

COMMONWEALTH OF PENNSYLVANIA

# Legislative Journal

WEDNESDAY, JUNE 14, 2006

SESSION OF 2006 190TH OF THE GENERAL ASSEMBLY

No. 40

## SENATE

WEDNESDAY, June 14, 2006

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 DOROTHY SHELLY, of Phoebe Richland Health Care Center, Telford, offered the following prayer:

Let us come together in a spirit of prayer.

Dear God, God of all people, we thank You this day, Flag Day, for our flag rippling in free winds, knowing that it has repeatedly been stained with sacrifice to make this land what it is, a land of freedom, safety, opportunity, and equality for all. Grateful are we for this red, white, and blue symbol and its representation of millions of immigrants who escaped tyranny and poverty to pursue dreams of a better life.

Lord, give us peace of mind as well as a mind of peace. Instill in all gathered here true wisdom, and especially the gift of discernment. Teach us all the importance of life's central things, those issues that really matter. Help us to change what we can, and with grace accept all the rest. Help us not to get too upset over life's mysteries that have no earthly answers. Help us to see through another's eye, think with another's mind, and feel with another's heart. May we be willing to walk in another's shoes, then perhaps we may forget just how our own shoes hurt. May we be willing to share another's pain and heartache, to listen to the needs and concerns of all. May we look over and beyond the high walls of prejudices and discriminations. May we hear and maybe even try to understand another's point of view. Help us to broaden our visions like those immigrants so that diversity determines who we are, people called and committed to justice.

May we this day truly remember that we are Your children, so may our words be loved, loving, and bathed in tender love for all people, yet firm when necessary, never compromising and always truthful.

Now refresh us this day with a sense of Your goodness and mercy. We pray to a God who is known by many names. Amen.

The PRESIDENT. The Chair thanks Reverend Shelly, who is the guest today of Senator Wonderling.

## PLEDGE OF ALLEGIANCE

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

## JOURNAL APPROVAL POSTPONED

The PRESIDENT. Without objection, approval of the Journal of the Session of June 13, 2006, will be postponed until the Journal is in print.

## HOUSE MESSAGE

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

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to House amendments by further amending said amendments to **SB 157**, 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.

## RESOLUTION INTRODUCED AND REFERRED

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

June 13, 2006

Senators ROBBINS, D. WHITE, GREENLEAF, KASUNIC, ORIE, TARTAGLIONE, BRIGHTBILL, LEMMOND, PUNT, FONTANA, TOMLINSON, KITCHEN, STACK, WENGER, PIPPY, O'PAKE, PILEGGI, PICCOLA, COSTA, EARLL, M.J. WHITE, STOUT, MADIGAN, RAFFERTY, RHOADES, FERLO, CONTI, BOSCOLA, ERICKSON, LaVALLE, LOGAN, BROWNE, WONDERLING and ARMSTRONG presented to the Chair **SR 313**, entitled

A Resolution designating the week of June 17 through 23, 2006, as "Civil Air Patrol Cadet Week" in Pennsylvania.

Which was committed to the Committee on Rules and Executive Nominations, June 13, 2006.

## LEGISLATIVE LEAVES

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

Senator MELLOW. Madam President, I request legislative leaves for Senator Stack and Senator Washington.

The PRESIDENT. Senator Mellow requests legislative leaves for Senator Stack and Senator Washington. Without objection, the leaves will be granted.

### LEAVE OF ABSENCE

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

### CALENDAR

#### SB 1222 CALLED UP OUT OF ORDER

**SB 1222 (Pr. No. 1829)** -- Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator BRIGHTBILL, as a Special Order of Business.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 1222 (Pr. No. 1829)** -- The Senate proceeded to consideration of the bill, entitled:

An Act designating the portion of U.S. Route 6 in Linesville Borough, Crawford County, as the U.S. Route 6 "Gateway to the West" and "Gateway to Pennsylvania" and designating the portion of U.S. Route 6 in Matamoras Borough, Pike County, as the U.S. Route 6 "Gateway to the East" and "Gateway to Pennsylvania."

