

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

WEDNESDAY, OCTOBER 19, 2005

SESSION OF 2005 189TH OF THE GENERAL ASSEMBLY

No. 59

**SENATE**

WEDNESDAY, October 19, 2005

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

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

**PRAYER**

The Chaplain, Reverend ROBERT M. SIEBER, of First Baptist Church of Mifflintown, offered the following prayer:

Let us bow our heads for prayer.

Almighty God, we come to Your throne of grace this morning through no merit of our own, but only because of the love and mercy that You bestow upon us. Father, may we never lose sight of the fact that it is You who gives all blessings to us. As the psalmist wrote, for every beast of the forest is mine, and the cattle upon a thousands hills. Your holy word is clear, Heavenly Father, it all belongs to You, and may we never cease giving You thanks for those blessings.

Heavenly Father, as we gather here in this hour, our Commonwealth and this nation have many varied and profound problems confronting us. We have a war on terror, earthquakes, natural weather problems from tropical storms to the coming cold and snows of winter. We have educational needs, health and job problems, rising energy costs, and always a need for financial stability. We could list many other needs, Father, but in Your infinite wisdom, You know what we do need, so we hold our petitions up to You this morning, simply asking that Your will would be done.

As this illustrious body of Senators convenes in this hour to conduct the business of this Commonwealth, to plan, to study, and to legislate the laws that will affect each and every citizen, we pray, Holy Father, that they would do so seeking wisdom and guidance from You. We ask that what they will do here this day would be pleasing in Your sight, and may it bring glory and honor to You. This we pray in Your magnificent name. Amen.

The PRESIDENT. The Chair thanks Reverend Sieber, who is the guest today of Senator Corman.

**PLEDGE OF ALLEGIANCE**

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

**JOURNAL APPROVED**

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of October 18, 2005.

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**

**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 COMMONWEALTH OF  
PENNSYLVANIA COUNCIL ON THE ARTS**

October 19, 2005

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, Stewart Russell Cades, Meadow Rise Farm, P.O. Box 184, Carversville 18913, Bucks County, Tenth Senatorial District, for appointment as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 2008, and until his successor is appointed and qualified, vice E. Jeanne Gleason, Johnstown, whose term expired.

EDWARD G. RENDELL  
Governor

**RECALL COMMUNICATION  
LAID ON THE TABLE**

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 laid on the table:

**MEMBER OF THE COMMONWEALTH OF  
PENNSYLVANIA COUNCIL ON THE ARTS**

October 19, 2005

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, 2005, for the appointment of Stewart Russell Cades, Meadow Rise Farm, P.O. Box 184, Carversville 18913, Bucks County, Tenth Senatorial District, as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 2006, and until his successor is appointed and qualified, vice Myron H. Tomb, Indiana, whose term expired.

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

EDWARD G. RENDELL  
Governor

### HOUSE MESSAGE

#### HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

The Clerk of the House of Representatives informed the Senate that the House has concurred in the resolution from the Senate, entitled:

Weekly recess.

#### GENERAL COMMUNICATION

#### REPORT TO THE GENERAL ASSEMBLY ON COMPETITION IN PENNSYLVANIA'S RETAIL NATURAL GAS SUPPLY MARKET

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA  
Pennsylvania Public Utility Commission  
Harrisburg, Pennsylvania

October 13, 2005

Brian J. Preski  
Office of the Chief Clerk  
PA House of Representatives  
129 Main Capitol  
Harrisburg, PA 17120

Russell W. Faber  
Office of Chief Clerk  
Senate of Pennsylvania  
89 C East Wing  
Harrisburg, PA 17120

Re: Investigation into the Natural Gas Supply  
Market Docket No. I-00040103

Dear Mr. Preski and Mr. Faber:

Pursuant to the "Natural Gas Choice and Competition Act," I am providing you with a copy of the Commission's Order and the Commission's "Report to the General Assembly on Competition in Pennsylvania's Retail Natural Gas Supply Market."

Section 2204(g) of the Act requires the Commission to investigate competition in Pennsylvania's retail natural gas supply market and to report its findings to the General Assembly. In addition, if the Commission determines that "effective competition" does not exist, the Commission is required to reconvene stakeholders to explore avenues for encouraging increased competition in Pennsylvania.

