

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

WEDNESDAY, SEPTEMBER 27, 2006

SESSION OF 2006 190TH OF THE GENERAL ASSEMBLY

No. 56

SENATE

WEDNESDAY, September 27, 2006

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

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

PRAYER

The Chaplain, Reverend MIYOSHI SCHENCK, of Reading Bethel AME Church, offered the following prayer:

Most gracious and loving Father, we come to You this morning saying thank You. Thank You for all that You have already done. We ask that You would bless this Session, that You would bless each and every Senator, their families, and their staff members. We ask that You would bless our Governor and Lieutenant Governor. We ask, O God, that Your guiding hand, Your wisdom, Your love and compassion, Your knowledge would be the guiding direction of this Session.

We ask these things in Your precious name. Amen.

The PRESIDENT. The Chair thanks Reverend Miyoshi Schenck, and her husband, Reverend Dorrian Schenck, who are the guests today of Senator O'Pake.

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

BILL REPORTED FROM COMMITTEE

Senator M.J. WHITE, from the Committee on Environmental Resources and Energy, reported the following bill:

HB 1902 (Pr. No. 4662) (Amended)

An Act amending the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, further providing for sunset for recycling fee and for performance grants for municipal recycling programs.

LEGISLATIVE LEAVES

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

Senator O'PAKE. Madam President, I request legislative leaves for Senator Mellow, Senator Washington, and Senator Connie Williams.

The PRESIDENT. Senator O'Pake requests legislative leaves for Senator Mellow, Senator Washington, and Senator Connie Williams. Without objection, the leaves will be granted.

CALENDAR

**SENATE RESOLUTION No. 339
CALLED UP OUT OF ORDER, ADOPTED**

Senator BRIGHTBILL, without objection, called up from page 8 of the Calendar, as a Special Order of Business, **Senate Resolution No. 339**, entitled:

A Resolution designating the month of September 2006 as "Campus Fire Safety Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

YEA-50

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

NAY-0

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

RECESS

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

Senator BRIGHTBILL. Madam President, at this time I ask for a brief recess of the Senate for the purpose of a Republican

caucus, which will begin immediately in the Majority Caucus Room on the first floor. We expect to be back in about 30 minutes.

The PRESIDENT. For the purpose of a Republican caucus to be held in the Majority Caucus Room on the first floor, without objection, the Senate will stand in recess.

AFTER RECESS

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

CONSIDERATION OF CALENDAR RESUMED

**SENATE RESOLUTION No. 342
CALLED UP OUT OF ORDER, ADOPTED**

Senator BRIGHTBILL, without objection, called up from page 8 of the Calendar, as a Special Order of Business, Senate Resolution No. 342, entitled:

A Resolution designating the month of October 2006 as "Agent Orange Recognition Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

LEGISLATIVE LEAVES

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

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

The PRESIDENT. Senator Brightbill requests a temporary Capitol leave for Senator Mary Jo White.

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

Senator O'PAKE. Madam President, I request a temporary Capitol leave for Senator Kasunic.

The PRESIDENT. Without objection, the leaves will be granted.

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

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

YEA-50

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

NAY-0

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

LEGISLATIVE LEAVES

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

Senator BRIGHTBILL. Madam President, I request a temporary Capitol leave for Senator Conti.

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

Senator O'PAKE. Madam President, I request temporary Capitol leaves for Senator Wozniak and Senator Stout.

The PRESIDENT. Senator Brightbill requests a temporary Capitol leave for Senator Conti.

Senator O'Pake requests temporary Capitol leaves for Senator Wozniak and Senator Stout.

Without objection, the leaves will be granted.

CONSIDERATION OF CALENDAR RESUMED

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

BILL OVER IN ORDER

SB 845 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

**SENATE CONCURS IN HOUSE AMENDMENTS
AS AMENDED**

SB 862 (Pr. No. 2101) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 4 (Amusements) and 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for definitions and for the Pennsylvania Gaming Control Board; providing for applicability of other statutes; further providing for powers and duties of board; providing for code of conduct; further providing for temporary regulations, for licensed entity application appeals from board, for license or permit application hearing process, for board minutes and records, for collection of fees and fines, for regulatory authority of board, for slot machine license fee, for number of slot machines, for reports of board, for license or permit prohibition, for Category 2 slot machine licenses, for Category 3 slot machine licenses, for order of initial license issuance, for slot machine license application and for slot machine license application business entity requirements; providing for licensing of principals and for licensing of key employees; further providing for slot machine license application financial fitness requirements and for supplier and manufacturer licenses; providing for manufacturer licenses; further providing for occupation permit application, for nontransferability of licenses and for gross terminal revenue deductions; providing for itemized budget reporting; further providing for establishment of State Gaming Fund and net slot machine revenue distribution, for distributions from Pennsylvania Race Horse Development Fund, for local land use preemption and for the Compulsive and Problem Gambling Program; providing for land use preemption and conveyances within cities of the first class, for riparian rights and for clean indoor air; providing for public official financial interest, for political influence and for enforcement; providing for procedures and for conduct of public officials and employees; further providing for prohibited acts and penalties; providing for detention and for interception of oral communications; further providing for duty to provide and for submission of fingerprints and photographs; providing for repayments to State Gaming Fund; and further providing for corrupt organizations.

