

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

**SATURDAY, JULY 1, 2006**

**SESSION OF 2006 190TH OF THE GENERAL ASSEMBLY**

**No. 50**

**SENATE**

SATURDAY, July 1, 2006

The Senate met at 3:30 p.m., Eastern Daylight Saving Time.

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

**PRAYER**

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

Let us pray.

Heavenly Father, as we gather for this rare Saturday Session of the Senate to continue and to hopefully complete work on a fiscal plan for the Commonwealth, we seek Your blessing. We tire, Dear Lord, and we pray that You would renew our hearts and our minds and our bodies with a measure of Your spirit, that we may adequately address the tasks at hand. Amen.

**PLEDGE OF ALLEGIANCE**

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

**JOURNAL APPROVAL POSTPONED**

The PRESIDENT. Without objection, approval of the Journal of the Session of June 30, 2006, will be postponed until the Journal is in print.

**HOUSE MESSAGES**

**HOUSE INSISTS UPON ITS NONCONCURRENCE  
IN SENATE AMENDMENTS TO HB 2499, AND  
APPOINTS COMMITTEE OF CONFERENCE**

The Clerk of the House of Representatives informed the Senate that the House insists on its nonconcurrence in the amendments made by the Senate to HB 2499, and has appointed Messrs. FEESE, CIVERA and D. EVANS as a Committee of Conference to confer with a similar committee of the Senate to consider the differences existing between the two Houses in relation to said bill.

**SENATE BILL RETURNED WITH AMENDMENTS**

The Clerk of the House of Representatives returned to the Senate SB 707, 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.

**BILLS INTRODUCED AND REFERRED**

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

July 1, 2006

Senators GREENLEAF, O'PAKE, RAFFERTY, ERICKSON, COSTA, D. WHITE and CONTI presented to the Chair **SB 1278**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for basic education funding supplement for 2005-2006 school year.

Which was committed to the Committee on EDUCATION, July 1, 2006.

Senators CORMAN, BROWNE, COSTA, KITCHEN, C. WILLIAMS and WONDERLING presented to the Chair **SB 1279**, entitled:

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, further defining "public notice"; and further providing for minutes of meetings.

Which was committed to the Committee on STATE GOVERNMENT, July 1, 2006.

Senators WAUGH, WENGER, O'PAKE, RHOADES, JUBELIRER, CORMAN, REGOLA, WOZNIAK, PUNT, BOSCOLA, STOUT, LAVALLE, GORDNER, BRIGHTBILL, KASUNIC, SCARNATI, BROWNE, VANCE, WONDERLING and ROBBINS presented to the Chair **SB 1280**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for definitions and for payments on account of pupils enrolled in vocational curriculums.

Which was committed to the Committee on EDUCATION, July 1, 2006.

Senators A. WILLIAMS, LOGAN, ERICKSON, FONTANA, O'PAKE, BROWNE and STACK presented to the Chair **SB 1281**, entitled:

An Act providing for police force augmentation grants; establishing the Police on Patrol Grant Program and the Police on Patrol Fund; and

conferring powers and duties on the Pennsylvania Commission on Crime and Delinquency.

Which was committed to the Committee on LAW AND JUSTICE, July 1, 2006.

Senators WASHINGTON, KITCHEN, LEMMOND, COSTA, ERICKSON, TARTAGLIONE, RAFFERTY, FONTANA, STACK, C. WILLIAMS and DINNIMAN presented to the Chair **SB 1282**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for child abuse identification training.

Which was committed to the Committee on EDUCATION, July 1, 2006.

### **SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session to consider Senate Bill No. 300.

### **LEAVE OF ABSENCE**

Senator O'PAKE asked and obtained a leave of absence for Senator CONSTANCE WILLIAMS, for today's Session, for personal reasons.

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

#### **NONPREFERRED APPROPRIATION BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER TEMPORARILY ON FINAL PASSAGE**

**HB 2504 (Pr. No. 4465)** -- 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 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 Schuylkill, Senator Rhoades.

Senator RHOADES. Madam President, I rise not just on this particular bill, but we are almost ready to do the nonpreferreds, and in that we will have our eight medical schools in the Commonwealth receiving over \$45 million. When I look at the

differences between resident and nonresident tuition, we find four of them that have no differences, one that has a \$1,000 difference, another that has a \$5,800 to \$6,700 difference, and one that has a \$10,000 difference. The issue is, when I look at the percent of in-State pupils, only two schools are above 15 percent. One is at 60 percent and the other is at 54.7 percent in terms of in-State residents in their class of 2007, and when I combine the other six, it comes out to 36.5 percent.

I raise this point, hoping that the medical schools will hear this, because it is like assuming we do not have any students in Pennsylvania who can attend our medical schools. If we are going to spend \$45 million, I hope it will be on Pennsylvania residents, not educating doctors who are leaving. I mean, we heard that this year only 7 percent of the graduating classes remained in Pennsylvania, the rest moved. I find that hard to believe, but when I look at these numbers and find that only 36.5 percent of the students are Pennsylvania residents, it begins to tell us and indicate part of the problem we have in having physicians work in underserved areas. I draw attention to this point, that I think there should be a higher percentage of Pennsylvania residents in our medical schools, as long as we are going to fund them over \$45 million.

Thank you, Madam President.

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

Senator O'PAKE. Madam President, may we go at ease for a minute.

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

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

Senator BRIGHTBILL. Madam President, I request that House Bill No. 2504 go over in its order temporarily.

The PRESIDENT. Without objection, the bill will go over temporarily on final passage.

### **HB 2527 CALLED UP OUT OF ORDER**

**HB 2527 (Pr. No. 4481)** -- Without objection, the bill was called up out of order, from page 3 of Supplemental Calendar No. 1, by Senator BRIGHTBILL, as a Special Order of Business.

#### **NONPREFERRED APPROPRIATION BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER TEMPORARILY ON FINAL PASSAGE**

**HB 2527 (Pr. No. 4481)** -- 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.

On the question,

Will the Senate agree to the bill on third consideration?

Senator WOZNIAK offered the following amendment No. A9157:

Amend Title, page 1, lines 1 through 3, by striking out "Carnegie Museums of Pittsburgh for" in line 1, all of lines 2 and 3 and inserting: Pennsylvania Historical and Museum Commission for museum assistance grants.

Amend Bill, page 1, lines 6 through 17; page 2, lines 1 through 8, by striking out all of said lines on said pages and inserting:

Section 1. The sum of \$508,000 is hereby appropriated to the Pennsylvania Historical and Museum Commission for the fiscal year July 1, 2006, to June 30, 2007, for museum assistance grants.

Amend Sec. 5, page 2, line 9, by striking out "5" and inserting: 2

On the question,

Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Madam President, these are the nonpreferred bills dealing with museums, and I think everybody here knows how I feel about that. There are a handful of museums here that, for one reason or another, get a special gift that the other museums in Pennsylvania do not enjoy. Now, for a number of years we have been able to keep that special gift at zero growth, but this year they all get about a 10-percent growth. I am not going to name them all, but what I did was align a number of amendments. If I am successful, I will continue, and if I am unsuccessful, I will vote "no" on all the other nonpreferreds for museums.

This amendment, and every one following, and the first one is the Carnegie Museum of Pittsburgh, takes the money out of the museum and puts it into a line item that already exists in the budget for grants that go to all the museums in a competitive fashion. What I am trying to do is make all the museums equal, and I have used the analogy before from "Animal Farm," all the animals are equal, except for the pigs, who are a little more equal. Why should a handful of museums be more worthy of an out-and-out grant every year than the other ones? So what I am trying to do is take this money, put it into a pot of money that already exists so that everybody can be driven out in a competitive nature. It is fair, it is right, it is just, and it is about time we start doing that, so I ask for an affirmative on this particular amendment.

Thank you.

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

Senator FUMO. Madam President, I just beg to differ with my esteemed colleague and ask the Senate to vote "no" on the amendment. Part of the problem is that when you take this money and put it into another fund, then there is politics there. I mean, there is no word "equal" when we start dealing with these issues. These particular museums are special museums that are worthy of this, and I ask for a negative vote on the amendment.

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

Senator BRIGHTBILL. Madam President, I, too, ask for a negative vote. This strips money that goes to the Carnegie Museum of Pittsburgh. I think the Carnegie Museum is a world-class museum. They have received not only nonpreferreds but capital appropriations from the State. They are in the process of redoing their facilities and dinosaurs, and I ask for a negative vote.

The PRESIDENT. The Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Madam President, I know that they are special and every one of these have special people behind them, and some of them are paid and probably get a percentage of whatever they are able to bring back for these people, but that is another story. I am sure that this was negotiated in the budget, and I know by taking the money from one and trying to put it into the general operating fund into another line item might be a little complex, but folks, we have been doing a whole lot of complex things here in the last 72 hours.

Once again, this is not just for the Carnegie Museum, that world-class museum. I think the one in Altoona is world class. I think the gentleman just south of here probably has a fine museum, too, but also I am removing it from the Franklin Institute, the Academy of Natural Sciences, the African-American Museum in Philadelphia, the Everhart Museum, the Mercer Museum, and the Whitaker Center. For every one of these, I can name 10 more in this State that are just as worthy.

Once again, I am asking for an affirmative vote for this amendment, and any that follow after this on the other museums.

Thank you.

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

Senator FUMO. Madam President, they may be just as worthy, but not as special. As far as the special people, there are some people in here someday who might want to be some of those special people, and it is against the law to have a contingency agreement, so we know that no one is getting a percentage of this.

I again ask for a negative vote on this, because as the gentleman said, this budget is an extremely complex process and this is an integral part of that complex process, and I do not believe anybody wants to start again at a quarter to 4:00 on Saturday. I know the gentleman wants to get home and see the new dining room furniture that his wife has purchased in his absence, so I do not want to keep him here too long, so I ask for a negative vote on this amendment.

The PRESIDENT. The Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Madam President, the only reason I rise is because I never get the last word against the gentleman from Philadelphia, so once again, that thing about people getting a percentage, blrblrlrlrlr (tape rewinding sound) I never said those words. I think everybody in this Chamber probably agrees with me, but my chances of getting this passed, even though I think I am right and most others probably think I am, too, are slim. However, once again, I will ask for an affirmative vote on this amendment.

Thank you.

And the question recurring,

Will the Senate agree to the amendment?

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

## YEA-9

Boscola	Ferlo	Vance	White, Mary Jo
Corman	Gordner	White, Donald	Wozniak
Dinniman			

## NAY-40

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

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

## POINT OF ORDER

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

Senator FUMO. Madam President, point of order.

The PRESIDENT. The gentleman will state his point.

Senator FUMO. Madam President, could you tell me how the stenographer is going to write blrblrlbrlrb (tape rewinding sound) in the controversy over here? Now she has to write it two times, so I will be very interested in checking the record.

And the question recurring,

Will the Senate agree to the bill on third consideration?

It was agreed to.

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

On the question,

Shall the bill pass finally?

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

Senator BRIGHTBILL. Madam President, I ask that we go over this bill temporarily.

The PRESIDENT. Without objection, the bill will go over temporarily.

## PARLIAMENTARY INQUIRY

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

Senator BRIGHTBILL. Madam President, would someone from the other side of the aisle stand for interrogation?

Senator FUMO. Madam President, absolutely. It is only 4 o'clock.

The PRESIDENT. Senator Fumo indicates that he will. The gentleman may proceed.

Senator BRIGHTBILL. Madam President, would the gentleman indicate whether there are any other amendments proposed for other nonpreferred appropriations that we should deal with at this time?

Senator FUMO. Madam President, I was advised by the maker of the last amendment that he had a number of amendments, and he was going to see how well he did on this one to indicate whether or not he was going to pursue this, and I do not think he got close enough, so I think he is going to withdraw his amendments. Am I correct?

The PRESIDENT. The Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Madam President, in my career, since I have been trying to get rid of these nonpreferreds, this has been my high water mark.

No, Madam President. It was my intention to make this effort, but if I was not successful, then as we come to these and when they are being recorded, I would like to be voted in the negative on final passage of these nonpreferreds. But, Madam President, I will not be offering any more amendments on these other nonpreferreds.

Senator FUMO. Madam President, I think he should get an award for that.

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

Senator BRIGHTBILL. Madam President, I was just going to inform the gentleman that if he considers nine his high water mark, we could reconsider the bill.

Senator WOZNIAK. Madam President, I will take what I can get.

## RECESS

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

Senator BRIGHTBILL. Madam President, at this time I request a recess of the Senate, and ask the Members of the Republican caucus to come up here for a brief sidebar discussion.

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

Senator FUMO. Madam President, we will just meet around the desk, as the other Caucus is doing.

The PRESIDENT. For purposes of Republican and Democratic caucuses, without objection, the Senate will stand in recess.

## AFTER RECESS

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

SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR No. 2

BILL REVERTED TO PRIOR PRINTER'S  
No., AMENDED AND OVER IN ORDER

HB 185 (Pr. No. 4464) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, 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.

#### MOTION TO REVERT TO PRIOR PRINTER'S No. 3723

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

Senator BRIGHTBILL. Madam President, I move to revert to prior Printer's No. 3723 on House Bill No. 185.

The PRESIDENT. Senator Brightbill moves to revert to prior Printer's No. 3723 on House Bill No. 185.

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

The PRESIDENT. The Senate now has before it House Bill No. 185, Printer's No. 3723.

On the question,

Will the Senate agree to the bill on third consideration?

#### MELLOW AMENDMENT A8756

Senator MELLOW offered the following amendment No. A8756:

Amend Title, page 1, line 13, by inserting after "SCHOOLS;": providing for collective bargaining dispute resolution between public school employees and their public employers;

Amend Bill, page 12, by inserting between lines 1 and 2:

Section 2. Article XI-A of the act, added July 9, 1992 (P.L.403, No.88), is amended to read:

#### [ARTICLE XI-A.

#### COLLECTIVE BARGAINING.

Section 1101-A. Definitions.—When used in this article, the following words and phrases shall have the following meanings:

"Board" shall mean the Pennsylvania Labor Relations Board.

"Employee" shall mean a public school employe who bargains collectively with a public school entity, but shall not include employes covered or presently subject to coverage under the act of June 1, 1937 (P.L.1168, No.294), known as the "Pennsylvania Labor Relations Act," or the National Labor Relations Act (61 Stat. 152, 29 U.S.C. Ch. 7 Subch. 11). The term does not include any management-level employe of any other school district.

"Employee organization" shall mean a public school employe organization of any kind, or any agency or employe representation committee or plan in which membership is limited to public school employes, and which exists for the purpose, in whole or in part, of dealing with public school employers concerning grievances, public school employe-public school employer disputes, wages, rates of pay, hours of employment or conditions of work, but shall not include any organization which practices discrimination in membership because of race, color, creed, national origin or political affiliation.

"Employer" shall mean a public school entity, but shall not include employers covered or presently subject to coverage under the act of June 1, 1937 (P.L.1168, No.294), known as the "Pennsylvania Labor Relations Act," or the National Labor Relations Act (61 Stat. 152, 29 U.S.C. Ch. 7 Subch. 11).

"Impasse" shall mean the failure of an employer and an employe organization to reach an agreement in the course of negotiations.

"Lockout" shall mean the cessation of furnishing of work to employes or withholding work from employes for the purpose of inducing, influencing or coercing a change in the conditions or compensation or the rights, privileges or obligations of employment.

"Representative" shall mean an individual acting for employers or employes and shall include employe organizations.

"School entity" shall mean a public school district, intermediate unit or area vocational-technical school.

"Strike" shall mean concerted action in failing to report for duty, the wilful absence from one's position, the stoppage of work, slowdown or the abstinence, in whole or in part, from the full, faithful and proper performance of the duties of employment for the purpose of inducing, influencing or coercing a change in the conditions or compensation or the rights, privileges or obligations of employment. The employe organization having called a strike once and unilaterally returned to work may only call a lawful strike once more during the school year. A written notice of the intent to strike shall be delivered by the employe organization to the superintendent, executive director or the director no later than forty-eight (48) hours prior to the commencement of any strike, and no strike may occur sooner than forty-eight (48) hours following the last notification of intent to strike. Upon receipt of the notification of intent to strike, the superintendent, executive director or the director may cancel school for the effective date of the strike. A decision to cancel school may, however, be withdrawn by the superintendent, executive director or the director. Any subsequent change of intents to strike shall not affect the decision to cancel school on the day of the intended strike. For the purposes of this article, the decision to cancel school on the day of the intended strike shall not be considered a lockout.

#### (b) Scope of Bargaining.

Section 1111-A. Mutual Obligation.—Collective bargaining is the performance of the mutual obligation of the employer or his representative and the representative of the employes to meet at reasonable times and confer in good faith with respect to wages, hours and other terms and conditions of employment or the negotiation of an agreement or any question arising thereunder and the execution of a written contract incorporating any agreement reached, but such obligation does not compel either party to agree to a proposal or require the making of a concession.

Section 1112-A. Matters of Inherent Managerial Policy.—Employers shall not be required to bargain over matters of inherent managerial policy. Those matters shall include, but shall not be limited to, such areas of discretion or policy as the functions and programs of the employer, standards of services, its overall budget, utilization of technology, the organizational structure and selection and direction of personnel. Employers, however, shall be required to meet and discuss on policy matters affecting wages, hours and terms and conditions of employment as well as the impact thereon upon request by employe representatives.

#### (c) Collective Bargaining Impasse.

Section 1121-A. Submission to Mediation.—(a) If, after a reasonable period of negotiation, a dispute or impasse exists between the representatives of the employer and the employe organization, the parties may voluntarily submit to mediation, but, if no agreement is reached between the parties within forty-five (45) days after negotiations have commenced, but in no event later than one hundred twenty-six (126) days prior to June 30 or December 31, whichever is the end of the school entity's fiscal year, and mediation has not been utilized by the parties, both parties shall immediately in writing call on the service of the Pennsylvania Bureau of Mediation.

(b) The Pennsylvania Bureau of Mediation shall employ a complement of not less than twenty-five (25) mediators which shall be available to mediate according to the provisions of subsection (a).

Section 1122-A. Fact-finding Panels.—(a) (1) Once mediation has commenced, it shall continue for so long as the parties have not reached an agreement. If, however, an agreement has not been reached within forty-five (45) days after mediation has commenced or in no event later than eighty-one (81) days prior to June 30 or December 31, whichever is the end of the school entity's fiscal year, the Bureau of Mediation shall notify the board of the parties' failure to reach an agreement and of whether either party has requested the appointment of a fact-finding panel.

(2) No later than eighty-one (81) days prior to June 30 or December 31, whichever is the end of the school entity's fiscal year, either party may request the board to appoint a fact-finding panel. Upon receiving such request, the board shall appoint a fact-finding panel which may consist of either one (1) or three (3) members. The panel so designated or selected shall hold hearings and take oral or written

testimony and shall have subpoena power. If, during this time, the parties have not reached an independent agreement, the panel shall make findings of fact and recommendations. The panel shall not find or recommend that the parties accept or adopt an impasse procedure.

(3) The parties may mutually agree to fact-finding, and the board shall appoint a fact-finding panel as provided for in clause (2) at any time except that the parties may not mutually agree to fact-finding during mandated final best-offer arbitration.