On October 8, 2005, the Commission issued its order finding that there was no effective competition in the retail natural gas supply ser-

vice market statewide. Accordingly, the Commission's Order directs stakeholders to convene before the end of 2005.

Please accept this submission as fulfilling the requirements of the Act.

Sincerely,

WENDELL F. HOLLAND  
Chairman

The PRESIDENT. This report will be filed in the Library.

#### SPECIAL ORDER OF BUSINESS ANNOUNCEMENTS BY THE SECRETARY

The SECRETARY. Consent has been given for the following committee meetings to occur during today's Session in the Rules room: The Committee on Agriculture and Rural Affairs to consider Senate Bills No. 865 and 940 and Senate Resolution No. 190. Also, the Committee on Consumer Protection and Professional Licensure to consider Senate Bills No. 707, 921, and 929, and House Bill No. 1049.

#### BILLS REPORTED FROM COMMITTEE

Senator LEMMOND, from the Committee on State Government, reported the following bills:

#### SB 193 (Pr. No. 182)

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for the meeting of election officers on election day.

#### SB 693 (Pr. No. 830)

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for affidavit of circulator.

#### SB 862 (Pr. No. 1241) (Amended)

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, further providing for definitions and for the Pennsylvania Gaming Control Board; providing for applicability of other statutes; further providing for powers and duties of board, for licensed entity application appeals from board, for license or permit application hearing process, for board minutes and records, for collection of fees and fines, for gross terminal revenue deductions, for public official financial interests and for political influence.

#### SB 875 (Pr. No. 1130)

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, providing for the prohibition of emergency procurement.

#### SB 932 (Pr. No. 1220)

An Act amending the act of November 20, 2004 (P.L.886, No.121), entitled "An act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Erie-Western Pennsylvania Port Authority and to Robert L. and Karen N. Doult, Leona B. Disbrow, Louise F. Waller, Mary Schabacker, Paul D. and Mary Ann Brugger, and Ralph and Janet Toland, Sr., certain

lands situate in the City of Erie, County of Erie; authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Derry Township Municipal Authority a certain easement for sanitary sewer purposes, together with an existing sanitary sewer line and appurtenances, situate in Derry Township, Dauphin County; authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Summerdale Associates, L.P., certain lands situate in the Township of East Pennsboro, County of Cumberland; and authorizing and directing the Department of General Services, with the approval of the Department of Military and Veterans Affairs and the Governor, to grant and convey to the Borough of Doylestown certain lands situate in the Borough of Doylestown, Bucks County," further providing for conveyance to the Borough of Doylestown, Bucks County.

**LEGISLATIVE LEAVES**

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

Senator BRIGHTBILL. Madam President, I request a legislative leave for Senator Madigan.

The PRESIDENT. Senator Brightbill requests a legislative leave for Senator Madigan.

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

Senator O'PAKE. Madam President, I request legislative leaves for Senator Fumo, Senator Stack, and Senator Stout.

The PRESIDENT. Senator O'Pake requests legislative leaves for Senator Fumo, Senator Stack, and Senator Stout.

Without objection, the leaves will be granted.

**CALENDAR**

**SENATE RESOLUTION No. 168  
CALLED UP OUT OF ORDER, ADOPTED**

Senator BRIGHTBILL, without objection, called up from page 4 of the Calendar, as a Special Order of Business, **Senate Resolution No. 168**, entitled:

A Resolution designating the week of October 23 through 29, 2005, as "Respiratory Care Week" in Pennsylvania and commending respiratory therapists for their outstanding contributions to health care.

On the question,  
Will the Senate adopt the resolution?

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.

**RECESS**

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

Senator BRIGHTBILL. Madam President, I request a recess for purposes of meetings of the Committee on Agriculture and the Committee on Consumer Protection and Professional Licensure, to be followed by a brief Republican caucus to be held in the Rules room at the rear of the Chamber.

