

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, JUNE 27, 2006

SESSION OF 2006 190TH OF THE GENERAL ASSEMBLY

No. 46

SENATE

TUESDAY, June 27, 2006

The Senate met at 1 p.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, Rabbi SOLOMON ISAACSON, of Congregation Beth Solomon, Philadelphia, offered the following prayer:

I would first like to say a prayer for our soldiers.

(Translation from Hebrew:)

May He who blessed our forefathers, may He bless the United States Army, Navy, Air Force, and Marines, who stand guard wherever they may be. May M'kor Hachaim, the Almighty, cause the enemies who rise up against us to be struck down before them. May the holy one, blessed is He, preserve and rescue our fighting men from every trouble and distress, from every plague and illness. May He send blessings and success in their every endeavor. May He lead our enemies under their sway, and may He adorn them with the crown of salvation and with the diadem of triumph, and may it be fulfilled for them from the verse in which it says, M'kor Hachaim, our God, goes with you to battle your enemies for you and to save you, and let us say, amen.

(Translation from Hebrew:)

May He who grants salvation to kings and dominion to rulers, whose kingdom is a kingdom spanning all eternity, who releases David, His servant, from the evil sword, who places a road in the sea and a path in the mighty waters, may He bless, safeguard, preserve, help, exalt, make great, extol, and raise high our beloved President, Vice President, Governor, all the Members of the Senate, and all the others here today. May the King of Kings who reigns over other kings, in His mercy, may He sustain them and protect them from every trouble, woe, and injury. May He rescue them. May He gather people under His sway and cause their enemies to fall before them, and wherever they turn, may they succeed. The King who reigns over other kings, in His mercy, may He put into their hearts and into the hearts of all their counselors and officials the compassion to do good with us and with the entire great State of Pennsylvania.

In their days and in ours, may we all be under God's protection. So may it be His will. Let us say, amen.

I would like to take this opportunity to wish all of you an enjoyable summer and, God willing, I will see you in September with some cake and a dollar again. God bless.

The PRESIDENT. The Chair thanks Rabbi Isaacson, who is the guest today of Senator Stack.

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 Monday, June 26, 2006, will be postponed until the Journal is in print.

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS REFERRED TO COMMITTEE

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

STATE CHARTER SCHOOL APPEALS BOARD

June 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, Marcia Reeves, 131 Hoerner Street, Harrisburg 17103, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the State Charter School Appeals Board, to serve until June 14, 2009, and until her successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MEMBER OF THE CHILDREN'S TRUST FUND BOARD

June 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, Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Fifteenth Senatorial District, for appointment as a member of the Children's Trust Fund Board, to serve until March 16, 2007, and until her successor is appointed and qualified, vice Michael Noyes, Ph.D., Butler resigned.

EDWARD G. RENDELL
Governor

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

June 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, B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, for appointment as a member of the Board of Trustees of Danville State Hospital, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified, vice Bernard Mayan, Riverside, resigned.

EDWARD G. RENDELL
Governor

**MEMBER OF THE BOARD OF TRUSTEES
OF HAMBURG CENTER**

June 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, B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, for appointment as a member of the Board of Trustees of Hamburg Center, to serve until the third Tuesday of January 2009, and until his successor is appointed and qualified, vice Annabelle Good, Allentown, resigned.

EDWARD G. RENDELL
Governor

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

June 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, Nina Tinari, 6401 Church Road, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, as a member of the Board of Trustees of Harrisburg State Hospital, to serve until the third Tuesday of January 2011, and until her successor is appointed and qualified, vice Annette L. Strite, Carlisle, resigned.

EDWARD G. RENDELL
Governor

**MEMBER OF THE PENNSYLVANIA
HISTORICAL AND MUSEUM COMMISSION**

June 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, Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as a member of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday of January

2007, and until her successor is appointed and qualified, vice Robert Janosov, Nanticoke, deceased.

EDWARD G. RENDELL
Governor

**MEMBER OF THE STATE BOARD
OF NURSING**

June 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, Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as a member of the State Board of Nursing, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Rena Lawrence, Lancaster, deceased.

EDWARD G. RENDELL
Governor

**MEMBER OF THE STATE BOARD
OF OSTEOPATHIC MEDICINE**

June 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, Nora Peterman, (Public Member) 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as a member of the State Board of Osteopathic Medicine, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Esther Richwine, Harrisburg, whose term expired.

EDWARD G. RENDELL
Governor

PHYSICIAN GENERAL

June 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, B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, for appointment as Physician General, to serve at the pleasure of the Governor, vice The Honorable Robert Muscalus, Harrisburg, resigned.

EDWARD G. RENDELL
Governor

**MEMBER OF THE BOARD OF TRUSTEES
OF SOUTH MOUNTAIN RESTORATION CENTER**

June 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, B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, for appointment as a member of the Board of Trustees of South Mountain Restoration Center, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified, vice Gordon Madison, Chambersburg, resigned.

EDWARD G. RENDELL
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF
THADDEUS STEVENS COLLEGE OF TECHNOLOGY**

June 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, Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Fifteenth Senatorial District, for appointment as a member of the Board of Trustees of Thaddeus Stevens College of Technology, to serve until the third Tuesday of January 2011, and until her successor is appointed and qualified, vice Stephen L. Ralston, Coatesville, resigned.

EDWARD G. RENDELL
Governor

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

June 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, Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as a member of the Board of Trustees of Torrance State Hospital, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified, vice Rev. Dr. Roger Petersen, Blairsville, resigned.

EDWARD G. RENDELL
Governor

**MEMBER OF THE CLARION COUNTY
BOARD OF ASSISTANCE**

June 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, Nina Tinari, 6401 Church Road, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, for appointment as a member of the Clarion County Board of Assistance, to serve until December 31, 2008, and until her successor is appointed and qualified, vice Sally Hartle, Marble, declined appointment.

EDWARD G. RENDELL
Governor

**MEMBER OF THE CUMBERLAND COUNTY
BOARD OF ASSISTANCE**

June 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, Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the Cumberland County Board of Assistance, to serve until December 31, 2007, and until his successor is appointed and qualified, vice Harold Frantz, Mechanicsburg, deceased.

EDWARD G. RENDELL
Governor

**MEMBER OF THE CUMBERLAND COUNTY
BOARD OF ASSISTANCE**

June 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, Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Fifteenth Senatorial District, for appointment as a member of the Cumberland County Board of Assistance, to serve until December 31, 2007, and until her successor is appointed and qualified, vice Leonard Sorensen, New Cumberland, resigned.

EDWARD G. RENDELL
Governor

**MEMBER OF THE ERIE COUNTY
BOARD OF ASSISTANCE**

June 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, Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as a member of the Erie County Board of Assistance, to serve until December 31, 2007, and until her successor is appointed and qualified, vice John Nesbit, Washington, resigned.

EDWARD G. RENDELL
Governor

**MEMBER OF THE GREENE COUNTY
BOARD OF ASSISTANCE**

June 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, Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Fifteenth Senatorial District, for

appointment as a member of the Greene County Board of Assistance, to serve until December 31, 2006, and until her successor is appointed and qualified, vice Peter Rameas, Waynesburg, resigned.

EDWARD G. RENDELL
Governor

**MEMBER OF THE HUNTINGDON COUNTY
BOARD OF ASSISTANCE**

June 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, B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, for appointment as a member of the Huntingdon County Board of Assistance, to serve until December 31, 2008, and until his successor is appointed and qualified, vice Joann Condellone, Huntingdon, resigned.

EDWARD G. RENDELL
Governor

**MEMBER OF THE LACKAWANNA COUNTY
BOARD OF ASSISTANCE**

June 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, Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the Lackawanna County Board of Assistance, to serve until December 31, 2006, and until his successor is appointed and qualified, vice Frank Grecco, Carbondale, deceased.

EDWARD G. RENDELL
Governor

**MEMBER OF THE LACKAWANNA COUNTY
BOARD OF ASSISTANCE**

June 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, Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as a member of the Lackawanna County Board of Assistance, to serve until December 31, 2007, and until her successor is appointed and qualified, vice Dominick Famularo, Carbondale, resigned.

EDWARD G. RENDELL
Governor

**MEMBER OF THE LANCASTER COUNTY
BOARD OF ASSISTANCE**

June 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, Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as a member of the Lancaster County Board of Assistance, to serve until December 31, 2007, and until her successor is appointed and qualified, vice MacDonald Stacks, resigned.

EDWARD G. RENDELL
Governor

**MEMBER OF THE SCHUYLKILL COUNTY
BOARD OF ASSISTANCE**

June 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, Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Fifteenth Senatorial District, for appointment as a member of the Schuylkill County Board of Assistance, to serve until December 31, 2007, and until her successor is appointed and qualified, vice Theodore Lachowicz, Shenandoah, deceased.

EDWARD G. RENDELL
Governor

**MEMBER OF THE WYOMING COUNTY
BOARD OF ASSISTANCE**

June 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, Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Fifteenth Senatorial District, for appointment as a member of the Wyoming County Board of Assistance, to serve until December 31, 2006, and until her successor is appointed and qualified, vice Mary P. Finan, Lake Winola, resigned.

EDWARD G. RENDELL
Governor

MAGISTERIAL DISTRICT JUDGE

June 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, Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, for appointment as Magisterial District Judge, in and for the County of Northampton, Magisterial District 03-2-11, to serve until the first Monday of January 2008, vice Elizabeth A. Romig, resigned.

EDWARD G. RENDELL
Governor

**RECALL COMMUNICATIONS
REFERRED TO COMMITTEE**

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the

Commonwealth, which was read as follows and referred to the Committee on Rules and Executive Nominations:

STATE CHARTER SCHOOL APPEALS BOARD

June 27, 2006

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 March 28, 2006, for the appointment of Marcia Reeves, 131 Hoerner Street, Harrisburg 17103, Dauphin County, Fifteenth Senatorial District, as a member of the State Charter School Appeals Board, to serve until June 14, 2009, and until her successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE PENNSYLVANIA ENERGY DEVELOPMENT AUTHORITY

June 27, 2006

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 April 18, 2006, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Fifteenth Senatorial District, as a member of the Pennsylvania Energy Development Authority, to serve until April 8, 2008, and until her successor is appointed and qualified, vice James M. Seif, Blue Bell, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF LANDSCAPE ARCHITECTS

June 27, 2006

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 March 30, 2006, for the appointment of Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, as a member of the State Board of Landscape Architects, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Richard G. Stauffer, Denver, resigned.