(4) The board may implement fact-finding and appoint a panel as provided for in clause (2) at a time other than that mandated in this section, except that fact-finding may not be implemented between the period of notice to strike and the conclusion of a strike or during final best-offer arbitration. If the board chooses not to implement fact-finding prior to a strike, the board shall issue a report to the parties listing the reasons for not implementing fact-finding if either party requests one.

(b) The findings of fact and recommendations shall be sent by registered mail to the board and to both parties not more than forty (40) days after the Bureau of Mediation has notified the board as provided in subsection (a).

(c) Not more than ten (10) days after the findings and recommendations shall have been sent, the parties shall notify the board and each other whether or not they accept the recommendations of the fact-finding panel, and, if they do not, the panel shall publicize its findings of fact and recommendations.

(d) Not less than five (5) days nor more than ten (10) days after the publication of the findings of fact and recommendations, the parties shall again inform the board and each other whether or not they will accept the recommendations of the fact-finding panel.

(e) The board shall establish, after consulting representatives of employe organizations and of employers, panels of qualified persons broadly representative of the public to serve as members of fact-finding panels. The board shall, within sixty (60) days of the effective date of this act, increase the number of available panels of qualified persons to serve as members of fact-finding panels to meet the expanded role of fact-finding as provided for in this act.

(f) The Commonwealth shall pay one-half of the cost of the fact-finding panel; the remaining one-half of the cost shall be divided equally between the parties. The board shall establish rules and regulations under which panels shall operate, including, but not limited to, compensation for panel members.

Section 1123-A. Negotiated Final Best-Offer Arbitration.—(a) The parties to a collective bargaining agreement involving public school employes shall be required to bargain upon the issue of acceptance and adoption of one of the following approved impasse procedures, with the proviso that such an obligation does not compel either party to agree to a proposal or require making a concession:

(1) Arbitration under which the award is confined to a choice among one of the following single packages:

- (i) the last offer of the representative of the employer;
- (ii) the last offer of the representative of the employes; or
- (iii) the fact-finder's recommendations, should there be a fact-finder's report.

(2) Arbitration under which the award is confined to a choice among one of the following on an issue-by-issue basis:

- (i) the last offer of the representative of the employer;
- (ii) the last offer of the representative of the employes; or
- (iii) the fact-finder's recommendations, should there be a fact-finder's report.

(3) Arbitration under which the award is confined to a choice among one of the following on the basis of economic and noneconomic issues as separate units:

- (i) the last offer of the representative of the employer;
- (ii) the last offer of the representative of the employes; or
- (iii) the fact-finder's recommendations, should there be a fact-finder's report.

(b) As used in this section, "economic issues" shall mean wages, hours, salary, fringe benefits or any form of monetary compensation for services rendered.

Section 1124-A. Method of Selection of Arbitrators.—The board of arbitration shall be composed of three (3) members. Arbitrators as referred to in this article shall be selected in the following manner:

- (1) Each party shall select one (1) member of the panel within five

(5) days of the parties' submission to final best-offer arbitration. Each arbitrator shall be knowledgeable in the school-related fields of budget, finance, educational programs and taxation.

(2) The third arbitrator shall be selected from a list of seven (7) arbitrators furnished by the American Arbitration Association within five (5) days of the publication of the list. Each of the seven (7) arbitrators shall be a resident of this Commonwealth and knowledgeable in the areas necessary to effectively make a determination. Each party shall alternately strike one name until one shall remain. The employer shall strike the first name. The person so remaining shall be the third member and chairman.

(3) Payment of arbitrators shall be as follows:

(i) For voluntary arbitration, each party shall pay the cost of the arbitrator selected by it under clause (1) of this section. The cost of the third arbitrator shall be divided equally between the parties.

(ii) For mandatory arbitration, the Commonwealth shall pay one-half of the cost of the arbitrators; the remaining one-half of the cost shall be divided equally between the parties.

Section 1125-A. Final Best-Offer Arbitration.—(a) At any time prior to mandated final best-offer arbitration, either the employer or the employe organization may request final best-offer arbitration unless fact-finding has been initiated as provided in section 1122-A. If fact-finding has been initiated, the parties shall complete fact-finding before requesting final best-offer arbitration. If either party requests final best-offer arbitration, the requesting party shall notify the Bureau of Mediation, the board and the opposing party in writing. The opposing party shall, within ten (10) days of the notification by the requesting party, notify the requesting party in writing of its agreement or refusal to submit to final best-offer arbitration. No strikes or lockouts shall occur during this ten (10) day period or until the requesting party is notified by the opposing party that they refuse to submit to final best-offer arbitration. Arbitration provided for in this subsection shall only occur if both parties agree to submit to final best-offer arbitration.

(b) If a strike by employes or a lockout by an employer will prevent the school entity from providing the period of instruction required by section 1501 by the later of:

- (1) June 15; or

(2) the last day of the school entity's scheduled school year;

the parties shall submit to mandated final best-offer arbitration consistent with the arbitration option negotiated. A return to work for the purpose of submitting to final best-offer arbitration shall not be considered a unilateral return to work.

(c) If the parties are unable to agree on the adoption of one of the approved impasse procedures under section 1123-A, the mediator appointed pursuant to section 1121-A shall select the procedure.

(d) Within ten (10) days of submission to final best-offer arbitration, the parties shall submit to the arbitrators their final best contract offer with certification that the offer was delivered to the opposing party, together with documentation supporting the reasonableness of their offer. This documentation shall include, but not be limited to, the following:

- (1) The public interest.
- (2) The interest and welfare of the employe organization.
- (3) The financial capability of the school entity.

(4) The results of negotiations between the parties prior to submission of last best contract offers.

(5) Changes in the cost of living.

(6) The existing terms and conditions of employment of the employe organization members and those of similar groups.

(7) Such other documentation as the arbitration panel shall deem relevant.

(e) Arbitration shall be limited to unresolved issues. Unresolved issues shall mean those issues not agreed to in writing prior to the start of arbitration.

(f) The parties may mutually agree to submit to final best-offer arbitration at any time except during fact-finding or during mandated final best-offer arbitration.

(g) Upon submission to the arbitrator of both parties' final best offers under subsection (a) or (b), the employer shall post, within the time limits described in subsection (d), the final best contract offers in the school entity's main office for the purpose of soliciting public comments thereon. Copies of both parties' final best offers shall be

available from the school entity's main office. The cost of copies shall be established by the school entity and shall be paid by the requestor.

(h) The public comment period shall close within ten (10) days of the first day of posting. All public comments shall be directed to the arbitrators for consideration who shall provide them on request to the employer and to the employees' organization.

(i) Within ten (10) days of the selection of the third arbitrator of the arbitration panel, the arbitrators shall begin hearings at which they will hear arguments from representatives of the employer and of the employees in support of their respective last best contract offers under subsection (a) or (b). At least five (5) days prior to the hearing, a written notice of the date, time and place of such hearing shall be sent to the representatives of both the employer and employees which are parties to the dispute. This written notice shall also be sent to the fiscal authority having budgetary responsibility or charged with making appropriations for the employer, and a representative designated by such body shall be heard at the hearing upon request of such body or of the employer as part of the presentation of the employer.

(j) Not later than twenty (20) days after the hearing pursuant to subsection (i), the arbitrators shall:

(1) examine each item of dispute;

(2) make a determination in writing consistent with the arbitration option agreed to by the parties; and

(3) forward a copy of the written determination to both parties involved in the dispute and to the board.

(k) The determination of the majority of the arbitrators reached as provided under either subsection (a) or (b) shall be final and binding upon the employer, employees and employe organization involved and constitutes a mandate to the school entity to take whatever action necessary to carry out the determination, provided that within ten (10) days of the receipt of the determination the employe organization or the employer does not consider and reject the determination at a properly convened special or regular meeting. This determination includes, but is not limited to, a determination which requires a legislative enactment by the employer prior to or as a condition for its implementation, including, without limitation, the levy and imposition of taxes.

(l) No appeal challenging the determination reached as provided under subsection (a) or (b) shall be allowed to any court unless the award resulted from fraud, corruption or wilful misconduct of the arbitrators. If a court determines that this has occurred, it shall declare the award null and void. An appeal of the award shall be made to the court of common pleas of the judicial district encompassing the respective school district.

(m) If the employer or the employe organization rejects the determination of the majority of the arbitrators:

(1) The employe organization may initiate a legal strike or resume a legal strike initiated prior to submission to final best-offer arbitration.

(2) The employer may hire substitutes as provided under subsection (b) of section 1172-A.

(3) The employer may initiate a legal lockout or resume a legal lockout initiated prior to submission to final best-offer arbitration.

Section 1126-A. Time Frame.—The time periods set forth in this article are mandatory and shall not be construed to be directory.

Section 1127-A. Exception.—Any school district of the first class with an appointed school board and the public employes of that school district as defined in the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employe Relations Act," shall comply with and be subject to the binding arbitration provisions of the "Public Employe Relations Act" and shall not be subject to the provisions of section 1123-A, 1124-A or 1125-A.

#### (d) Strikes and Lockouts.

Section 1131-A. Strikes Prohibited in Certain Circumstances.—A strike must cease where the parties request fact-finding for the duration of the fact-finding. A strike must end where the parties agree to arbitration. Strikes are prohibited:

(1) During the period of up to ten (10) days provided for under section 1125-A(a).

(2) During final best-offer arbitration, including the period of up to ten (10) days after receipt of the determination of the arbitrators during which the governing body of the school entity may consider the determination.

(3) When the arbitrators' determination becomes final and binding.

Section 1132-A. Lockouts Prohibited in Certain Circumstances.—A lockout must cease where the parties request fact-finding for the duration of the fact-finding. A lockout must end where the parties agree to arbitration. Lockouts are prohibited:

(1) During the period of up to ten (10) days provided for under section 1125-A(a).

(2) During final best-offer arbitration, including the period of up to ten (10) days after receipt of the determination of the arbitrators during which the employer may consider the determination.

(3) When the arbitrators' determination becomes final and binding.

#### (e) Collective Bargaining Agreement.

Section 1151-A. Agreement and Enforcement.—Any determination of the arbitrators to be implemented under this article shall be memorialized as a written agreement by and between the school entity and the employe organization to be signed and sealed by their duly appointed officers and agents as provided by law. The executed agreement shall be enforceable by each party in the manner as provided by law, including without limitation and in derogation to the mandatory arbitration of disputes or grievances under the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employe Relations Act." In the event that a school entity or an employe organization refuses to execute a written agreement under this section, the employe organization or the school entity may institute a cause of action in the court of common pleas to compel compliance with the provision of this section requiring a written agreement and, in the appropriate case, specific performance of the determination.

Section 1152-A. Existing Agreements; Provisions Inconsistent with Article.—Any provisions of any collective bargaining agreement in existence on the effective date of this article which are inconsistent with any provision of this article, but not otherwise illegal, shall continue valid until the expiration of such contract. The procedure for entering into any new collective bargaining agreement, however, shall be governed by this article, where applicable, upon the effective date of this article.

#### (f) Secretary of Education.

Section 1161-A. Injunctive Relief.—When an employe organization is on strike for an extended period that would not permit the school entity to provide the period of instruction required by section 1501 by June 30, the Secretary of Education may initiate, in the appropriate county court of common pleas, appropriate injunctive proceedings providing for the required period of instruction.

#### (g) Prohibitions.

Section 1171-A. Selective Strikes.—The work stoppage practice known as "selective strikes" shall be considered an illegal strike. Any strike which does not comply with the definition of "strike" contained in this article shall be considered a selective strike.

Section 1172-A. Utilization of Strike Breakers.—(a) Except as provided in subsection (b), during a legal strike, as defined by this article, the school entity, as defined by this article, shall not utilize persons other than those employes who have been actively employed by the school entity at any time during the previous twelve (12) months.

(b) A school entity may utilize persons other than those employes who have been actively employed by the school entity at any time during the previous twelve (12) months:

(1) when the employe organization or employer rejects the determination of the majority of the arbitrators; and

(2) when a legal strike will prevent the completion of the period of instruction required by section 1501 by the later of:

(i) June 15; or

(ii) the last day of the school district's scheduled school year.]

Section 3. The act is amended by adding an article to read:

### ARTICLE XI-B

#### COLLECTIVE BARGAINING DISPUTE RESOLUTION

##### Section 1101-B. Scope.

This article provides for collective bargaining dispute resolution.

##### Section 1102-B. Definitions.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Appropriate court." The court of common pleas in the judicial district in which:

(1) the school entity subject to impasse is located; or

(2) where the school entity is located in two or more judicial districts, the judicial district where the administrative office of the school entity is located.

"Bureau." The Pennsylvania Bureau of Mediation.

"Employee organization." Any of the following:

(1) A public school employee organization of any kind.

(2) An agency or employee representation committee or plan in which membership is limited to public school employees and which exists for the purpose, in whole or in part, of dealing with public school employers concerning grievances, public school employee-public school employer disputes, wages, rates of pay, hours of employment or conditions of work. The term does not include an organization which practices discrimination in membership because of race, color, creed, national origin or political affiliation.

"Impasse." The failure of a public employer and an employee organization to reach a labor contract in the course of negotiations.

"President Judge." The president judge of the appropriate court.

"Public employer." A school entity. The term does not include an employer covered or presently subject to coverage under the act of June 1, 1937 (P.L.1168, No.294), known as the Pennsylvania Labor Relations Act, or the National Labor Relations Act (49 Stat. 449, 29 U.S.C. § 151 et seq.).

"Representative." An individual acting for a public employer or a school employee. The term includes an employee organization.

"School employee." An employee of a school entity who bargains collectively with a school entity. The term does not include:

(1) an employee covered or presently subject to coverage under the act of June 1, 1937 (P.L.1168, No.294), known as the Pennsylvania Labor Relations Act, or the National Labor Relations Act (49 Stat. 449, 29 U.S.C. § 151 et seq.); or

(2) a management-level employee of any other school district.

"School entity." A public school district, intermediate unit or area vocational-technical school.

"Secretary." The Secretary of Education of the Commonwealth.

#### Section 1103-B. Collective bargaining dispute resolution.

Notwithstanding any other provision of law to the contrary, the settlement of an impasse in collective bargaining between an employee organization and a public employer shall be by collective bargaining dispute resolution pursuant to this article.

#### Section 1104-B. Collective bargaining timeline.

The representative shall commence bargaining a successor agreement no later than January 5 of the year in which the collective bargaining agreement between the parties shall by its terms expire. Both parties shall submit to mediation by the bureau by February 28 if no agreement is reached between the parties. Mediation shall continue for so long as the parties have not reached an agreement. If no agreement is reached by April 30, both parties shall submit an impasse in collective bargaining to the process established by this article.

#### Section 1105-B. Panel selection.

The settlement of an impasse in collective bargaining between an employee organization and a public employer shall begin by the selection of a three-member panel, each of whom is knowledgeable and qualified in public school financial, administrative or instructional matters. By May 7, the employee organization shall designate one panel member; and the public employer shall designate one panel member. The two panel members designated by the parties shall by agreement designate an impartial third member, who shall serve as chair. If an impartial chair is not selected by the panel by May 21, the president judge of the appropriate court shall, by May 31, select an impartial chair from a list provided by the bureau of qualified persons who reside in the region in which the appropriate court sits. The bureau shall compile and maintain a list for each of six geographical regions of persons who reside in that region and are qualified and knowledgeable in public school financial, administrative or instructional matters. The six regions shall be:

Northeast Region.—Eleventh District, Twenty-first District, Twenty-second District, Twenty-sixth District, Thirty-fourth District, Forty-third District, Forty-fourth District, Forty-fifth District, Fifty-sixth District and Sixtieth District.

Southeast Region.—First District, Third District, Seventh District, Fifteenth District, Twenty-third District, Thirty-first

District, Thirty-second District and Thirty-eighth District.  
Northcentral Region.—Fourth District, Eighth District, Seventeenth District, Twenty-fifth District, Twenty-ninth District, Forty-second District, Forty-ninth District and Fifty-fifth District.

Southcentral Region.—Second District, Ninth District, Twelfth District, Nineteenth District, Twentieth District, Twenty-fourth District, Thirty-ninth District, Forty-first District, Forty-fifth District, Fifty-second District, Fifty-seventh District and Fifty-eighth District.

Northwest Region.—Sixth District, Eighteenth District, Twenty-eighth District, Thirtieth District, Thirty-fifth District, Thirty-seventh District, Forty-sixth District, Forty-eighth District, Fifty-fourth District and Fifty-ninth District.

Southwest Region.—Fifth District, Tenth District, Thirteenth District, Fourteenth District, Sixteenth District, Twenty-seventh District, Thirty-third District, Thirty-sixth District, Fortieth District, Forty-seventh District, Fiftieth District and Fifty-third District.

#### Section 1106-B. Costs of resolution.

Each party shall pay the compensation, if any, of the panel member designated by that party. The Commonwealth shall pay the compensation, if any, of the neutral panel member and any costs or expenses incurred by the panel in connection with proceedings under this article.

#### Section 1107-B. Procedure.

(a) Scope.—Collective bargaining dispute resolution shall be limited to those issues which may be bargained under Article VII of the act of July 23, 1970 (P.L.563, No.195), known as the Public Employee Relation Act, and which are not agreed to in writing prior to the start of collective bargaining dispute resolution process.

#### (b) Operation.—

(1) By June 5, each representative shall submit to the panel that party's best offer with certification that the offer was delivered to the opposing party. Thereafter, members of the panel shall meet with both parties at least four times prior to June 30 in an effort to resolve the impasse through mediation.

(2) If no agreement between the parties is reached by June 30, each party shall submit, on that date, to the impartial chair that party's final best offer. Once a final best offer is submitted to the panel, a party may not make changes to the offer, withdraw the offer or make another offer. The impartial chair may not submit a final best offer to the other two members of the panel until both final best offers have been received.

(3) The panel shall hold public hearings. No later than August 1, the panel shall make a recommendation, prepare a supporting report and submit both to the president judge of the appropriate court. The recommendation of the panel shall be confined to a choice between the final best offer of the public employer in its entirety or the final best offer of the employee organization taken in its entirety. The supporting report shall specify the reasons for selecting the final best offer contained in the recommendation.

(4) The president judge shall review the recommendation and supporting report and shall issue a written determination by August 10. Such determination shall be confined to the issue of whether to adopt the determination, as submitted by the panel. The president judge shall not consider any additional issues that have not been submitted to collective bargaining dispute resolution. The president judge shall consider the following factors, in addition to any other relevant factors, in issuing the determination:

(i) The interest and welfare of the public and the financial ability of the public employer to fund the potential costs.

(ii) A comparison of the wages, hours and conditions of employment of the employees involved in the proceeding with the wages, hours and conditions of employment of other employees performing similar services or requiring similar skills under similar working conditions and with other employees generally in public and private employment in comparable communities within the region.

(iii) The terms of collective bargaining agreements negotiated between the parties in the past providing for compensation and benefits, including, but not limited to, the



provisions for salary, insurance and retirement benefits, and medical and hospitalization benefits.

If the president judge does not adopt the recommendation as submitted by the panel, the alternative final best offer that was not recommended by the panel shall be deemed adopted.

(5) The parties may voluntarily settle the impasse in collective bargaining at any time prior to the issuance of the determination by the president judge.

Section 1108-B. Finality.

(a) General rule.—The decision of the president judge shall be final and binding on the public employer and the employee organization.

(b) Judicial review.—No appeal of a determination under subsection (a) shall be allowed to any court.