On the question,
Will the Senate concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 862?

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. 862.

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

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

YEA-50

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

NAY-0

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

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

THIRD CONSIDERATION CALENDAR

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

SB 1266 (Pr. No. 2085) -- The Senate proceeded to consideration of the bill, entitled:

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

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

On the question,
Shall the bill pass finally?

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

YEA-50

Armstrong	Gordner	Orie	Tomlinson
Boscola	Greenleaf	Piccola	Vance
Brightbill	Hughes	Pileggi	Washington
Browne	Jubelirer	Pippy	Waugh
Conti	Kasunic	Punt	Wenger
Corman	Kitchen	Rafferty	White, Donald

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

NAY-0

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

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

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

HB 2134 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILLS OVER IN ORDER

HB 126, SB 592, SB 1107 and SB 1140 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1207 (Pr. No. 1895) -- 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 the Pennsylvania State Police; and making a 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-50

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

NAY-0

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

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

BILL OVER IN ORDER

HB 1285 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1303 (Pr. No. 2060) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, providing for expenses of the Pennsylvania Gaming Control Board.

Considered the third time and agreed to,

On the question, Shall the bill pass finally?

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

YEA-50

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, 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, Wozniak.

NAY-0

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

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

BILLS OVER IN ORDER

SB 1305 and SB 1330 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION DEFEATED ON FINAL PASSAGE

HB 1526 (Pr. No. 1859) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 8, 1937 (P.L.262, No.66), known as the Consumer Discount Company Act, further providing for powers conferred on licensees.

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-4

Table with 4 columns: Armstrong, Brightbill, Conti, Wenger

NAY-46

Table with 4 columns of names: Boscola, Browne, 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, White, Donald, White, Mary Jo, Williams, Anthony H., Wonderling, Wozniak.

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

RECONSIDERATION OF HB 1526

BILL OVER IN ORDER ON FINAL PASSAGE

HB 1526 (Pr. No. 1859) -- Senator BRIGHTBILL. Madam President, I move that the Senate do now reconsider the vote by which House Bill No. 1526, Printer's No. 1859, just failed on final passage and move that the bill go over in its order and appear on the Final Passage Calendar.

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

LEGISLATIVE LEAVE CANCELLED

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

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 553 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

SB 934 (Pr. No. 2084) -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Medical Safety Automation Account; and providing grants to implement medical safety automation systems.

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

**BILL REREPORTED FROM COMMITTEE AS
AMENDED OVER IN ORDER**

HB 1813 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILLS REREFERRED

SB 71 (Pr. No. 2096) -- 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 Office for Safe Schools; and requiring the establishment of policies relating to bullying.

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

SB 81 (Pr. No. 2053) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 24, 1976 (P.L.1176, No.261), known as the Mobile Home Park Rights Act, further providing for disclosure of fees; and making editorial changes.

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

BILLS OVER IN ORDER

HB 236 and **HB 552** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILLS ON SECOND CONSIDERATION

SB 628 (Pr. No. 1943) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, providing for the offenses of neglect of care-dependent person and for living wills and health care powers of attorney; further providing for implementation of out-of-hospital nonresuscitation; making conforming amendments; and repealing provisions of 20 Pa.C.S. Chs. 54 and 54A.

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

HB 632 (Pr. No. 3824) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 19, 1990 (P.L.1200, No.202), known as the Solicitation of Funds for Charitable Purposes Act, further providing for audit of certain financial reports.

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

BILL OVER IN ORDER

SB 808 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL REREFERRED

HB 854 (Pr. No. 4638) -- The Senate proceeded to consideration of the bill, entitled:

An Act prohibiting the release of certain records by government agencies; and imposing penalties.

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

BILL OVER IN ORDER

SB 858 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL REREFERRED

HB 881 (Pr. No. 4636) -- 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 administration and enforcement, for applications and inspections, for changes in Uniform Construction Code, for appeals and for education and training program.