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

EDWARD G. RENDELL
Governor

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

June 27, 2006

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 April 17, 2006, for the appointment of B.J. Clark, 611 East Darby Road, Harvertown *[sic]* 19083, Delaware County, Seventeenth Senatorial District, as a member of the Board of Trustees of the Western Youth Development Centers, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified, vice Loretta Hogans, New Castle, resigned.

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

EDWARD G. RENDELL
Governor

MAGISTERIAL DISTRICT JUDGE

June 27, 2006

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 January 23, 2006, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Fifteenth Senatorial District, as Magisterial District Judge, in and for the County of Delaware, Magisterial District 32-2-48, to serve until the first Monday of January 2008, vice James F. Nilon, Jr., resigned.

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

EDWARD G. RENDELL
Governor

MAGISTERIAL DISTRICT JUDGE

June 27, 2006

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 March 30, 2006, for the appointment of Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as Magisterial District Judge, in and for the County of Forest/Warren, Magisterial District 37-4-03, to serve until the first Monday of January 2008, vice Curtis E. Carbaugh, resigned.

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

EDWARD G. RENDELL
Governor

HOUSE MESSAGE

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 1043**, 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.

RESOLUTIONS INTRODUCED AND REFERRED

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

June 27, 2006

Senators WENGER, WAUGH, BOSCOLA, MADIGAN, O'PAKE, ARMSTRONG, FERLO, ROBBINS, KASUNIC, CONTI, LAVALLE, WONDERLING, FONTANA, GORDNER, BRIGHTBILL, D. WHITE, PIPPY, GREENLEAF, RAFFERTY, PILEGGI, LOGAN, C. WILLIAMS, TARTAGLIONE, LEMMOND, ERICKSON, REGOLA, PICCOLA, BROWNE and STACK presented to the Chair **SR 325**, entitled:

A Resolution designating the month of August 2006 as "Pennsylvania Produce Month."

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, June 27, 2006.

Senators MADIGAN, STOUT, D. WHITE, CONTI and COSTA presented to the Chair **SR 326**, entitled:

A Resolution extending the time for reporting by the select committee to study innovative highway funding options for highways.

Which was committed to the Committee on TRANSPORTATION, June 27, 2006.

BILLS REPORTED FROM COMMITTEES

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

HB 183 (Pr. No. 4383) (Amended)

An Act amending the act of January 19, 1968 (1967 P.L.992, No.442), entitled, as amended, "An act authorizing the Commonwealth of Pennsylvania and the local government units thereof to preserve, acquire or hold land for open space uses," further providing for local taxing options; and providing for land trusts.

HB 2064 (Pr. No. 3963)

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for collections of assessments and for intergovernmental cooperation, joint ownership and maintenance.

HB 2065 (Pr. No. 3964)

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for manner of assessment and for intergovernmental cooperation, joint ownership and maintenance.

HB 2066 (Pr. No. 3965)

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further providing for intergovernmental cooperation, joint ownership and maintenance and for liens for assessments.

HB 2441 (Pr. No. 3510)

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, further providing for application of part; and providing for electronic bidding by local government units.

Senator WONDERLING, from the Committee on Communications and Technology, reported the following bills:

SB 1218 (Pr. No.1945) (Amended)

An Act amending the act of December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade Practices and Consumer Protection Law, defining "internet service provider."

HB 2134 (Pr. No. 4384) (Amended)

An Act limiting the collection of Social Security numbers on State and local government forms; prohibiting health insurers from using Social Security numbers; and further providing for duties of the Department of Transportation.

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

SB 1266 (Pr. No. 1946) (Amended)

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for certain leaves of absence.

HB 2437 (Pr. No. 3506)

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for the amounts of part-time student assistance grants.

Senator MADIGAN, from the Committee on Transportation, reported the following bills:

HB 2295 (Pr. No. 3734)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a special registration plate for recipients of the Korean Defense Service Medal.

HB 2633 (Pr. No. 4282)

An Act designating the bridge on State Route 3027 which passes over U.S. Route 40 in Fayette County as the Cpl. Victor Kozares, D.S.C., Bridge.

HB 2740 (Pr. No. 4349)

An Act designating the bridge to carry State Route 68 over the Allegheny River from East Brady Borough, Clarion County, to Brady's Bend Township, Armstrong County, as the Sergeant Carl F. Curran II Memorial Bridge.

Senator GREENLEAF, from the Committee on Judiciary, reported the following bills:

SB 415 (Pr. No. 1949) (Amended)

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

HB 1447 (Pr. No. 1745)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for probable cause arrests in misdemeanor sexual offenses.

HB 1746 (Pr. No. 4389) (Amended)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for establishment of fees and charges for limitations of time for other offenses, for inspection of court files and records and for law enforcement records and for the expiration of provisions on access to justice; and making a related repeal.

HB 1944 (Pr. No. 4037)

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for a Statewide registry of protective orders; further providing for protective orders, for notice on protective orders and for violation of orders; providing for civil protective orders; and making editorial changes.

HB 2328 (Pr. No. 3624)

An Act amending Titles 18 (Crimes and Offenses) and Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for fines; and providing for the Criminal Justice Enhancement Account and for adoption of guidelines for fines.

RESOLUTION REPORTED FROM COMMITTEE

Senator MADIGAN, from the Committee on Transportation, reported the following resolution:

SR 326 (Pr. No. 1947)

A Resolution extending the time for reporting by the select committee to study innovative highway funding options for highways.

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

LEGISLATIVE LEAVES

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

Senator MELLOW. Madam President, I request a temporary Capitol leave for Senator Fumo, and legislative leaves for Senator Stout and Senator Connie Williams.

The PRESIDENT. Senator Mellow requests a temporary Capitol leave for Senator Fumo, and legislative leaves for Senator Stout and Senator Connie Williams. Without objection, the leaves will be granted.

CALENDAR

BILLS OUT OF ORDER

Without objection, the following bills on today's Calendar were called out of order by Senator PICCOLA, as Special Orders of Business.

**NONPREFERRED APPROPRIATION BILLS
ON SECOND CONSIDERATION**

HB 2504 (Pr. No. 3684) -- The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of April 1, 1863 (P.L.213, No.227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect; and providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure.

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

HB 2505 (Pr. No. 3685) -- The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of July 28, 1966 (3rd Sp.Sess., P.L.87, No.3), entitled "An act providing for the establishment and operation of the University of Pittsburgh as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the chancellor to make an annual report of the operations of the University of Pittsburgh," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure.

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

HB 2506 (Pr. No. 3686) -- The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of November 30, 1965 (P.L.843, No.355), known as the Temple University-Commonwealth Act, making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

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

HB 2507 (Pr. No. 3687) -- The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of July 7, 1972 (P.L.743, No.176), known as the Lincoln University-Commonwealth Act, making an appropriation for carrying the same into effect; providing for a basis for payments of the appropriation; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

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

HB 2508 (Pr. No. 3688) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Trustees of Drexel University, Philadelphia.

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

HB 2509 (Pr. No. 3689) -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Trustees of the University of Pennsylvania.

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

HB 2510 (Pr. No. 3690) -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Philadelphia Health and Education Corporation for the Colleges of Medicine, Public Health, Nursing and Health Professions and for continuation of pediatric services.

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

HB 2511 (Pr. No. 3691) -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Thomas Jefferson University, Philadelphia.

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

HB 2512 (Pr. No. 3692) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Philadelphia College of Osteopathic Medicine, Philadelphia.

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

HB 2513 (Pr. No. 3693) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Lake Erie College of Osteopathic Medicine, Erie.

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

HB 2514 (Pr. No. 3694) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Pennsylvania College of Optometry, Philadelphia.

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

HB 2515 (Pr. No. 3695) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the University of the Arts, Philadelphia, for instruction and student aid.

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

HB 2516 (Pr. No. 3696) -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Trustees of the Berean Training and Industrial School at Philadelphia for operation and maintenance expenses and for payment of debt service.

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

HB 2517 (Pr. No. 3697) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Johnson Technical Institute of Scranton for operation and maintenance expenses.

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

HB 2518 (Pr. No. 3698) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Williamson Free School of Mechanical Trades in Delaware County for operation and maintenance expenses.

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

HB 2519 (Pr. No. 3699) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Fox Chase Institute for Cancer Research, Philadelphia, for the operation and maintenance of the cancer research program.

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

HB 2520 (Pr. No. 3700) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Wistar Institute, Philadelphia, for operation and maintenance expenses and for AIDS research.

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

HB 2521 (Pr. No. 3701) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Central Penn Oncology Group.

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

HB 2522 (Pr. No. 3702) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Lancaster Cleft Palate for outpatient-inpatient treatment.

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

HB 2523 (Pr. No. 3703) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Burn Foundation, Philadelphia, for outpatient and inpatient treatment.

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

HB 2524 (Pr. No. 3704) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to The Children's Institute, Pittsburgh, for treatment and rehabilitation of certain persons with disabling diseases.

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

HB 2525 (Pr. No. 3705) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to The Children's Hospital of Philadelphia for comprehensive patient care and general maintenance and operation of the hospital.

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

HB 2526 (Pr. No. 3706) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Beacon Lodge Camp.

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

HB 2527 (Pr. No. 3707) -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Carnegie Museums of Pittsburgh for operations and maintenance expenses and the purchase of apparatus, supplies and equipment.

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

HB 2528 (Pr. No. 3708) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Franklin Institute Science Museum for maintenance expenses.

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

HB 2529 (Pr. No. 3709) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Academy of Natural Sciences for maintenance expenses.