(c) Effect.—The determination shall constitute a mandate to the public employer to take whatever action necessary to carry out the determination. The executed collective bargaining agreement that implements the determination shall be enforceable by each party in the manner as provided by law, including the mandatory arbitration of disputes or grievances under the act of July 23, 1970 (P.L.563, No.195), known as the Public Employe Relations Act. If a public employer or an employee organization refuses to execute a written collective bargaining agreement under this section, the employee organization or the public employer may institute a cause of action in the appropriate court to compel compliance with this section and, as appropriate, specific performance of the determination.

Section 1109-B. Strikes and lockouts prohibited.

No school employee may strike or participate in a strike or similar interruption of government service. No public employer may conduct a lockout or similar interruption of government service. Any strike, lockout or interruption of government service prohibited by this section shall constitute an actionable breach of duty to members of the public.

Section 1110-B. Standing to enforce.

The following may petition the appropriate court for an injunction and other appropriate equitable relief to enforce the provisions of this article:

(1) Parties to an impasse under this article.

(2) A panel member designated under this article.

(3) A parent or guardian of a student affected by an impasse under this article.

(4) A resident of the school district involved in an impasse under this article.

(5) The secretary.

Section 1111-B. Existing agreements.

A provision of a collective bargaining agreement in existence on the effective date of this section which is inconsistent with this article shall continue valid until the expiration of the collective bargaining agreement. The procedure for entering into any new collective bargaining agreement, however, shall be governed by this article.

Section 1112-B. Time frame.

The time periods set forth in this article are mandatory and shall not be construed to be directory.

Section 1113-B. Construction.

(a) Pari materia.—This article is to be construed in pari materia with the act of July 23, 1970 (P.L.563, No.195), known as the Public Employe Relations Act.

(b) Retirement.—

(1) Except as provided in paragraph (2), nothing in this article or any other law shall be construed to do any of the following:

(i) Permit or require collective bargaining, mediation or collective bargaining dispute resolution to establish or modify pension or retirement benefits set forth in 24 Pa.C.S. Pt. IV (relating to retirement for school employees) or administered by the Public Employees' Retirement Board.

(ii) Permit or require a public employer, through collective bargaining, mediation, collective bargaining dispute resolution or otherwise, to establish or modify a pension or retirement plan or to pay pension or retirement benefits or other compensation that modifies or supplements the benefits set forth in 24 Pa.C.S. Pt. IV or administered by the Public School Employees' Retirement Board.

(2) Notwithstanding paragraph (1), the parties may negotiate and agree to early retirement incentive or severance pay provisions

if the provisions:

(i) do not affect the retirement benefits identified in paragraph (1); and

(ii) would not result in the Public School Employees' Retirement System's failure to be a qualified plan under the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.).

Amend Sec. 2, page 12, line 2, by striking out "2" and inserting: 4

Amend Sec. 3, page 12, line 17, by striking out "3" and inserting: 5

Amend Sec. 4, page 13, line 10, by striking out "4" and inserting: 6

Amend Sec. 5, page 16, line 13, by striking out "5" and inserting: 7

Amend Sec. 6, page 16, line 24, by striking out "6" and inserting: 8

On the question,

Will the Senate agree to the amendment?

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

Senator MELLOW. Madam President, I am not going to speak very long on this amendment, and perhaps today is not even the time we should be discussing it. I would have liked to have had the opportunity to discuss this amendment on the floor of the Senate and through the appropriate committee under a different venue, not under the gun with consideration of a budget. Perhaps, Madam President, what I am doing more than anything else this evening is bringing this particular proposal to the attention of the Members of the Senate, because this issue is very important.

Madam President, a number of years ago, within the past 4 years, many constituents, not only in the district that I represent but throughout the Commonwealth, came into the offices of Members on this side of the aisle talking about what possibly could be done in the 501 public school districts so that strikes would no longer take place in the future. Madam President, probably 8 or 9 years ago it would not have had a great deal of interest, because I think at that particular point in time in many school districts teachers in public education were not getting paid the kind of money they should have been receiving. Madam President, I am of the firm belief that any public schoolteacher who is doing his or her job appropriately, with the future of our children intrusted in their hands, you probably cannot pay them enough. But the one thing that I did not care for that has been taking place in recent years is the way school districts have been increasingly going on strike.

We tried a number of years ago to enact Act 88, which would establish a procedure so that school districts would have to complete the 180 days, even though they are allowed to go on strike, but it became very disruptive and we found that many of the school districts would comply with the 180 days during the school year but would still strike. So we worked with various associations, including those associations that represent the teachers' union, and we came up with a proposal that is known as Last Best Offer, which got its origin in the State of Connecticut, and that State of Connecticut's experience with Last Best Offer has been exceptional. They found out that there is finality, fairness, and stability in what is known as Last Best Offer.

Madam President, in the school year that just concluded, we had 12 school districts that went on strike, including the school district of Carlisle, which was just resolved this past week. Those strikes affected a total of 43,982 students who, during this school year, had their educational opportunity interrupted. Right now, Madam President, for the school year of 2005-06, which was just completed, there are 17 school districts with contracts that have expired, and as we approach the new year, which will begin in September of this year, just 2 months from now, there are an additional 107 school districts that could go on strike. We could find ourselves at the start of the 2006-07 school year in a very difficult period because in these school districts there could be a tremendous interruption in the education of the students.

Now, I understand nobody is paying attention on the floor of the Senate, and I appreciate that, because it has been a very difficult week and I know it is Saturday afternoon at 4:35 p.m., and no one is interested in an amendment today to the School Code bill which would prevent school strikes from taking place. Madam President, this is a very, very important issue. It is an issue that we must consider on the floor of the Senate. It is time that people say the same thing in Harrisburg that they are saying back in their districts. Members of the Senate and the House of Representatives, on a bipartisan basis, are telling their constituents back in their districts that they are opposed to school strikes. Well, when it comes to action on the floor of the Senate, they do not want action to take place, for whatever reason, because I have this belief that they are saying the complete opposite to the people here in Harrisburg. I understand there is going to be a motion to table the amendment as it has been offered. I think it is important for you to note that any motion to table at this point in time, I would basically interpret as a motion not to address the issue, even in those school districts that have been on strike for 2005-06, and those that will go on strike in the school year of 2006-07.

Madam President, since this particular proposal has been in effect in the State of Connecticut, which has been for a number of years, there have been no school strikes in that State. It is workable, it is doable, and in respect to the Senate and the number of years that I have served in this Chamber, in respect to the individuals who worked very hard over the past week to try to put the budgetary process together, which is so very important, it is the number one consideration that we have.

#### AMENDMENT WITHDRAWN

Senator MELLOW. Madam President, I will withdraw the amendment as opposed to putting people in a position to vote on tabling the amendment. But what I will do, and not through interrogation, is ask my counterpart, the Majority Leader of the Senate, to please give us an opportunity when we come back in September to consider the amendment to the School Code bill or to another appropriate bill on the Calendar for full discussion on the floor of the Senate. If it passes, it passes, and if it is defeated, it is defeated. It is a very, very important piece of legislation. If the one thing that we protect, if nothing else, we must protect our young people in this great State of ours, because that is the greatest natural resource we have, and to give them the proper public education that prepares them for the future. So I

appreciate the opportunity that was given to me to offer the amendment. I am going to withdraw the amendment so as not to put anyone on the spot tonight on this very important issue, but I am going to ask the Majority Leader, not through interrogation, but out of friendship, if he would give us an opportunity when we come back in September, so that as a full Senate we can consider this bill in an appropriate fashion.

Thank you, Madam President.

The PRESIDENT. Thank you, Senator Mellow, for withdrawing the amendment.

And the question recurring,

Will the Senate agree to the bill on third consideration?

#### WAUGH AMENDMENT A8873

Senator WAUGH offered the following amendment No. A8873:

Amend Sec. 1 (Sec. 1337.2), page 11, line 2, by inserting after "DAY": The nutritional guidelines shall not apply to fundraising efforts approved by school districts or to activities held after regular school hours.

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?

#### RHOADES AMENDMENT A8991

Senator RHOADES offered the following amendment No. A8991:

Amend Sec. 1 (Sec. 1337.2), page 10, lines 27 through 30; page 11, lines 1 and 2, by striking out all of said lines on said pages and inserting:

Sales in Schools.—(a) (1) Pursuant to section 1422.1, each local education agency with a school that participates in the school lunch program shall adopt a local wellness policy that includes nutritional guidelines for all competitive foods and beverages sold during the school day. The local wellness policy shall provide for the development and implementation of nutritional guidelines over a three-year phase-in period beginning July 1, 2006, and ending July 1, 2009, during which time local education agencies are encouraged to increase over time higher nutritional guidelines for competitive food and beverages and to review the nutritional value of all foods and beverages available during the school day to ensure that the most nutritious food and beverage choices are available to students.

Amend Sec. 1 (Sec. 1337.2), page 11, line 3, by inserting after "REVISIONS": of the nutritional guidelines

Amend Sec. 1 (Sec. 1337.2), page 11, line 27, by inserting after "729":

The implementation of the recommended standards, in whole or in part, adopted as a 1-, 2- or 3-year plan, ending July 1, 2009, shall fulfill the requirements under subsection (a).

Amend Sec. 4 (Sec. 1422.2), page 13, line 27, by striking out "AND NUTRITION" and inserting: Nutrition and Physical Education

Amend Sec. 4 (Sec. 1422.2), page 13, line 30; page 14, line 1, by striking out "AND REVISE THE PENNSYLVANIA NUTRITION AND" in line 30, page 13 and all of line 1, page 14 and inserting: .

revise and publish a Pennsylvania Child Wellness Plan to promote child health, nutrition and physical education.

Amend Sec. 4 (Sec. 1422.2), page 14, line 12, by striking out all of said line and inserting:

(c) In the initial publication of the Pennsylvania Child Wellness Plan to promote child health, nutrition and physical education, the council shall integrate the contents of the Pennsylvania

Amend Sec. 4 (Sec. 1422.2), page 14, line 14, by striking out "THE COUNCIL SHALL REVISE THE PLAN TO INCLUDE" and inserting: and shall include additional

Amend Sec. 4 (Sec. 1422.2), page 14, line 30, by striking out "REVISED"

Amend Sec. 4 (Sec. 1422.2), page 15, line 4, by striking out "REVISED"

Amend Sec. 4 (Sec. 1422.2), page 15, line 8, by striking out "REVISED"

Amend Sec. 4 (Sec. 1512.1), page 16, line 3, by striking out "(A)"

Amend Sec. 4 (Sec. 1512.1), page 16, line 5, by inserting after "WITH": Pennsylvania

Amend Sec. 4 (Sec. 1512.1), page 16, lines 9 through 12, by striking out all of said lines

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

### RECESS

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

Senator BRIGHTBILL. Madam President, at this time I ask for a brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations, which will begin immediately.

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

Senator FUMO. Madam President, I ask all Members of the Democratic Caucus who are on the Committee on Rules and Executive Nominations to go to the meeting.

The PRESIDENT. There will be a brief recess of the Senate for a meeting of the Committee on Rules and Executive Nominations. Without objection, the Senate will stand in recess.

### AFTER RECESS

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

### BILLS REPORTED FROM COMMITTEE

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

**SB 300 (Pr. No. 1986) (Amended) (Rereported) (Concurrence)**

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 exclusions; further providing, in personal income tax, for definitions, for classes of income, for election by small corporation, for manner of making election, for revocation of election, for termination by corporation ceasing to be a small corporation, for revocation or termination year and for election after revocation or termination; further

providing, in capital stock franchise tax, for the definitions of "average net income," "capital stock value" and "corporation" and for imposition; further providing, in realty transfer tax, for stamps, commissions, payments and transfers; further providing, in inheritance tax, for valuation of certain farmland; and making related repeals and repealing a provision relating to taxation of restricted professional companies.

**SB 660 (Pr. No. 1969) (Rereported) (Concurrence)**

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, adding the Uniform Trust Act; abolishing the rule against perpetuities; making conforming amendments; and making a related repeal.

**SB 868 (Pr. No. 1970) (Rereported) (Concurrence)**

An Act amending the act of May 17, 1929 (P.L.1798, No.591), referred to as the Forest Reserves Municipal Financial Relief Law, increasing distribution of annual charge; and making editorial changes.

**SB 1222 (Pr. No. 1963) (Rereported) (Concurrence)**

An Act designating the portion of U.S. Route 6 in Linesville Borough, Crawford County, as the U.S. Route 6 "Gateway to the West" and "Gateway to Pennsylvania" and designating the portion of U.S. Route 6 in Matamoras Borough, Pike County, as the U.S. Route 6 "Gateway to the East" and "Gateway to Pennsylvania"; and authorizing the Department of Transportation, with the approval of the Governor, to grant and convey to AMFIRE Mining Company, LLC, the right to remove coal underlying certain highway right-of-way situate in Cresson Township, Cambria County.

### RESOLUTION REPORTED FROM COMMITTEE

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

**HR 354 (Pr. No. 4511) (Amended) (Rereported) (Concurrence)**

A Concurrent Resolution designating the Garden of Reflection in Lower Makefield Township, Bucks County, as an Official State Memorial to the Victims of the September 11, 2001, terrorist attacks.

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

### RECESS

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

Senator BRIGHTBILL. Madam President, I ask that the Members of the Republican Caucus come to the podium, and we will have a 5-minute briefing and then continue with today's Calendar.

The PRESIDENT. There will be a brief Republican caucus. For that purpose, without objection, the Senate stands in recess.

### AFTER RECESS

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

CALENDAR

HB 1992 CALLED UP OUT OF ORDER

HB 1992 (Pr. No. 4506) -- Without objection, the bill was called up out of order, from page 1 of the Third Consideration Calendar, by Senator BRIGHTBILL, as a Special Order of Business.

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

HB 1992 (Pr. No. 4506) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing, in Local Government Capital Project Loan Fund provisions, for assistance to municipalities.

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-49

Table with 4 columns of names: Armstrong, Boscola, Brightbill, Browne, Conti, Corman, Costa, Dinniman, Earll, Erickson, Ferlo, Fontana, Fumo, Gordner, Greenleaf, Hughes, Jubelirer, Kasunic, Kitchen, LaValle, Lemmond, Logan, Madigan, Mellow, Musto, O'Pake, Orié, Piccola, Pileggi, Pippy, Punt, Rafferty, Regola, Rhoades, Scarnati, Stack, Stout, Tartaglione, Tomlinson, Vance, Washington, Waugh, Wenger, White, Donald, White, Mary Jo, Williams, Anthony H., Wonderling, Wozniak

NAY-0

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

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

RECESS

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

Senator BRIGHTBILL. Madam President, at this time I ask for a recess of the Senate, which will be of undetermined length and to the call of the President pro tempore, but we will not come back before 6:15 p.m.

The PRESIDENT. There will be a recess of the Senate until approximately 6:15 p.m. Without objection, the Senate stands in recess.

AFTER RECESS

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 509 (Pr. No. 4505) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for campus police powers and duties.

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-49

Table with 4 columns of names: Armstrong, Boscola, Brightbill, Browne, Conti, Corman, Costa, Dinniman, Earll, Erickson, Ferlo, Fontana, Fumo, Gordner, Greenleaf, Hughes, Jubelirer, Kasunic, Kitchen, LaValle, Lemmond, Logan, Madigan, Mellow, Musto, O'Pake, Orié, Piccola, Pileggi, Pippy, Punt, Rafferty, Regola, Rhoades, Robbins, Scarnati, Stack, Stout, Tartaglione, Tomlinson, Vance, Washington, Waugh, Wenger, White, Donald, White, Mary Jo, Williams, Anthony H., Wonderling, Wozniak

NAY-0

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

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 3

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 185 (Pr. No. 4510) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, 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.

Considered the third time and agreed to,

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

On the question,  
Shall the bill pass finally?

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

YEA-48

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

NAY-1

Earl

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.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

HB 801 CALLED UP OUT OF ORDER

HB 801 (Pr. No. 4278) -- Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator BRIGHTBILL, as a Special Order of Business.

BILL AMENDED

HB 801 (Pr. No. 4278) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of Health to establish a Cervical Cancer Task Force to evaluate and make recommendations for education and prevention of cervical cancer.

On the question,

Will the Senate agree to the bill on third consideration?

Senator BRIGHTBILL offered the following amendment No. A9177:

Amend Title, page 1, line 1, by striking out "Authorizing" and inserting:

Amending the act of April 9, 1929 (P.L.177, No.175), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," further providing for fees charged by the Insurance Department; and authorizing

Amend Bill, page 6, lines 21 through 30; pages 7 and 8, lines 1 through 30; page 9, lines 1 through 12, by striking out all of said lines on said pages and inserting:

Section 1. Section 612-A(1)(i) of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, amended December 23, 2003 (P.L.282, No.47), is amended to read:

Section 612-A. Insurance Department.—The Insurance Department is authorized to charge fees for the following purposes and in the following amounts:

- (1) Insurance companies, associations or exchanges:
  - (i) Valuation of life insurance policies based on a per thousand dollar value of such insurance . . . . . [\$.015]
  - \$.01
  - with a
  - minimum
  - charge of
  - \$15.00

\*\*\*

Section 2. The act is amended by adding an article to read:

ARTICLE XXI-B

CERVICAL CANCER EDUCATION AND PREVENTION

Section 2101-B. Short title of article.

This article shall be known and may be cited as the Cervical Cancer Education and Prevention Act.

Section 2102-B. Legislative intent.

The purpose of this article is to provide for education and prevention of cervical cancer.

Section 2103-B. Definitions.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Department." The Department of Health of the Commonwealth.

"Plan." The Cervical Cancer Education and Prevention Plan.

"Task force." The Cervical Cancer Task Force established under

section 2104-B.

Section 2104-B. Cervical Cancer Task Force.

(a) Establishment.—The Cervical Cancer Task Force is established in the department.

(b) Composition.—The Secretary of Health or a designee shall serve as chairperson of the task force. The Secretary of Health shall appoint the following members:

- (1) A representative of the Healthy Women Project in the department.

(2) A representative of the Breast and Cervical Cancer Treatment Program in the Department of Public Welfare.

(3) A gynecology oncologist.

(4) An epidemiologist.

(5) A public health professional.

(6) Two representatives of women's community health services.

(7) Two representatives of women's outreach and social services.

(8) Two representatives of health concerns of minority women.

Section 2105-B. Meetings.

The task force shall convene within 90 days after the appointments are made and published and meet at the discretion of the chairperson.

Section 2106-B. Compensation and expenses.

The members of the task force shall receive no compensation for their services but shall be allowed their actual and necessary expenses incurred in performance of their duties. Such reimbursement shall be provided for through the department.

Section 2107-B. Duties.

The task force shall have the following duties:

(1) To develop, using existing resources, a plan to raise public awareness and educate women on the prevention, early screening and detection of cervical cancer and its relation to human papillomavirus (HPV).

(2) To identify new technologies, including newly introduced diagnostics and preventive therapies that are effective in preventing and controlling the risk of cervical cancer.

(3) To make recommendations concerning existing laws, regulations, programs and services relating to cervical cancer.

(4) To receive and consider reports and testimony from individuals, local health departments, community-based organizations, voluntary health organizations and other public and private organizations Statewide regarding education and prevention of cervical cancer, to learn more about their contributions to cervical cancer diagnosis, prevention and treatment and their ideas for improving cervical cancer prevention, diagnosis and treatment in this Commonwealth.