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-48

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

#### NAY-0

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

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

### SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR EDWIN B. ERICKSON PRESENTED TO THE SENATE

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

Senator ERICKSON. Madam President, I have the pleasure and honor today to introduce some folks from my district, but who also have a connection to Senator Rhoades' district, because the sister of Anna Gustafson, who is on Senator Rhoades' staff, Elizabeth Matthews, is here with four of her cousins. These are children who range in age from 8 years old to 12 years old. The 12-year-old, Dominic Gentile, goes to St. Aloysius Academy and was recently accepted into the Philadelphia Art Diocesan Band. Then there are the 8-year-old triplets. Kaitlin and Colleen go to Sacred Heart Academy and participate in the softball league at Rose Tree, Media, and Nicholas Gentile goes to St. Aloysius Academy, and recently was asked to try out and made the tournament baseball team for Newtown-Edgemont Little League. These four children work in their father's produce store in Newtown Square, and I can tell you, it is an excellent produce store, and I ask the Senate to give them a warm welcome.

The PRESIDENT. Will the Gentile children please rise.  
(Applause.)

### GUESTS OF SENATOR ROBERT M. TOMLINSON PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Bucks, Senator Tomlinson.

Senator TOMLINSON. Madam President, I actually have two different guests today.

I think that the Keystone Girls, sponsored by the American Legion, had to leave and go on to another event, but I want to recognize Betty Casey, from the American Legion, who brought two Keystone girls. They are Katie Fitzpatrick, her father happens to be our Congressman in Bucks County, and Heather Escudero, who attends Shippensburg University studying government, and they are wonderful girl leaders. I do not see them in the gallery now, but they were here earlier and I just want to announce their names to the Senate.

Also with me is the Latino Leadership Alliance from Bristol, and I have 40 students here from first to sixth grade. With them are Denise Smith, the after-school program teacher, Tonya Carroll, prevention specialist, and Iraidia McEvoy, office administrator. Also, the parents who are with them are Rosa Carter, Mr. and Mrs. Reynolds, Michelle Ford, Haizle Henderson, Lucia Diaz, Maria Orosco, and Blanca Momclou. These 40 very, very special, bright young students are very energetic and have been extremely well-behaved today, and they are great friends of mine, and I ask the Pennsylvania Senate to please give them a warm welcome.

The PRESIDENT. Will the students from the Latino Leadership Alliance and their escorts please rise so we can give you a nice warm welcome.

(Applause.)

The PRESIDENT. Welcome to the Senate.

### GUESTS OF SENATOR JAY COSTA PRESENTED TO THE SENATE

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

Senator COSTA. Madam President, I rise this morning to introduce two exceptional and outstanding young interns who have been working in my district office in Forest Hills for the past several weeks. Kate Molinaro is the daughter of Dominic and Melissa Molinaro from Irwin. She was a 4-year recipient of Who's Who of American High School Students, as well as a 4-year honor student at Penn-Trafford High School. She will be a junior at Westminster College this fall, where she will continue her studies in political science and economics double major.

We also have Jessica Gregg. She is the daughter of Wayne and Patty Gregg of Pittsburgh, who are good friends of mine. Jessica was the recipient of the prestigious Prudential Spirit of Community Award, and is a graduate from Oakland Catholic High School in Pittsburgh. She will be a junior at Villanova University this fall, where she will continue to pursue her marketing degree with a minor in business. Her future plans are to attend law school and focus on sports law.

Madam President, I would like to take this opportunity to thank Jessica and Kate for their service to my district office. They have been outstanding and work very well with the staff, and I want to wish them the best in all their future endeavors, and I ask that the Senate give them a warm welcome.

Thank you, Madam President.

The PRESIDENT. Will Kate Molinaro and Jessica Gregg please rise so we can give you a nice warm welcome to the Senate.

(Applause.)

### GUESTS OF SENATOR VINCENT J. HUGHES PRESENTED TO THE SENATE

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

Senator HUGHES. Madam President, I am pleased to have the opportunity to introduce to the Senate the Philadelphia School District Citywide Student Government Association, which is the collective body of student representatives from all 59 public high schools. Students bring concerns and solutions for various problems to the attention of the district administration. This year they revised the district cell phone policy, and will begin to expand the Panther Peace Corps of Overbrook High School to all high schools. The Panther Peace Corps was designed to prevent and mediate conflicts at the high school level. They meet monthly, and also participated in statewide No Child Left Behind hearings, and one student represented Pennsylvania at a national No Child Left Behind hearing at the U.S. Capitol. They are led by Donna Frisby Greenwood.

Madam President, I would be very pleased if the Senate would provide a warm round of applause for the Philadelphia School District Citywide Student Government Association.

The PRESIDENT. Would our Philadelphia Citywide Student Government Association representing 59 high schools and Donna Greenwood please rise so we can give you a nice warm welcome.

(Applause.)

### RECESS

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

Senator BRIGHTBILL. Madam President, at this time I ask for a recess of the Senate for purposes of a meeting of the Committee on Rules and Executive Nominations to be held immediately, followed by a Republican caucus in the Rules room. I expect to return to the floor within an hour.