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

HB 2530 (Pr. No. 3710) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the African-American Museum in Philadelphia for operating expenses.

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

HB 2531 (Pr. No. 3711) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Everhart Museum in Scranton for operating expenses.

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

HB 2532 (Pr. No. 3712) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Mercer Museum in Doylestown, Pennsylvania, for operating expenses.

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

HB 2533 (Pr. No. 3713) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Whitaker Center for Science and the Arts in Harrisburg, Pennsylvania, for operating expenses.

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

NONPREFERRED APPROPRIATION BILLS RECOMMITTED

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

Senator PICCOLA. Madam President, I move to recommit House Bills 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532 and 2533 to the Committee on Appropriations.

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

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

YEA-50

Armstrong	Gordner	Orie	Tomlinson
Boscola	Greenleaf	Piccola	Vance
Brightbill	Hughes	Pileggi	Washington
Browne	Jubelirer	Pippy	Waugh

Conti	Kasunic	Punt	Wenger
Corman	Kitchen	Rafferty	White, Donald
Costa	LaValle	Regola	White, Mary Jo
Dinniman	Lemmond	Rhoades	Williams, Anthony H.
Earll	Logan	Robbins	Williams, Constance
Erickson	Madigan	Scarnati	Wonderling
Ferlo	Mellow	Stack	Wozniak
Fontana	Musto	Stout	
Fumo	O'Pake	Tartaglione	

NAY-0

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

The PRESIDENT. The bills will be recommitted to the Committee on Appropriations.

SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR ROBERT C. WONDERLING PRESENTED TO THE SENATE

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

Senator WONDERLING. Madam President, I am delighted to have three young students participating in our Wondership Student Internship program.

First we are joined by Patrick Leibowitz, who attended East Stroudsburg, but now attends Temple University in Philadelphia, and is working out of our Lansdale office in Montgomery County. He is currently an English major and aspires to go into music promotion upon graduation.

He is joined by Ashley Hawk, who currently attends Waynesburg College, has a 4.0 GPA, is active on campus in sports and cross county and Habitat for Humanity. She is enrolled in the computer forensic course of study, and hopes to be an FBI agent someday. She has been assisting us on issues relating to competition in the cable television industry.

Finally, Eric Radvany, who is currently a sophomore at Penn State University as a marketing major, and he, too, works out of our Lansdale office in Montgomery County.

Madam President I am delighted that these three young individuals are with us today, and I ask for a hearty welcome on behalf of the Senate.

The PRESIDENT. Would the guests of Senator Wonderling - Patrick Leibowitz, Ashley Hawk, and Eric Radvany - please rise so we can give you a nice warm welcome.

(Applause.)

GUESTS OF SENATOR JOHN C. RAFFERTY PRESENTED TO THE SENATE

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

Senator RAFFERTY. Madam President, I have the distinguished privilege of introducing two college students who are interning in my office this summer, gaining knowledge of State government, and very anxious to perform their duties for the constituents of the 44th district in the Commonwealth.

With me this afternoon is Lauren Gohde, who is from Blue Bell, Pennsylvania. She graduated from Wissahickon High School and is entering her senior year at Shippensburg

University. She is a candidate for a bachelor's degree in communications and journalism, with a concentration in print media and a minor in political science. She has been inducted into the National Honors Scholar Society, is editor-in-chief of Shippensburg University's Cumberland Yearbook, a National Honor Music Fraternity member, Pi Nu Epsilon. I still remember my Greek alphabet.

Also with me is Matthew J. Lisowski. I have known him since he was a young man at St. Teresa's where he used to be an altar boy, and now he is entering his junior year at the University of Notre Dame. He is a graduate of Archbishop Carroll, a Notre Dame Scholar, National Merit Finalist, a PricewaterhouseCoopers Scholarship recipient and currently works for Notre Dame sports, an avid sportsman, and an outstanding athlete in both ice hockey and baseball. He served as a catcher for a number of years, and had the distinct pleasure of having me umpire some of his games.

I ask the Senate to give its traditional warm welcome to Matt Lisowski and Lauren Gohde, who are with us today.

The PRESIDENT. Would Lauren Gohde and Matt Lisowski please rise so we can give you a nice warm welcome.

(Applause.)

GUESTS OF SENATOR CHARLES D. LEMMOND AND SENATOR RAPHAEL J. MUSTO PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Luzerne, Senator Lemmond.

Senator LEMMOND. Madam President, on behalf of Senator Musto and myself, I am delighted to present to you and the Senate 43 men and women from various churches in the Dallas area of Luzerne County. They are Alice and Charles Bartlett, Art and Sandy Peoples, Gene and Deb Kelleher, Bob and Joan Deeble, Jay and Alice Niskey, Ned and Betsy Podehl, Howard and Barbara Shafer, Dan and Liz Plashinski, Bill and Naomi Ward, Dave Schooley, Skip and Helen Davis, Hans and Diana Dreher, Vern and Julia Crispell, Royal and Marge Culp, Robert and Fran Williams, Ted and Ruth Ellen Rebennack, Dick and Joan Williams, Harrison and Lois Cook, Pete and Carol Roushey, Gail Elston and Peggy Tomkinson, Fred Gribble, Clarence and Morag Michael, and Reverend Dr. William Lewis.

Every Tuesday morning the men meet at a place called Pickett's Charge for a reasonably good breakfast, a fine, very short period of devotions, and one hour of superb fellowship. The wives have joined us today, and I thank the Chair on their behalf for speaking with them on the floor of the Senate this morning. They came to see if this truly was, as President Roosevelt said 100 years ago, the grandest Capitol in the nation. They fully agree, and with Dr. Lewis, Gene Kelleher, and Bob Deeble at their head, they thank the Chair and the Senate for their hospitality. I present them to the Senate, and hopefully, we all may welcome them this morning.

The PRESIDENT. Will the guests of Senator Lemmond and Senator Musto from the Dallas area in Luzerne County please rise so we can give you a nice round of applause.

(Applause.)

GUESTS OF SENATOR LEANNA WASHINGTON AND SENATOR SHIRLEY KITCHEN PRESENTED TO THE SENATE

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

Senator WASHINGTON. Madam President, I rise today to recognize Joyce Alexander, Harriett Ahmed, June Burris, and Shirley Boggs, who are constituents of mine and Senator Kitchen. These brave women from Philadelphia have suffered and experienced some tragedy in their families because of gun violence, and they are here today to show their support for reasonable measures to help stop the terror of violence in our communities.

Senator Kitchen and I ask our colleagues to join us in welcoming these brave women to Harrisburg, and to salute them for their bravery and commitment to reducing the city's violence.

The PRESIDENT. Thank you, ladies.

(Applause.)

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Banking and Insurance to meet during today's Session to consider House Bill No. 2542.

RECESS

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

Senator PICCOLA. Madam President, I request a recess of the Senate, first for a meeting of the Committee on Appropriations in the Rules room, to be followed immediately by a meeting of the Committee on Banking and Insurance, and then to be followed by a Republican caucus.

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

Senator O'PAKE. Madam President, I ask the Democrats to come to our caucus room after the committee meetings. I would also like to ask the Majority Whip how long the Republican caucus will last?

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

Senator PICCOLA. Madam President, I anticipate our caucus lasting between 1 1/2 to 2 hours.

The PRESIDENT. There will be a recess of the Senate, first for a meeting of the Committee on Appropriations, to be followed by a meeting of the Committee on Banking and Insurance, and then for Republican and Democratic caucuses. We will return in approximately an hour and a half. For those purposes, without objection, the Senate stands in recess.

AFTER RECESS

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

LEGISLATIVE LEAVES

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

Senator PICCOLA. Madam President, I request temporary Capitol leaves for Senator Lemmond and Senator Punt.

The PRESIDENT. Senator Piccola requests temporary Capitol leaves for Senator Lemmond and Senator Punt. Without objection, the leaves will be granted.

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

Senator O'PAKE. Madam President, I request temporary Capitol leaves for Senator Mellow, Senator Tartaglione, and Senator Anthony Williams.

The PRESIDENT. Senator O'Pake requests temporary Capitol leaves for Senator Mellow, Senator Tartaglione, and Senator Anthony Williams. Without objection, the leaves will be granted.

CONSIDERATION OF CALENDAR RESUMED

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

BILL OVER IN ORDER

SB 243 -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

THIRD CONSIDERATION CALENDAR

BILLS OVER IN ORDER

HB 456, SB 691, SB 772 and HB 801 -- Without objection, the bills were passed over in their order at the request of Senator PICCOLA.

BILL AMENDED AND OVER IN ORDER TEMPORARILY

HB 804 (Pr. No. 4160) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for unattended children in motor vehicles and for fleeing or attempting to elude police officer.

On the question,

Will the Senate agree to the bill on third consideration?

Senator CONTI offered the following amendment No. A8690:

Amend Title, page 1, line 2, by inserting after "Statutes,": prohibiting operators from using handheld mobile telephones;

Amend Bill, lines 8 and 9, by striking out all of said lines and inserting:

Section 1. Title 75 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 3316. Prohibiting use of handheld mobile telephones.

(a) General rule.—Except as provided in subsection (b), no driver shall operate any moving vehicle on a highway of this Commonwealth, which shall include Federal, State and municipal highways, while using a handheld mobile telephone. This subsection shall not prohibit the use of a hands-free mobile telephone while operating a motor vehicle.

(b) Exception.—This section shall not apply to law enforcement officers and operators of emergency vehicles when on duty and acting in their official capacities.

(c) Defense.—It shall be a defense to a prosecution brought for a violation of this section that the driver had reason to fear for the driver's safety, was reporting a traffic accident or was making a "911" emergency call.

(d) Penalty.—A person who violates this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$250.

(e) Secondary offense.—No person shall be convicted of a violation of subsection (a) unless the person is also convicted of another violation of this title which occurred at the same time.

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

"Engage in a call." Talking into or listening on a hand-held mobile telephone. This term shall not include holding a mobile telephone to activate, deactivate or initiate a function of such telephone.