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

**BILL ON SECOND CONSIDERATION
AND REREFERRED**

HB 983 (Pr. No. 1325) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, further providing for registration districts and for local registrars' duties.

Considered the second time and agreed to,
Ordered, To be printed for third consideration.
Upon motion of Senator BRIGHTBILL, and agreed to by voice vote, the bill just considered was rereferred to the Committee on Appropriations.

BILLS OVER IN ORDER

SB 1110, SB 1174 and SB 1216 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION, AMENDED

SB 1235 (Pr. No. 2056) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 14, 1986 (P.L.2, No.2), known as the Acupuncture Registration Act, providing for medical diagnosis.

On the question,

Will the Senate agree to the bill on second consideration?

Senator RHOADES offered the following amendment No. A9386:

Amend Title, page 1, line 4, by inserting after "penalty,"": further providing for regulation of the practice of acupuncture; and

Amend Bill, page 4, lines 6 through 8, by striking out all of said lines and inserting:

Section 1. Section 3(c) of the act of February 14, 1986 (P.L.2, No.2), known as the Acupuncture Registration Act, amended May 16, 2002 (P.L.326, No.49), is amended to read:

Section 3. Regulation of the practice of acupuncture.

[(c) Practice of certain acupuncturists.—An acupuncturist, other than a licensed physician or a person exempted as provided for in subsection (h), shall, prior to administering the first treatment, do all of the following:

(1) Ensure that the patient has secured a written referral for treatment by acupuncture from a licensed physician. A referral under this paragraph shall place conditions and restrictions on the course of treatment if required as a matter of sound medical practice.

(2) Ensure that the patient has undergone a medical diagnostic examination or has had the results of a recently performed medical diagnostic examination reviewed by a licensed physician.

(3) Keep a copy of the referral and the results of the medical diagnostic examination in the patient's file.]

Section 2. The act is amended by adding a section to read:

Amend Sec. 2, page 4, line 19, by striking out "2" and inserting: 3

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

It was agreed to.

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

BILLS OVER IN ORDER

SB 1236, SB 1291 and SB 1297 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION
AND REREFERRED

SB 1332 (Pr. No. 2097) -- 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 school health services definitions, for health services, for dental examinations and dental hygiene services, for facilities, for examinations and for recommendations of health professionals; deleting provisions relating to examination by family physician or dentist; and further providing for care and treatment of school-age children, for precautions against spread of certain diseases and for medical examination of school personnel.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

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

BILLS OVER IN ORDER

HB 1427 and HB 1479 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION

HB 1804 (Pr. No. 4642) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 27, 1939 (P.L.1199, No.404), entitled "An act relating to the assessment of real and personal property and other subjects of taxation in counties of the first class; providing for the appointment of members of the board of revision of taxes by the judges of the courts of common pleas; providing for the appointment, by the board, of personal property assessors, real estate assessors and assistant real estate assessors, clerks and other employees; fixing the salaries of members of the board, assessors and assistant assessors, and providing for the payment of salaries and expenses from the county treasury; prescribing the powers and duties of the board and of the assessors, the time and manner of making assessments, of the revision and notice of assessments and of appeals therefrom; prescribing the records of assessments; and repealing existing laws," establishing a revenue-neutral tax rate after a countywide revision of real property assessment.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

HB 2631 and HB 2667 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL REREFERRED

HB 2738 (Pr. No. 4637) -- 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 schedule of compensation, for definitions relating to procedure and for enforcement of standards and processing of claims; providing for the Workers' Compensation Appeal Board; further providing for assignment of claims to referees, for rehearings, for counsel fees and for the Office of Adjudication; providing for an Uninsured Employers Guaranty Fund; and making a related repeal.

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

UNFINISHED BUSINESS SENATE RESOLUTION ADOPTED

Senators RHOADES, BRIGHTBILL, ERICKSON, PILEGGI, D. WHITE, KITCHEN, KASUNIC, PIPPY, FERLO, BOSCOLA, MUSTO, FONTANA, COSTA, CONTI, TARTAGLIONE, RAFFERTY, C. WILLIAMS, EARLL, DINNIMAN, O'PAKE, GREENLEAF, BROWNE, LEMMOND, REGOLA and ARMSTRONG, by unanimous consent, offered **Senate Resolution No. 357**, entitled:

A Resolution designating October 12, 2006, as "Lights On Afterschool! Day" in Pennsylvania.

