technology work experience, for definitions, for approved courses, for emerging technology companies, for responsibility of approved educational institutions and for eligible interns.

On the question,  
Will the Senate concur in the amendments made by the House to Senate Bill No. 511?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 511.

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-49**

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

**NAY-1**

Williams, Constance

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

**RECONSIDERATION OF VOTE ON HOUSE AMENDMENTS TO SB 511**

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

Senator MELLOW. Madam President, I move that the Senate reconsider the vote by which the amendments to Senate Bill No. 511 were concurred in.

On the question,  
Will the Senate agree to the motion?  
A voice vote having been taken, the question was determined in the affirmative.

And the question recurring,  
Will the Senate agree to the motion to concur in the amendments made by the House to Senate Bill No. 511?

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

**YEA-50**

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

**NAY-0**

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

**SENATE CONCURS IN HOUSE AMENDMENTS**

**SB 600 (Pr. No. 1052)** — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the release of Project 70 restrictions imposed on certain land owned by Indiana County, being conveyed by the county in return for the imposition of Project 70 restrictions on certain land being conveyed to the county by the Department of Transportation.

On the question,  
Will the Senate concur in the amendments made by the House to Senate Bill No. 600?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 600.

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

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

NAY-0

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 697 (Pr. No. 1060) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Basalt Trap Rock Company, a Pennsylvania company, or its assigns, certain lands, situate in Morgan and Franklin Townships, Greene County, Pennsylvania; authorizing the Department of General Services, with the concurrence of the Department of Environmental Protection, to lease to Pier 25 North Associates Limited Partnership land within the bed of the Delaware River in the City of Philadelphia; and authorizing the Department of Transportation to convey to Montour County two tracts of land situate in the Borough of Danville, Montour County, Pennsylvania.

On the question, Will the Senate concur in the amendments made by the House to Senate Bill No. 697?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 697.

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

NAY-0

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 722 (Pr. No. 1051) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 6, 1989 (P.L.169, No.32), known as the Storage Tank and Spill Prevention Act, further providing for definition of "department," for powers and duties of the Environmental Quality Board, for interim requirements for aboveground storage tanks and underground storage tanks, for the expiration of the additional allocation and for the Underground Storage Tank Environmental Cleanup Program; and providing for investigations and closure costs.

On the question, Will the Senate concur in the amendments made by the House to Senate Bill No. 722?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 722.

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

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.

UNFINISHED BUSINESS SENATE RESOLUTIONS ADOPTED

Senators ORIE, BOSCOLA, COSTA, CONTI, GREENLEAF, KITCHEN, FERLO, RAFFERTY, D. WHITE, REGOLA, ERICKSON, LOGAN, BROWNE, C. WILLIAMS

RHOADES, MELLOW, WOZNIAK, LaVALLE, WAUGH, TARTAGLIONE, SCARNATI and O'PAKE, by unanimous consent, offered **Senate Resolution No. 154**, entitled:

A Resolution memorializing the Congress of the United States to review and consider the National Governors Association recommendations which would allow states to utilize greater flexibility in their provision of Medicaid services.

On the question,  
Will the Senate adopt the resolution?

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

Senator ORIE. Madam President, I offer the following remarks for the record.

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

*(The following prepared statement was made a part of the record at the request of the gentlewoman from Allegheny, Senator ORIE:)*

Medicaid is the nation's largest health care program, serving 53 million low-income pregnant women, children, individuals with disabilities, and seniors. It is a partnership between the State and Federal government, each paying a share of the costs.

Dramatic increases in caseloads and health care services costs have resulted in our State's spending 25 percent of revenues on Medicaid services. We have all heard about the budget resolution that Congress passed in April of this year, indicating its intention to reduce federal spending on Medicaid dramatically.

The National Governors Association has provided Congress with recommendations to allow States greater flexibility in how it can modernize the provision of benefits while protecting recipients and curtailing overuse and abuse. This resolution will memorialize Congress to review and consider those recommendations to allow States greater flexibility in how they deliver these health care services.

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

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

Senators ORIE, BRIGHTBILL, COSTA, CORMAN, CONTI, GREENLEAF, KITCHEN, FERLO, RAFFERTY, BOSCOLA, D. WHITE, M.J. WHITE, REGOLA, FUMO, ERICKSON, LOGAN, PILEGGI, TOMLINSON, BROWNE, C. WILLIAMS, RHOADES, MELLOW, PIPPY, WENGER, LEMMOND, LaVALLE, MUSTO, PUNT, WOZNIAK, GORDNER, PICCOLA, WONDERLING, WAUGH, TARTAGLIONE, THOMPSON, GREENLEAF, EARLL, ROBBINS, SCARNATI and ARMSTRONG, by unanimous consent, offered **Senate Resolution No. 155**, entitled:

A Resolution honoring the lives of the men and women who died in the September 11, 2001, terrorist attacks on our country, including those who perished on Flight 93 in Shanksville, Somerset County, and calling upon the citizens of the Commonwealth of Pennsylvania to pause for a minute of silence at 8:46 a.m. on Sunday, September 11, 2005.