"Handheld mobile telephone." A mobile telephone other than a hands-free mobile telephone with which a user engages in a call using at least one hand.

"Hands-free mobile telephone." A mobile telephone that has an internal feature or function, or that is equipped with an attachment or addition, whether or not permanently part of such mobile telephone, by which a user engages in a call without the use of either hand, whether or not the use of either hand is necessary to activate, deactivate or initiate a function of such telephone.

"Immediate proximity." The distance permitting the operator of a mobile telephone to hear telecommunications transmitted over the mobile telephone, but without requiring physical contact of the mobile telephone with the operator's ear.

"Mobile telephone." The device used by subscribers and other users of wireless telephone service to access such service.

"Using." Holding a mobile telephone to, or in the immediate proximity of, the user's ear.

"Wireless telephone service." The two-way real time voice telecommunications service that is interconnected to a public switched telephone network and is provided by a commercial mobile radio service, as defined by 47 CFR § 20.3.

Section 2. Section 3701.1(b) of Title 75 is amended to read:

Amend Sec. 2, page 1, line 15, by striking out "2" and inserting: 3

Amend Sec. 3, page 3, line 6, by striking out "3" and inserting: 4

On the question,

Will the Senate agree to the amendment?

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

Senator O'PAKE. Madam President, would the gentleman briefly explain his amendment?

The PRESIDENT. The gentleman indicates that he will.

Senator CONTI. Yes, Madam President, this is the cell phone amendment, the secondary offense amendment. Does the gentleman want more of an explanation?

Senator O'PAKE. Madam President, this would make hand-held cell phones illegal, but would only be citable if it were in conjunction with another violation?

Senator CONTI. That is correct, Madam President.

Senator O'PAKE. Madam President, the same as the seatbelt law?

Senator CONTI. That is correct, Madam President.

And the question recurring,

Will the Senate agree to the amendment?

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

YEA-38

Boscola	Greenleaf	Piccola	Vance
Browne	Hughes	Pileggi	Washington
Conti	Kasunic	Punt	Wenger
Costa	Kitchen	Rafferty	White, Mary Jo
Dinniman	LaValle	Regola	Williams, Anthony H.
Earl	Logan	Rhoades	Williams, Constance
Erickson	Mellow	Stack	Wonderling
Ferlo	Musto	Stout	Wozniak
Fontana	O'Pake	Tartaglione	
Gordner	Orie	Tomlinson	

NAY-12

Armstrong	Fumo	Madigan	Scarnati
Brightbill	Jubelirer	Pippy	Waugh
Corman	Lemmond	Robbins	White, Donald

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

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Fumo has returned, and his temporary Capitol leave is cancelled.

On the question,

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

Senator MADIGAN offered the following amendment No. A8286:

Amend Title, page 1, lines 2 through 5, by striking out all of said lines and inserting: Statutes, further providing for an electronic titling program, for unattended children in motor vehicles and for fleeing or attempting to elude police officer.

Amend Bill, page 1, lines 8 and 9, by striking out all of said lines and inserting:

Section 1. Section 1151 of Title 75 of the Pennsylvania Consolidated Statutes is amended to read:
§ 1151. Electronic media system for vehicle titles.

(a) Initial responsibilities of department.—The department is authorized to form a task force for the purpose of developing a system which will permit the voluntary recording of vehicle title information for new, transferred and corrected certificates of title, including the perfection and release of security interests, through electronic media in a cost-effective manner in lieu of the submission and maintenance of paper documents otherwise required by this chapter. The members of the task force shall be appointed by the secretary and shall include representatives from the department, the commercial banking industry, sales finance companies, credit unions, savings institutions and the vehicle dealership industry.

(b) Task force responsibilities.—The task force shall research methods whereby the department, lending institutions and sales finance companies may exchange and maintain information concerning the perfection and release of vehicle security interests without submitting or receiving the paper title document. Further, the task force shall develop methods whereby lending institutions and sales finance companies may submit, through a variety of electronic media, updated information pertaining to the title record, including the addition, assignment or release of vehicle security interests.

(c) Expiration.—This section expires January 1, 2007.

Section 2. Title 75 is amended by adding a section to read:

§ 1151.1. Program.

(a) General rule.—The department shall administer an electronic titling program that permits the recording of vehicle title information for new, transferred and corrected certificates of title through electronic media in a cost-effective manner in lieu of the submission and maintenance of paper documents otherwise required by this chapter.

(b) Description.—The electronic titling program shall include, but not be limited to, methods by which vehicle title information, including the perfection, release and assignment of vehicle security interests may be submitted through electronic media.

(c) Mandatory participation.—Except for individuals and lienholders who are not normally engaged in the business or practice of financing vehicles, lienholders shall participate in the electronic titling program.

Section 3. Sections 1152 and 1154 of Title 75 are amended to read:
§ 1152. Development of pilot program.

(a) Pilot program development.—The task force appointed under section 1151 (relating to electronic media system for vehicle titles) shall develop a pilot program to implement voluntary electronic transactions in lieu of the paper documents required by this chapter. The department may limit the number of counties in which the pilot program will be in effect and may also limit the number of lending institutions and sales finance companies participating in the program, but shall encourage lending institutions and sales finance companies of various sizes to participate.

(b) Expiration.—This section expires January 1, 2007.

§ 1154. Expansion of pilot program.

(a) Pilot program expansion.—If, after 12 months of operation, the secretary certifies in the Pennsylvania Bulletin that the pilot program created under section 1152 (relating to development of pilot program) has been successful, the department shall promulgate regulations governing voluntary electronic media transactions in lieu of submission and maintenance of paper documents otherwise required by this chapter. Until the regulations are adopted, the department may maintain and expand the pilot program provided for in section 1152.

(b) Expiration.—This section expires January 1, 2007.

Section 4. Section 3701.1(b) of Title 75 is amended to read:

Amend Sec. 2, page 1, line 15, by striking out "2" and inserting: 5
Amend Bill, page 3, line 6, by striking out all of said line and inserting:

Section 6. This act shall take effect as follows:

(1) The addition of 75 Pa.C.S. § 1151.1(c) shall take effect in two years.

(2) The remainder of this act shall take effect in 60 days.

On the question,

Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentleman from Bradford, Senator Madigan.

Senator MADIGAN. Madam President, this amendment implements the pilot program which has been ongoing between lienholders and automobile dealers and would make it mandatory, and it would be implemented over a 2-year period.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

The PRESIDENT. Without objection, the bill will go over in its order temporarily, as amended.

BILL LAID ON THE TABLE

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

An Act regulating certain services provided by a nonresident physician.

Upon motion of Senator PICCOLA, and agreed to by voice vote, the bill was laid on the table.

SB 1230 CALLED UP OUT OF ORDER

SB 1230 (Pr. No. 1819) -- Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator PICCOLA, as a Special Order of Business.

BILL AMENDED

SB 1230 (Pr. No. 1819) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, deleting provisions relating to supplier licenses.

On the question,

Will the Senate agree to the bill on third consideration?

Senator FUMO offered the following amendment No. A8753:

Amend Title, page 1, line 2, by removing the period after "licenses" and inserting: and providing for a law enforcement agency grant fund.

Amend Sec. 2, page 3, line 5, by striking out ", 1324, 1513(b) and (c) and 1518(b)" and inserting: and 1324

Amend Bill, page 8, by inserting between lines 13 and 14:

Section 3. Title 4 is amended by adding a section to read:

§ 1410. Law enforcement agency grant fund.

(a) Establishment.—There is hereby established in the State Treasury a special fund to be known as the Attorney General and Local District Attorney's Grant Fund. All moneys in the fund shall be administered by the board and expended for the purpose of carrying out their respective responsibilities under this part. The fund shall consist of money allocated to it from the assessment established in this section.

(b) Daily assessment.—Each licensed gaming entity shall pay a daily assessment of 4% of its gross terminal revenue to the Attorney General and Local District Attorney's Grant Fund established in subsection (a).

Section 4. Sections 1513(b) and (c) and 1518(b) of Title 4 are amended to read:

Amend Sec. 3, page 11, line 13, by striking out "3" and inserting:
5

On the question,

Will the Senate agree to the amendment?

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

Senator FUMO. Madam President, this amendment establishes a law enforcement agency grant fund, and it establishes additional funds for the Attorney General to enforce gaming in Pennsylvania.

Thank you.

And the question recurring,

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 PICCOLA

BILL OVER IN ORDER

SB 865 -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

BILL AMENDED

SB 1046 (Pr. No. 1828) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for adoption by regulations.

On the question,

Will the Senate agree to the bill on third consideration?

Senator CORMAN offered the following amendment No. A8620:

Amend Title, page 1, line 6, by removing the period after "regulations" and inserting: , for training of inspectors and for exemptions.

Amend Bill, page 2, line 11, by striking out all of said line and inserting:

Section 2. Sections 701(b) and 901(b) of the act, amended July 15, 2004 (P.L.748, No.92), are amended to read:

Section 701. Training of inspectors.

(b) Categories of inspectors.—

(1) The department, in consultation with BOCA and other interested parties, shall establish appropriate categories of code administrators.

(2) A code administrator may act in place of a lumber grading or inspection agency to satisfy the requirement set forth under section 2303.1.1 of the 2003 International Building Code or its successor code or section R404.2.1, R502.1, R602.1 or R802.1 of the 2003 International Residential Code for One- and Two-Family Dwellings or its successor code.

Section 901. Exemptions.

(b) Religious beliefs.—

(1) An applicant for a construction permit for a dwelling unit or one-room schoolhouse utilized by a member or members of a recognized religious sect may file an application with a code administrator to be exempted from [an electrical provision of] the Uniform Construction Code, as provided in this subsection, which conflicts with the applicant's religious beliefs. The application shall state the manner in which the provision conflicts with the applicant's religious beliefs and shall include an affidavit by the applicant stating that:

(i) the applicant is a member of a recognized religious sect;

(ii) the religious sect has established tenets or teachings which conflict with:

(A) an electrical provision of the Uniform Construction Code;

(B) a lumber or wood provision, not relating to pressure treatment, of the Uniform Construction Code.