The PRESIDENT. There will be a recess of the Senate for meetings of the Committee on Agriculture and the Committee on Consumer Protection and Professional Licensure, followed by a Republican caucus. Without objection, the Senate stands in recess.

**AFTER RECESS**

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

**CONSIDERATION OF CALENDAR RESUMED**

**SB 601 CALLED UP OUT OF ORDER**

**SB 601 (Pr. No. 1239)** -- 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 ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**SB 601 (Pr. No. 1239)** -- The Senate proceeded to consideration of the bill, entitled:

An Act relating to confidentiality of Social Security numbers.

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

On the question,  
Shall the bill pass finally?

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

Senator WONDERLING. Madam President, I am calling on my colleagues in the Senate today for a unanimous and affirmative vote on Senate Bill No. 601, which deals with the growing issue of concern of identity theft, not only in this Commonwealth, but across the country. Last year alone, close to 8,000 Pennsylvanians were victims of identity theft. It is the fastest growing segment of white collar crime in America today. It is costing consumers close to \$50 billion annually.

What Senate Bill No. 601 achieves is to put both public and private organizations and individuals on notice that stealing one's Social Security number, either out of a wallet, or increasingly so

via the World Wide Web and Internet, is indeed a crime, and hopefully, it will impart a warning and a remedy to the growing problem of identity theft.

So, Madam President, I ask for an affirmative vote on Senate Bill No. 601.

Thank you.

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  | 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    | Oric      | 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.

**COMMUNICATION FROM THE GOVERNOR  
TAKEN FROM THE TABLE**

Senator ROBBINS called from the table a communication from His Excellency, the Governor of the Commonwealth, recalling the following nomination, which was read by the Clerk as follows:

**MEMBER OF THE COMMONWEALTH OF  
PENNSYLVANIA COUNCIL ON THE ARTS**

October 19, 2005

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, 2005, for the appointment of Stewart Russell Cades, Meadow Rise Farm, P.O. Box 184, Carversville 18913, Bucks County, Tenth Senatorial District, as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 2006, and until his successor is appointed and qualified, vice Myron H. Tomb, Indiana, whose term expired.

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

EDWARD G. RENDELL  
Governor

**NOMINATION RETURNED TO THE GOVERNOR**

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

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

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

**CONSIDERATION OF CALENDAR RESUMED**

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

**SENATE CONCURS IN HOUSE AMENDMENTS  
AS AMENDED**

**SB 361 (Pr. No. 1240)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for home education programs.

On the question,

Will the Senate concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 361?

Senator BRIGHTBILL. 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. 361.

On the question,

Will the Senate agree to the motion?

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

Senator REGOLA. Madam President, I would like to submit my comments for the record.

The PRESIDENT. The Chair thanks the gentleman. Without objection, the comments will be spread upon the record.

*(The following prepared statement was made a part of the record at the request of the gentleman from Westmoreland, Senator REGOLA:)*

Madam President, I rise today to again call on my colleagues for their support of Senate Bill No. 361, a bill that would open up extracurricular activities to students enrolled in home education programs. This bill was considered and approved by the Senate last June. However, it was amended by the House before they approved it in July. While there have been some changes and revisions to the bill since I introduced it earlier this year, the core purpose of the legislation remains the same. Under Senate Bill No. 361, the State Public School Code would be amended to give homeschooled students the opportunity to participate in extracurricular activities such as clubs, music ensembles, sports, and theatrical productions.

As I said in June, when the Senate first considered this bill, we are seeing more and more families opting for home education programs, and we are also seeing an increasing number of school districts that are allowing these young people to participate in extracurricular activities.

My bill targets only those districts that do not permit homeschooled students to participate in extracurricular activities.

This is a basic issue of fairness. The parents of homeschooled students pay property taxes just like everyone else, and their children should have equal access, just like everyone else.

So, Madam President, I again ask for an affirmative vote on Senate Bill No. 361.

Thank you.

And the question recurring,  
Shall the bill pass finally?