Which was read, considered, and adopted by voice vote.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. Vincent Paul Seaman, Dorothy Ruggiero, MaryAnne Catino, Dr. William H. Spangenberg, Nelson Hill, Adriana Strugar, Zachary Ryan, Diana Vega, Mercedes Marquez, Courtney Pugh, Laura Hatch, James Matthew Gleason, David De Rea, Todd Strohe, Gregory Heard, Josh Mohlmann, Krista Janette Keane and to Governor Wolf Elementary School of Bethlehem by Senator Boscola.

Congratulations of the Senate were extended to Mr. and Mrs. Herman Neagley, Frank Tatu, Paul David Schappell and to Andrew Fernandez by Senator Browne.

Congratulations of the Senate were extended to the Lehigh Valley Association of REALTORS of Bethlehem by Senator Browne and others.

Congratulations of the Senate were extended to Sean Nyquist, Eric William Prouty and to Nathan Spector by Senator Conti.

Congratulations of the Senate were extended to Dr. Joseph Brown, Jr., Kathy Torisky and to Comcast Cable of State College by Senator Corman.

Congratulations of the Senate were extended to Dr. Robert J. Ferraro and to the Philadelphia Reflex Sympathetic Dystrophy Syndrome Support Group of Cambridge Springs by Senator Earll.

Congratulations of the Senate were extended to Eleanor Sachs by Senator Erickson.

Congratulations of the Senate were extended to Jay Richard Swager, Jr., and to Lorene Fansler by Senator Ferlo.

Congratulations of the Senate were extended to Eddie Felbin by Senator Fumo.

Congratulations of the Senate were extended to George Frederick Yerges by Senator Gordner.

Congratulations of the Senate were extended to Mr. and Mrs. Robert E. Blunt, Mr. and Mrs. Ken Keiser and to Winifred F. Smith by Senator Greenleaf.

Congratulations of the Senate were extended to Orilla Cloretta Slade and to the Reverend Arthur R. White by Senator Hughes.

Congratulations of the Senate were extended to George Sovers, Jr., Dave Mankamyer and to Charlene Lario by Senator Kasunic.

Congratulations of the Senate were extended to the Dawn Staley Foundation of Philadelphia by Senator Kitchen.

Congratulations of the Senate were extended to Lois Cortright and to Kyle Kristopher Shoemaker by Senator Lemmond.

Congratulations of the Senate were extended to Alex Scott Bogler and to the citizens of Choconut Township by Senator Madigan.

Congratulations of the Senate were extended to the Chinchilla Hose Company of South Abington Township by Senator Mellow.

Congratulations of the Senate were extended to the Reading Area Community College by Senator O'Pake.

Congratulations of the Senate were extended to the Pine-Richard Youth Rams Middle Green Football Team 2006 by Senator Orie.

Congratulations of the Senate were extended to Paxton Ministries of Harrisburg by Senator Piccola.

Congratulations of the Senate were extended to Dean Hastings, William Boardley, Dr. Neal Fanelli and to the Honorable Bruce Smith by Senator Pippy.

Congratulations of the Senate were extended to Matthew Donald Green, Pughtown Baptist Church, Len's Shoe Repair of Colledgeville and to the Royersford United Methodist Church by Senator Rafferty.

Congratulations of the Senate were extended to Mark Nicholas by Senator Regola.

Congratulations of the Senate were extended to Mr. and Mrs. Harold Billman, Mr. and Mrs. Christian Y. Leinbach, Shawn M. Klitsch, Christopher J. Rohde, Bishop Thomas J. Welsh, Archbishop Emeritus Stephen Sulyk, Bishop Michael J. Dudick, John R. Anczarski, Nathan William Rider, Christopher M. Champion and to the Growing Place Child Care Center of Kresgeville by Senator Rhoades.

Congratulations of the Senate were extended to the Carbon Career & Technical Institute of Jim Thorpe by Senators Rhoades and Musto.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Stowman, Robert Albert Stowman, Buck A. Poerio and to the Jefferson County Arc., Inc., of Reynoldsville by Senator Scarnati.

Congratulations of the Senate were extended to Andrew Dzatko by Senator Stout.

Congratulations of the Senate were extended to Danielle Selko by Senator Tomlinson.

Congratulations of the Senate were extended to Israel L. Gaither and to Eva D. Gaither by Senator Washington.

Congratulations of the Senate were extended to Mary Claypoole and to Respironics of Murrysville by Senator D. White.

Congratulations of the Senate were extended to Mr. and Mrs. Edward Lahr and to Mr. and Mrs. Robert M. Hrisak by Senator M.J. White.

Congratulations of the Senate were extended to Raymond Greene by Senator Wonderling.

Congratulations of the Senate were extended to T. Anthony Iannelli and to Raymond Greene by Senator Wonderling and others.