(iii) the applicant adheres to the established tenets or teachings of the sect;

(iv) in the case of a dwelling unit, the dwelling unit will be used solely as a residence for the applicant and the applicant's household; and

(v) in the case of a one-room schoolhouse, the one-room schoolhouse will be used solely by members of the religious sect.

(2) A code administrator shall grant an application for an

exemption if made in accordance with paragraph (1).

(3) If an applicant receives an exemption for any building under this subsection and the applicant subsequently sells or leases the building to a person not of the same recognized religious sect, the applicant shall bring the building into compliance with the provision of the Uniform Construction Code from which it was exempted under this subsection prior to the sale or lease of the building unless the prospective subsequent owner or lessee files an affidavit in compliance with paragraph (1)(i) through (iv).

Section 3. The amendment of section 901(b) of the act shall apply to permits applied for on or after the effective date of this act.

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

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

Senator O'PAKE, on behalf of Senator MELLOW, offered the following amendment No. A8762:

Amend Sec. 1 (Sec. 301), page 1, line 18, by striking out "hot tub or spa"

Amend Sec. 1 (Sec. 301), page 2, lines 3 and 4, by striking out "hot tub or spa"

On the question,

Will the Senate agree to the amendment?

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

Senator PICCOLA. Madam President, for the benefit of the Members, the Republicans did not caucus on this amendment. I do not think it is necessary that we do so. As I understand the amendment, it removes spas and hot tubs from the base bill, and if Senator O'Pake could confirm that, I would appreciate it.

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

Senator O'PAKE. Madam President, the gentleman is correct. It does delete those items that he mentioned.

And the question recurring,

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 PICCOLA.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1158 (Pr. No. 1661) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for a tax credit to encourage property owners to include visitability design features on their properties.

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

NAY-0

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

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

BILL AMENDED

SB 1244 (Pr. No. 1873) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for certain individuals vested with powers of deputy Game Commission officers.

On the question,

Will the Senate agree to the bill on third consideration?

Senator CONTI offered the following amendment No. A8345:

Amend Sec. 1 (Sec. 902), page 2, line 1, by inserting after "retired":
] Active

Amend Sec. 1 (Sec. 902), page 2, line 3, by inserting an underscored period after "officers"

Amend Sec. 1 (Sec. 902), page 2, line 3, by inserting a bracket before ", including"

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 PICCOLA.

BILL OVER IN ORDER

HB 1320 -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1632 (Pr. No. 4284) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 22, 1974 (P.L.589, No.205), known as the Unfair Insurance Practices Act, further defining "abuse," "unfair methods of competition" and "unfair or deceptive acts or practices."

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

On the question,
Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

BILLS OVER IN ORDER

HB 1725 and HB 2003 -- Without objection, the bills were passed over in their order at the request of Senator PICCOLA.

BILL AMENDED

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.

On the question,

Will the Senate agree to the bill on third consideration?

Senator O'PAKE, on behalf of Senator MELLOW, offered the following amendment No. A8175:

Amend Sec. 1 (Sec. 217), page 4, line 6, by inserting after "on":
underage

Amend Sec. 1 (Sec. 217), page 4, line 22, by striking out "JANUARY" and inserting: February

On the question,
Will the Senate agree to the amendment?
It was agreed to.

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

Senator D. WHITE offered the following amendment No. A8768:

Amend Title, page 1, line 19, by removing the period after "Assembly" and inserting: ; and further providing for special occasion permits.

Amend Bill, page 4, by inserting between lines 27 and 28:

Section 2. Section 408.4 of the act is amended by adding a subsection to read:

Section 408.4. Special Occasion Permits.--

* * *

(q) Notwithstanding any provision of law to the contrary, the board may issue a special occasion permit to an eligible entity located in a dry municipality if the board is provided with a copy of a resolution adopted by the municipality's governing body confirming support for the issuance of the special occasion permit. This subsection shall expire on January 1, 2007.

Amend Sec. 2, page 4, line 28, 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 PICCOLA.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 1

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1230 (Pr. No. 1952) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, deleting provisions relating to supplier licenses; and providing for a law enforcement agency grant fund.

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 Philadelphia, Senator FUMO.

Senator FUMO. Madam President, I just want to ask for a "no" vote. The concept of the distributors was an agreed to process in doing gaming in the first place. It is a chance to let people who cannot afford \$50 million for a gaming franchise into the business. If we do away with the distributors, there are only two people we are helping, we are helping the licensees who are about to make hundreds of millions of dollars a year, and we are helping the manufacturers. We are doing nothing for people in Pennsylvania.

We do away with this, we are helping people in Vegas and people on Wall Street, and that is what this is about.

Madam President, I ask for a "no" vote on the bill.

Could we be at ease for a second, Madam President?

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

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

Senator ORIE. Madam President, I rise in support of this legislation, and ask my colleagues to follow suit.

First, no other State that has legalized casino gambling requires a casino to use a middleman to purchase slot machines from manufacturers or to maintain these machines. Manufacturers are permitted to market and service the machines as they choose within the requirements of the law.

Second, the use of a supplier middleman adds an unnecessary layer of bureaucracy created by the new law, and as we all know, layers of bureaucracy increase costs. From the gaming board which must police these licenses, to the manufacturers who must pay for these unneeded services, to the casinos that will pay a higher cost for the slot machines so the middleman can get their cut, and to the workforce whose wages may not be as high because more casino revenue must be dedicated to pay the suppliers for unneeded services, this is layers and layers of bureaucracy and, more importantly, is the inference of political nepotism being utilized with these suppliers.

One of the things I wanted to emphasize, Madam President, is that suppliers are not required to establish a place of business in the Commonwealth for one year from the time the license is issued. Therefore, it is entirely possible that the Commonwealth will not benefit from any jobs related to selling machines for one year, the year during which the majority of the slot machines are being purchased. Slot machine manufacturers have indicated that the supplier middleman provision in Pennsylvania State law is troublesome, particularly with respect to the maintenance and repair of their slot machines. Unless slot machine manufacturers have the ability to control the personnel who maintain and repair their machines, there is an opportunity for fraud, corruption, and criminal activity.

For these reasons, and so many more, Madam President, I ask for a "yes" vote on Senate Bill No. 1230.

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

Senator FUMO. Madam President, unfortunately, I did not hear everything that the gentlewoman said, but she did emphasize my point, that if you want to do casinos and out-of-town manufacturers a favor, vote for this bill. You know, that is what this is about. As far as reducing revenues to the Commonwealth, the revenue to the Commonwealth is based on the GTR, or gross terminal revenue. It has nothing to do with operational revenue, so I wish that the gentlewoman would read the whole bill a little bit closer and become a little more familiar with the gambling statute, which she opposed, so we can have an honest discussion here.

The bottom line here is, if you want to do a favor for our-of-town manufacturers and big casino operators, then vote for this. If you want to keep jobs out of Pennsylvania, then vote for this. That is all this is about, Madam President. There is no

fraud, corruption, and criminal activity. We have a gaming board doing in-depth background investigations. We are not going to have that problem. That is always a scare thing. Now maybe she is upset that Mr. Roddey applied for a license. I do not know, but he was a good Republican, I heard. You cannot control who applies for a license. There is no cap on these licenses. There is no limited number. Anybody who wanted to could have applied for a license, and still can, and they are by definition going to be Pennsylvania companies.

So, Madam President, when we really strip it all away, if you want to do a favor for the big casinos and manufacturers, then vote for this. That is all this is about. You do them a favor. I guess you cannot get a political contribution from them anymore, so that may not be a reason, but you can get something for Federal candidates. Madam President, that is what this is about. From day one, this was an opportunity to create more jobs in Pennsylvania for smaller Pennsylvania companies that could not afford \$50 million. We originally wanted to have manufacturers locate their plants in Pennsylvania, but we found out that was impractical and we could not get that done, so this was a secondary position to try to create more employment for average Pennsylvanians. If you are a multimillionaire and you apply for a license, and we know who all those people are, if you want to do them a favor, vote for this bill. If you are for out-of-town manufacturers like IGT and others who have a substantial lobbying force up here and you want to do them a favor, then vote for this bill. But if you want to keep jobs in Pennsylvania and help smaller companies in Pennsylvania, then vote "no." This is a red herring issue, Madam President.

Thank you, Madam President.

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

Senator WONDERLING. Madam President, I support Senator Orie and ask for a "yes" vote on this bill. Regardless of who makes political contributions to whom, regardless of where equipment in any sector is manufactured, and this just happens to be the gaming sector, regardless of what was, quote, "agreed to" many months ago and what is currently in statute, we cannot disagree with the economic facts of life. The economic facts of life, and I do not care what business you are in, are that if you are not materially adding value to or enhancing the final product or service delivered, then in a global economy, you are not necessary. That is what this bill does. It is an attempt by legislators to artificially create a middleman who adds no value, brings no material value to the end product or service, as related to the gaming industry. All it does, in my opinion, is provide certain insiders with opportunities to gain wealth and access at the expense of working men and women in this Commonwealth. I support the bill, Madam President.

Thank you.

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

Senator ORIE. Madam President, I will speak just briefly. When Senator Fumo says that we need this provision in order to create jobs in Pennsylvania, with slot machines, the way it is without the middleman, the service and repair personnel are a necessary component to the gaming industry, and these personnel will be hired in the Commonwealth with or without the supplier

license, and given the number of slot machines to be licensed in this State, these personnel will live and work in Pennsylvania, contributing to our tax base. It is false to assume that you need the middleman to create these jobs. The middleman is created for political nepotism, and nothing more than that.