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

YEA-33

|            |           |           |                      |
|------------|-----------|-----------|----------------------|
| Armstrong  | Greenleaf | Rafferty  | White, Donald        |
| Brightbill | Jubelirer | Regola    | White, Mary Jo       |
| Browne     | Lemmond   | Robbins   | Williams, Anthony H. |
| Conti      | Madigan   | Scarnati  | Williams, Constance  |
| Corman     | Orie      | Stout     | Wonderling           |
| Earll      | Piccola   | Thompson  | Wozniak              |
| Erickson   | Pileggi   | Tomlinson |                      |
| Ferlo      | Pippy     | Waugh     |                      |
| Gordner    | Punt      | Wenger    |                      |

NAY-17

|         |         |             |            |
|---------|---------|-------------|------------|
| Boscola | Kasunic | Musto       | Vance      |
| Costa   | Kitchen | O'Pake      | Washington |
| Fontana | LaValle | Rhoades     |            |
| Fumo    | Logan   | Stack       |            |
| Hughes  | Mellow  | Tartaglione |            |

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

BILL AMENDED

SB 384 (Pr. No. 386) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for definitions and for administrative duties of board.

On the question,

Will the Senate agree to the bill on third consideration?

Senator PICCOLA offered the following amendment No. A3103:

Amend Sec. 1, page 1, line 7, by striking out "a definition" and inserting: definitions

Amend Sec. 1 (Sec. 8102), page 1, by inserting between lines 12 and 13:

"Active employee association." A membership organization that is all of the following:

(1) Incorporated in this Commonwealth with a governing body consisting of active members.

(2) Classified as a nonprofit organization under section 501(c) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)).

(3) Supported with the self-payment of membership dues by at least 15% of the active members of the system.

\*\*\*

Amend Sec. 2 (Sec. 8502), page 2, lines 7 and 8, by striking out "a subsection" and inserting: subsections

Amend Sec. 2 (Sec. 8502), page 2, lines 11 through 22, by striking out all of said lines and inserting:

(q) Information to active employee and annuitant associations.—

(1) An active employee association and annuitant association shall be entitled to information from the member records for the purpose of promoting membership in the active employee association or annuitant association. In addition to all information made available to the public under the laws of this Commonwealth, including the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law, the board shall provide to an active employee association and annuitant association, the members' names and home addresses. The board shall not make available to the public or to active employee associations and annuitant associations the name and home address of a member's designated beneficiary.

(2) The board shall produce and transmit either electronically or by mail, the member information subject to disclosure under paragraph (1) to each active employee association and annuitant association on the first of each month, provided each active employee association and annuitant association reimburses the board for the actual or reasonable cost the board incurs each month in providing the information.

(3) Any information or records provided to an active employee association and annuitant association under this paragraph shall be held in confidence by that association and any individual employed by or associated with that association. No active employee association or annuitant association may give, transfer, sell or, in any other manner, distribute to any person or entity outside the active employee association or annuitant association the information obtained under this subsection. The information and records shall not be open to examination for any purpose not directly connected with the administration of the services specified as the purpose under paragraph (1).

(4) Nothing in this subsection shall be construed to limit the use by an active employee association or annuitant association of any information on active employees or annuitants who elect membership in the active employee association or annuitant association.

(r) Civil relief against active employee associations and annuitant associations.—

(1) The Office of Attorney General and any active employee or annuitant may bring civil action against an active employee association or annuitant association which intentionally violates subsection (q).

(2) In addition to any other remedy provided by law, the Attorney General or an active employee or an annuitant bringing an action under this subsection may:

(i) Seek injunctive relief to restrain the active employee association or annuitant association from distributing the records or information.

(ii) Recover actual damages arising from the willful violation by an active employee association or an annuitant association.

(iii) Seek both injunctive relief and recovery of damages as provided by this subsection.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

**SPECIAL ORDER OF BUSINESS  
GUESTS OF SENATOR MICHAEL A. O'PAKE  
PRESENTED TO THE SENATE**

Senator O'PAKE. Madam President, in the gallery we have some very special guests from Mertztown in Berks County. They are here with the homeschoolers, and I would like the Chair to welcome Emanuel and Barrie Kapelsohn, who are here with their two daughters, 9-year-old Katherine and 7-year-old Emily. They performed in the Rotunda earlier today, played the harp, and they are accomplished harpists. They are here for the annual Homeschoolers in Excellence Day. The girls participate in the Community Service Harp Therapy and Education Program that permits them to travel to nursing homes and share their talent with people who appreciate the quality, even at that early age. So I would like the Chair to welcome Emanuel and Barrie Kapelsohn and daughters, Katherine and Emily. They are in the front row of the gallery.