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

Senator HUGHES. Madam President, following the meeting of the Committee on Rules and Executive Nominations, the Democrats will caucus.

The PRESIDENT. For purposes of a meeting of the Committee on Rules and Executive Nominations, to be followed by Republican and Democratic caucuses, without objection, the Senate stands in recess.

### AFTER RECESS

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

### BILLS REPORTED FROM COMMITTEE

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

#### SB 303 (Pr. No. 1780) (Rereported) (*Concurrence*)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for fees for constables.

#### SB 601 (Pr. No. 1791) (Rereported) (*Concurrence*)

An Act relating to confidentiality of Social Security numbers; and making a related repeal.

#### SB 1056 (Pr. No. 1809) (Rereported) (*Concurrence*)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for commercial driver's license requirements and for operation of all-terrain vehicles and snowmobiles by persons under sixteen years of age.

### RESOLUTIONS REPORTED FROM COMMITTEE

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

#### SR 304 (Pr. No. 1811)

A Resolution designating the month of June 2006 as "Corrections Officers and Employees Month" in Pennsylvania.

#### SR 313 (Pr. No. 1834)

A Resolution designating the week of June 17 through 23, 2006, as "Civil Air Patrol Cadet Week" in Pennsylvania.

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

### LEGISLATIVE LEAVES

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

Senator BRIGHTBILL. Madam President, I ask for a legislative leave for Senator Punt, and a temporary Capitol leave for Senator Mary Jo White.

The PRESIDENT. Senator Brightbill requests a legislative leave for Senator Punt, and a temporary Capitol leave for Senator Mary Jo White.

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

Senator O'PAKE. Madam President, I request temporary Capitol leaves for Senator Fumo, Senator Mellow, and Senator Musto.

The PRESIDENT. Senator O'Pake requests temporary Capitol leaves for Senator Fumo, Senator Mellow, and Senator Musto.

Without objection, the leaves will be granted.

### CONSIDERATION OF CALENDAR RESUMED

#### SB 1134 CALLED UP OUT OF ORDER

**SB 1134 (Pr. No. 1788)** -- Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator BRIGHTBILL, as a Special Order of Business.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 1134 (Pr. No. 1788)** -- 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 sales and use tax, for the definition of "tangible personal property."

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 Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Madam President, for the information of the Members, this deals with the Graham Packaging decision.

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-29

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

#### NAY-19

Boscola	Kasunic	Musto	Washington
Costa	Kitchen	O'Pake	Williams, Anthony H.
Fontana	LaValle	Stack	Williams, Constance
Fumo	Logan	Stout	Wozniak
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 present said bill to the House of Representatives for concurrence.

### BILL VETOED BY THE GOVERNOR

#### BILL OVER IN ORDER

**SB 997** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

### THIRD CONSIDERATION CALENDAR

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

**SB 414 (Pr. No. 1816)** -- 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, establishing the Science Technology Partnership Program; providing for State grants; and making an appropriation.

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-48

Armstrong	Greenleaf	Orie	Tartaglione
Boscola	Hughes	Piccola	Tomlinson
Brightbill	Jubelirer	Pileggi	Vance
Browne	Kasunic	Pippy	Washington
Conti	Kitchen	Punt	Waugh
Corman	LaValle	Rafferty	Wenger

Costa	Lemmond	Regola	White, Donald
Earl	Logan	Rhoades	White, Mary Jo
Erickson	Madigan	Robbins	Williams, Anthony H.
Fontana	Mellow	Scarnati	Williams, Constance
Fumo	Musto	Stack	Wonderling
Gordner	O'Pake	Stout	Wozniak

## NAY-0

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

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

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**HB 153 (Pr. No. 4212)** -- The Senate proceeded to consideration of the bill, entitled:

An Act relating to organ and bone marrow donation; providing for a special leave of absence for organ and bone marrow donors; and providing for a tax credit and for additional duties of the Department of Revenue.

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-48

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

## NAY-0

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

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

**BILLS OVER IN ORDER**

**HB 456, SB 655, SB 691, SB 816, SB 944, SB 1000 and SB 1046** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

**BILL AMENDED**

**SB 1054 (Pr. No. 1443)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sex offender information made available on the Internet.

On the question,

Will the Senate agree to the bill on third consideration?