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	Pippy	Wagh
Brightbill	Jubelirer	Punt	Wenger
Browne	LaValle	Rafferty	White, Donald
Corman	Lemmond	Regola	White, Mary Jo
Earl	Madigan	Rhoades	Wonderling
Erickson	Orie	Robbins	
Ferlo	Piccola	Scarnati	
Gordner	Pileggi	Vance	

NAY-21

Boscola	Hughes	O'Pake	Williams, Anthony H.
Conti	Kasunic	Stack	Williams, Constance
Costa	Kitchen	Stout	Wozniak
Dinniman	Logan	Tartaglione	
Fontana	Mellow	Tomlinson	
Fumo	Musto	Washington	

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.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILL OVER IN ORDER

HB 2425 -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

SECOND CONSIDERATION CALENDAR

BILLS REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 628 and **HB 1285** -- Without objection, the bills were passed over in their order at the request of Senator PICCOLA.

BILLS OVER IN ORDER

HB 10, HB 11, HB 28, HB 30, SB 557, SB 896, SB 924, SB 1052 and **SB 1093** -- Without objection, the bills were passed over in their order at the request of Senator PICCOLA.

BILL ON SECOND CONSIDERATION

SB 1121 (Pr. No. 1891) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for a program to address the illicit manufacture of methamphetamines in underground laboratories.

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

BILL OVER IN ORDER

SB 1140 -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

BILL ON SECOND CONSIDERATION

SB 1148 (Pr. No. 1894) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 22, 1935 (P.L.233, No.99), referred to as the Second Class City Policemen Relief Law, further providing for benefits for pensioners, surviving spouses, children and parents of police officers.

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

HB 804 CALLED UP

HB 804 (Pr. No. 4160) -- Without objection, the bill, which previously went over in its order temporarily, as amended, was called up, from page 2 of the Third Consideration Calendar, by Senator PICCOLA.

BILL AMENDED

HB 804 (Pr. No. 4160) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for unattended children in motor vehicles and for fleeing or attempting to elude police officer.

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

Senator PICCOLA, on behalf of Senator BRIGHTBILL, offered the following amendment No. A8739:

Amend Title, page 1, line 4, by striking out "AND" and inserting a comma

Amend Title, page 1, line 5, by removing the period after "OFFICER" and inserting: and for exemption from additional requirements for highway occupancy permits for agricultural purposes.

Amend Bill, page 3, by inserting between lines 5 and 6:

Section 3. Section 6103.1 of Title 75 is amended to read:

§ 6103.1. Exemption from additional requirements for highway

occupancy permits for agricultural purposes.

The department shall waive all additional requirements for a highway occupancy permit in a fifth through eighth class county when all of the following conditions exist:

- (1) The State highway has an overall width of at least 33 feet.
- (2) Not more than [five] 25 combination vehicles per week will access the highway.
- (3) The lack of sufficient land is not the result of a subdivision within ten years by the applicant.
- (4) The waiver is necessary for the expansion or creation of an agricultural operation which lacks other highway access points that could be permitted without waiver.
- (5) The applicant does not hold fee simple title to land necessary to provide access without this waiver.
- (6) The State highway has an average daily travel of less than 6,500 vehicles per day.
- (7) The highway access point has a sight distance of at least 500 feet.

Amend Sec. 3, page 3, line 6, by striking out "3" and inserting: 4

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

Senator M.J. WHITE offered the following amendment No. A8766:

Amend Sec. 2 (Sec. 3733), page 2, line 22, by striking out "or"

Amend Sec. 2 (Sec. 3733), page 2, line 23, by removing the period after "line" and inserting: or

Amend Sec. 2 (Sec. 3733), page 2, by inserting between lines 23 and 24:

(iii) endangers a law enforcement officer or member of the general public due to the driver engaging in a high-speed chase.

On the question,

Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentlewoman from Venango, Senator Mary Jo White.

Senator M.J. WHITE. Madam President, I apologize that my colleagues on the other side of the aisle did not have this amendment earlier. This is actually a rather simple amendment. The underlying offense in this bill refers to a driver of a motor vehicle who fails or refuses to stop when ordered to do so by a police officer. The existing amendment that was already there in the bill changes the grading of the offense.

I serve on the Pennsylvania Commission on Sentencing, and one of the complaints I get most frequently from judges and from law enforcement people is that the offense of a high-speed chase is undergraded. It is currently a misdemeanor with a \$500 fine. My amendment is upgrading an aggravated offense of fleeing or not stopping for a police officer under two circumstances, when the driver is under the influence of drugs or alcohol, or crosses a State line. My amendment would add a third aggravating factor that would move this into the felony classification, and that is when the driver endangers a law enforcement officer or a member of the general public due to engaging in a high-speed chase. I am told that these chases are extremely dangerous to the

public, and I think they should be graded well beyond a \$500 fine.

Thank you.

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

Senator O'PAKE. Madam President, would the gentlewoman consent to brief interrogation?

The PRESIDENT. The gentlewoman indicates that she will.

Senator O'PAKE. Madam President, under the gentlewoman's amendment, what would the penalty be?

Senator M.J. WHITE. Madam President, well, it would be a felony of the third degree. I am afraid it has been a long time since I practiced criminal law, so I do not remember what the range of penalties is for that particular offense.

Senator O'PAKE. Madam President, counsel advises that in his opinion, the maximum would be up to 7 years in jail.

Senator M.J. WHITE. Madam President, the sentencing guidelines would apply to whatever the minimum and maximum are under criminal law for a felony of the third degree.

Senator O'PAKE. Madam President, does the amendment define "high-speed chase?"

Senator M.J. WHITE. Madam President, we do not define "high-speed chase" in the bill. That was considered, but I think that is one of those situations where the courts will know them when they see them.

Senator O'PAKE. Madam President, since our Caucus did not see this amendment, I suggest we agree to the amendment today with the right to review the whole bill tomorrow, with the understanding that it might change tomorrow.

Thank you, Madam President.

And the question recurring,

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 PICCOLA.

BILL OVER IN ORDER

SB 1181 -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 1195 (Pr. No. 4369) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 6, 1989 (P.L. 169, No. 32), known as the Storage Tank and Spill Prevention Act, further providing for Underground Storage Tank Indemnification Fund and for Underground Storage Tank Pollution Prevention Program.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

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

BILL ON SECOND CONSIDERATION, AMENDED

SB 1224 (Pr. No. 1924) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 15, 1945 (P.L.547, No.217), known as the Conservation District Law, further providing for Commonwealth appropriations.

On the question,

Will the Senate agree to the bill on second consideration?

Senator WENGER offered the following amendment No. A8665:

Amend Sec. 1 (Sec. 14), page 3, line 4, by striking out "FOR" and inserting: from

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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 REREFERRED

SB 1232 (Pr. No. 1859) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the establishment of the Historic Preservation Incentive Grant Program for historic commercial and residential sites.

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

SB 1242 (Pr. No. 1918) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 14, 1992 (P.L.818, No.133), known as the Port of Pittsburgh Commission Act, further providing for the definition of "port district."

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

BILL OVER IN ORDER

SB 1245 -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

BILLS ON SECOND CONSIDERATION

HB 1528 (Pr. No. 4309) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 3 (Agriculture) and 34 (Game) of the Pennsylvania Consolidated Statutes, providing for taxidermists; and further providing for licenses and fees relating to taxidermists.

Considered the second time and agreed to,

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

HB 1928 (Pr. No. 4307) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for permit for movement during course of manufacture and for permits for movement of a mobile home or a modular housing unit and modular housing undercarriage.

Considered the second time and agreed to,

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

BILL REREFERRED

HB 2090 (Pr. No. 2880) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for powers of director of the Pennsylvania Game Commission.

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

UNFINISHED BUSINESS

BILLS REPORTED FROM COMMITTEES

Senator ARMSTRONG, from the Committee on Banking and Insurance, reported the following bill:

HB 2542 (Pr. No. 4003)

An Act amending Title 13 (Commercial Code) of the Pennsylvania Consolidated Statutes, further providing, in secured transactions, for effectiveness of actions prior to amendment and for continued effectiveness of financing statements.

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

SB 993 (Pr. No. 1893) (Rereported)

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing, in sales and use tax, for assessment, for reassessment, for review by Board of Finance and Revenue, for appeal to Commonwealth Court, for refund of sales tax attributed to bad debt, for refund or credit for overpayment, for restriction on refunds, for refunds, for refund petition, for review by Board of Finance and Revenue, for appeal to Commonwealth Court and for extended time for filing special petition for refund; further providing, in personal income tax, for assessment, for jeopardy assessments, for procedure for reassessment, for review by Board of Finance and Revenue, for appeal to Commonwealth Court, for restrictions on refunds and for limitations on refund or credit; further providing, in corporate net income tax, for definitions, for reports and payment of tax; for changes made by Federal Government, for

settlement and resettlement and for enforcement relating to corporate net income tax; providing, in corporate net income tax, for assessments, for jeopardy assessments, for limitations on assessments, for extension of limitation period, for audit by Auditor General and for collection; further providing, in gross receipts tax, for imposition; further providing, in realty transfer tax, for determination and notice, for lien and for refunds; further providing, in mutual thrift institutions tax, for imposition and report; providing, in malt beverage tax, for assessment by department; providing for procedure and administration; further providing, in general provisions, for estimated tax, for underpayment, for refund petitions and for timely filing; and providing, in general provisions, for assessments to be made by department.

HB 185 (Pr. No. 3723) (Rereported)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for competitive food or beverage contracts and for nutritional guidelines for food and beverage sales in schools; further providing for certain health services and for advisory health councils; providing for local wellness policies, for an interagency coordinating council for child health and nutrition, for duties of the Department of Education and for physical education; and further providing for physiology and hygiene.

HB 1641 (Pr. No. 4392) (Amended) (Rereported)

An Act amending Titles 30 (Fish) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for boat and marine forfeiture, for the powers and duties of the Pennsylvania Fish and Boat Commission, for boat, marine equipment and watercraft trailer forfeiture and for the powers and duties of the Department of Transportation.

SENATE RESOLUTION ADOPTED

Senators C. WILLIAMS, HUGHES, MELLOW, FUMO, FERLO, FONTANA, KITCHEN, EARLL, TARTAGLIONE, CONTI, ARMSTRONG, GREENLEAF, STOUT, O'PAKE, MUSTO, LEMMOND, PILEGGI, COSTA, BROWNE and BOSCOLA, by unanimous consent, offered **Senate Resolution No. 327**, entitled:

A Resolution recognizing June 27, 2006, as "National HIV Testing Day."