Congratulations of the Senate were extended to the Johnstown Fire Department, Centre County Community Foundation, Inc., and to the Philipsburg Historical Foundation by Senator Wozniak.

CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Tristan Smith by Senator Greenleaf.

Condolences of the Senate were extended to the family of the late George L. Jackson by Senator Hughes.

Condolences of the Senate were extended to the family of the late Dr. Oliver Handelsman by Senator Logan.

Condolences of the Senate were extended to the family of the late Jennifer Marie Hartman by Senator Rhoades.

Condolences of the Senate were extended to the family of the late Clyde O. Finney by Senator Stout.

POSTHUMOUS CITATIONS

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

Posthumous citations honoring the late Joseph Cilberti, the late Angelo Polo, and the late Olive S. Hamm were extended to the families by Senator Boscola.

BILL ON FIRST CONSIDERATION

Senator RHOADES. Madam President, I move that the Senate do now proceed to consideration of a bill reported from committee for the first time at today's Session.

The motion was agreed to by voice vote.

The bill was as follows:

HB 1902.

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

PETITIONS AND REMONSTRANCES

The PRESIDENT. The Chair recognizes the gentlewoman from Northampton, Senator Boscola.

Senator BOSCOLA. Madam President, I have remarks for Senate Bill No. 862 that I would like to submit for the record.

The PRESIDENT. Without objection, the remarks will be spread upon the record.

(The following prepared remarks were made a part of the record at the request of the gentlewoman from Northampton, Senator BOSCOLA:)

Madam President, I rise in support of the gaming reform provisions that are included in Senate Bill No. 862. By acting today, we made sure these reforms are in place before the Gaming Board issues a single slots license.

I want to commend our leaders for doing the right thing today. Fixing the law today means that the public can trust that no one will be "fixing" things for their own personal gain somewhere down the road. I also want to thank my friend and colleague, Senator Pat Browne.

In the event that a gaming license is awarded in the Lehigh Valley, this bill contains a provision that will make sure that everyone is a winner in the Lehigh Valley. The bill contains a regional revenue sharing agreement between counties and between municipalities in the Lehigh Valley.

If a gaming license is eventually issued in the Lehigh Valley, Bethlehem, Allentown, Northampton, and Lehigh all stand to gain. It is a win-win scenario, regardless of which application may be approved by the State Gaming Board.

Senator Browne and I worked very hard with local elected officials to reach a consensus that is historic and unprecedented. By strengthening all of the communities throughout the valley, this bill will make the entire Lehigh Valley stronger, too.

I am proud to be a part of this historic and unprecedented agreement. People should be pleased that we all worked together, regardless of party and narrow self-interests, to do what is right for everyone who lives in the Lehigh Valley. I hope this agreement will serve as a blueprint for continued cooperation and shared commitment for many, many years to come.

So, again, I want to thank Senator Browne, Senator Fumo, Senator Tomlinson, and Senator Brightbill for doing the right thing today.

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

Senator FUMO. Madam President, in recent weeks some of our national leaders have claimed, and probably will claim again between now and November 7, that opposition to the war in Iraq is rooted in party politics. Before we get any closer to the 2006 mid-term elections, I think we should pause for a moment and take a look at some of the evidence that suggests that this is simply not the case. The truth is, while many Democrats certainly oppose the war and believe it is doing more harm than good, some Republicans are beginning to reach the same conclusion. They include some of the strongest and most highly-respected conservative voices in this country.

There is no one who deserves to be called the father of modern conservatism more than William F. Buckley, Jr. He has been a leading voice among conservatives for almost half a century. Over the summer, in an interview with CBS News, Buckley said George W. Bush has abandoned conservative principles in his foreign policy. Buckley views the war in Iraq as a failure. He said, quote, "If you had a European prime minister who experienced what we've experienced, it would be expected that he would retire or resign," end of quote. He believes the Bush administration has been engulfed by Iraq, and consequently is unable to deal effectively with other international problems. Buckley said that the continued tumult in Iraq has overwhelmed what perspectives one might otherwise have entertained with respect to other parts of the Middle East, with respect to Iran in particular.

From Buckley's perspective, Bush has gotten himself into trouble because he has not been guided by conservative principles, a view that I do not necessarily share, but Buckley and I do agree that the result has been a weakening of America in the world arena. As Buckley put it, quote, "Mr. Bush faces a singular problem best defined, I think, as the absence of effective conser-

vative ideology - with the result that he ended up being very extravagant in domestic spending, extremely tolerant of excesses by Congress, and in respect to foreign policy, incapable of bringing together such forces as apparently were necessary to conclude the Iraq challenge."