The PRESIDENT. Will Emanuel, Barrie, Katherine, and Emily please rise so we can give you a warm round of applause. (Applause.)

**CONSIDERATION OF CALENDAR RESUMED  
THIRD CONSIDERATION CALENDAR RESUMED**

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**HB 1435 (Pr. No. 2109)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of computer-assisted remote harvesting of animals.

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  | 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 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 OVER IN ORDER**

**SB 178** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

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

**HB 1179 (Pr. No. 2855)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, establishing the Military Family Relief Assistance Program and the Military Family Relief Assistance Fund.

Considered the second time and agreed to,

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

**BILL ON SECOND CONSIDERATION  
AND REREFERRED**

**SB 4 (Pr. No. 842)** -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing spending limitations on the Commonwealth; providing for the disposition of surplus funds; and making a repeal.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

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

**BILLS OVER IN ORDER**

**HB 87, SB 165, SB 214, SB 394, SB 567 and HB 603** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

**BILL AMENDED**

**SB 629 (Pr. No. 1117)** -- 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 aggravated assault.

On the question,

Will the Senate agree to the bill on second consideration?

Senator O'PAKE, on behalf of Senator TARTAGLIONE, offered the following amendment No. A2944:

Amend Sec. 1 (Sec. 2702), page 1, line 12, by inserting brackets before and after "and" and inserting: or

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

### RECONSIDERATION OF VOTE

#### BILL ON SECOND CONSIDERATION

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

Senator BRIGHTBILL. Madam President, I move that we reconsider the vote by which Senate Bill No. 629 went over in its order.

The PRESIDENT. Senator Brightbill moves that we reconsider the vote by which Senate Bill No. 629 went over in its order.

On the question,

Will the Senate agree to the motion?

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

On the question,

Will the Senate agree to the bill on second consideration, as amended?

It was agreed to.

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

#### BILLS OVER IN ORDER

**SB 656, SB 775, SB 811 and SB 828** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

#### BILL ON SECOND CONSIDERATION

**SB 854 (Pr. No. 1231)** -- 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, further providing, in personal income tax, for medical and health savings accounts; and repealing provisions relating to taxation of medical and health savings accounts.

Considered the second time and agreed to,

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

#### BILL ON SECOND CONSIDERATION AND REREFERRED

**SB 884 (Pr. No. 1169)** -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

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

#### BILL REREFERRED

**HB 1291 (Pr. No. 2459)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for background checks of prospective employees and conviction of certain offenses.

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

#### SENATE RESOLUTION No. 191, ADOPTED

Senator BRIGHTBILL, without objection, called up from page 5 of the Calendar, **Senate Resolution No. 191**, entitled:

A Resolution memorializing the Congress of the United States to appropriate supplemental funds for the Low-Income Home Energy Assistance Program.

On the question,

Will the Senate adopt the resolution?

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

#### UNFINISHED BUSINESS

##### BILLS REPORTED FROM COMMITTEES

Senator WAUGH, from the Committee on Agriculture and Rural Affairs, reported the following bills:

##### **SB 865 (Pr. No. 1242)** (Amended)

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, further providing for definitions; and providing for registration of premises upon which domestic animals are kept.

##### **SB 940 (Pr. No. 1230)**

An Act amending the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law, further providing for the Agricultural Conservation Easement Purchase Fund; providing for the Land Trust Reimbursement Program, for proceeds from sales by the Department of Agriculture and for grants for agricultural land conservation assistance; and making a related repeal.

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

**SB 707 (Pr. No. 1243) (Amended)**

An Act amending the act of May 3, 1933 (P.L.242, No.86), referred to as the Cosmetology Law, further providing for definitions, for practice of cosmetology without license, for limited licenses, for practice in cosmetology shops only, for temporary licenses, for fees and for regulations; and substituting the term "salon" for the term "shop" throughout the act.