Senator O'PAKE offered the following amendment No. A8076:

Amend Title, page 1, line 2, by inserting after "providing": for assessments and

Amend Bill, page 1, lines 6 through 8, by striking out all of said lines and inserting:

Section 1. Section 9795.4 of Title 42 of the Pennsylvania Consolidated Statutes is amended by adding a subsection to read:

§ 9795.4. Assessments.

\*\*\*

(d.1) Description of offense.—For purposes of section 9798.1(c) (relating to information made available on the Internet), the board shall prepare a description of the offense or offenses which trigger the application of this subchapter to include, but not be limited to:

(1) A concise narrative of the offender's conduct.

(2) Whether the victim was a minor.

(3) The manner of weapon or physical force used or threatened.

(4) If the offense involved unauthorized entry into a room or vehicle occupied by the victim.

(5) If the offense was part of a course or pattern of conduct involving multiple incidents or victims.

(6) Previous instances in which the offender was determined guilty of an offense subject to this subchapter or of a crime of violence as defined in section 9714(g) (relating to sentences for second and subsequent offenses).

\*\*\*

Section 2. Section 9798.1(b) and (c) of Title 42, added November 24, 2004 (P.L.1243, No.152), are amended to read:

Amend Sec. 1 (Sec. 9798.1), page 3, lines 2 through 30; page 4, lines 1 through 12, by striking out all of said lines on said pages and inserting:

(c) Information permitted to be disclosed regarding individuals.—Notwithstanding 18 Pa.C.S. Ch. 91 (relating to criminal history information), the Internet website shall contain the following information on each individual:

(1) For sexually violent predators only the following information shall be posted on the Internet website:

(i) name and [any] all known aliases;

(ii) year of birth;

(iii) the street address, [city] municipality, county and zip code of all residences, including, where applicable, the name of the prison or other place of confinement;

(iv) the street address, [city] municipality, county [and], zip code and name of any institution or location at which the person is enrolled as a student;

(v) the [city] municipality, county and zip code of any employment location;

(vi) a photograph of the offender, which shall be updated not less than annually;

(vii) a description of the offense or offenses which triggered the application of this subchapter provided for by section 9795.4(d.1) (relating to assessments); and

(viii) the date of the offense [and], conviction[,] and, where applicable, the release or earliest possible release from confinement, if available.

(2) For all other lifetime registrants and offenders subject to

registration only the following information shall be posted on the Internet website:

- (i) name and [any] all known aliases;
- (ii) year of birth;
- (iii) the [city] street address, municipality, county and zip code of all residences, including, where applicable, the name of the prison or other place of confinement;
- (iv) the [city] municipality, county [and], zip code and name of any institution or location at which the person is enrolled as a student;
- (v) the [city] street address, municipality, county and zip code of any employment location;
- (vi) a photograph of the offender, which shall be updated not less than annually;
- (vii) a description of the offense or offenses which triggered the application of this subchapter provided for by section 9795.4(d.1); and
- (viii) the date of the offense [and], conviction[,] and where applicable, the release or earliest possible release from confinement, if available.

(d) Duration of Internet posting.—

(1) The information listed in subsection (c) about a sexually violent predator shall be made available on the Internet for the lifetime of the sexually violent predator.

(2) The information listed in subsection (c) about an offender who is subject to lifetime registration shall be made available on the Internet for the lifetime of the offender unless the offender is granted relief under section 9795.5 (relating to exemption from certain notifications).

(3) The information listed in subsection (c) about any other offender subject to registration shall be made available on the Internet for the entire period during which the offender is required to register, including any extension of this period pursuant to 9795.2(a)(3) (relating to registration procedures and applicability). Amend Sec. 2, page 4, line 13, by striking out "2" and inserting: 3

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.

**BILLS OVER IN ORDER**

**SB 1104, SB 1206 and HB 1580** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

**BILL AMENDED**

**HB 1637 (Pr. No. 4005)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 24, 1963 (P.L. 1175, No. 497), known as the Mechanics' Lien Law of 1963, further providing for definitions, for waiver of liens, for effect of waiver of liens, for rescission of contracts between contractors and subcontractors, for notices by subcontractors as condition precedent, for filing and notice of filing of claim and for priority of liens.

On the question,

Will the Senate agree to the bill on third consideration?

Senator SCARNATI offered the following amendment No. A8074:

Amend Sec. 3 (Sec. 501), page 8, line 11, by striking out "FORMAL NOTICES" and inserting: [Notices] Formal Notice

Amend Sec. 3 (Sec. 501), page 8, line 25, by striking out "(B)" and inserting: (b.1)

Amend Sec. 3 (Sec. 501), page 9, line 12, by inserting an underscored period after "LIEN"

Amend Sec. 3 (Sec. 501), page 9, line 12, by inserting a bracket before "; AND"

Amend Sec. 3 (Sec. 501), page 9, line 18, by inserting a bracket after "THEREOF."