Next came Congressman Christopher Shays, a Republican from Connecticut. He was originally among the strongest supporters of the war in Iraq. But in August, after returning from his 14th trip to Iraq, he announced that he favors a definite timeline for withdrawal of U.S. troops. Shays told Newsweek magazine, quote, "We need to send a very powerful message to the Iraqis that there is not an open checkbook and our soldiers are not going to be in harm's way forever." Perhaps Shays was influenced not only by his on-the-scene observations in Iraq, but also by the citizens of his district. The polls show that two-thirds of his constituents favor getting out of Iraq.

It is a similar story all across the nation. Americans, in even larger numbers, regardless of political affiliation or ideology leaning, are reaching the conclusion that going to war in Iraq was a mistake. That is why you are seeing more and more Republicans turning their backs on the administration's Iraq policy.

In June, Republican Congressman Gil Gutknecht of Minnesota told his fellow House members that, quote, "now is not the time to go wobbly," on Iraq. Just a month later, in July, after returning from a trip to Iraq, Gutknecht said America lacked strategic control of the streets of Baghdad, and he called for a limited troop withdrawal.

We are seeing the same thing right here in Pennsylvania. In our Eighth Congressional District, Republican Representative Mike Fitzpatrick had nice things to say about George W. Bush's principles and resolve, but he also said Bush had been mistaken in crucial ways and he opposed Bush's stay-the-course strategy in Iraq. So quite clearly, hostility toward this administration's decisions, policies, and management in Iraq is not partisan in nature. Opposition to this war comes from all sides. It reflects the feeling of an ideological cross-section of the American public.

I believe that liberals, conservatives, and moderates alike must be disgusted by the way our troops are treated. In previous speeches on this floor, I have described the way our fighting men and women are putting their lives on the line in Iraq without proper body armor and with inadequate equipment. I recently received information from a Marine who had been sent to Iraq of a list of items the Marine Corps expected them to supply for themselves when our government sends them into combat. I think it is disgraceful that Marines are expected to supply these things for themselves in a combat zone, while this administration spends a fortune lining the pockets of politically-connected firms like Haliburton. Here is a list of the things this young Marine was expected to provide for himself: flashlight, batteries, extra socks, underwear, T-shirts, towels, washcloths, extra rank insignia, boot bands, bungee cords, ear plugs, sewing kits, field mirror, elbow and knee pads, locks - combination or key, laundry bags, sneakers, gloves - particularly if you are searching people, you need the kind that will not be punctured by knives or needles, mirrors - for searching under cars to look for wires, letter-writing material, Ziploc and trash bags, zip ties, cable ties, and boots. Concerning boots, he writes that many guys buy their own, although the ones that are issued are just okay. The problem is that they

are hard to get replaced, as it takes multiple months, a trial that his unit is going through right now. They seem to have a problem with the soles detaching from the boots, which is what has happened to many guys there, including him. They are the items that he was told by the United States Marine Corps to bring with him in combat that our government does not supply to a Marine fighting to defend our lives, supposedly in Iraq. A flashlight?

I realize that Bush is always looking for opportunities to appeal to his conservative base, but long ago most of them have given up hope that he would ever turn out to be a fiscal conservative, with his borrow-and-spend policies and steadily-increasing budget deficits. So I really do not think saving a few bucks by shortchanging our men and women in uniform is going to improve his declining standing among conservatives.

Even as a consensus gradually develops in this country that the war must end and our troops must come home, our death count continues to grow, gradually, yet tragically. As of this week, 2,705 American soldiers have been killed in Iraq, and 19,910 have been wounded.

Two more Pennsylvanians were added to the roster of those killed in action over this past month.

Specialist Tristan C. Smith, 23, of Bryn Athyn, Pennsylvania, died in Taji, Iraq, on August 27 when an IED detonated near his Bradley vehicle during combat operations. He was assigned to the 1st Battalion, 66th Armor Regiment, 1st Brigade, 4th Infantry Division.

Private First Class Justin W. Dreese, 21, of Northumberland, Pennsylvania, died in Yusufiyah, Iraq, on September 2 of injuries suffered from mortar fire during dismounted combat operations. He was assigned to the 1st Battalion, 325th Airborne Infantry Regiment, 2nd Brigade Combat Team, 82nd Airborne Division.

Thank you, Madam President.

The PRESIDENT. I ask that the Senate and staff please stand for a moment of silence for all of our fallen heroes, and especially for the two Pennsylvania men, Specialist Tristan C. Smith and Private First Class Justin W. Dreese.