**SB 929 (Pr. No. 1218)**

An Act prohibiting the advertising and conducting of certain live musical performances or productions; providing for enforcement; and imposing a penalty.

**HB 1049 (Pr. No. 2884) (Amended)**

An Act amending the act of June 19, 1931 (P.L.589, No.202), referred to as the Barbers' License Law, further providing for license application for barber-teacher, for examination and for licensing requirements.

**RESOLUTION REPORTED FROM COMMITTEE**

Senator WAUGH, from the Committee on Agriculture and Rural Affairs, reported the following resolution:

**SR 190 (Pr. No. 1215)**

A Resolution urging the Department of Agriculture and the Pennsylvania Historical and Museum Commission to take an inventory and catalog historic barns in this Commonwealth.

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

**SENATE RESOLUTION ADOPTED**

Senators RAFFERTY, LOGAN, ARMSTRONG, BOSCOLA, BRIGHTBILL, BROWNE, CONTI, CORMAN, COSTA, EARLL, ERICKSON, FERLO, FONTANA, FUMO, GORDNER, GREENLEAF, HUGHES, JUBELIRER, KASUNIC, KITCHEN, LaVALLE, LEMMOND, MADIGAN, MELLOW, MUSTO, O'PAKE, ORIE, PICCOLA, PILEGGI, PIPPY, PUNT, REGOLA, RHOADES, ROBBINS, SCARNATI, STACK, STOUT, TARTAGLIONE, THOMPSON, TOMLINSON, VANCE, WASHINGTON, WAUGH, WENGER, D. WHITE, M.J. WHITE, A. WILLIAMS, C. WILLIAMS, WONDERLING and WOZNIAK, by unanimous consent, offered **Senate Resolution No. 192**, entitled:

A Resolution designating October 25, 2005, as "Pennsylvanians Against Underage Drinking Awareness Day."

On the question,  
Will the Senate adopt the resolution?

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

Senator RAFFERTY. Madam President, this Tuesday, October 25, 2005, is the fifth annual Pennsylvania Youth Rally Day. This is a very important event where we get together to educate

and make aware Pennsylvania's problem of underage drinking, and it costs Pennsylvanians about \$2 billion a year for this problem. So, it is a very important rally on Tuesday, and I ask the Senate and my colleagues to please give their consent for this resolution.

Thank you, Madam President.

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

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

**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. James Garber by Senator Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. James Ajhar, Alexander E. Barnes, Apollo Metals, Ltd., of Bethlehem, and to the Bethlehem Health Bureau by Senator Boscola.

Congratulations of the Senate were extended to the Cedar Crest High School FFA by Senator Brightbill.

Congratulations of the Senate were extended to Daniel Thomas Corwin by Senator Browne.

Congratulations of the Senate were extended to Dr. Jean O. Fitzgerald, Doreen H. Paynton, Darlene Stedman, Joseph Mihok, Michael Feeney, Sally Fabian, D. Reed Denby and to the Plumstead Township Environmental Advisory Council by Senator Conti.

Congratulations of the Senate were extended to Frances P. Stengel by Senators Conti and Tomlinson.

Congratulations of the Senate were extended to Kyle D. Royer, Michael Anthony Stella, Earnest R. Gordon, Cedar Grove Brethren in Christ Church of Mifflintown and to the Ickesburg Lions Club by Senator Corman.

Congratulations of the Senate were extended to Rita Marie Turpin, Mark L. Shaffer, James Clawson, Virginia R. Madison and to the Apollo Food Bank by Senator Ferlo.

Congratulations of the Senate were extended to Bernard and Evelyn Benkovitz and to Justin Francis O'Toole by Senator Fontana.

Congratulations of the Senate were extended to Flora Freas, William Gerard Stropnick, Jonathan H. Hess and to Nicholas Robert Shiber by Senator Gordner.

Congratulations of the Senate were extended to George Matthew Metzger by Senator Greenleaf and others.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Salyards, Mr. and Mrs. Jacob Herline and to Joshua C. Butler by Senator Jubelirer.