(5) To facilitate coordination of and communication among State and local agencies and organizations to promote education and prevention of cervical cancer.

Section 2108-B. Report.

On or before November 30, 2007, the task force shall present a report to the chairman of the Public Health and Welfare Committee of the Senate and the chairman of the Health and Human Services Committee of the House of Representatives. The report shall present its findings and recommendations, including, but not limited to:

(1) Recommendations to raise public awareness on the prevention, early screening and detection of cervical cancer.

(2) Recommendations to reduce the occurrence of cervical cancer in women in this Commonwealth.

Section 2109-B. Expiration.

This article shall expire November 30, 2007.

Section 3. This act shall take effect as follows:

(1) The amendment of section 612-A(1)(i) of the act shall take effect immediately.

(2) The addition of Article XXI-B shall take effect in 60 days.

(3) The remainder of this act shall take effect immediately.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

**RECESS**

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

Senator BRIGHTBILL. Madam President, at this time I ask for a recess of the Senate for the purpose of a Republican caucus, which will begin immediately in the Majority Caucus Room.

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

Senator O'PAKE. Madam President, I ask all Democrats to report to our caucus room immediately.

The PRESIDENT. For purposes of Republican and Democratic caucuses, without objection, the Senate stands in recess.

**AFTER RECESS**

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

**CONSIDERATION OF CALENDAR RESUMED**

**THIRD CONSIDERATION CALENDAR RESUMED**

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

**HB 2328 (Pr. No. 4463)** -- The Senate proceeded to consideration of the bill, entitled:

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 costs; and providing for adoption of guidelines for fines.

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-47**

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

**NAY-2**

Earll                      White, Mary Jo

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

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

BILL OVER IN ORDER

HB 28 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 30 (Pr. No. 33) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further providing for the payment of compensation to widows, widowers and children.

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-49

Table listing names of Senators who voted 'YEA' for HB 30, including Armstrong, Boscola, Brightbill, Browne, Conti, Corman, Costa, Dinniman, Earll, Erickson, Ferlo, Fontana, Fumo, Gordner, Greenleaf, Hughes, Jubelirer, Kasunic, Kitchen, LaValle, Lemmond, Logan, Madigan, Mellow, Musto, O'Pake, Orié, Piccola, Pileggi, Punt, Rafferty, Regola, Rhoades, Robbins, Scarnati, Stack, Stout, Tartaglione, Tomlinson, Vance, Washington, Waugh, Wenger, White, Donald, White, Mary Jo, Williams, Anthony H., Wonderling, and Wozniak.

NAY-0

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

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

HB 456 (Pr. No. 1074) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the offense of terrorism; further providing in controlled substances forfeitures for loss of property rights to Commonwealth; providing for terrorism forfeiture; further providing for procedure with respect to seized property subject to liens and rights of lienholders; and providing for penalties.

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-49

Table listing names of Senators who voted 'YEA' for HB 456, including Armstrong, Boscola, Brightbill, Browne, Conti, Corman, Costa, Dinniman, Earll, Erickson, Ferlo, Fontana, Fumo, Gordner, Greenleaf, Hughes, Jubelirer, Kasunic, Kitchen, LaValle, Lemmond, Logan, Madigan, Mellow, Musto, O'Pake, Orié, Piccola, Pileggi, Pippy, Punt, Rafferty, Regola, Rhoades, Robbins, Scarnati, Stack, Stout, Tartaglione, Tomlinson, Vance, Washington, Waugh, Wenger, White, Donald, White, Mary Jo, Williams, Anthony H., Wonderling, and Wozniak.

NAY-0

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

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

BILL OVER IN ORDER

SB 691 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 700 (Pr. No. 4417) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for lobbying registration, regulation and disclosure; conferring powers and imposing duties on the Department of State, the Office of Attorney General and the State Ethics Commission; imposing penalties; establishing the Lobbying Accountability Fund; and making a related repeal.

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-49

Table listing names of Senators who voted 'YEA' for HB 700, including Armstrong, Boscola, Brightbill, Browne, Gordner, Greenleaf, Hughes, Jubelirer, Orié, Piccola, Pileggi, Pippy, Tomlinson, Vance, Washington, and 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	Wonderling
Erickson	Madigan	Scarnati	Wozniak
Ferlo	Mellow	Stack	
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.

BILL OVER IN ORDER

SB 772 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 865 (Pr. No. 1242) -- The Senate proceeded to consideration of the bill, entitled:

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

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

On the question, Shall the bill pass finally?

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

YEA-48

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

NAY-1

Gordner

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

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

BILLS OVER IN ORDER

SB 1046 and SB 1181 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1326 (Pr. No. 4044) -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing the At-Risk Elderly Wireless Emergency Telephone Program; conferring powers and duties on the Department of Aging; and providing additional powers to the Area Agencies on Aging.

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-49

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	Wonderling
Erickson	Madigan	Scarnati	Wozniak
Ferlo	Mellow	Stack	
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.

BILL OVER IN ORDER TEMPORARILY

HB 1526 -- Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.



BILL OVER IN ORDER

HB 1641 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1746 (Pr. No. 4389) -- The Senate proceeded to consideration of the bill, entitled:

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

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-47

Table listing names of senators who voted 'YEA' for HB 1746, including Armstrong, Boscola, Brightbill, Browne, Conti, Corman, Costa, Dinniman, Erickson, Ferlo, Fontana, Fumo, Gordner, Greenleaf, Hughes, Jubelirer, Kasunic, Kitchen, LaValle, Lemmond, Logan, Madigan, Mellow, Musto, O'Pake, Piccola, Pileggi, Pippy, Punt, Rafferty, Regola, Rhoades, Robbins, Scarnati, Stack, Stout, Tartaglione, Tomlinson, Vance, Washington, Waugh, Wenger, White, Donald, Williams, Anthony H., Wonderling, and Wozniak.

NAY-2

Earll White, Mary Jo

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.

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 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-49

Table listing names of senators who voted 'YEA' for HB 1928, including Armstrong, Boscola, Brightbill, Browne, Conti, Corman, Costa, Dinniman, Earll, Erickson, Ferlo, Fontana, Fumo, Gordner, Greenleaf, Hughes, Jubelirer, Kasunic, Kitchen, LaValle, Lemmond, Logan, Madigan, Mellow, Musto, O'Pake, Orie, Piccola, Pileggi, Pippy, Punt, Rafferty, Regola, Rhoades, Robbins, Scarnati, Stack, Stout, Tartaglione, Tomlinson, Vance, Washington, Waugh, Wenger, White, Donald, White, Mary Jo, Williams, Anthony H., Wonderling, and Wozniak.

NAY-0

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

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

BILLS OVER IN ORDER

HB 2003 and HB 2202 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2295 (Pr. No. 3734) -- The Senate proceeded to consideration of the bill, entitled:

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.

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-49

Table listing names of senators who voted 'YEA' for HB 2295, including Armstrong, Boscola, Brightbill, Gordner, Greenleaf, Hughes, Orie, Piccola, Pileggi, Tomlinson, Vance, and 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	Wonderling
Erickson	Madigan	Scarnati	Wozniak
Ferlo	Mellow	Stack	
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 without amendments.

BILL OVER IN ORDER TEMPORARILY

HB 2545 -- Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2627 (Pr. No. 4053) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 6, 2005 (P.L.319, No.59), entitled, "An act amending the act of June 24, 1976 (P.L.424, No.101), entitled, as amended, 'An act providing for the payment of death benefits to the surviving spouse or children or parents of firefighters, ambulance service or rescue squad members, law enforcement officers or National Guard members killed in the performance of their duties,' further providing for death benefit eligibility and for definitions," further providing for retroactivity of death benefit eligibility.

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-49

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	Wonderling
Erickson	Madigan	Scarnati	Wozniak
Ferlo	Mellow	Stack	
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 without amendments.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 6

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 801 (Pr. No. 4514) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing for fees charged by the Insurance Department; and authorizing and directing the Department of Health to establish a Cervical Cancer Task Force to evaluate and make recommendations for education and prevention of cervical cancer.

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-49

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	Wonderling
Erickson	Madigan	Scarnati	Wozniak
Ferlo	Mellow	Stack	
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.

SB 1222 CALLED UP OUT OF ORDER

SB 1222 (Pr. No. 1963) -- Without objection, the bill was called up out of order, from page 2 of Supplemental Calendar No. 4, by Senator BRIGHTBILL, as a Special Order of Business.

SENATE NONCONCURS IN HOUSE AMENDMENTS

SB 1222 (Pr. No. 1963) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating the portion of U.S. Route 6 in Linesville Borough, Crawford County, as the U.S. Route 6 "Gateway to the West" and "Gateway to Pennsylvania" and designating the portion of U.S. Route 6 in Matamoras Borough, Pike County, as the U.S. Route 6 "Gateway to the East" and "Gateway to Pennsylvania"; and authorizing the Department of Transportation, with the approval of the Governor, to grant and convey to AMFIRE Mining Company, LLC, the right to remove coal underlying certain highway right-of-way situate in Cresson Township, Cambria County.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1222?

Senator BRIGHTBILL. Madam President, I move the Senate nonconcur in the amendments made by the House to Senate Bill No. 1222.

On the question,

Will the Senate agree to the motion?

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

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 4

SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED

SB 300 (Pr. No. 1986) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing, in sales and use tax, for exclusions; further providing, in personal income tax, for definitions, for classes of income, for election by small corporation, for manner of making election, for revocation of election, for termination by corporation ceasing to be a small corporation, for revocation or termination year and for election after revocation or termination; further providing, in capital stock franchise tax, for the definitions of "average net income," "capital stock value" and "corporation" and for imposition; further providing, in realty transfer tax, for stamps, commissions, payments and transfers; further providing, in inheritance tax, for valuation of certain farmland; and making related repeals and repealing a provision relating to taxation of restricted professional companies.

On the question,

Will the Senate concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 300?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 300.

On the question,

Will the Senate agree to the motion?

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

YEA-49

Table with 4 columns of names: Armstrong, Boscola, Brightbill, Browne, Conti, Corman, Costa, Dinniman, Earll, Erickson, Ferlo, Fontana, Fumo, Gordner, Greenleaf, Hughes, Jubelirer, Kasunic, Kitchen, LaValle, Lemmond, Logan, Madigan, Mellow, Musto, O'Pake, Ori, Piccola, Pileggi, Pippy, Punt, Rafferty, Regola, Rhoades, Robbins, Scarnati, Stack, Stout, Tartaglione, Tomlinson, Vance, Washington, Waugh, Wenger, White, Donald, White, Mary Jo, Williams, Anthony H., Wonderling, Wozniak.

NAY-0

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

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

SENATE CONCURS IN HOUSE AMENDMENTS

SB 660 (Pr. No. 1969) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, adding the Uniform Trust Act; abolishing the rule against perpetuities; making conforming amendments; and making a related repeal.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 660?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 660.

On the question,

Will the Senate agree to the motion?

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

YEA-49

Table with 4 columns of names: Armstrong, Boscola, Brightbill, Browne, Conti, Corman, Costa, Dinniman, Earll, Erickson, Ferlo, Fontana, Fumo, Gordner, Greenleaf, Hughes, Jubelirer, Kasunic, Kitchen, LaValle, Lemmond, Logan, Madigan, Mellow, Musto, O'Pake, Ori, Piccola, Pileggi, Pippy, Punt, Rafferty, Regola, Rhoades, Robbins, Scarnati, Stack, Stout, Tartaglione, Tomlinson, Vance, Washington, Waugh, Wenger, White, Donald, White, Mary Jo, Williams, Anthony H., Wonderling, Wozniak.

NAY-0

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

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

**SENATE CONCURS IN HOUSE AMENDMENTS**

**SB 868 (Pr. No. 1970)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1929 (P.L.1798, No.591), referred to as the Forest Reserves Municipal Financial Relief Law, increasing distribution of annual charge; and making editorial changes.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 868?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 868.

On the question,

Will the Senate agree to the motion?

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

**YEA-49**

Armstrong	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	Wonderling
Erickson	Madigan	Scarnati	Wozniak
Ferlo	Mellow	Stack	
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 inform the House of Representatives accordingly.

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

**HR 354 (Pr. No. 4511)** -- The Senate proceeded to consideration of the resolution entitled:

A Concurrent Resolution designating the Garden of Reflection in Lower Makefield Township, Bucks County, as an Official State Memorial to the Victims of the September 11, 2001, terrorist attacks.

On the question,

Will the Senate concur in the amendments made by the House, as amended by the Senate, to House Concurrent Resolution No. 354?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House, as amended by the Senate, to House Concurrent Resolution No. 354.

On the question,

Will the Senate agree to the motion?

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

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

**CONSIDERATION OF CALENDAR RESUMED**

**SECOND CONSIDERATION CALENDAR**

**BILLS OVER IN ORDER**

**HB 10, HB 11, HB 183 and SB 597** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

**BILL LAID ON THE TABLE**

**SB 1140 (Pr. No. 1867)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, imposing a central or regional booking fee on criminal convictions to fund the start-up, operation or maintenance of a central or regional booking center.

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

**BILLS OVER IN ORDER**

**SB 1245, SB 1268, HB 1285, HB 1447, HB 2064, HB 2065 and HB 2066** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

**HOUSE CONCURRENT RESOLUTION No. 357  
REREPORTED FROM COMMITTEE AS  
AMENDED, ADOPTED**

Senator BRIGHTBILL, without objection, called up from page 6 of the Calendar, **House Concurrent Resolution No. 357**, entitled:

A Concurrent Resolution directing the Joint State Government Commission to establish a task force on child safety.

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

On the question,  
Will the Senate concur in the resolution?

Senator BRIGHTBILL. Madam President, I move the Senate do concur in House Concurrent Resolution No. 357.

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

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

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

**RECONSIDERATION OF HB 1641**

**HB 1641 (Pr. No. 4392)** -- Senator BRIGHTBILL. Madam President, I move that the Senate do now reconsider the vote by which House Bill No. 1641, Printer's No. 4392, went over in its order.

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

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

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**HB 1641 (Pr. No. 4392)** -- The Senate proceeded to consideration of the bill, entitled:

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.

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-49**

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	Wonderling
Erickson	Madigan	Scarnati	Wozniak
Ferlo	Mellow	Stack	
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.

**HB 2545 CALLED UP**

**HB 2545 (Pr. No. 4458)** -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 4 of the Third Consideration Calendar, by Senator BRIGHTBILL.

**BILL AMENDED**

**HB 2545 (Pr. No. 4458)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing, in municipal police education and training, for definitions, for police training, for automatic certification and for reimbursement of expenses; and further providing, in parking authorities, for purposes and powers, for limousine carriers and taxicabs and for competition in award of contracts.

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

**FUMO AMENDMENT A9147**

Senator MELLOW, on behalf of Senator FUMO, offered the following amendment No. A9147:

Amend Title, page 1, lines 2 through 5, by striking out "further providing, in municipal police" in line 2; all of lines 3 and 4 and "expenses; and" in line 5

Amend Bill, page 1, lines 10 through 19; pages 2 through 5, lines 1 through 30; page 6, lines 1 through 3, by striking out all of said lines on said pages and inserting:

Section 1. Section 5505(d)(23) of Title 53 of the Pennsylvania Consolidated Statutes is amended to read:

Amend Sec. 4, page 6, line 26, by striking out "4" and inserting: 2

Amend Sec. 5, page 7, line 6, by striking out "5" and inserting: 3

Amend Sec. 6, page 7, lines 27 through 30; page 8, lines 1 through 4, by striking out all of said lines on said pages and inserting

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

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

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

**YEA-38**

Armstrong	Fontana	Mellow	Stout
Boscola	Fumo	Musto	Tartaglione
Brightbill	Greenleaf	O'Pake	Tomlinson
Browne	Hughes	Piccola	Washington
Conti	Jubelirer	Pileggi	Wenger
Corman	Kasunic	Punt	White, Donald
Costa	Kitchen	Rafferty	Williams, Anthony H.

Dinniman	LaValle	Rhoades	Wozniak
Erickson	Lemmond	Scarnati	
Ferlo	Logan	Stack	

NAY-11

Earll	Orie	Robbins	White, Mary Jo
Gordner	Pippy	Vance	Wonderling
Madigan	Regola	Waugh	

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

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

FUMO AMENDMENT A9135

Senator MELLOW, on behalf of Senator FUMO, offered the following amendment No. A9135:

Amend Title, page 1, lines 1 through 7, by striking out all of said lines and inserting:

Amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing, in municipal police education and training, for definitions, for police training, for automatic certification and for reimbursement of expenses; further providing, in parking authorities, for purposes and powers and for competition in award of contracts; further defining "limousine service" and "taxicab"; adding definitions relating to taxicabs and limousines in first class cities; further providing, in taxicabs and limousines in first class cities, for contested complaints; providing, in taxicabs and limousines in first class cities, for parking authority powers generally; further providing, in taxicabs and limousines in first class cities, for power of authority to issue certificates of public convenience, for certificate and medallion required and for additional certificates and medallions; providing, in taxicabs and limousines in first class cities, for wheelchair accessible service and for ambassador taxicabs; and further providing, in taxicabs and limousines in first class cities, for restrictions, for regulations, for civil penalties and for certificate of public convenience required.

Amend Sec. 3 (Sec. 5505), page 6, lines 10 through 24, by striking out all of said lines and inserting:

(23) In cities of the first class, to act as [an independent administrative commission] a local agency and take any actions deemed necessary by the authority for the regulation of taxicabs and limousine service.] pursuant to Chapter 57 (relating to taxicabs and limousines in first class cities).

Amend Bill, page 7, lines 27 through 30; page 8, lines 1 through 4, by striking out all of said lines and inserting:

Section 4. The definitions of "limousine service" and "taxicab" in section 5701 of Title 53 are amended and the section is amended by adding definitions to read:

§ 5701. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Ambassador taxicabs." A special service vehicle less than one year old at the time introduced for service which provides unique passenger accommodations as determined by the authority to promote tourism within a city of the first class in a manner determined by the authority.

\*\*\*

"Limousine service."

(1) Except as provided in paragraph (2), a motor vehicle providing any of the following services:

(i) Local, nonscheduled common carrier service for passengers on an exclusive basis for compensation.

(ii) Common carrier service for passengers for compensation:

(A) from any airport, railroad station or hotel located in whole or in part in a city of the first class; or

(B) to any airport, railroad station or hotel located in whole or in part in a city of the first class from a point within the city of the first class.

(2) The term does not include any of the following:

(i) Taxicab service.

(ii) Service that was otherwise exempt from the jurisdiction of the commission prior to the effective date of this subparagraph.

(iii) Other paratransit service.

(iv) Employee commuter van pooling.

(v) Any vehicle with a capacity of 20 or more persons including the driver.

\*\*\*

"Taxicab." Any of the following:

(1) A motor vehicle designed for carrying no more than eight passengers, exclusive of the driver, on a call or demand basis and used for the transportation of persons for compensation.

(2) A wheelchair accessible taxicab.

(3) An ambassador taxicab.

"Wheelchair accessible taxicab." A vehicle which can accommodate at least one person in a wheelchair without the person having to transfer from the wheelchair to another seat and which meets requirements established by the Americans with Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327) or a functional equivalent approved by the authority.

Section 5. Section 5705(a) of Title 53 is amended to read: § 5705. Contested complaints.