Amend Sec. 3 (Sec. 501), page 9, line 19, by inserting brackets before and after "NOTICES" and inserting immediately thereafter: notice

Amend Sec. 3 (Sec. 508), page 11, line 1, by striking out "EITHER OF"

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.

**BILLS OVER IN ORDER**

**HB 2185 and HB 2186** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**HB 2315 (Pr. No. 3276)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, further providing for the Aviation Advisory Committee.

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-48**

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

**NAY-0**

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

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

## SECOND CONSIDERATION CALENDAR

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

**SB 838 (Pr. No. 1817)** -- The Senate proceeded to consideration of the bill, entitled:

An Act regulating certain services provided by a nonresident physician.

Considered the second time and agreed to,

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

### BILL OVER IN ORDER

**SB 19** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

### BILL ON SECOND CONSIDERATION

**SB 439 (Pr. No. 1797)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for a sexual assault evidence collection program and for powers and duties of the Department of Health and the Pennsylvania State Police; and establishing civil immunity.

Considered the second time and agreed to,

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

### BILLS OVER IN ORDER

**HB 496, SB 506, SB 557, SB 727, HB 755 and HB 804** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

### BILL ON SECOND CONSIDERATION

**SB 812 (Pr. No. 1787)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing for property held by courts and public officers and agencies.

Considered the second time and agreed to,

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

### BILLS OVER IN ORDER

**SB 855, SB 865, SB 917, SB 934, SB 1036, SB 1093, HB 1108, SB 1115, SB 1117, SB 1118, SB 1119, SB 1120, SB 1158 and SB 1201** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

### BILLS ON SECOND CONSIDERATION

**HB 1725 (Pr. No. 3757)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 25, 1945 (P.L.1050, No.394), known as the Local Tax Collection Law, further providing for basic and continuing education programs for tax collectors; providing for records in possession of tax collector; further providing for expenses paid by taxing districts and for discounts, penalties and notice; providing for compensation for interim tax bills; and further providing for penalty.

Considered the second time and agreed to,

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

**HB 2210 (Pr. No. 3074)** -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a portion of State Route 422 in Berks County as the Sergeant William V. Fernandez Highway.

Considered the second time and agreed to,

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

### BILL OVER IN ORDER

**HB 2376** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

### BILLS ON SECOND CONSIDERATION

**HB 2381 (Pr. No. 4211)** -- 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 marriage between one man and one woman.

Considered the second time and agreed to,

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

**HB 2383 (Pr. No. 4041)** -- 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, requiring the Bureau of Alcohol Education to make certain reports to the General Assembly.

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

#### BILLS OVER IN ORDER

**HB 2425** and **HB 2447** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

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

#### SENATE RESOLUTION No. 304, ADOPTED

Senator BRIGHTBILL, without objection, called up from page 1 of Supplemental Calendar No. 1, **Senate Resolution No. 304**, entitled:

A Resolution designating the month of June 2006 as "Corrections Officers and Employees Month" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

Senator ROBBINS. Madam President, today I rise to offer a resolution honoring the backbone of the State Correctional System, the corrections officers and employees. Senate Resolution No. 304 designates June 2006 as "Corrections Officers and Employees Month" in Pennsylvania. Corrections officers and employees place themselves in danger every day as they patrol the toughest precincts in this Commonwealth. They are also charged with the care, custody, and control of our State prisoner population, making them the first element in the rehabilitation of incarcerated persons.

The more than two dozen State correctional facilities in our system include the State Regional Correctional Facility at Mercer and SCI Cambridge Springs in my district. I can tell you that these officers and employees are dedicated and hardworking, and deserve thanks for what can seem like a thankless job. They are dedicated public servants and they deserve the best.

It should also be noted that corrections officers and employees are actively involved in their communities through volunteer services and civic participation, and also many of them are members of our Pennsylvania National Guard and Reserves and have been serving in Iraq and Afghanistan. These are difficult jobs, and corrections officers and employees should be proud of their contributions to Pennsylvania. By adopting this resolution, we are saying that these good deeds do not go unnoticed, and we say thank you.