(Whereupon, the Senate en bloc stood in a moment of silence in solemn respect to the memory of Specialist TRISTAN C. SMITH and Private First Class JUSTIN W. DREESE.)

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

Senator HUGHES. Madam President, I just want to briefly comment and provide some commentary with respect to the activities yesterday in the Capitol. Yesterday, Madam President, approximately 2,000 people from across the Commonwealth of Pennsylvania came to Harrisburg to have a conversation with Members of the Senate and House, and basically anyone who would listen, about the problem of the overwhelmingly liberal ability that exists in the Commonwealth of Pennsylvania to access guns and consequently the violence and deaths that occur as a result of that.

Parenthetically, Madam President, just as an aside, it was noted that there were more people here to rally against guns than that fabled rally that occurred many months ago dealing with the issue of the pay raise. There were more people here dealing with this issue which, quite frankly, is much more serious than the issue of the pay raise, because we are talking about the loss of lives, we are talking about the loss of lives.

We had illustrious people here yesterday, Madam President. As you know, the mayor of New York City and the mayor of Trenton, New Jersey, were here, and mayors from all across the State of Pennsylvania were in our Capitol trying to communicate a message of concern. We had a chance to stand with those individuals who walked 104 miles from Philadelphia to Harrisburg over the last week to raise the level of attention of the seriousness of this issue. We talked to mothers whose young ones lost their lives as a result of gun violence, and I do not know of any other tragedy that would be that extensive as to be the mother of one whose life is gone. I do not know of any other tragedy that would be so devastating. We talked with activists, we talked with medical people, we talked with health care people, we talked with business people, we talked with professors, researchers, and all types of individuals. We listened and heard the information about new polls being taken across the entire Commonwealth of Pennsylvania that said the overwhelming majority of people in this State want to see some level of additional control on the access to firearms.

I was doing a little research last night and spent more time, because I have been to this Web site before, on the Philly.com Web site, which chronicles brief stories of the lives lost in Philadelphia and southeastern Pennsylvania, the specific stories of the lives of many of these young people.

I pulled one up and I thought it was appropriate to read it today, and, Madam President, this will probably not be the last time that I come to this microphone to read a story of a life lost as a result of the violence that exists in our community. Violence has to be contained through a myriad of solutions - economic solutions, jobs for communities and neighborhoods that do not have access to jobs or there just are not any jobs, social services, and situations that are much more acute and need a much more intense social service programmatic effort, and of course, controlling the unfettered ability to get guns in Pennsylvania. We have probably some of the most liberal laws in the entire country in terms of accessing guns, and I understand that a straw vote was taken yesterday in the House of Representatives which indicated that there is a belief that you should be able to pull a gun and fire it and utilize it in almost any situation, on any occasion. Quite frankly, Madam President, this is the 21st century, this is not the wild, wild west. There is nobody named John Wayne or Jimmy Stewart. This is not the six-gun territory anymore, but apparently some people believe that is the way it should be. If reason and rational thought, rational discussions cannot get to the issue, maybe we just need to speak specifically about some of the lives lost, and maybe in that dialogue some sanity will prevail.

In addition to that, while we wait and wait and wait, year after year for some significant transformation of the laws in this Commonwealth to make it just a little bit more difficult, just a little bit more difficult to access guns, it is more than appropriate to lift up the stories and the names of the lives lost from these tragedies. So consequently, I will read from the September 6, 2006, posting in the Philadelphia Inquirer's Philly.com, about Raphael Glee, who was 17 years old. It is not a long story, Madam President, it is pretty brief, about as brief as his 17 years of life.

They forgot to put candles on Raphael Glee's cake, which makes sense because he could not have blown them out. The Olney High School senior was shot in the head 2 days before his

18th birthday, on the same square of North Philadelphia sidewalk where dozens of friends and relatives now sang "Happy Birthday" in his memory. The cake was covered with vanilla icing and blue letters that, along with traditional birthday greetings, spelled out, "We'll Miss You," along the bottom edge. Raphael's friends and relatives left behind candles, stuffed animals, scrawled messages of affection, and a sliver of the lemon-flavored confection on a plate for the boy they called "Ralph," or "Nu-Nu."

His friends said he wanted so badly to turn 18, that it was all he talked about throughout August, until he was shot on the 22nd. He died the next day. His cousin, Diamond Glee, said he just wanted to grow up. He promised five female cousins that he would take them to his senior prom. I am almost a man, he kept reminding his Aunt Yvonne Tribble.