(a) Adjudication.—Contested complaints brought before the authority alleging violations of this chapter or rules and regulations promulgated by the authority pursuant to this chapter shall be assigned by the authority to a hearing officer for adjudication. Hearing officers assigned to cases pursuant to this chapter may be removed by the authority only for good cause shown. Following the taking and receiving of evidence, the hearing officer shall issue a decision which determines the merits of the complaint and assesses a penalty if warranted. The hearing officer may require the filing of briefs prior to issuing a decision. The hearing officer's decision shall not be subject to exception or administrative appeal. In its discretion, the authority may exercise review of a hearing officer's decision within 15 days of the date of issuance. If the authority does not perform a timely review of a hearing officer's decision, the decision will become a final order without further authority action. The authority shall be considered a local agency for purposes of 2 Pa.C.S. Chs. 5 (relating to practice and procedure) and 7 (relating to judicial review), except that the provisions of 2 Pa.C.S. § 555 (relating to contents and service of adjudications) requiring that adjudications contain findings and reasons for the adjudication shall not be applicable. The authority shall not be required to issue a formal decision containing findings and reasons for the adjudication unless a petition for review or an appeal of the adjudication is filed, in which case the authority shall issue a postappeal decision with findings and reasons for the adjudication consistent with Pa.R.A.P. No. 1925 (relating to opinion in support of order). The authority may establish orders or regulations which designate rules and procedures for the adjudication of complaints brought pursuant to this chapter, including procedures related to requests for issuance of subpoenas.

\*\*\*

Section 6. Section 5711(c)(2) of Title 53 is amended to read:

§ 5711. Power of authority to issue certificates of public convenience.

\*\*\*

(c) Procedure.—

\*\*\*

(2) The authority is authorized to issue a maximum of [1,600] 1,700 certificates of public convenience for taxicab service and no more than five certificates of public convenience for limited service in any city of the first class. Of the 1,700 certificates of public convenience available for taxicab service issued under this subsection, no fewer than 50 shall be designated for wheelchair

accessible taxicabs, and no fewer than 50 shall be designated for ambassador taxicabs.

\*\*\*

Section 7. Title 53 is amended by adding a section to read:  
§ 5711.1. Powers generally.

(a) Regulations.—The authority may prescribe rules, regulations and penalties, including equitable relief, as it deems necessary to govern the regulation of taxicabs and limousines within cities of the first class under this chapter. The authority has the powers set forth in this section notwithstanding any other provision of law or of the articles of incorporation of the authority and shall act as a local authority for purposes of the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, and sections 201 through 208 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law. The rules, regulations and penalties, including equitable relief, of the authority in place on May 1, 2006, are deemed final, valid and binding and are not subject to the Regulatory Review Act and sections 201 through 208 of the Commonwealth Documents Law. Nothing in this chapter shall be deemed to limit regulatory penalties available to the authority.

(b) Vehicle requirements.—The authority may by order or regulation provide for vehicle fitness, mileage and safety requirements for all vehicles within its jurisdiction pursuant to this chapter and may, in addition to other inspections, conduct vehicle inspections required by 75 Pa.C.S. Ch. 47 (relating to inspection of vehicles), upon receipt of a certificate of appointment by the Department of Transportation. The certificate may limit the scope of inspections to vehicles of the authority and vehicles within the authority's jurisdiction under this chapter.

(c) Investigations.—The authority is empowered to conduct investigations into any matter related to taxicab or limousine service in cities of the first class. The power to conduct investigations shall include the inspection of books, accounts, records and property of those certified by or registered with the authority under this chapter or regulation of the authority wherever situated.

(d) Other registrants.—In addition to persons directly involved in the provision of taxicab and limousine service to the public, the authority may require through order or regulation those engaged in the provision of other services integral to taxicab and limousine service in cities of the first class as defined by the authority, including, but not limited to, dispatching, financing and insurance entities, to register with the authority and comply with its regulations and orders.

(e) Criminal records.—

(1) No person, corporation, partnership or other business entity may purchase a medallion or be issued or maintain any registration or certification required by this chapter or by regulation of the authority, from the date the person, corporation, partnership or other business entity has pleaded guilty or nolo contendere or been found guilty of a felony through:

(i) any sentence imposed; and

(ii) five years from the date the sentence is fully served.

(2) The authority may in the public interest by order or regulation consistent with this chapter provide for additional periods of ineligibility for certification or registration of any person, corporation, partnership or other business entity which has pleaded guilty or nolo contendere or been found guilty of a felony in any manner related to taxicab or limousine service or a felony as defined by:

18 Pa.C.S. Ch. 25 (relating to criminal homicide);

18 Pa.C.S. Ch. 27 (relating to assault);

18 Pa.C.S. Ch. 29 (relating to kidnapping); or

18 Pa.C.S. Ch. 31 (relating to sexual offenses).

(3) The prohibition of this subsection from the purchase of a medallion or initial or continuing certification or registration shall also apply to a corporation, partnership or other business entity when any person with an ownership interest is prohibited from the purchase of a medallion or initial or continuing certification or registration by the authority pursuant to this subsection, unless ownership of the corporation, partnership or other business entity is divided among more than 1,000 persons and no more than 2% of the overall ownership interest is held by any person or persons prohibited from the purchase of a medallion or initial or continuing certification or registration by the authority under this subsection.

(f) Continuing offenses.—Each and every day's continuance in the violation of any regulation or final direction, requirement, subpoena, determination or order of the authority, or of any final judgment, order or decree made by any court, may at the authority's discretion be determined to be a separate and distinct offense. If any interlocutory order of supersedeas or a preliminary injunction be granted, no penalties shall be incurred or collected for or on account of any act, matter or thing done in violation of such final direction, requirement, determination, order or decree so superseded or enjoined for the period of time such order of supersedeas or injunction is in force.

Section 8. Sections 5714(d)(2), (e) and (f) and 5717 of Title 53 are amended to read:

§ 5714. Certificate and medallion required.

\*\*\*

(d) Other vehicles.—

\*\*\*

(2) Carriers currently authorized to provide service to designated areas within cities of the first class on a non-citywide basis shall retain their authorization [through] pursuant to orders and regulations of the authority. The authority shall determine the geographical boundaries of such non-citywide authorization as necessary after an opportunity for hearing. The authority shall not grant additional rights to new or existing carriers to serve designated areas within cities of the first class on a non-citywide basis.

(e) Penalties involving certificated taxicabs.—[Operating] In addition to penalties of the authority, operating a certificated taxicab in violation of subsections (a) and (b) or authorizing or permitting such operation is a nontraffic summary offense. [Offenders of subsections (a) and (b) may also be subject to civil penalties pursuant to section 5725 (relating to civil penalties).]

(f) Unauthorized vehicles.—[Operating] In addition to penalties of the authority, operating an unauthorized vehicle as a taxicab, or giving the appearance of offering call or demand service with an unauthorized vehicle, without first having received a certificate of public convenience and a medallion is a nontraffic summary offense in the first instance and a misdemeanor of the third degree for each offense thereafter. [The owner and the driver of a vehicle being operated as or appearing as a taxicab without a certificate of public convenience and a medallion are also subject to civil penalties pursuant to section 5725. Civil penalties which have been assessed and collected shall be deposited in the fund.]

\*\*\*

§ 5717. Additional certificates and medallions.

Subject to the limits established in section 5711(c) (relating to power of authority to issue certificates of public convenience), the authority may increase the number of certificates and medallions if it finds a need for additional taxicab service in cities of the first class by issuing certificates and corresponding medallions to applicants on a first-come-first-served basis. Each applicant shall pay a fee in an amount equal to the reasonable market value of the medallions at the time of issuance as determined by the authority. The fee is payable prior to the time of issuance. In determining the reasonable market value of a medallion, the authority shall consider the purchase price in medallion transactions over the prior year as reflected in authority records. The authority in its discretion may hold hearings to determine the reasonable market value of a medallion. In no case shall the number of citywide call or demand service taxicab certificates and medallions issued by the authority exceed [1,600 each] the limits set by section 5711(c).

Section 9. Title 53 is amended by adding sections to read:

§ 5717.1. Wheelchair accessible service.

(a) Issuance of certificates and medallions.—The authority may by order or regulation provide for special medallion fees, rights, privileges and limitations to encourage conversion of existing medallion taxicabs to wheelchair accessible taxicabs. If four months after the effective date of this section the number of wheelchair accessible taxicabs with citywide call or demand rights in cities of the first class is fewer than 50, the authority shall begin the process of issuing additional certificates and corresponding medallions to applicants to provide wheelchair accessible taxicab service to increase the number of wheelchair accessible taxicabs to 50 operational wheelchair accessible taxicabs. These medallions shall only be attached to wheelchair accessible taxicabs and shall in the discretion of the authority be issued at a

reasonable market price consistent with section 5717 (relating to additional certificates and medallions) or through a competitive request for proposal process open to any otherwise qualified person in which factors in addition to market value may be considered in the best interests of the public. The authority may in its discretion issue these medallions in stages.

(b) Contract service.—Any medallion taxicab providing service in a wheelchair accessible vehicle shall also be permitted to provide contract service, consistent with the Pennsylvania Public Utility Commission's rules and regulations. The authority may nevertheless limit the amount of contract service that may be provided by medallion taxicabs using accessible vehicles if it finds that the contract service is impairing the taxicab industry's ability to provide common carrier taxicab service to people with disabilities. This contract service may be provided under rates other than the approved rate for exclusive service that applies to the common carrier service provided by medallion taxicabs.

(c) Age restriction.—The vehicle age restrictions of section 5714(a) (relating to certificate and medallion required) shall not apply to wheelchair accessible vehicles if the vehicles meet all inspection requirements of this chapter and as established by the authority.

§ 5717.2. Ambassador taxicabs.

(a) Issuance of certificates and medallions.—The authority shall begin the process of issuing additional certificates and corresponding medallions to applicants to provide ambassador taxicab service to increase the number of ambassador taxicabs to 50 operational ambassador taxicabs. These medallions shall only be attached to ambassador taxicabs and shall in the discretion of the authority be issued at a reasonable market price consistent with section 5717 (relating to additional certificates and medallions) or through a competitive request for proposal process open to any otherwise qualified person in which factors in addition to market value may be considered in the best interests of the public. The authority may in its discretion issue these medallions in stages.

Section 10. Sections 5718(c), 5722, 5725, 5741(d) and (e), 5742 and 5745 of Title 53 are amended to read:

§ 5718. Restrictions.

\*\*\*

(c) Criminal records.—No person or corporation may purchase a medallion or apply for a certificate if the person or corporation or an officer or director of the corporation has been convicted or found guilty of a felony within the five-year period immediately preceding the transfer. All applications for a certificate shall contain a sworn affidavit certifying that the purchaser has not been convicted of a felony in the previous five years. If, at any time, the authority finds that a medallion holder has been convicted of a felony while holding the medallion or during the five years immediately preceding its purchase, the authority shall cancel the corresponding certificate.

§ 5722. Regulations.

The authority may prescribe such rules and regulations as it deems necessary to govern the regulation of taxicabs within cities of the first class under this chapter. The authority has the powers set forth in this section notwithstanding any other provision or law or of the articles of incorporation of the authority.

§ 5725. Civil penalties.

(a) General rule.—If any person or corporation subject to this subchapter shall violate any of the provisions of this subchapter or shall do any matter or thing prohibited under this subchapter; or shall fail, omit, neglect or refuse to perform any duty enjoined upon it by this subchapter; or shall fail, omit, neglect or refuse to obey, observe and comply with any regulation or final direction, requirement, determination or order made by the authority or to comply with any final judgment, order or decree made by any court, the person or corporation for the violation, omission, failure, neglect or refusal shall forfeit and pay to the Commonwealth a sum not exceeding \$1,000 to be recovered by an action of assumpsit instituted in the name of the Commonwealth. In construing and enforcing the provisions of this section, the violation, omission, failure, neglect or refusal of any officer, agent or employee acting for or employed by the person or corporation shall in every case be deemed to be the violation, omission, failure, neglect or refusal of the person or corporation.

(b) Continuing offenses.—Each and every day's continuance in the

violation of any regulation or final direction, requirement, determination or order of the authority, or of any final judgment, order or decree made by any court, shall be a separate and distinct offense. If any interlocutory order of supersedeas or a preliminary injunction be granted, no penalties shall be incurred or collected for or on account of any act, matter or thing done in violation of such final direction, requirement, determination, order or decree so superseded or enjoined for the period of time such order of supersedeas or injunction is in force.]

§ 5741. Certificate of public convenience required.

\*\*\*

(d) Penalties involving certified limousines.—[Operating] In addition to penalties imposed by the authority, operating a certificated limousine in violation of this subchapter and authority regulations with regard to limousine service in a city of the first class or authorizing or permitting such operation is a nontraffic summary offense. [Offenders may also be subject to civil penalties pursuant to section 5745 (relating to civil penalties).]

(e) Unauthorized vehicles.—[Operating] In addition to penalties imposed by the authority, operating an unauthorized vehicle as a limousine or giving the appearance of offering limousine service with an unauthorized vehicle, without first having received a certificate of public convenience, is a nontraffic summary offense in the first instance and a misdemeanor of the third degree for each subsequent offense. [The owner and the driver of a vehicle being operated as a limousine without a certificate of public convenience are also subject to civil penalties pursuant to section 5745. Civil penalties which have been assessed and collected shall be deposited in the fund.]

\*\*\*

[§ 5742. Regulations.

The authority is authorized to prescribe such rules and regulations as it deems necessary to administer and enforce the regulation of limousine service certified through the authority under this chapter. The authority has the powers set forth in this section notwithstanding any other provision of law or of the authority's articles of incorporation.

§ 5745. Civil penalties.

(a) General rule.—If any person or corporation subject to this subchapter shall violate any of the provisions of this subchapter or shall do any matter or thing prohibited under this subchapter; or shall fail, omit, neglect or refuse to perform any duty enjoined upon it by this subchapter; or shall fail, omit, neglect or refuse to obey, observe and comply with any regulation or final direction, requirement, determination or order made by the authority or to comply with any final judgment, order or decree made by any court, the person or corporation for the violation, omission, failure, neglect or refusal shall forfeit and pay to the Commonwealth a sum not exceeding \$1,000 to be recovered by an action of assumpsit instituted in the name of the Commonwealth. In construing and enforcing the provisions of this section, the violation, omission, failure, neglect or refusal of any officer, agent or employee acting for or employed by the person or corporation shall in every case be deemed to be the violation, omission, failure, neglect or refusal of the person or corporation.

(b) Continuing offenses.—Each and every day's continuance in the violation of any regulation or final direction, requirement, determination or order of the authority, or of any final judgment, order or decree made by any court, shall be a separate and distinct offense. If any interlocutory order of supersedeas or a preliminary injunction be granted, no penalties shall be incurred or collected for or on account of any act, matter or thing done in violation of such final direction, requirement, determination, order or decree so superseded or enjoined for the period of time such order of supersedeas or injunction is in force.]

Section 11. This act shall take effect as follows:

- (1) The addition of 53 Pa.C.S. § 5717.1 shall take effect in 180 days.
- (2) The amendment of 53 Pa.C.S. § 5511(i) shall take effect in 60 days.
- (3) The following provisions shall take effect in one year:
  - (i) The amendment of 53 Pa.C.S. § 2162.
  - (ii) The addition of 53 Pa.C.S. § 2167(a.1).
  - (iii) The addition of 53 Pa.C.S. § 2168(e).
  - (iv) The amendment of 53 Pa.C.S. § 2170(a), (c) and (d).



(4) The remainder of this act shall take effect immediately.

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

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

YEA-38

Armstrong	Fontana	Mellow	Stout
Boscola	Fumo	Musto	Tartaglione
Brightbill	Greenleaf	O'Pake	Tomlinson
Browne	Hughes	Piccola	Washington
Conti	Jubelirer	Pileggi	Wenger
Corman	Kasunic	Punt	White, Donald
Costa	Kitchen	Rafferty	Williams, Anthony H.
Dinniman	LaValle	Rhoades	Wozniak
Erickson	Lemmond	Scarnati	
Ferlo	Logan	Stack	

NAY-11

Earll	Orie	Robbins	White, Mary Jo
Gordner	Pippy	Vance	Wonderling
Madigan	Regola	Waugh	

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

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

FUMO AMENDMENT A9127

Senator MELLOW, on behalf of Senator FUMO, offered the following amendment No. A9127:

Amend Sec. 3, page 4, line 15, by striking out "AND 5505(D)(23)" Amend Bill, page 6, by inserting between lines 3 and 4:

Section 4. Section 5505(d)(23) of Title 53 is amended and the section is amended by adding a paragraph to read:

Amend Sec. 3 (Sec. 5505), page 6, by inserting between lines 25 and 26:

(27) In cities of the first class, to develop and implement an affirmative action plan to assure that all persons are accorded equality of opportunity in employment and contracting by the board, its contractors, subcontractors, assignees, lessees, agents, vendors and suppliers.

\*\*\*

Amend Sec. 4, page 6, line 26, by striking out "4" and inserting: 5

Amend Sec. 5, page 7, line 6, by striking out "5" and inserting: 6

Amend Sec. 6, page 7, line 27, by striking out "6" and inserting: 7

Amend Sec. 6, page 8, lines 1 and 2, by striking out all of said lines and inserting:

(ii) The amendment or addition of 53 Pa.C.S. §§ 5505(D)(23) and (27) and 5511(i).

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

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

YEA-38

Armstrong	Fontana	Mellow	Stout
Boscola	Fumo	Musto	Tartaglione
Brightbill	Greenleaf	O'Pake	Tomlinson
Browne	Hughes	Piccola	Washington
Conti	Jubelirer	Pileggi	Wenger
Corman	Kasunic	Punt	White, Donald
Costa	Kitchen	Rafferty	Williams, Anthony H.
Dinniman	LaValle	Rhoades	Wozniak
Erickson	Lemmond	Scarnati	
Ferlo	Logan	Stack	

NAY-11

Earll	Orie	Robbins	White, Mary Jo
Gordner	Pippy	Vance	Wonderling
Madigan	Regola	Waugh	

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

The PRESIDENT. The bill will go over as amended.

HOUSE MESSAGES

HOUSE NONCONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has nonconcurred in amendments made by the Senate to **HB 185** and **1992**.

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

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 1188**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

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

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate by amending said amendments to **HB 859**, in which concurrence of the Senate is requested.

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

MOTION TO SUSPEND RULE XIV

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

Senator BRIGHTBILL. Madam President, I move to suspend Rule XIV to the extent that it requires Senate Bill No. 1188 and House Bill No. 859 to be referred to the Committee on Rules and

Executive Nominations, and that Senate Bill No. 1188 and House Bill No. 859 be placed upon the Calendar.

The PRESIDENT. Senator Brightbill moves that Senate Rule XIV be suspended, and Senate Bill No. 1188 and House Bill No. 859 be placed on the Calendar.

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

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

**YEA-49**

Armstrong	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	Wonderling
Erickson	Madigan	Scarnati	Wozniak
Ferlo	Mellow	Stack	
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.

**SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR No. 9**

**SENATE INSISTS UPON ITS AMENDMENTS  
NONCONCURRED IN BY THE HOUSE TO HB 185**

**HB 185 (Pr. No. 4510)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, 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; providing for physiology and hygiene.