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

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

#### SENATE RESOLUTION No. 313, ADOPTED

Senator BRIGHTBILL, without objection, called up from page 1 of Supplemental Calendar No. 1, **Senate Resolution No. 313**, entitled:

A Resolution designating the week of June 17 through 23, 2006, as "Civil Air Patrol Cadet Week" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

Senator ROBBINS. Madam President, I rise in support of Senate Resolution No. 313 designating the week of June 17 through 23 as "Civil Air Patrol Cadet Week" in Pennsylvania. The Pennsylvania Wing of the Civil Air Patrol is the noncombatant resource of the Air Force. One of its missions is to provide emergency services, including air search and rescue, homeland security, counter-drug missions, and more. Those are challenging, dangerous tasks. The Civil Air Patrol has performed them honorably and without much fanfare for 65 years. Its two other missions do not involve such risk, but carry great reward. They focus on developing responsible and accomplished adults, aerospace education, and cadet programs. Through aerospace education, the Civil Air Patrol attracts youth to the aviation and space-related career fields, which are critical to our nation's progress in aeronautics.

In addition, Civil Air Patrol members mentor nearly 27,000 youths nationwide, providing leadership training, career motivation, and flight instruction. Each year cadet leadership schools provide more than 400 cadets with the knowledge and training to function as cadet leaders in the Civil Air Patrol. These leadership roles help cadets become part of a prequalified and motivated pool of future community and military leaders. Pennsylvania Wing Cadets have proven track records of becoming leaders, with a large number receiving scholarships and schooling in the Air Force Academy, West Point, and Annapolis.

The Cadet Leadership School of the Pennsylvania Wing runs from June 17 through 23 at Fort Indiantown Gap, and I ask the Senate to designate this week "Civil Air Patrol Cadet Week" in Pennsylvania.

Thank you.

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

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

#### GUESTS OF SENATOR ROBERT D. ROBBINS PRESENTED TO THE SENATE

The PRESIDENT. On behalf of Senator Robbins and all of the Senators, we would like to welcome the young ladies from the American Legion from Shippensburg University. Thank you for coming here today.

(Applause.)



**EXECUTIVE NOMINATIONS****EXECUTIVE SESSION**

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

Which was agreed to by voice vote.

**NOMINATIONS TAKEN FROM THE TABLE**

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

The Clerk read the nominations as follows:

**MEMBER OF THE STATE BOARD  
OF ACCOUNTANCY**

February 27, 2006

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, George A. Coury, Jr., PA, 90  
Yankeetown Avenue, P.O. Box 50, Homer City 15748, Indiana County,  
Forty-first Senatorial District, for appointment as a member of the State  
Board of Accountancy, to serve for a term of four years and until his  
successor is appointed and qualified, but not longer than six months  
beyond that period, vice John Hassler, Camp Hill, resigned.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE STATE EMPLOYEES'  
RETIREMENT BOARD**

May 5, 2006

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 M. Joseph Rocks,  
9201 Eagle View Drive, Lafayette Hill 19444, Montgomery County,  
Seventh Senatorial District, for reappointment as a member of the State  
Employees' Retirement Board, to serve for a term of four years and until  
his successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE PENNSYLVANIA  
FISH AND BOAT COMMISSION**

March 6, 2006

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, Thomas C. Shetterly, (District 2), 709  
Center Avenue, Charleroi 15022, Washington County, Forty-sixth Sen-

atorial District, for appointment as a member of the Pennsylvania Fish  
and Boat Commission, to serve until July 28, 2011, or until his succes-  
sor is appointed and qualified, but not longer than six months beyond  
that period, vice Ross Huhn, Saltsburg, deceased.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE PENNSYLVANIA  
FISH AND BOAT COMMISSION**

March 6, 2006

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, William R. Worobec, (District 5), 240  
Reservoir Road, Williamsport 17701, Lycoming County, Twenty-third  
Senatorial District, for appointment as a member of the Pennsylvania  
Fish and Boat Commission, to serve until April 15, 20015, [sic] or until  
his successor is appointed and qualified, but not longer than six months  
beyond that period, vice Ted R. Keir, Athens, whose term expired.

EDWARD G. RENDELL  
Governor

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

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

**YEA-48**

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

**NAY-0**

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

**EXECUTIVE SESSION RISES**

Senator ROBBINS. Madam President, I move that the Execu-  
tive Session do now rise.

The motion was agreed to by voice vote.

**UNFINISHED BUSINESS  
CONGRATULATORY RESOLUTIONS**

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

Congratulations of the Senate were extended to Mr. and Mrs. Emmett R. Lehman, Sr., by Senator Armstrong.

Congratulations of the Senate were extended to the Puerto Rican Bethlehem Parade by Senator Boscola.