On the question,  
Will the Senate adopt the resolution?

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

Senator ORIE. Madam President, I offer the following remarks for the record.

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

*(The following prepared statement was made a part of the record at the request of the gentlewoman from Allegheny, Senator ORIE:)*

Madam President, September 11th marks the fourth anniversary of the terrorist attacks on America. We will pay tribute to the countless heroes whose selfless acts saved the lives of so many other Americans, and also to confirm our national resolve and unity which blossomed from the destruction in New York, Washington, D.C., and Shanksville, Pennsylvania. The terrorists planned to strike at what they considered the three most important strengths of America. They wanted to attack our financial center, which leads the world economy. They wanted to strike at our military, which is the mightiest and the strongest in the world, and they wanted to attack our government, our President, and destroy the Capitol building or the White House, which is symbolic of freedom and democracy across the globe. These terrorists succeeded in attacking and bringing down the Twin Towers, the buildings where so much of our business and financial markets were conducted, but they did not and they could not destroy the economy. These terrorists succeeded in damaging the Pentagon, the mighty building which is the hub of our military defense operations at home and abroad, but they did not even scratch the surface of our military capabilities. And finally, these terrorists tried to make one final attempt to attack our President and destroy the Capitol or the White House.

But just 80 miles southeast of Pittsburgh, that all changed with the brave insurrection of the passengers and crew members aboard United Flight 93, which was hijacked enroute from Newark, New Jersey, to San Francisco. The passengers and crew of Flight 93 fought back against the terrorists and prevented further destruction like which was wrought in New York and the Pentagon. They became our first citizen soldiers in the war on terrorism. These heroes became a shining light of hope for our nation on one of the darkest days of history. Instead of attacking our government, the terrorists' weakened blow fell upon the heartland of America and upon the hearts of all Americans in rural Pennsylvania. Instead of making our nation weaker, that blow gave us hope and strength. We knew that our nation and its citizens would not idly watch destruction of our cities, communities, and families. We would fight back, stop the terrorists at any price. President Bush defined it aptly when he stated Flight 93 redefines sacrifice for me. If a handful of people would drive an airplane to the ground to save either me, the White House, or Congress, you know there are others in this country who are willing to make that sacrifice. The passengers and crew of Flight 93 epitomize the American spirit. In their final hours, they summoned every great attribute of Americans: patriotism, courage, strength, leadership, commitment, pride, and determination and used them to bring down the terrorists. The country and the world mourn the loss of these great men and women, but we thank God each day for their lives and their sacrifice.

September 11 will never be a regular day again for any of us who lived through these anxious hours, weeks, and months. Life will never be the same. September 11 will go down in American history as one of America's darkest days, but a day in which heroism permeated in Washington, D.C., New York City, and Shanksville. Heroism began with the victims of September 11 and the thousands of stories which displayed men and women's courage in the extremes of adversity when they knew they were facing death. Pictures of firemen, police, and

emergency service personnel rushing toward and climbing the World Trade Center towers to help victims with fierce courage to save their fellowmen are forever imbedded in our memories. Ordinary citizens, mothers, fathers, grandparents, brothers, sisters, performing extraordinary acts of heroism on behalf of their fellow men and women will forever be imbedded in our hearts. Heroism permeates the United States today marking the fourth anniversary of United States military men and women stationed around the globe fighting terrorism, American soldiers bravely and selflessly fighting for our freedom and for the power to make a difference in the world and to make the world a better place.

Four years after the terrorist attacks on America, our nation is still finding out what it is made of. It has been said that adversity introduces a man to himself. Through adversity we find strength and a sense of unity and appreciation for one another and our country. We can honor those who were killed on September 11, 2001, and those who are fighting against terrorists today, our troops, by working to preserve America's newfound unity. If each September 11 begins as a day to recommit ourselves to national unity, then we will have truly turned that day into something positive. We will have added a meaning to the mourning. America is defending itself. It is on guard against enemies from outside and within. We must be determined. We must be unified.

In regard to Flight 93, I will conclude by stating the words of President Abraham Lincoln spoken at the dedication of the cemetery for the soldiers of the Civil War who died in Gettysburg, Pennsylvania, because they ring true 142 years later. (*Reading*)

The world will little note nor long remember what we say here, but it can never forget what they did here. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion; that we here highly resolve that these dead shall not have died in vain; that this nation, under God, shall have a new birth of freedom; and that government of the people, by the people, for the people, shall not perish from the earth.

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

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

#### PETITIONS AND REMONSTRANCES

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

Senator WONDERLING. Madam President, first of all, I would like to thank my colleagues for unanimously passing Senate Bill No. 712, which will require both public and private organizations to notify consumers if their data, their digital identity, has been compromised as a result of a breach. In doing so, I would also like to highlight the efforts of the executive director of the Senate Committee on Communications and Technology, Jeff Murison, who will be leaving the Senate for a new adventure, a new career, the soon-to-be-appointed director of the downtown business district for the city of Harrisburg. Jeff has spent over 11 years in the Senate in various capacities, and it has been an absolute delight to work with him over the last several months. It is really a testimony to his hard work that we were able to unanimously advance Senate Bill No. 712 this afternoon.