Senator BRIGHTBILL. Madam President, I move the Senate insist upon its amendments nonconcurrent in by the House to House Bill No. 185, and that a Committee of Conference on the part of the Senate be appointed.

On the question,  
Will the Senate agree to the motion?  
A voice vote having been taken, the question was determined in the affirmative.  
Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

**COMMITTEE OF CONFERENCE  
APPOINTED ON HB 185**

The PRESIDENT. The Chair announces, on behalf of the President pro tempore, the appointment of Senators BRIGHTBILL, RHOADES and MUSTO as a Committee of Conference on the part of the Senate to confer with a similar committee of the House, if the House shall appoint such committee, to consider the differences existing between the two Houses in relation to House Bill No. 185.

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

**SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR No. 9 RESUMED**

**SENATE INSISTS UPON ITS AMENDMENTS  
NONCONCURRED IN BY THE HOUSE TO HB 192**

**HB 192 (Pr. No. 4506)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing, in Local Government Capital Project Loan Fund provisions, for assistance to municipalities.

Senator BRIGHTBILL. Madam President, I move the Senate insist upon its amendments nonconcurrent in by the House to House Bill No. 192, and that a Committee of Conference on the part of the Senate be appointed.

On the question,  
Will the Senate agree to the motion?  
A voice vote having been taken, the question was determined in the affirmative.  
Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

**COMMITTEE OF CONFERENCE  
APPOINTED ON HB 192**

The PRESIDENT. The Chair announces, on behalf of the President pro tempore, the appointment of Senators BRIGHTBILL, WENGER and FUMO as a Committee of Conference on the part of the Senate to confer with a similar committee of the House, if the House shall appoint such committee, to consider the differences existing between the two Houses in relation to House Bill No. 192.

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

**SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR No. 7**

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

**HB 859 (Pr. No. 4509)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing, in sales and use tax, for definitions and for alternate imposition; further providing, in corporate net income tax, for definitions; and further providing, in research and development tax credit, for credit for research and development expenses, for time limitations, for limitations on credit and for termination.

On the question,

Will the Senate concur in the amendments made by the House to Senate amendments to House Bill No. 859?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate amendments to House Bill No. 859.

On the question,

Will the Senate agree to the motion?

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

YEA-49

Armstrong	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	Wonderling
Erickson	Madigan	Scarnati	Wozniak
Ferlo	Mellow	Stack	
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 inform the House of Representatives accordingly.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 8

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1188 (Pr. No. 1985) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, further providing for definitions, for physician, certified registered nurse practitioner and pharmacy participation, for reduced assistance, for program generally, for restricted formulary, for reimbursement, for income verification, for contracts and for the pharmaceutical assistance contract for the elderly needs enhancement tier, for pharmacy best practices and cost controls review; further providing for penalties; establishing the coordination of Federal and State benefits; providing for continued eligibility under certain circumstances; and making editorial changes.

On the question, Will the Senate concur in the amendments made by the House to Senate Bill No. 1188?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1188.

On the question,

Will the Senate agree to the motion?

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

YEA-49

Armstrong	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	Wonderling
Erickson	Madigan	Scarnati	Wozniak
Ferlo	Mellow	Stack	
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 inform the House of Representatives accordingly.

REPORT OF COMMITTEE OF CONFERENCE SUBMITTED

Senator BRIGHTBILL submitted the Report of Committee of Conference on HB 2499, which was placed on the Calendar.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 5

REPORT DEFEATED

HB 2499 (Pr. No. 4513) -- The Senate proceeded to consideration of the bill entitled:

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 2006, to June 30, 2007, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2006; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Payment Fund, the Banking Department Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund, the Tobacco Settlement Fund and the Health Care Provider Retention Account to the Executive Department; to provide appropriations from the Judicial

Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2006, to June 30, 2007; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2006, to June 30, 2007, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the establishment of restricted receipt accounts for the fiscal year July 1, 2006, to June 30, 2007, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2006; to provide for the additional appropriation of Federal and State funds from the General Fund, the Motor License Fund and the State Lottery Fund for the Executive, Legislative and Judicial Departments of the Commonwealth for the fiscal year July 1, 2005, to June 30, 2006, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2005.

Senator BRIGHTBILL. Madam President, I move that the Senate adopt the Report of the Committee of Conference on House Bill No. 2499.

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

Senator MELLOW. Madam President, may we be at ease.  
The PRESIDENT. The Senate will be at ease.  
(The Senate was at ease.)

RECESS

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

Senator MELLOW. Madam President, I request a recess of the Senate for the purpose of a Democratic caucus.

The PRESIDENT. For the purpose of a Democratic caucus, without objection, the Senate stands in recess.

AFTER RECESS

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

And the question recurring,  
Will the Senate agree to the motion to adopt the Report of the Committee of Conference on House Bill No. 2499?

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

YEA-14

Brightbill	Jubelirer	Musto	Wenger
Browne	Kasunic	O'Pake	Wozniak
Conti	Lemmond	Rhoades	
Dinniman	Mellow	Tomlinson	

NAY-35

Armstrong	Gordner	Pileggi	Tartaglione
Boscola	Greenleaf	Pippy	Vance
Corman	Hughes	Punt	Washington
Costa	Kitchen	Rafferty	Waugh
Earll	LaValle	Regola	White, Donald
Erickson	Logan	Robbins	White, Mary Jo
Ferlo	Madigan	Scarnati	Williams, Anthony H.
Fontana	Orie	Stack	Wonderling
Fumo	Piccola	Stout	

Less than a constitutional majority of all the Senators having voted "aye," the question was determined in the negative.

Senator BRIGHTBILL. Madam President, I ask that we stand at ease.

The PRESIDENT. The Senate will stand at ease.  
(The Senate was at ease.)

RECESS

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

Senator BRIGHTBILL. Madam President, at this time I request a very brief recess for the purpose of a Republican caucus in the Rules room.

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

Senator FUMO. Madam President, I ask that the Democrats gather on the floor for a brief caucus.

The PRESIDENT. There will be a brief recess for Republican and Democratic caucuses. Without objection, the Senate stands in recess.

AFTER RECESS

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

HOUSE MESSAGES

**HOUSE INSISTS UPON ITS NONCONCURRENCE  
IN SENATE AMENDMENTS TO HB 185, AND  
APPOINTS COMMITTEE OF CONFERENCE**

The Clerk of the House of Representatives informed the Senate that the House insists upon its nonconcurrence in Senate amendments to **HB 185**, and has appointed Messrs. ARGALL, STAIRS and ROEBUCK as a Committee of Conference to confer with a similar committee of the Senate already appointed to consider the differences existing between the two Houses in relation to said bill.

**HOUSE INSISTS UPON ITS NONCONCURRENCE  
IN SENATE AMENDMENTS TO HB 192, AND  
APPOINTS COMMITTEE OF CONFERENCE**

The Clerk of the House of Representatives informed the Senate that the House insists upon its nonconcurrence in Senate amendments to **HB 192**, and has appointed Messrs. BIRMELIN, CAPELLI and VEON as a Committee of Conference to confer with a similar committee of the Senate already appointed to consider the differences existing between the two Houses in relation to said bill.

**HOUSE ADOPTS REPORT OF COMMITTEE  
OF CONFERENCE**

The Clerk of the House of Representatives informed the Senate that the House has adopted the Report of Committee of Conference on **HB 2499**.

**HOUSE CONCURS IN SENATE BILLS**

The Clerk of the House of Representatives returned to the Senate **SB 151, 594, 1159, 1160, 1161, 1162, 1163, 1164, 1165** and **1224**, with the information the House has passed the same without amendments.

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

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 247, 509** and **1195**.

**BILLS SIGNED**

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

**SB 151, SB 594, SB 660, SB 868, SB 1159, SB 1160, SB 1161, SB 1162, SB 1163, SB 1164, SB 1165, SB 1188, SB 1224, HB 247, HB 509, HB 1195, HB 2437, HB 2441, HB 2627, HB 2633** and **HB 2802**.

**RECESS**

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

Senator BRIGHTBILL. Madam President, for the information of the Members, we will recess the Senate. We are about 10 minutes away from a meeting of the Committee on Rules and Executive Nominations, which will be convened in the Rules room at the rear of the Chamber. Following that meeting, we will return to the floor with some new bills.

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

**AFTER RECESS**

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

**SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet imminently in the Rules room to consider House Bill No. 707 and House Bill No. 2383.

**RECESS**

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

**AFTER RECESS**

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

**RECONSIDERATION OF HB 2499**

**HB 2499 (Pr. No. 4513)** -- Senator FERLO. Madam President, I move to reconsider the vote by which the Report of the Committee of Conference on House Bill No. 2499 was defeated earlier today.

The PRESIDENT. Senator Ferlo moves to reconsider the vote by which the Report of the Committee of Conference on House Bill No. 2499 was defeated.

On the question,

Will the Senate agree to the motion?

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

And the question recurring,

Will the Senate adopt the Report of the Committee of Conference on House Bill No. 2499?

**RECESS**

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

Senator MELLOW. Madam President, I request a brief recess for a Democratic caucus.

The PRESIDENT. Without objection, for the purpose of a Democratic caucus, 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 Berks, Senator O'Pake.

Senator O'PAKE. Madam President, I request temporary Capitol leaves for Senator Kitchen and Senator Washington.

The PRESIDENT. Senator O'Pake requests temporary Capitol leaves for Senator Kitchen and Senator Washington. Without objection, the leaves will be granted.

And the question recurring,

Will the Senate agree to the motion to adopt the Report of the Committee of Conference on House Bill No. 2499?

**MOTION TO RECONSIDER WITHDRAWN**

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

Senator FERLO. Madam President, I move to withdraw my motion to reconsider the vote by which the Report of the Committee of Conference on House Bill No. 2499 was defeated earlier today.

On the question,

Will the Senate agree to the motion?

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

### MOTION TO RECONSIDER HB 2499

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

Senator FUMO. Madam President, at this point in time, I want to let everybody know what happened. Since I got us into this mess, I am going to try to figure a way out.

Madam President, I want to now move to reconsider the vote by which the Report of the Committee of Conference on House Bill No. 2499 was defeated, and I do not know if it is appropriate now to speak on the reason for that, or do I do that on the actual vote?

The PRESIDENT. Senator Fumo moves to reconsider the vote by which the Report of the Committee of Conference on House Bill No. 2499 was defeated.

On the question,

Will the Senate agree to the motion?

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

Senator FUMO. Madam President, I happen to think that House Bill No. 2499 is probably the best budget I have ever negotiated. I think it is the best budget this Commonwealth has ever seen, and I want to explain why I previously voted "no," along with some of my colleagues. At the time, we were fighting to get Senate Bill No. 862 amended and passed. The things that we were fighting for in that bill would impose a code of conduct on the gaming board, eliminate the 1-percent rule, that loophole as people have called it, establish the gaming enforcement unit within the Attorney General's Office, and in addition to that, in the city of Philadelphia, and this was important to Philadelphia Members, and my entire delegation supported me, we also wanted to have preemption in Philadelphia. We wanted to do that because we felt that the gaming board was a more appropriate forum to make those decisions, because no matter who in the city of Philadelphia was awarded a license, there would be a court challenge, and it would take a minimum of 3 years to resolve. We did not want to see the citizens of this whole Commonwealth have to stand by and watch 3 years of litigation and have to wait to have their property taxes reduced.

At one point in time we also asked that there be a cap on the percentage of machines that any one manufacturer could supply. We wanted to do that because we wanted to have a level playing field for all manufacturers. We withdrew that earlier today when it became apparent we could not get that done. We thought we had a commitment to do that. We found out later that the other side of the aisle was not prepared to provide enough votes to do that, for whatever reason, so we voted "no." I informed the Majority Leader before we did that, before he went to his previous caucus, we have had so many caucuses, but I said to him if he would put up 16 votes, we would put up 10. We went to the back of the Chamber and waited for the roll call. Had there been 16 Republican votes, we would have all come out and voted "yes." There were only 8 Republican votes for what I consider to be an excellent budget. We came out and voted "no."

It is apparent at this point in time that we are not going to see Senate Bill No. 862. We are not going to see the gaming reforms that are necessary, and I fought the good fight as best I could, and I lost. But at this time it is more important that the business of this Commonwealth go forth, and I apologize to the citizens of the Commonwealth for tying it up for 2 hours. I do not think it was a major delay. In fact, I think most people are either out having a drink tonight or they are asleep. They are not here as we are, so I think by the time they wake up in the morning, hopefully, they will have a budget, and we can go forward.

During this period of time, I received a call from the Governor who assured me that he will work with me and the other Members of the Philadelphia delegation to try to get preemption in Philadelphia, because it is important. Nobody in this Commonwealth gets property tax reductions until gaming goes forth in a proper and effective manner, and we have all hung our hats on the revenue stream that comes from that gaming. Now for whatever reason, whatever lack of communication, whatever is going on in the Republican Caucus, I will forego that until the fall, and I do not know if we will get it in the fall, but at some point in time I hope that the people on that side of the aisle would want to see the Attorney General involved, would want to see the elimination of the 1-percent so-called loophole, and in Philadelphia, quite frankly, would want the revenue from those two casinos and would give us the preemption that we so desperately need. If they do not want to do it, I cannot force them to do it, but if we really want to move forward on gaming, we are going to have to do it.

Madam President, I ask that we reconsider the vote and we are now prepared as a Caucus, pretty much I think, to vote "yes," and if the number of votes on that side of the aisle are still there, we will have a budget tonight. When we get to the actual vote on the bill, I will discuss the budget.

Thank you, Madam President.

And the question recurring,

Will the Senate agree to the motion?

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

And the question recurring,

Will the Senate adopt the Report of the Committee of Conference on House Bill No. 2499?

The PRESIDENT. The Chair recognizes the gentleman from Washington, Senator Stout.

Senator STOUT. Madam President, I just heard an explanation from our Committee on Appropriations chairman of his reasons for not adopting the Report of the Committee of Conference on House Bill No. 2499. I also voted "no," not because I have any particular interest in any gaming issue in the city of the first class, Madam President, but because I have an interest in things called roads and bridges and mass transit. I was provided information from the Committee on Appropriations that there was going to be \$50 million borrowed from the Motor License Fund to go to the gaming board, to be paid back at some future date. I worked with my colleague, the Majority chairman, on this issue, to try to get some explanation of what was

happening to that \$50 million. We need money for roads and bridges and mass transit in this Commonwealth, and we cannot afford to lose or have \$50 million siphoned off, which may or may not ever be paid back, just like what happened to Senator Musto and Senator Gordner with the Underground Storage Tank Fund, which has not been repaid to date.

The Governor, 18 months ago, flexed \$480 million out of Federal highway funds intended for the roads and bridges in the Commonwealth of Pennsylvania to provide interim funding for mass transit, and of that \$480 million, 82 percent went to transit in cities of the first class, which is SEPTA, and transit of cities of the second class, which is the Port Authority of Allegheny County, and the rest of the State received 18 percent spread out. We have a funding crisis right now. Today, July 1, SEPTA is in the hole for \$54 million, and the Port Authority of Allegheny is in the hole for \$32 million, so this is getting crucial. At the end of this calendar year in December, the mass transit systems of this Commonwealth may collapse, because they have no funding. We have nice weather now and the days are warm and long, but in December it will be cold and dark, and we will be in the holiday season when you need the transit system. We saw the spike in gasoline prices, so people need to have dependable and reliable mass transit for their quality of life, their economic development, and for their security, and that will not be accomplished.

I want to know, is there in this bill, or any other bill to be considered by this body, anything that would allow \$50 million to be taken out of the Motor License Fund? Under the Constitution in Article VIII, Section 11, it says that this money can only be used for roads and bridges in the Commonwealth. Under the safety clause, we transfer over \$400 million a year to the State Police that is part of the transportation system. Today I want to have some kind of assurance for transit needs, because the Transportation Funding and Reform Commission, appointed by executive order of Governor Rendell when he flexed that \$480 million of Federal money which was intended for roads and bridges, when that money runs out in December, what is going to happen in this body? We have a budget with an \$865 million surplus, and we are not addressing the transportation needs in this Commonwealth. We have bridges collapsing right now in the Susquehanna watershed and in the Delaware basin. PennDOT is in the process of doing a damage assessment that may run into hundreds of millions of dollars to repair roads and bridges and infrastructure.

Thirty-four years ago in June, we were ravaged by Hurricane Agnes, and when I look on this Senate floor I only see four Members who actually were involved in the Hurricane Agnes recovery, and they are Senator Mellow, Senator O'Pake, who was a House Member, Senator Musto, who was a House Member, and myself. Now, 34 years later, when we talk about the estimate of the damage of Hurricane Agnes in 1972, it was \$2.1 billion in 1972 dollars. If you put it in 2006 dollars, it would probably be \$4 billion, equivalent to what the first estimates of Hurricane Katrina were if it happened here. Now we have hundreds of millions of dollars of damage in the Delaware Valley and in the Susquehanna Valley, yet we see fit to divert \$50 million out of the highway fund, and this is wrong, whether it is in this bill or any other bill.

I have talked to the leadership in the Senate Democratic Caucus, Republican Caucus, the House Democrats, and the House Republicans. I have also talked to the administration, but nobody will answer the question, is there any intention to divert \$50 million out of the highway fund to the gaming board? I would like to know that, Madam President.

Will the Democratic chairman of the Committee on Appropriations stand for interrogation?

Senator FUMO. I will, Madam President.

The PRESIDENT. Senator Fumo indicates that he will.

Senator STOUT. Madam President, will the gentleman from Philadelphia tell me if there is any plan in this bill or any other bill to have \$50 million loaned out of the Motor License Fund to the gaming board?

Senator FUMO. Madam President, I think it would be improper for me to comment on any other bill, but I can assure the gentleman that in the Report of the Committee of Conference on House Bill No. 2499, there is absolutely no language whatsoever that would do that.

Senator STOUT. Madam President, since the gentleman was involved in the budgetary process, is there any other bill not before this body that deals with this funding for the gaming board?

Senator FUMO. Madam President, I do not know if it is appropriate for me to answer that. It is up to the Chair.

The PRESIDENT. It is up to the gentleman, if he chooses to answer.

Senator FUMO. Madam President, rather than belabor this, I do not know of any other legislation has that language in it, either pending or floating around.

Senator STOUT. Madam President, I attended the hearing of the Committee on Appropriations this spring in which Mr. Decker, the chairman of the gaming board, told our Members under oath that they only needed \$13 million. Is that right?

Senator FUMO. Madam President, regrettably, I was not at that hearing, but I will take the gentleman's word for that.

Senator STOUT. Madam President, I thank the gentleman.

Madam President, would my good friend, the chairman of the Committee on Transportation, Senator Madigan, stand for interrogation?

Senator MADIGAN. I will, Madam President.

The PRESIDENT. The gentleman may proceed.

Senator STOUT. Madam President, can the gentleman tell us if we spent considerable time yesterday with the Secretary of Transportation discussing the funding needs of the Commonwealth of Pennsylvania as it relates to highways, bridges, and mass transit?

Senator MADIGAN. Madam President, yes, we had a lengthy conversation with Secretary Biehler.

Senator STOUT. Madam President, can the gentleman tell us what kind of estimate he gave us on the needs of the recent flooding in the Delaware Valley and Susquehanna Valley?