On the question,
Will the Senate adopt the resolution?

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

Senator HUGHES. Madam President, I will just speak briefly about the importance of this resolution today. Around the country, June 27 is recognized as National HIV Testing Day. HIV has grown to be a scourge in communities all around the world, and what we are trying to get folks to do in this State on this day and around this country is to pay more attention to the reality of the devastation of this disease.

Senator Connie Williams, who is the prime sponsor of the resolution, has indicated in her notes that the Centers for Disease Control and Prevention estimates that 850,000 to 950,000 Americans are living with HIV, including more than 300,000 American citizens who are living with AIDS. In 2003, women accounted for 26 percent of reported AIDS cases, and African American women comprised 67 percent of those cases, and Latin American women comprised 18 percent. Madam President, this

has quickly become a disease specifically focused and targeted on communities of color, and this disease is disproportionately impacting women, and especially women of color.

I ask for unanimous support by this body, and the resolution still remains open for any individual Members who wish to consider cosponsorship.

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 Robert F. Oberecker by Senators Browne and Wonderling.

Congratulations of the Senate were extended to Dr. Katherine J. Erickson by Senator Erickson.

Congratulations of the Senate were extended to Sister M. Clotilda Omasta by Senator Gordner.

Congratulations of the Senate were extended to Michael C. Potteiger by Senators Gordner and Piccola.

Congratulations of the Senate were extended to Mr. and Mrs. Roy Shaulis by Senator Kasunic.

Congratulations of the Senate were extended to Mr. and Mrs. Richard Jenkins by Senator Madigan.

Congratulations of the Senate were extended to Zach Skorupka and to the Pine-Richland High School Boys' Doubles Tennis Team by Senator Orie.

Congratulations of the Senate were extended to the Hershey Bears Hockey Club by Senators Piccola and Brightbill.

Congratulations of the Senate were extended to Felix H. Bashinsky by Senator Rhoades.

Congratulations of the Senate were extended to Sara Grove, Shannon Brownson and to Heather Booth by Senator Waugh.

Congratulations of the Senate were extended to Mr. and Mrs. Francis Wright by Senator A.H. Williams.

CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Daniel Ankrom and to the family of the late Howard E. Fisher by Senator Orie.

BILLS ON FIRST CONSIDERATION

Senator FUMO. 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 415, SB 1218, SB 1266, HB 183, HB 1447, HB 1746, HB 1944, HB 2064, HB 2065, HB 2066, HB 2134, HB 2295,

HB 2328, HB 2437, HB 2441, HB 2542, HB 2633 and HB 2740.

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

PETITIONS AND REMONSTRANCES

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

Senator FUMO. Madam President, several weeks ago another gentleman in this Chamber summarized an article from U.S. News and World Report, suggesting that George W. Bush deserved comparison to our great 33rd President, Harry S. Truman. It has become fashionable in recent years to measure unpopular public officials, especially Presidents, against Harry Truman, because Truman maintained the courage of his convictions and did what he thought was right, despite low standings in public opinion polls during his second term. By standing up to communism around the world with a doctrine that bears his name, and by aspects of his straightforward, plain-speaking personality, Truman developed a certain no-nonsense image that is commonly characterized by the slogan, "Give 'em hell, Harry," that arose from his 1948 campaign. So now it seems that anytime someone in the White House throws around a little bit of tough talk, it invites a comparison to Truman. But that is an overly simplistic view, which does not do justice to the sensitivity, the careful decisionmaking, and the good judgment in foreign policy affairs that Harry Truman exhibited time and time again. I have studied Truman closely and have long admired him, and not just because we share the same birthday and party affiliation.

Today I thought it might be useful to review some of Truman's foreign policy so we can see how far the current administration is away from his legacy. A good place to start would be the subject that first brought Truman to national prominence when he was a U.S. Senator, wasteful spending in the military. An article that appeared in the Pittsburgh Post-Gazette on June 2 of this year entitled, quote, "Taj Mahal by the Tigris," end of quote, details plans by the Bush administration to build what the paper describes as, quote, a "palatial new embassy" in Baghdad. It will be by far the largest American diplomatic facility in the world, and it raises serious questions about just how long Bush plans to keep our troops in Iraq. On a 104-acre site, the paper notes, it will, quote, "require a small army just to defend the place." It will have 21 buildings and space for 8,000 personnel. By comparison, the current embassy in Iraq has a staff of just about 1,000.

The U.S. is making sure that this product gets finished, even though the Bush administration is letting down the Iraqi population that we are supposedly there to help. Other projects, like many of the 150 health clinics we were going to build, have been abandoned. Parade Magazine reported two Sunday's ago that people in the capital city of Baghdad now have electricity for just 4 hours a day. Prior to our invasion, they had it for 16 to 24 hours a day. The cost of our new embassy will be at least \$592 million, although probably more, since the original estimate was \$1.3 billion. And, it is no surprise that the contractor is a politically-connected Kuwaiti firm.

Harry Truman would not have stood still for such a thing, for rich, no-bid contracts to companies such as Halliburton, for the lack of adequately armored Humvees, or the lack of body armor that our troops had to endure at the outset of the Iraq war.

In the early days of World War II, Senator Truman heard some stories about what was going on with our military procurement, so he got in his car and drove by himself to defense installations all over the country, where he discovered rampant waste and mismanagement that not only cost taxpayers money, but put the lives of our soldiers at risk. His investigation of Army camp building alone resulted in a \$250 million savings in 1940's dollars. One example was right down the road. He discovered that Fort Indiantown Gap cost 10 times more than its original estimate. All over the country contractors were making in a few months what they usually made in a year for the same amount of work. He also turned up enormous problems in production, in areas such as ship building, armaments, and planes. He found evidence of poor planning, bad administration, and shoddy work.

He came back to Washington, informed President Franklin Roosevelt, and then went to the United States Senate and asked to chair a committee that would formally investigate wartime spending. The result was the Senate Special Committee to Investigate the National Defense Program, which everyone in the country came to eventually call the Truman Committee. He was of the same political party as the President. At the time, many people urged FDR to find excuses to get rid of the committee, by claiming it was slowing preparations and hurting the war effort. But FDR refused, believing that Truman's work was, in fact, essential to the war effort. That is the sort of nonpartisan approach that is sorely needed in Washington today. Imagine this Congress appointing a committee to investigate the Bush administration's handling of the war, or the contracts it has doled out to Halliburton.

The Truman Committee saved many American lives, saved billions of dollars, and put Harry on the cover of Time magazine during the middle of the war in 1943. After he became President, Truman faced international crisis after crisis. In every case, unlike the current administration, he did his utmost to avoid war, or when it proved unavoidable, to keep it as limited as possible.

History now recognizes the Truman Doctrine as America standing up to freedom around the world, but its fundamental principle was containment of the Soviet Union, not efforts to instigate new wars. He considered the Cold War mainly a war of nerves. In a note to Eleanor Roosevelt, as the postwar tensions between the United States and the Soviets deepened, he wrote, quote, "Patience, I think, must be our watchword if we are to have world peace," end of quote. He was tough with the Soviets, but he never tried to provoke a shooting war. And by the way, his policies of the late 1940s set America on the long course to victory, and he deserves as much credit for winning the Cold War without a shot being fired, as does Ronald Reagan. He could easily have gone to war when the Soviet Union blocked access to three western-held sectors in Berlin, in East Germany, on June 24, 1948. No supplies could go in and out, and two and a half million people in those sectors of Berlin faced starvation within a month. Some of his advisors and generals suggested to Truman that the Allies should force their way from West Germany into

Berlin with an armored convoy, and that they should be prepared to fight if challenged. But Truman rejected the idea because of the risk of war. Instead, he ordered the Berlin Airlift, which his biographer, David McCullough, called, quote, "one of the most brilliant American achievements of the postwar era, and one of Truman's proudest decisions." The city was supplied until Moscow granted access again, almost a year later. Through the patience that he had written to Eleanor Roosevelt about, Truman made the Soviets back down.

Of course, we did get into a major military conflict during Truman's term of office, the Korean War. Our involvement was in response to an all-out invasion of South Korea by Communists from the north. Truman acted to check aggression against one of our Allies by another country. It was much closer to what Bush's father did in 1991 in response to Iraq's invasion of Kuwait than it was to George W. Bush starting a war by invading Iraq.

Truman bottomed out in the polls during the Korean War, after he fired General Douglas MacArthur. For those who might be tempted to draw inaccurate comparisons between Truman's foreign policy and Bush's invasion in Iraq, it might be of interest to examine why he fired MacArthur. It was because MacArthur consistently agitated for escalation of the war in Korea to a larger one with China. MacArthur privately advocated dropping atomic bombs on Communist Chinese cities. He issued his own proclamation designed to arouse greater hostility among the Chinese, thus undermining a cease-fire proposal that Truman was planning to offer. MacArthur sought to bring Chiang Kai-shek's troops into the conflict, another act sure to provoke a wider war with China, but Truman did not want a larger war, so he relieved MacArthur for insubordination, at a great political cost to himself.

When Truman took U.S. troops into Korea, he asked for and received the support of the United Nations. It is true that the Soviets did not veto the action, because they had walked out earlier in protest of another issue. But the essential point is this: Truman had most nations of the world behind his entry into Korea, unlike our invasion into Iraq in 2003.

Harry Truman had respect for the United Nations, and the nations of the world had respect for Truman and the United States. As early as 1943, when he was a highly-regarded Senator, he went around the country talking about the need for an association of united nations after the war. His very first decision as President, moments after he was sworn in, was to go forward with plans that were already underway for a conference on the creation of the U.N. He proudly mentioned that cornerstone decision in his farewell address to the nation, when he left the presidency to return to Independence, Missouri, in 1953.