Thank you, Madam President.

#### HOUSE MESSAGES

#### HOUSE BILLS FOR CONCURRENCE

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

July 3, 2005

- HB 102 -- Committee on Local Government.
- HB 471 -- Committee on Public Health and Welfare.
- HB 1408 -- Committee on Education.
- HB 1689 -- Committee on Game and Fisheries.

#### BILLS SIGNED

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

SB 724, HB 129 and HB 157.

#### RECESS

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

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

The motion was agreed to by voice vote.

The Senate recessed to the call of the President pro tempore.

#### AFTER RECESS

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

#### CONSIDERATION OF CALENDAR RESUMED

#### HB 489 CALLED UP

HB 489 (Pr. No. 2431) – Without objection, the bill, which previously went over in its order temporarily, was called up, from page 3 of the Third Consideration Calendar, by Senator BRIGHTBILL.

#### BILL OVER IN ORDER

HB 489 (Pr. No. 2431) – The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "emergency vehicle"; further providing for application for certificate of title, for transfer of ownership of vehicle and for application for certificate of title by agent; providing for certain veterans plates; further providing for suspension of registration of unapproved carriers and for surrender of registration plates and cards upon suspension of revocation; providing for suspension of registration plates upon sixth unpaid parking violation in cities of the first class and for motor vehicle liability insurance for motorcycle marshals; and further providing for reinstatement of operating privilege or vehicle registration, for automated red light enforcement systems in first class cities, for operation of vehicle without official certificate of inspection, for conditions of permits and security for damages, for permit for movement of containerized cargo, for impoundment of certain vehicles and combinations for nonpayment of fines, for immobilization, towing and storage of vehicle for driving without operating privilege or registration, for disposition of impounded vehicles, combinations and loads and for prohibitions on ATV operation by persons under age 16.

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

Senator BRIGHTBILL. Madam President, I ask that House Bill No. 489 go over in its order.

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

**NAY-0**

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

The PRESIDENT. House Bill No. 489 will go over in its order.

**RECESS**

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

Senator BRIGHTBILL. Madam President, for the information of the Members, we are going to recess for the purpose of a meeting of the Committee on Appropriations, which will begin immediately in the Rules room.

Dinner is available in traditional Fourth of July fare, hot dogs and hamburgers.

We will then convene a Republican caucus at 7:30 p.m., and then return to the floor. We hope that we will not be late this evening.

The PRESIDENT. For those purposes, without objection, the Senate stands in recess.

**AFTER RECESS**

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

**SPECIAL ORDER OF BUSINESS**

**ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. Consent has been given for the Committee on Appropriations to consider Senate Bill No. 726 imminently in the Rules room.

**RECESS**

The PRESIDENT. Without objection, the Senate stands in recess.

**AFTER RECESS**

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

**BILLS REPORTED FROM COMMITTEE**

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

**SB 726 (Pr. No. 1051) (Rereported)**

An Act amending the act of July 28, 1953 (P.L. 723, No. 230), known as the Second Class County Code, further providing for assessment limits on counties of the second class; and providing for effect of appeal, escrow and payment under protest.

**HB 86 (Pr. No. 1945) (Rereported)**

An Act authorizing the Department of Conservation and Natural Resources on behalf of the Commonwealth to agree to hold and save the United States Army Corps of Engineers free from certain damages arising from certain construction projects.

**HB 1646 (Pr. No. 2433) (Rereported)**

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, providing for a prohibition against unauthorized local government unit actions; establishing a cause of action for unauthorized enactment or enforcement of local ordinances governing normal agricultural operations; providing for duties of the Attorney General and for hearings; consolidating the Nutrient Management Act; further providing for scope, for legislative purpose, for definitions and for administration; providing for manure application; further providing for nutrient management and odor management certification; providing for odor management plans; further providing for the Nutrient Management Advisory Board, for financial assistance, for unlawful conduct, for civil penalties and for local preemption; providing for other statutes and for regulations; and making a related repeal.

**ANNOUNCEMENTS BY THE SECRETARY**

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

**SENATE OF PENNSYLVANIA**

**COMMITTEE MEETINGS**

**MONDAY, JULY 4, 2005**

Off the Floor	APPROPRIATIONS (to consider House Bills No. 3, 86, 176, 182, 628, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 859, 1304, 1521, 1646 and 1802; and Senate Bill No. 726)	Rules Com. Conf. Rm.
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bills No. 86, 386, 406 and 462; and certain executive nominations)	Rules Com. Conf. Rm.

MONDAY, JULY 18, 2005

10:00 A.M.      LAW AND JUSTICE (joint public      Rooms 8E-A  
                         hearing with the House Liquor Control      & B  
                         Committee on Underage Drinking)      East Wing

**RECESS**

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

Senator PICCOLA. Madam President, I move that the Senate do now recess until Monday, July 4, 2005, at 8:45 p.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

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