Senator MADIGAN. Madam President, he was unable to give us a final figure because the water had not gone down. The assessment is being done, but a ballpark figure was around \$50 million.

Senator STOUT. Madam President, it was a \$50 million estimate from Secretary Biehler, is that correct?

Senator MADIGAN. That is correct, Madam President.

Senator STOUT. Madam President, the gentleman has held three different committee hearings on funding for mass transit in this Commonwealth, is that correct?

Senator MADIGAN. Madam President, that is correct.

Senator STOUT. Madam President, can the gentleman tell us the amount of money that was requested to fund mass transit in the Commonwealth?

Senator MADIGAN. Madam President, the figures that the gentleman quoted, and in discussions with the Port Authority for the balance of this year, it was about \$32 million, and for SEPTA, and it was around \$53 million.

Senator STOUT. Madam President, and the request for the long-term, class 1, class 2, class 3, class 4, and class 5 is to be \$300 million, is that correct?

Senator MADIGAN. Madam President, that is correct.

Senator STOUT. Madam President, can the gentleman tell us how we are going to meet that need in order to have the mass transit and highway and bridge program move forward?

Senator MADIGAN. Madam President, at this point, the Secretary is looking forward to the Funding Commission Report, which will be made with preliminary figures involving all of our Senate districts sometime in September, with the hope that they will come up with a funding mechanism when the final report comes in November 15 that would be passed in the sine die Session.

Senator STOUT. Madam President, does the Federal tax money run out at the end of this calendar year?

Senator MADIGAN. Madam President, that is correct.

Senator STOUT. Madam President, if we are going to take any action, it has to be taken between November 15 and November 30, is that correct?

Senator MADIGAN. Madam President, that is correct.

Senator STOUT. Madam President, that is called the sine die Session.

Senator MADIGAN. Madam President, if I may, many of us will be hard-pressed to put up the tough votes that will be needed to fully fund the shortfall that will be there for mass transit and the lack of continuing flex funds from Federal dollars, the problems we have with the flooding that need to be addressed, as well as the ongoing highway and bridge shortfalls that we have.

Senator STOUT. Madam President, what is necessary for the Governor to flex additional Federal dollars for highways and bridges to mass transit? What requirement has to be met?

Senator MADIGAN. Madam President, I am not sure that I am aware of that.

Senator STOUT. Madam President, for the information of the body, any additional flex money has to be approved by the MPOs, The Delaware Valley Regional Planning Commission, from southwest of Allegheny and the nine counties in the southwest, would have to approve that, so they would have to approve taking money away from needed road and bridge projects and divert it to mass transit, because we have dodged the bullet for 18 months by a flex of \$480 million intended for highways and bridges to take care of the transportation funding needs, so we are facing that. I am a member of the Transportation Funding and Reform Commission as a result of the executive order. Each of the four Caucuses have an appointee, and I am the

appointee from the Senate Democratic Caucus, and Mr. Roddey from Allegheny County, former county executive and member of the Port Authority, represents the Republican side of the aisle appointed to the Transportation Funding and Reform Commission. There are a lot of other good people appointed by the Governor, but we will be presenting a draft program in August about the upcoming request for the November report to the General Assembly, but that does not give us much time from November 15 to November 30 to address this.

Now, we have a budget that I have been told has an \$865 million surplus. We need to identify some money to meet the transportation needs of this Commonwealth, or we are kidding people. PennDOT has the responsibility for 40,000 miles of roads and 25,000 bridges, and out of the 25,000 bridges, over 25 percent are deficient structurally or in bridge decks. We have a multimillion dollar crisis on the deficient bridges in this Commonwealth, so this General Assembly has to come together and address this or let the transportation system collapse in this Commonwealth. I know I have worked with the gentleman from Lycoming County when we try to responsibly address the funding of transportation issues, and I am very concerned and do not want to see \$50 million diverted to the gaming board. I have little or no confidence in the gaming board. It has been 2 years since we passed the gaming law, and there has been not one cent that has come to the coffers of this Commonwealth. We are spending money, and I do not support transferring \$50 million that is needed to preserve our highway and bridge network or our mass transit system.

Thank you, Madam President.

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

Senator MADIGAN. Madam President, I want to commend Senator Stout for his astute explanation, and he is right on target about the concerns and problems we face in funding. I am told that under current authority, Secretary Masch said we can transfer money or loan money to the gaming fund; however, our Constitution requires that "loans may be made by the State from the proceeds of such taxes and fees for a single period not exceeding eight months." So I think when we look at this, we need to make sure that any money that is loaned to fund the gaming commission be paid back within that time period under our Constitution.

I share Senator Stout's concerns because of the problems we face with our transit systems and our highways and bridges within the Commonwealth, especially in light of the recent damage we have had in the last week or two.

Thank you, Madam President.

The PRESIDENT. Thank you, Senator Madigan, for further clarification.

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

Senator FUMO. Madam President, on House Bill No. 2499, as I said before, I think this is one of the best budgets that I have seen in my 28 years here in the Senate, and it did not come about easily. It was a lot of hard work. I want to thank the Members of the Senate Committee on Appropriations and leadership staffs, both Democratic and Republican. I want to thank the House leadership staff and Committee on Appropriations staff, both



Democratic and Republican. I want to thank Senator Brightbill, Senator Jubelirer, Senator Mellow, House Speaker John Perzel, Sam Smith, Brett Feese, and Democratic leaders, Bill DeWeese and Mike Veon, for all the hours it took to reach this agreement.

In every budget, no one is ever completely happy. We understand that, but I think this budget makes a lot of people happy. There is a fortune, literally, in here for education, and as I have said previously to the media, I think the real spending number here is about 6.8 percent in growth, but you can look at it anywhere from 7.4 or .5 or .6, depending on how you want to look at it. As I said before, that money did not go into special projects in Members' districts. The bulk of that money went into education and basic education, which we hope will allow local school boards to keep a handle on property taxes until the gaming kicks in and the eventual relief comes in. That is where the bulk of the money in this budget goes.

So, Madam President, I ask for an affirmative vote, and I want to again thank everyone for all the hard work they did in the last month or so.

Thank you.

And the question recurring,

Will the Senate adopt the Report of the Committee of Conference on House Bill No. 2499?

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

YEA-28

Boscola	Fontana	Lemmond	Stout
Brightbill	Fumo	Logan	Tartaglione
Browne	Hughes	Mellow	Tomlinson
Conti	Jubelirer	Musto	Washington
Costa	Kasunic	O'Pake	Wenger
Dinniman	Kitchen	Rhoades	Williams, Anthony H.
Ferlo	LaValle	Stack	Wozniak

NAY-21

Armstrong	Madigan	Rafferty	White, Donald
Corman	Orie	Regola	White, Mary Jo
Earll	Piccola	Robbins	Wonderling
Erickson	Pileggi	Scarnati	
Gordner	Pippy	Vance	
Greenleaf	Punt	Waugh	

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

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

**BILLS REPORTED FROM COMMITTEE**

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

**SB 63 (Pr. No. 1988) (Amended) (Rereported) (Concurrence)**

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing an exception to the oral examination for members of the active military, reserves or

Pennsylvania National Guard who are currently deployed in An Active military operation or national emergency; and further providing for, in child protective services, investigation of reports and for county agency requirements for general protective services.

**SB 157 (Pr. No. 1989) (Amended) (Rereported) (Concurrence)**

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for delegation of taxing powers and restrictions thereon.

**SB 583 (Pr. No. 1990) (Amended) (Rereported) (Concurrence)**

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further defining "racketeering activity"; and further providing for arson and related offenses, for the offense of endangering welfare of children and for the offense of unsworn falsification to authorities.

**SB 599 (Pr. No. 1991) (Amended) (Rereported) (Concurrence)**

An Act amending the act of December 21, 1998 (P.L.1064, No.140), entitled "An act designating Route 581 in Cumberland County, Pennsylvania, as the American Ex-Prisoners of War Highway; designating a section of the Bay Front Parkway in Erie County, Pennsylvania, as the Bernard (Benny) J. Dombrowski Memorial Highway; designating a section of Route 26 in Centre County, Pennsylvania, as the Nittany Parkway; designating a bridge in Bethel Township, Lebanon County, as the Senator Clarence F. Manbeck Bridge; designating the Mount Union Bypass in Huntingdon County as the James DiCosimo Bypass; designating a portion of Route 26 in Huntingdon County as the Standing Stone Parkway; designating a portion of State Route 0094 in York and Cumberland counties as the 94th Infantry Division Memorial Highway; and designating a bridge in Chester County as the Ben Weaver Bridge," extending the Bernard (Benny) J. Dombrowski Memorial Highway; designating State Route 132 in Bucks County as the Armed Forces and Veterans Memorial Highway; designating a bridge on State Route 150 crossing the Beech Creek in Clinton and Centre Counties as the Beech Creek Veterans Memorial Bridge; designating State Route 291 through the City of Chester as the Rosa Parks Memorial Highway; and designating a road in Philadelphia County as Senator Hank Salvatore Drive.

**SB 707 (Pr. No. 1971) (Rereported) (Concurrence)**

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

**SB 1055 (Pr. No. 1992) (Amended) (Rereported) (Concurrence)**

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Pennsylvania Historical and Museum Commission, to accept by donation a tract of land and any improvements on the tract, situate in Penn Township, Westmoreland County; authorizing the Department of Transportation, with the approval of the Governor, to grant and convey to AMFIRE Mining Company, LLC, the right to remove coal underlying certain

highway right-of-way situate in Cresson Township, Cambria County; and authorizing the Department of General Services, with the approval of the Governor, to grant and convey to the Allentown Commercial Industrial Authority, or their assigns, certain lands situate in the City of Allentown and the City of Bethlehem, Lehigh County, Pennsylvania.

**SB 1169 (Pr. No. 1756) (Rereported) (Concurrence)**

An Act designating a portion of State Route 279 in Allegheny County as the Pennsylvania State Police Cpl. Joseph R. Pokorny, Jr., Memorial Highway.

**HB 2383 (Pr. No. 4459) (Rereported) (Concurrence)**

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for definitions; requiring the Bureau of Alcohol Education to make certain reports to the General Assembly; and further providing for special occasion permits and for limiting the number of special occasion permits.

**REPORT OF COMMITTEE OF CONFERENCE  
SUBMITTED**

Senator BRIGHTBILL submitted the Report of Committee of Conference on **HB 185**, which was placed on the Calendar.

**REPORT OF COMMITTEE OF CONFERENCE  
SUBMITTED**

Senator BRIGHTBILL submitted the Report of Committee of Conference on **HB 1992**, which was placed on the Calendar.

**HOUSE MESSAGES**

**SENATE BILLS RETURNED WITH AMENDMENTS**

The Clerk of the House of Representatives returned to the Senate **SB 82, 651** and **1179** with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

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

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate by amending said amendments to **HB 804**, in which concurrence of the Senate is requested.

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

**MOTION TO SUSPEND RULE XIV**

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

Senator BRIGHTBILL. Madam President, I move to suspend Rule XIV to the extent that it requires Senate Bills No. 82, 651, 1179, and House Bill No. 804 to be referred to the Committee on

Rules and Executive Nominations, and that Senate Bills No. 82, 651, 1179, and House Bill No. 804 be placed on today's Calendar.

The PRESIDENT. Senator Brightbill moves to suspend Senate Rule XIV insofar as it would require Senate Bills No. 82, 651, 1170, and House Bill No. 804 to be rereferred to the Committee on Rules and Executive Nominations, and that the bills appear directly on the Calendar.

On the question,

Will the Senate agree to the motion?

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

**YEA-49**

Armstrong	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	Wonderling
Erickson	Madigan	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Fontana	Musto	Stout	
Fumo	O'Pake	Tartaglione	

**NAY-0**

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

**SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR No. 10**

**SENATE CONCURS IN HOUSE AMENDMENTS**

**SB 651 (Pr. No. 1987)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 14, 1961 (P.L.324, No.188), known as The Library Code, further providing for waiver of standards; providing for standards; further providing for quality libraries aid, for incentive for excellence aid, for district library centers, for county coordination aid, for equal distribution grants to local libraries' basic literacy skills, for Statewide library resource centers, for equalization aid and for equal distribution grants to local libraries and library systems; and providing for fiscal year 2006-2007 public library subsidy allocation, for fiscal year 2006-2007 minimum State-aid guarantee and for State-aid for 2006-2007.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 651?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 651.

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

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

Senator BRIGHTBILL. Madam President, for the interest of the Members, this is in regard to the Library Code.

And the question recurring,  
Will the Senate agree to the motion?

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

YEA-49

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	Wonderling
Erickson	Madigan	Scarnati	Wozniak
Ferlo	Mellow	Stack	
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 inform the House of Representatives accordingly.

**SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR No. 11**

**REPORT ADOPTED**

**HB 1992 (Pr. No. 4516)** -- The Senate proceeded to consideration of the bill entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing, in Local Government Capital Project Loan Fund provisions, for assistance to municipalities; providing for budget implementation, for restrictions on appropriations for funds and accounts and for family planning funding limitations.

Senator BRIGHTBILL. Madam President, I move that the Senate adopt the Report of the Committee of Conference on House Bill No. 1992.

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

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

YEA-47

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

NAY-2

Earl Vance

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

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

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

**HB 2504 CALLED UP**

**HB 2504 (Pr. No. 4465)** -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of Supplemental Calendar No. 1, by Senator BRIGHTBILL.

**NONPREFERRED APPROPRIATION BILL  
REREPORTED FROM COMMITTEE AS AMENDED  
ON FINAL PASSAGE**

**HB 2504 (Pr. No. 4465)** -- 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.

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-49

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	Wonderling
Erickson	Madigan	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Fontana	Musto	Stout	
Fumo	O'Pake	Tartaglione	

NAY-0

A constitutional two-thirds 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.

NONPREFERRED APPROPRIATION BILLS  
REREPORTED FROM COMMITTEE AS  
AMENDED ON THIRD CONSIDERATION  
ON FINAL PASSAGE

**HB 2505 (Pr. No. 4466)** -- 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 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-49

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	Wonderling
Erickson	Madigan	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Fontana	Musto	Stout	
Fumo	O'Pake	Tartaglione	

NAY-0

A constitutional two-thirds 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.

**HB 2506 (Pr. No. 4467)** -- 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 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-49

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	Wonderling
Erickson	Madigan	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Fontana	Musto	Stout	
Fumo	O'Pake	Tartaglione	

NAY-0

A constitutional two-thirds 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.

**HB 2507 (Pr. No. 4468)** -- 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 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-49

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	Wonderling
Erickson	Madigan	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Fontana	Musto	Stout	
Fumo	O'Pake	Tartaglione	

NAY-0

A constitutional two-thirds 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.

**HB 2508 (Pr. No. 4469)** -- The Senate proceeded to consideration of the bill, entitled:

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

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-49

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	Wonderling
Erickson	Madigan	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Fontana	Musto	Stout	
Fumo	O'Pake	Tartaglione	

NAY-0

A constitutional two-thirds 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.

**HB 2509 (Pr. No. 4470)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

On the question,  
Shall the bill pass finally?

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

YEA-49

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	Wonderling
Erickson	Madigan	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Fontana	Musto	Stout	
Fumo	O'Pake	Tartaglione	

NAY-0

A constitutional two-thirds 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.

**HB 2510 (Pr. No. 4471)** -- 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 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-49

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	Wonderling
Erickson	Madigan	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Fontana	Musto	Stout	
Fumo	O'Pake	Tartaglione	

NAY-0

A constitutional two-thirds 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.

**HB 2511 (Pr. No. 4472)** -- The Senate proceeded to consideration of the bill, entitled:

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

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-49

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	Wonderling
Erickson	Madigan	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Fontana	Musto	Stout	
Fumo	O'Pake	Tartaglione	

NAY-0

A constitutional two-thirds 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.

**HB 2512 (Pr. No. 4473)** -- The Senate proceeded to consideration of the bill, entitled:

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

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-49

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	Wonderling
Erickson	Madigan	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Fontana	Musto	Stout	
Fumo	O'Pake	Tartaglione	

NAY-0

A constitutional two-thirds 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.

**HB 2513 (Pr. No. 4474)** -- 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 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-49

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	Wonderling
Erickson	Madigan	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Fontana	Musto	Stout	
Fumo	O'Pake	Tartaglione	

NAY-0

A constitutional two-thirds 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.

**HB 2514 (Pr. No. 4475)** -- The Senate proceeded to consideration of the bill, entitled:

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

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-49

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	Wonderling
Erickson	Madigan	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Fontana	Musto	Stout	
Fumo	O'Pake	Tartaglione	

NAY-0

A constitutional two-thirds 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.

**HB 2515 (Pr. No. 4476)** -- 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 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-49

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	Wonderling
Erickson	Madigan	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Fontana	Musto	Stout	
Fumo	O'Pake	Tartaglione	

NAY-0

A constitutional two-thirds 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.

**HB 2516 (Pr. No. 4477)** -- 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.

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

On the question,  
Shall the bill pass finally?

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

YEA-48

Armstrong	Fumo	O'Pake	Stout
Boscola	Greenleaf	Orie	Tartaglione
Brightbill	Hughes	Piccola	Tomlinson

Browne	Jubelirer	Pileggi	Vance
Conti	Kasunic	Pippy	Washington
Corman	Kitchen	Punt	Waugh
Costa	LaValle	Rafferty	Wenger
Dinniman	Lemmond	Regola	White, Donald
Earll	Logan	Rhoades	White, Mary Jo
Erickson	Madigan	Robbins	Williams, Anthony H.
Ferlo	Mellow	Scarnati	Wonderling
Fontana	Musto	Stack	Wozniak

NAY-1

Gordner

A constitutional two-thirds 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.

**HB 2517 (Pr. No. 4478)** -- 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 third time and agreed to,  
And the amendments made thereto having been printed as required by the Constitution,

On the question,  
Shall the bill pass finally?

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

YEA-48

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

NAY-1

Gordner

A constitutional two-thirds 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.

**HB 2518 (Pr. No. 4479)** -- 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 third time and agreed to,  
And the amendments made thereto having been printed as required by the Constitution,

On the question,  
Shall the bill pass finally?

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

YEA-48

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

NAY-1

Gordner

A constitutional two-thirds 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.

**HB 2522 (Pr. No. 4480)** -- 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 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-49

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	Wonderling
Erickson	Madigan	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Fontana	Musto	Stout	
Fumo	O'Pake	Tartaglione	

NAY-0

A constitutional two-thirds 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.

HB 2527 CALLED UP

HB 2527 (Pr. No. 4481) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 3 of Supplemental Calendar No. 1, by Senator BRIGHTBILL.

NONPREFERRED APPROPRIATION BILL REREPORTED FROM COMMITTEE AS AMENDED ON FINAL PASSAGE

HB 2527 (Pr. No. 4481) -- 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.

And the question recurring, Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Madam President, these are the nonpreferred museum bills, folks, that we have been waiting for all night. I would like to be recorded in the negative on House Bill No. 2527 through House Bill No. 2533 inclusive.

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-43

Armstrong	Greenleaf	O'Pake	Stack
Brightbill	Hughes	Orie	Stout
Browne	Jubelirer	Piccola	Tartaglione
Conti	Kasunic	Pileggi	Tomlinson
Costa	Kitchen	Pippy	Vance
Dinniman	LaValle	Punt	Washington
Earll	Lemmond	Rafferty	Waugh
Erickson	Logan	Regola	Wenger

Ferlo	Madigan	Rhoades	Williams, Anthony H.
Fontana	Mellow	Robbins	Wonderling
Fumo	Musto	Scarnati	

NAY-6

Boscola	Gordner	White, Mary Jo	Wozniak
Corman	White, Donald		

A constitutional two-thirds 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.