Raphael was shot in the 1600 block of North 25th Street, his old neighborhood. His mother, Chelena Glee Hammond, had moved with her only son to Olney, which she thought was safer. The afternoon he was shot he was with a cousin. Although police attributed the homicide to a feud between two groups of youths and found a gun in his waistband as he lay dying, they also cite a strong possibility, and I underscore a strong possibility, that the bullet was meant for someone else. A 21-year-old Brewerytown man has been charged. A 21-year-old Brewerytown man has been charged. Tribble, who remembers her nephew as so stylish that he might have become a fashion designer and so affectionate that he stopped to hug and kiss you on the street, does not believe that Raphael was the intended victim. He was not a street guy, Tribble said. We have several of them in the family, but he just was not one of them. I truly believe with all my heart he was in the wrong place at the wrong time. Raphael Glee, 17 years old, in the neighborhood, shot down, dead, a few days before his 18th birthday.

We said yesterday, and I ask everybody within the sound of my voice to think about and reflect on what it is like as a parent, a grandmom or grandpop, aunt, uncle, who, when you kiss your child before he goes to school, to Little League, to football practice, to the library, to church, to Boy Scouts, Girl Scouts, Cub Scouts, the youth program, whatever it may be, think about the tension that exists in a parent's mind or a pop-pop's mind or a grandmom's mind, or whatever, the tension that may exist when you send that child off and you really do not know whether you are going to see them at the end of the day. Think about that. Imagine yourself having to go through that. I am a Senator just like everyone else in this room representing 255,000 people, with the responsibility to make the laws for the entire Commonwealth of Pennsylvania, all 12 million people who live in this State, and I am also a parent. Most of us who are within the sound of my voice would dread thinking about that. I dread thinking about it for my own child, the children that I am responsible for, my stepchildren, all of my children, my grandchildren, I think about that for all of the young people in this Commonwealth.

I think about that for their parents. We should not have to live in a society where we wake up and send our kids off to do the right thing, to play with their friends, to go down the street to the recreation center and shoot some hoops and play a little basketball, to sit on the corner or sit on the stoop, or just go to their neighbor's house and play video games or watch TV or listen to the new music that is out there, a society where we have to reflect

on whether our child is going to return within an hour or two or at the end of the day. We send them to the store to pick up a carton of milk or some chips or soda, or whatever kids do so innocently, so sweetly. They should not have to reflect on that. They should not have to live their lives in terror. We, as adults, as parents, as the caretakers and caregivers for our family, should not have to live a life where we have to reflect on these kinds of things. Some will say that is the price of living in 2006. But Raphael Glee, 17 years old, paid the ultimate price, and there are hundreds that have already done so this year, Madam President. Unfortunately, the way things go, there will be too many more, maybe even before this day is over, maybe that has already occurred as we sit here at 5 minutes before 2 o'clock on a Wednesday afternoon.

I do not know if we will ever change the law. We need to. My faith instructs me that I have to always keep hope present, and hopefully one day we will change the law. At one time I was not sure whether we would change the law about raising the minimum wage, but eventually, after a lot of time, we got it done. So I am going to operate on that same philosophy on this issue. We have to come up with the right laws, ones that will make a difference and have an impact and really reach the core of the problems. As I said earlier, the solutions are extensive and far-ranging, and they are not just about changing gun laws, but I am real clear that changing gun laws, making it tougher for anyone to get a weapon is important and relevant and should be part of the solution.

I implore the Members of this body and my colleagues in the House where I served to really rethink and get a little more enlightened on how we deal with this issue. I pray that none of us have to go through the same issues that the family of Raphael Glee, 17 years old, shot in the head 2 days before his 18th birthday, had to go through.

Thank you, Madam President.

The PRESIDENT. Thank you, Senator Hughes, for your continued concern and interest on the problems of violence and handguns in Pennsylvania and the United States.

The Chair wishes to also thank Senator Don White for lending me his purple tie for Women's Cervical Cancer Day, Wednesday, September 27, 2006.

I also wish to thank Senator Robert Jubelirer, the President pro tempore, for granting permission to distribute the cervical cancer brochures to all of the Members of the Senate and staff today.

The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Madam President, I move that the Secretary of the Senate be directed to deliver a certified copy of a transcript of today's proceedings congratulating Senator Don White to Senator White.

The PRESIDENT. Thank you, Senator Brightbill.

BILL SIGNED

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

HB 2498.

RECESS

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

Senator BRIGHTBILL. Madam President, I move that the Senate do now recess until Tuesday, October 3, 2006, at 2 p.m., Eastern Daylight Saving Time.

The PRESIDENT. The motion was agreed to by voice vote.

The Senate recessed at 1:55 p.m., Eastern Daylight Saving Time.