In his first address to Congress after becoming President, just 2 days after the death of FDR, he called for the creation of a strong and lasting United Nations. This is the very same United Nations that George W. Bush and many conservatives have ridiculed and thumbed their noses at when the U.N. would not support our invasion of Iraq. Unlike George W. Bush, Harry Truman understood the importance of international cooperation. The Marshall Plan, to relieve the enormous suffering in a devastated Europe at the end of World War II, was done in that spirit. Although we were already eying Russia suspiciously as our global adversary, Truman and Secretary of State George

Marshall extended an invitation to the Russians to participate. Stalin refused, but Truman had understood the benefit of America's place in the world of not appearing to be acting alone, and of not arousing suspicion of our agenda in Europe. Truman recognized that the key to confronting the Soviet empire, and to the ultimate success of the Truman Doctrine, was international cooperation. That is why he insisted, as a key part of his foreign policy, that the U.S. become an integral part of international institutions such as the U.N., the World Bank, the International Monetary Fund, and NATO. Those organizations, coupled with the Marshall Plan, increased America's moral legitimacy around the world, which Truman knew was essential to building alliances that would help us protect our own national security. George W. Bush has done just the opposite. He has weakened America's moral legitimacy in the international community.

Maybe Harry Truman was reluctant to go to war over Berlin, and maybe he was reluctant to escalate the conflict in Korea, and maybe he had a more sober attitude toward war than the current Commander in Chief, because he himself had been in combat. That is another distinction that George W. Bush and Dick Cheney do not share with Harry S. Truman. Truman personally knew the horrors of war, because during World War I he commanded an artillery battery. He had seen young men killed and seen the mangled bodies of soldiers. He had heard the screams and cries of the wounded. We continue to lose more of our young men and women today, but in an unnecessary war that we should not have started.

The latest national debate being framed by Karl Rove is that those who want to get us out of the war in Iraq are the cut-and-run Democrats, and he, Rove, would rather stay the course. His position, while attempting to wrap himself in the usual political rhetoric, is not resonating well among his Republican members who are taking heat from the American people for this insane war. The answer, Madam President, is neither cut and run nor stay the course. The answer, Madam President, is that America needs a new leader in the mold of Harry Truman, who will give this country a new strategy to get us out of the quagmired mess that George Bush has gotten us in.

Madam President, the American military death toll is now at 2,519, and another 18,356 have been wounded. Among the dead are two more men from Pennsylvania.

1st Lieutenant Robert A. Seidel III, 23, of Gettysburg, died on May 18 in Baghdad, from injuries sustained when an IED detonated near his Humvee during combat operations. He was assigned to the 2nd Battalion, 22nd Infantry, 1st Brigade Combat Team, 10th Mountain Division.

Private First Class Steven W. Freund, 20, of Pittsburgh, died May 23, while conducting combat operations against enemy forces in Al Anbar province. He was assigned to the 1st Battalion, 1st Marine Regiment, 1st Marine Division, 1st Marine Expeditionary Force.

Thank you, Madam President.

The PRESIDENT. Would the Senators and staff please rise for a moment of silence and tribute to 1st Lieutenant Robert A. Seidel from Gettysburg and Private First Class Steven W. Freund of Pittsburgh.

(Whereupon, the Senate en bloc stood in a moment of silence in solemn respect to the memory of 1st Lieutenant ROBERT A. SEIDEL and Private First Class STEVEN W. FREUND.)

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

Senator PICCOLA. Madam President, I will be brief. I am absolutely flattered that my good friend from Philadelphia was paying attention to my remarks the other week about Harry Truman. I happen to be a great admirer of President Truman, and the gentleman's historical assessment of the Truman administration 53 years after the end of the Truman administration is a very, very accurate assessment. In fact, it is interesting that the gentleman points out that in the second term of the Truman administration, that he was extremely unpopular in this country. China had been lost to the Communists. We got into a shooting war in Korea. In fact, that war did not go very well. We were pushed back, pushed back, pushed back, and as 1952 came on the scene, we were mired in a conflict in Korea which we did not think we would ever get out of. In fact, I would point out that President Eisenhower won the election in 1952 in a landslide in part by promising that he would end the war in Korea by going to Korea. He said he would go to Korea.

Madam President, the point we were making a couple of weeks ago in this debate was not the historical assessment of the Truman administration, and it was not just me, it was Michael Barone in the column that he wrote in U.S. News and World Report, the point we were trying to make, Mr. Barone and myself, was that historically we are not going to be able to assess either the Truman administration or the Bush administration in global terms until substantial amounts of time elapse.

So, Madam President, I would invite the gentleman to meet me here 53 years after the end of the Bush administration, which I think will be sometime around 2061 or 2062, I am sure we will both be fit and well, and we can have a debate on the historical consequences of the Bush administration, as the gentleman so accurately discussed the Truman administration.

Thank you, Madam President.

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

Senator FUMO. Madam President, I was not planning on staying around that long, but if the gentleman insists, I will try.

The PRESIDENT. The Chair recognizes the gentleman from Allegheny Senator Ferlo.

Senator FERLO. Madam President, I would like to add to this discussion, but I will avoid it at this point. I am probably the only State Senator who has run full-page ads calling for impeachment proceedings for President Bush to be initiated, so I will save that discussion for another day.

Madam President, I would rather personally rise to speak briefly to thank the leadership of the Senate and my colleagues on both side of the aisle for their unanimous support earlier this evening for Senate Bill No. 1158, which is now known as the Residential Visitability Design Tax Credit Act. This is an important piece of legislation, and I really appreciate the leadership for their support in moving the bill along.

Residential visitability is a way to improve single-family homes to make them more usable by people who need wheelchairs, scooters, or other devices like walkers. Visitability

features make it easier for persons with mobility impairments to move about their daily routines, while enjoying their homes and those of their friends. We have outlined in the bill some key visibility design elements that are basically common-sense approaches to making the home more visitable, not only for those who have physical challenges and want to visit loved ones and family members but, as every one of us in this room knows, at any time in our life we could ourselves face a disability, temporarily or permanently, and it just makes common sense to build new homes, especially those with public subsidies, to be more user-friendly for those individuals.

The modifications that we have outlined can be incorporated into both new and renovated homes, and in some cases at a very minimal cost, making the houses more visitable and usable by family members or acquaintances with mobility impairments. Visitable features in housing design and construction allow more citizens, regardless of mobility, to enjoy this fundamental ritual of society.

As we stated earlier, this legislation will provide local taxing authorities with the option to offer special tax credits to residential owners who adopt visitability design features on their properties. The legislation would also establish minimum uniform design standards that will enhance both access and usability for visitors and residents with significant mobility impairments. The tax credit will be limited to any new or renovated dwelling which contains visitability design features, which will enhance the usability of the dwelling for persons with disabilities.

Additionally, the tax credit will be determined by the local governing body across the Commonwealth, and will not exceed \$2,500 in total over a period of 5 years.

I want to thank the leadership of Pittsburgh City Council who several years ago actually adopted an ordinance. Unfortunately, the ordinance was not able to be implemented because of the lack of clearly defined legal-enabling legislation by the State Senate and the State House, so I want to thank our colleagues for moving the bill forward. It is an important piece of legislation, and it is common sense. It is friendly, in particular, to so many millions of our fellow residents who do have physical challenges each and every day.

I do want to thank Stephen Bruder and Paul Svoboda from my office for working on this legislation, and in particular I want to thank the Pennsylvania Builders Association, the Builders Association of Metropolitan Pittsburgh, the Pennsylvania Association of Medical Suppliers, United Cerebral Palsy organization in Pittsburgh, and Three Rivers Center for Independent Living in Pittsburgh, as well as a host of other organizations throughout the State. I want to thank Senator Rhoades for helping to cosponsor this legislation, and I want to thank the Governor and his administration, especially Mr. Hudson from the Pennsylvania Housing Finance Agency, who I hope will fully embrace this legislation so that we can move forward and build homes now and into the future that really makes sense and make sure all members of the human family can be welcomed into our respective homes.

So, Madam President, once again, I thank the leadership of the Senate for their vision and caring, and for moving this bill ahead, and I also ask those in my listening audience to work and

prevail and communicate to our esteemed colleagues in the House of Representatives. I know many of them, likewise, have been expressive and supportive of this legislation, and it is my hope and prayer that we will move quickly to see this bill become law this year.

Madam President, thank you very much for the time.

The PRESIDENT. Senator Ferlo thanks the Senate for its unanimous support for establishing tax credits in Senate Bill No. 1158 for new or renovated homes for people with impairments, and also thanks the Pennsylvania Builders Association and the Pennsylvania Housing and Finance Agency.

HOUSE MESSAGE

HOUSE BILL FOR CONCURRENCE

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

June 27, 2006

HB 2545 -- Committee on Local Government.

BILLS SIGNED

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

HB 901 and **HB 2457**.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, JUNE 28, 2006

9:00 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (public hearing on radiation levels at landfills)	Senate Maj. Caucus Rm.
Off the Floor	AGRICULTURE AND RURAL AFFAIRS (to consider Senate Bill No. 1107, Senate Resolution No. 325; and House Bill No. 2472)	Rules Com. Conf. Rm.
Off the Floor	APPROPRIATIONS (to consider Senate Bills No. 180, 1242 and 1262; and House Bills No. 247, 1195, 1326, 1992, 2245, 2499, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, and House Resolution No. 357)	Rules Com. Conf. Rm.
Off the Floor	LABOR AND INDUSTRY (to consider House Bill No 2627)	Rules Com. Conf. Rm.
Off the	RULES AND EXECUTIVE NOM-	Rules Com.

Floor	INATIONS (to consider Senate Bills. No. 332, 583, 775, 854, 874, 1043 and 1169; House Resolution No. 676; and certain executive nominations)	Conf. Rm.
Off the Floor	STATE GOVERNMENT (to consider House Bill No. 700)	Rules Com. Conf. Rm.

RECESS

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

Senator PICCOLA. Madam President, I move that the Senate do now recess until Wednesday, June 28, 2006, at 11 a.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate recessed at 7:09 p.m., Eastern Daylight Saving Time.