NONPREFERRED APPROPRIATION BILLS REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2528 (Pr. No. 4482) -- 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 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-43

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

NAY-6

Boscola	Gordner	White, Mary Jo	Wozniak
Corman	White, Donald		

A constitutional two-thirds 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.

**HB 2529 (Pr. No. 4483)** -- 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 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-43**

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

**NAY-6**

Boscola	Gordner	White, Mary Jo	Wozniak
Corman	White, Donald		

A constitutional two-thirds 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.

**HB 2530 (Pr. No. 4484)** -- 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 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-43**

Armstrong	Greenleaf	O'Pake	Stack
Brightbill	Hughes	Orie	Stout
Browne	Jubelirer	Piccola	Tartaglione
Conti	Kasunic	Pileggi	Tomlinson

Costa	Kitchen	Pippy	Vance
Dinniman	LaValle	Punt	Washington
Earl	Lemmond	Rafferty	Waugh
Erickson	Logan	Regola	Wenger
Ferlo	Madigan	Rhoades	Williams, Anthony H.
Fontana	Mellow	Robbins	Wonderling
Fumo	Musto	Scarnati	

**NAY-6**

Boscola	Gordner	White, Mary Jo	Wozniak
Corman	White, Donald		

A constitutional two-thirds 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.

**HB 2531 (Pr. No. 4485)** -- 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 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-43**

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

**NAY-6**

Boscola	Gordner	White, Mary Jo	Wozniak
Corman	White, Donald		

A constitutional two-thirds 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.

**HB 2532 (Pr. No. 4486)** -- 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 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-43

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

NAY-6

Boscola	Gordner	White, Mary Jo	Wozniak
Corman	White, Donald		

A constitutional two-thirds 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.

**HB 2533 (Pr. No. 4487)** -- 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 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-43

Armstrong	Greenleaf	O'Pake	Stack
Brightbill	Hughes	Orie	Stout
Browne	Jubelirer	Piccola	Tartaglione
Conti	Kasunic	Pileggi	Tomlinson
Costa	Kitchen	Pippy	Vance
Dinniman	LaValle	Punt	Washington
Earl	Lemmond	Rafferty	Waugh
Erickson	Logan	Regola	Wenger

Ferlo	Madigan	Rhoades	Williams, Anthony H.
Fontana	Mellow	Robbins	Wonderling
Fumo	Musto	Scarnati	

NAY-6

Boscola	Gordner	White, Mary Jo	Wozniak
Corman	White, Donald		

A constitutional two-thirds 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.

NONPREFERRED APPROPRIATION BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

**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 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-49

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	Wonderling
Erickson	Madigan	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Fontana	Musto	Stout	
Fumo	O'Pake	Tartaglione	

NAY-0

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

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

**HB 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 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-49

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	Wonderling
Erickson	Madigan	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Fontana	Musto	Stout	
Fumo	O'Pake	Tartaglione	

NAY-0

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

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

**HB 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 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-49

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	Wonderling
Erickson	Madigan	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Fontana	Musto	Stout	
Fumo	O'Pake	Tartaglione	

NAY-0

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

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

**HB 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 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-49

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	Wonderling
Erickson	Madigan	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Fontana	Musto	Stout	
Fumo	O'Pake	Tartaglione	

NAY-0

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

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

**HB 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 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-49

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	Wonderling
Erickson	Madigan	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Fontana	Musto	Stout	
Fumo	O'Pake	Tartaglione	

NAY-0

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

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

**HB 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 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-49

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	Wonderling
Erickson	Madigan	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Fontana	Musto	Stout	
Fumo	O'Pake	Tartaglione	

NAY-0

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

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

**HB 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 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-49

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	Wonderling
Erickson	Madigan	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Fontana	Musto	Stout	
Fumo	O'Pake	Tartaglione	

NAY-0

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

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

**SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR No. 12**

REPORT ADOPTED

**HB 185 (Pr. No. 4517)** -- The Senate proceeded to consideration of the bill entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for background checks of prospective employees; providing for competitive food or beverage contracts and for certain budget timelines; further providing for annual budget and for financial reports; providing for the Distinguished Educators Program; further providing for continuing professional development, for program of continuing professional education, for safe schools advocate, 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; providing for physiology and hygiene; further providing for the Educational Assistance Program, for definitions, for responsibilities of Department of Education, for responsibilities of school entities, for transportation, for definitions, for education empowerment list, for board of school directors, for education empowerment districts, for school improvement grants, for limitation and for alternative education grants; providing for alternative education demonstration grants; further providing for State funding; providing for articulation agreements; further providing for definitions and for limitations; providing for transfer of credits between institutions of higher education and for transportation of certain students; further providing for definitions and for small district assistance; providing for basic education funding for 2005-2006 school year and for funding for partnership schools; further providing for payments on account of limited English proficiency programs, for payments to intermediate units and for special education payments to school districts; providing for special education community support services; further providing for payments, for approved reimbursable rental for leases and for Pennsylvania Accountability Grants; and providing for Statewide costing-out study.

Senator BRIGHTBILL. Madam President, I move that the Senate adopt the Report of the Committee of Conference on House Bill No. 185.

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

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

YEA-43

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

NAY-6

Corman	Orie	Regola	Vance
Earl	Pippy		

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

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

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

Senator BRIGHTBILL. Madam President, can we stand at ease and have the Members of the Republican Caucus come up for a sidebar conversation for about 5 minutes?

The PRESIDENT. Without objection, the Senate will stand at ease.

(The Senate was at ease.)

**SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR No. 18**

**SENATE CONCURS IN HOUSE AMENDMENTS  
AS AMENDED**

**SB 583 (Pr. No. 1990)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further defining "racketeering activity"; and further providing for arson and related offenses, for the offense of endangering welfare of children and for the offense of unsworn falsification to authorities.

On the question,  
Will the Senate concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 583?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 583.

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

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

YEA-49

Armstrong	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	Wonderling
Erickson	Madigan	Scarnati	Wozniak
Ferlo	Mellow	Stack	
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 inform the House of Representatives accordingly.

**SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR No. 21**

**SENATE CONCURS IN HOUSE AMENDMENTS**

**SB 82 (Pr. No. 1983)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the display of the American flag, Commonwealth flag or military flag by residents in a unit owners association, homeowners association or master association.

On the question,  
Will the Senate concur in the amendments made by the House to Senate Bill No. 82?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 82.

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

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

YEA-49

Armstrong	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	Wonderling
Erickson	Madigan	Scarnati	Wozniak
Ferlo	Mellow	Stack	
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 inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS

**SB 1179 (Pr. No. 1982)** -- 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 applicability, for training of inspectors and for exemptions.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1179?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1179.

On the question,

Will the Senate agree to the motion?

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

YEA-49

Armstrong	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	Wonderling
Erickson	Madigan	Scarnati	Wozniak
Ferlo	Mellow	Stack	
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 inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS  
TO SENATE AMENDMENTS

**HB 804 (Pr. No. 4503)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for an electronic titling program, for suspension of registration upon sixth unpaid parking violation in cities of the first class, for unattended children in motor vehicles, for fleeing or attempting to elude police officer and for exemption from additional requirements for highway occupancy permits for agricultural purposes; and providing for levy and imposition of surcharge in cities of the first class.

On the question,

Will the Senate concur in the amendments made by the House to Senate amendments to House Bill No. 804?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate amendments to House Bill No. 804.

On the question,

Will the Senate agree to the motion?

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

YEA-49

Armstrong	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	Wonderling
Erickson	Madigan	Scarnati	Wozniak
Ferlo	Mellow	Stack	
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 inform the House of Representatives accordingly.

SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR No. 16

SENATE CONCURS IN HOUSE AMENDMENTS  
AS AMENDED

**SB 63 (Pr. No. 1988)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing an exception to the oral examination for members of the active military, reserves or

Pennsylvania National Guard who are currently deployed in An Active military operation or national emergency; and further providing for, in child protective services, investigation of reports and for county agency requirements for general protective services.

On the question,

Will the Senate concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 63?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 63.

On the question,

Will the Senate agree to the motion?

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

YEA-49

Armstrong	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	Wonderling
Erickson	Madigan	Scarnati	Wozniak
Ferlo	Mellow	Stack	
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 inform the House of Representatives accordingly.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 19

SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED

SB 599 (Pr. No. 1991) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 21, 1998 (P.L.1064, No.140), entitled "An act designating Route 581 in Cumberland County, Pennsylvania, as the American Ex-Prisoners of War Highway; designating a section of the Bay Front Parkway in Erie County, Pennsylvania, as the Bernard (Benny) J. Dombrowski Memorial Highway; designating a section of Route 26 in Centre County, Pennsylvania, as the Nittany Parkway; designating a bridge in Bethel Township, Lebanon County, as the Senator Clarence F. Manbeck Bridge; designating the Mount Union Bypass in Huntingdon County as the James DiCosimo Bypass; designating a portion of Route 26 in Huntingdon County as the Standing Stone Parkway; designating a portion of State Route 0094 in York and Cumberland counties as the 94th Infantry Division Memorial Highway; and designating a bridge in Chester County as the Ben Weaver Bridge," extending the Bernard

(Benny) J. Dombrowski Memorial Highway; designating State Route 132 in Bucks County as the Armed Forces and Veterans Memorial Highway; designating a bridge on State Route 150 crossing the Beech Creek in Clinton and Centre Counties as the Beech Creek Veterans Memorial Bridge; designating State Route 291 through the City of Chester as the Rosa Parks Memorial Highway; and designating a road in Philadelphia County as Senator Hank Salvatore Drive.

On the question,

Will the Senate concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 599?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 599.

On the question,

Will the Senate agree to the motion?

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

YEA-49

Armstrong	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	Wonderling
Erickson	Madigan	Scarnati	Wozniak
Ferlo	Mellow	Stack	
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 inform the House of Representatives accordingly.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 15

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2545 (Pr. No. 4515) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing, in municipal police education and training, for definitions, for police training, for automatic certification and for reimbursement of expenses; further providing, in parking authorities, for purposes and powers, for limousine carriers and taxicabs and for competition in award of contracts; further defining "limousine service" and "taxicab"; adding definitions relating to taxicabs and limousines in first class cities; further providing, in taxicabs and limousines in first class cities, for contested complaints; providing, in taxicabs and limousines in first class cities, for parking authority powers generally; further providing, in



taxicabs and limousines in first class cities, for power of authority to issue certificates of public convenience, for certificate and medallion required and for additional certificates and medallions; providing, in taxicabs and limousines in first class cities, for wheelchair accessible service and for ambassador taxicabs; and further providing, in taxicabs and limousines in first class cities, for restrictions, for regulations, for civil penalties and for certificate of public convenience required.

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

On the question,  
Shall the bill pass finally?

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

YEA-45

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

NAY-4

Gordner	Orie	Regola	Vance
---------	------	--------	-------

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.

**SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR No. 14**

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

**HB 2383 (Pr. No. 4459)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for definitions; requiring the Bureau of Alcohol Education to make certain reports to the General Assembly; and further providing for special occasion permits and for limiting the number of special occasion permits.

On the question,  
Will the Senate concur in the amendments made by the House to Senate amendments to House Bill No. 2383?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate amendments to House Bill No. 2383.

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

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

YEA-49

Armstrong	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	Wonderling
Erickson	Madigan	Scarnati	Wozniak
Ferlo	Mellow	Stack	
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 inform the House of Representatives accordingly.

**SENATE CONCURS IN HOUSE AMENDMENTS**

**SB 707 (Pr. No. 1971)** -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,  
Will the Senate concur in the amendments made by the House to Senate Bill No. 707?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 707.

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

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

YEA-49

Armstrong	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	Wonderling
Erickson	Madigan	Scarnati	Wozniak
Ferlo	Mellow	Stack	
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 inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS

**SB 1169 (Pr. No. 1756)** -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a portion of State Route 279 in Allegheny County as the Pennsylvania State Police Cpl. Joseph R. Pokorny, Jr., Memorial Highway.

On the question,  
Will the Senate concur in the amendments made by the House to Senate Bill No. 1169?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1169.

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

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

YEA-49

Armstrong	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	Wonderling
Erickson	Madigan	Scarnati	Wozniak
Ferlo	Mellow	Stack	
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 inform the House of Representatives accordingly.

ANNOUNCEMENT BY MAJORITY LEADER

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

Senator BRIGHTBILL. Madam President, for the information of the Members, we are waiting for another Supplemental Calendar which contains two bills.

SENATE RESOLUTION ADOPTED

Senators KASUNIC, ORIE, MELLOW, STOUT, O'PAKE, LEMMOND, LaVALLE, PILEGGI, BOSCOLA, FONTANA, WENGER, C. WILLIAMS, KITCHEN, WASHINGTON, HUGHES, STACK, LOGAN, COSTA, PUNT, MADIGAN, ARMSTRONG, MUSTO, WOZNIAC, D. WHITE, GORDNER, EARLL, RAFFERTY, TOMLINSON, PIPPY, BRIGHTBILL, ROBBINS, FERLO, WONDERLING, DINNIMAN, TARTAGLIONE, FUMO, A. WILLIAMS, BROWNE, CONTI, JUBELIRER, ERICKSON, WAUGH, RHOADES, GREENLEAF, PICCOLA, VANCE, REGOLA, M. WHITE, CORMAN and SCARNATI, by unanimous consent, offered **Senate Resolution No. 333**, entitled:

A Resolution designating September 11, 2006, as "Pennsylvania's Day of Remembrance" of the events of September 11, 2001.

On the question,  
Will the Senate adopt the resolution?

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

Senator KASUNIC. Madam President, September 11, 2006, will mark the 5th anniversary of the horrific events that took place in New York City, Washington, D.C., and Shanksville, Pennsylvania. I believe it is important that we take the necessary steps today to declare September 11, 2006, as "Pennsylvania's Day of Remembrance."

Madam President, the September 11, 2001 terrorist attacks against this nation will forever remain heavy in the hearts and minds of Americans everywhere. It was a day of unimaginable brutality and cowardice from terrorist hijackers who used airplanes as virtual missiles to kill thousands of innocent people. This day of remembrance will enable Pennsylvanians to express their sorrow for those who perished, as well as demonstrate our commitment to the cause of freedom.

Madam President, the 9/11 reflections will be particularly poignant in Somerset County, where the first battle on the war in terrorism took place. Courageous passengers fought back and stopped hijackers from causing further death and devastation. Their bravery will stand forever as a symbol of this nation's resolve to defend, at all costs, the precious freedoms that Americans cherish. The beautiful rolling Somerset countryside and landscape is a fitting resting place for those courageous men and women who died on Flight 93.

Madam President, my resolution calls on Pennsylvanians to honor the nearly 3,000 innocent victims and all those affected by the attacks on the 5th anniversary with a moment of silence. I urge all Members to unanimously support this resolution.

Thank you, Madam President.

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

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

### HOUSE MESSAGES

#### HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House has adopted the Report of Committee of Conference on **HB 185**.

#### HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House has adopted the Report of Committee of Conference on **HB 1992**.

#### HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE AMENDMENTS TO SENATE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to House amendments to **SB 300**.

#### HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 801, 1326, 1641, 1746 and 1928**.

#### HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE RESOLUTIONS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HR 354 and 357**.

### BILLS SIGNED

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

**SB 82, SB 300, SB 651, SB 707, SB 1169, SB 1179, HB 30, HB 456, HB 801, HB 859, HB 1326, HB 1641, HB 1746, HB 1928 and HB 2295.**

### SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 20

#### SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED

**SB 1055 (Pr. No. 1992)** -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Pennsylvania Historical and Museum Commission, to accept by donation a tract of land and any improvements on the tract, situate in Penn Township, Westmoreland County; authorizing the Department of Transportation, with the approval of the Governor, to grant and convey to AMFIRE Mining Company, LLC, the right to remove coal underlying certain highway right-of-way situate in Cresson Township, Cambria County; and authorizing the Department of General Services, with the approval of the Governor, to grant and convey to the Allentown Commercial Industrial Authority, or their assigns, certain lands situate in the City of Allentown and the City of Bethlehem, Lehigh County, Pennsylvania.

On the question,

Will the Senate concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 1055?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 1055.

On the question,

Will the Senate agree to the motion?

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

#### YEA-49

Armstrong	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	Wonderling
Erickson	Madigan	Scarnati	Wozniak
Ferlo	Mellow	Stack	
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 inform the House of Representatives accordingly.

### HOUSE MESSAGES

#### HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2522, 2527, 2528, 2529, 2530, 2531, 2532 and 2533**.

#### SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 845 and 1166**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

### BILLS SIGNED

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

HB 2499, HB 2504, HB 2505, HB 2506, HB 2507, HB 2508, HB 2509, HB 2510, HB 2511, HB 2512, HB 2513, HB 2514, HB 2515, HB 2516, HB 2517, HB 2518, HB 2519, HB 2520, HB 2521, HB 2522, HB 2523, HB 2524, HB 2525, HB 2526, HB 2527, HB 2528, HB 2529, HB 2530, HB 2531, HB 2532 and HB 2533.

### UNFINISHED BUSINESS 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 George Leaman by Senator Armstrong.

Congratulations of the Senate were extended to Tobias Robinson by Senator Brightbill.

Congratulations of the Senate were extended to Denise J. Sperry and to Joye Gingrich by Senator Corman.

Congratulations of the Senate were extended to Michael Stiebel by Senator Costa.

Congratulations of the Senate were extended to the Natrona Bottling Company by Senator Ferlo.

Congratulations of the Senate were extended to Mr. and Mrs. Russel O. Roberts and to Mr. and Mrs. Howard W. Smith by Senator Gardner.

Congratulations of the Senate were extended to Mr. and Mrs. Tom Barrett by Senator Madigan.

Congratulations of the Senate were extended to Malcolm W. Bonawits by Senator Mellow.

Congratulations of the Senate were extended to Colin A. Naugle by Senator O'Pake.

Congratulations of the Senate were extended to Mr. and Mrs. Ray Hensel and to Mr. and Mrs. Roger Hartline by Senator Rhoades.

Congratulations of the Senate were extended to the Cheltenham High School Future Problem Solvers by Senator Washington.

Congratulations of the Senate were extended to Harold Carlson and to Avery Dennison's Mill Hall Plant by Senator Wozniak.

### REMAINING BILLS ON CALENDAR LAID ON THE TABLE

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

Senator BRIGHTBILL. Madam President, I move that all bills remaining on the Calendar be laid upon the table.

The PRESIDENT. Senator Brightbill moves that all the bills remaining on the Calendar be laid upon the table.

The motion was agreed to by voice vote.

### RECESS

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

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

The PRESIDENT. Senator Brightbill moves that the Senate recess to the call of the President pro tempore.

The motion was agreed to by voice vote.

### AFTER RECESS

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

### RECESS

The PRESIDENT. The Chair recognizes the gentlewoman from Cumberland, Senator Vance.

Senator VANCE. Madam President, I move that the Senate do now recess until Wednesday, July 5, 2006, at 3:15 p.m.

The motion was agreed to by voice vote.

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