Congratulations of the Senate were extended to Tammie Clites, Dawn Malinsky and to the Scottsdale Public Library by Senator Kasunic.

Congratulations of the Senate were extended to Donald J. Nicolls and to Pennsylvania American Water by Senator LaValle.

Congratulations of the Senate were extended to Alice Elizabeth Roth Sooby by Senators Lemmond and Musto.



Congratulations of the Senate were extended to KME/Kovatch Fire Apparatus of Nesquehoning by Senator Musto.

Congratulations of the Senate were extended to Matthew R. Lesko, Andrew D. Snyder and to Derek C. Smith by Senator O'Pake.

Congratulations of the Senate were extended to Harry A. Dietz by Senator Piccola.

Congratulations of the Senate were extended to Derek William Larsen by Senator Pileggi.

Congratulations of the Senate were extended to Robert N. Taylor by Senators Pileggi and Thompson.

Congratulations of the Senate were extended to Matthew Mackowiak by Senator Pippy.

Congratulations of the Senate were extended to Crystale Sullivan and to Galen Albert Smith by Senator Punt.

Congratulations of the Senate were extended to the Honorable Susanne R. Walley by Senator Rafferty.

Congratulations of the Senate were extended to Mr. and Mrs. Richard Freymoyer by Senator Rhoades.

Congratulations of the Senate were extended to Jim Clark, Potter County Conservation District, Rathbun Farms of Shinglehouse and to Genesee Headwaters Watershed Association by Senator Scarnati.

Congratulations of the Senate were extended to Mary Maxwell, Marie Boyle, Kate Deputy, Tom O'Donnell and to Taylor Rand by Senator Stack.

Congratulations of the Senate were extended to John J. Dougherty, Honorable Robert A. Brady and to The Children's Hospital of Philadelphia by Senator Tartaglione.

Congratulations of the Senate were extended to Donna R. Hull and to the Rotary Club of Westtown-Goshen by Senator Thompson.

Congratulations of the Senate were extended to Joseph P. McInerney by Senator Tomlinson.

Congratulations of the Senate were extended to Mr. and Mrs. Alfred Dennis by Senator Washington.

Congratulations of the Senate were extended to Ronnie Bull, Brynn Warrington, Jon Mundis and to Emily Colburn by Senator Waugh.

Congratulations of the Senate were extended to Anne Beiler by Senator Wenger.

Congratulations of the Senate were extended to Mr. and Mrs. Kenneth R. Hollen, Audrey L. Doane, Jacquelynne D. Michael and to the Grampian-Penn-Bloom Volunteer Fire Company by Senator D. White.

Congratulations of the Senate were extended to Joshua David Kuhns by Senator M.J. White.

Congratulations of the Senate were extended to Jenell Delores Whitted and to Greater Philadelphia Health Action, Inc., by Senator A.H. Williams.

Congratulations of the Senate were extended to Bruce F. Burton by Senator C. Williams.

Congratulations of the Senate were extended to Bracalente Manufacturing Company of Trumbauersville by Senator Wonderling.

Congratulations of the Senate were extended to Mr. and Mrs. William Parks by Senator Wozniak.

## CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Joseph Sapienza III by Senator Orié.

Condolences of the Senate were extended to the family of the late Elvira Rogers by Senator Washington.

Condolences of the Senate were extended to the family of the late C. DeLores Tucker by Senator Washington and others.

Condolences of the Senate were extended to the family of the late Cornelius J. Cassidy and to the family of the late Brenda Denise Johnson by Senator A.H. Williams.

Condolences of the Senate were extended to the family of the late Lawrence T. Adelberger by Senator C. Williams.

## 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 Frank A. Turdo was extended to the family by Senators Boscola and Browne.

## BILLS ON FIRST CONSIDERATION

Senator TOMLINSON. 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 193, SB 693, SB 707, SB 862, SB 865, SB 875, SB 929, SB 932, SB 940 and HB 1049.**

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

## RECESS

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

Senator BRIGHTBILL. Madam President, I move that the Senate do now recess until Monday, October 24, 2005, at 2 p.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate recessed at 12:45 p.m., Eastern Daylight Saving Time.