Congratulations of the Senate were extended to Harold R. Weaver and to Marty's Music Store of Annville by Senator Brightbill.

Congratulations of the Senate were extended to Mr. and Mrs. Mark R. Schwartz, Mr. and Mrs. Arnold Peiffer, Mr. and Mrs. Edwin C. Marsteller, Justin Magluilo, James M. Seitzinger, Elmer Leslie and to Lee A. Butz by Senator Browne.

Congratulations of the Senate were extended to John Patrick Ballantyne by Senator Conti.

Congratulations of the Senate were extended to Robert Pristas and to the Forest Hills Lions Club by Senator Costa.

Congratulations of the Senate were extended to Abigail M. Fluegel, Alicia Rogers, Marcie Fuller, Alison Baklarz and to Dana Duguay by Senator Earll.

Congratulations of the Senate were extended to Joseph Paul Kelly by Senator Fontana.

Congratulations of the Senate were extended to Jeanne McDewitt, Maryrienne Galle and to James A. Hasson by Senator Fumo.

Congratulations of the Senate were extended to Mr. and Mrs. Edward O'Brien and to the Shamokin Rotary Club by Senator Gordner.

Congratulations of the Senate were extended to Adam T. Rosboschil by Senators Gordner and Madigan.

Congratulations of the Senate were extended to ASI Technologies, Inc., of Montgomeryville and to EDO Mtech, Inc., of Warminster, by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Charles Sickles, Mr. and Mrs. Kenneth Wilkinson and to Louis J. Shearer by Senator Jubelirer.

Congratulations of the Senate were extended to the First Baptist Church of Connellsville by Senator Kasunic.

Congratulations of the Senate were extended to Tyrone L. Reed by Senator Kitchen.

Congratulations of the Senate were extended to Claire Zinsmeister by Senator Logan.

Congratulations of the Senate were extended to Mr. and Mrs. Harold Andrus, Brian O'Connor, Zachary Kleckner, Eric Ficks and to the Bradford County Regional Arts Council by Senator Madigan.

Congratulations of the Senate were extended to the Giant's Despair Hill Climb of Laurel Run by Senator Musto.

Congratulations of the Senate were extended to Ryan M. Ludwig and to Christopher L. Evatt by Senator O'Pake.

Congratulations of the Senate were extended to Carl R. Sabold, Jr., by Senators O'Pake and Brightbill.

Congratulations of the Senate were extended to Mr. and Mrs. James Faber, Mr. and Mrs. Robert Semler and to Dr. Donald A. Lee by Senator Orie.

Congratulations of the Senate were extended to James and Edith Booser and to Joseph R. Mancuso by Senator Piccola.

Congratulations of the Senate were extended to Mr. and Mrs. George Olden, Harold Rosen, Catherine Rath and to Dylan Kirklin by Senator Rafferty.

Congratulations of the Senate were extended to the Slickville Volunteer Fire Department by Senator Regola.

Congratulations of the Senate were extended to David J. Berdanier by Senator Rhoades.

Congratulations of the Senate were extended to Osram Sylvania by Senator Scarnati.

Congratulations of the Senate were extended to Ryan Gribbon by Senator Tomlinson.

Congratulations of the Senate were extended to Mr. and Mrs. Marlin Day and to George C. Hoopy by Senator Vance.

Congratulations of the Senate were extended to Donald C. Miller, Adam Bisker, Jason Seitz, Don R. Shook and to Marguerite Rang by Senator Waugh.

Congratulations of the Senate were extended to Mr. and Mrs. William Glessner by Senator D. White.

Congratulations of the Senate were extended to Ellen A. Bunch by Senator M.J. White.

Congratulations of the Senate were extended to Jessica Delgado and to the Third Street Alliance of Easton by Senator Wonderling.

Congratulations of the Senate were extended to Dr. Michael H. Danjczek, Laini Abraham and to Lafayette Ambassador Bank of Easton by Senators Wonderling and Boscola.

Congratulations of the Senate were extended to Mary Lee Coffin and to Daniel S. Nemura by Senators Wonderling, Boscola, and Browne.

Congratulations of the Senate were extended to Dr. Albert Etheridge and to the Lock Haven University Softball Team 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 Harold W. Queer, to the family of the late John J. Katic, Jr., to the family of the late George E. Kinross, to the family of the late Wayne R. Conley, and to the family of the late James McPherson Leckie by Senator Orie.

## SENATE RESOLUTION ADOPTED

Senators KITCHEN, BOSCOLA, MELLOW, FONTANA, HUGHES, TARTAGLIONE, STACK, D. WHITE, O'PAKE, MUSTO, BRIGHTBILL, CONTI, LOGAN, FERLO, RHOADES, RAFFERTY ORIE, ERICKSON, PILEGGI, WENGER, C. WILLIAMS, EARLL, COSTA, BROWNE, GREENLEAF, ARMSTRONG, FUMO, PIPPY, A. WILLIAMS and WASHINGTON, by unanimous consent, offered **Senate Resolution No. 319**, entitled:

A Resolution observing June 17, 2006, as "Juneteenth National Freedom Day" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentlewoman from Philadelphia, Senator Kitchen.

Senator KITCHEN. Madam President, I rise today to offer a resolution designating June 17, 2006, as "Juneteenth Day" in Pennsylvania. On June 19, 1865, the slave community of Galveston, Texas, finally received word of the Emancipation Proclamation. This precious document proclaimed the good news that all slaves are free. Imagine the joy, pride, and hope that filled the hearts of those men and women on that day 140 years ago. The same spirit of freedom is still alive today. Juneteenth has become a holiday of reflection and renewal for people of all races, nationalities, and backgrounds.

On Juneteenth, we remember our brothers and sisters who suffered in the bonds of slavery. We stand together with people of all colors and creeds to embrace our common history. We celebrate the progress we made to close the racial divide, and pray for continued success on the road toward equal rights for all. On Juneteenth we recommit ourselves to serving our families, friends, and our communities with open hearts. More importantly, we resolve never again will America succumb to the evils of prejudice.

Friends, everyone can join in the celebration of Juneteenth. This weekend, as we celebrate Father's Day, let us capture the spirit of joy and equality, the spirit that was born that June day in 1865. Teach our children about this important day. Pass on the story of Juneteenth to your family and friends. Serve as an example to others through your responsibility, your pride, and your love for our Commonwealth and country.

Maya Angelou, the great African American poet, wrote, "Bringing the gifts that my ancestors gave, I am the dream and the hope of the slave. I rise, I rise, I rise."

My friends, we truly are the dreams and hopes of our ancestors. As we celebrate Juneteenth, we must continue to rise up for liberty and equality, and let us always remember the beautiful words of the Emancipation Proclamation, all slaves are free.

Thank you, Madam President.

The PRESIDENT. This weekend is the celebration of the freedom of the slaves 140 years ago.

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 gentlewoman from Philadelphia, Senator Tartaglione.

Senator TARTAGLIONE. Madam President, good news, people are listening. It has taken 6 years, but they are finally listening. No, I am not talking about the 80 percent of Pennsylvanians who already got it, the 80 percent of Pennsylvanians who support raising minimum wage, I am talking about Republican legislators, Madam President.

Yesterday I introduced a discharge resolution for House Bill No. 257. As I said yesterday, that bill, like my bill, Senate Bill No. 926, would raise Pennsylvania's minimum wage to \$7.15 an hour. The House of Representatives passed House Bill No. 257, but here in the Senate, we cannot even bring it along for consideration by our Committee on Labor and Industry.

As we all know, Madam President, the party in the Majority, and here in the Pennsylvania Senate they are Republicans, decides what bills we will consider and what we will not. Here in our Senate, the Majority party believes that low-wage workers should not be given the opportunity to make \$7.15 an hour.

Well, Madam President, we have good news. The Republicans in Washington paid attention to our voters. They heard what the voters said on May 16. Yesterday in Washington, legislators, including seven Republicans, supported an amendment that would raise the Federal minimum wage to \$7.25. They are getting it in Washington. They hear the people. They see the 21 States that are leading the nation in this effort to help Americans fight to survive. This should send a clear message to the Pennsylvania legislature: we can be leaders, or we can be followers. We can wait for the Federal government to set the wage rate, or we can show some initiative, and, Madam President, since the Federal government is looking at the minimum wage at \$7.25 an hour, I think we should amend our proposal to reflect that rate.

Madam President, the citizens of Pennsylvania are looking for leadership from our elected officials. We need health care reform, we need property tax relief, and we need to raise Pennsylvania's minimum wage. I only hope that the people are listening today, and they will remember in November.

Thank you, Madam President.

#### HOUSE MESSAGES

##### SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 332**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule XIV, section 5, this bill will be referred to the Committee on Rules and Executive Nominations.

#### 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:

##### Senate Resolution No. 308.

#### 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, June 19, 2006, at 2 p.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate recessed at 1:26 p.m., Eastern Daylight Saving Time.