

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, JUNE 26, 2007

SESSION OF 2007 191ST OF THE GENERAL ASSEMBLY

No. 47

SENATE

TUESDAY, June 26, 2007

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

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

PRAYER

The Chaplain, Reverend PAUL JOHNSON, of 18th Street Community Church, Altoona, offered the following prayer:

Let us pray.

Eternal and all wise God, God of mercy, God of grace, and God of hope, You are our refuge and strength, a very present help in times of trouble. Give ear to my words, O Lord. Consider my meditation. Harken under the voice of my cry. My King, my God, my Savior, unto Thee I will pray.

This is the day that the Lord has made, and we will rejoice and be glad in it. We are mindful at this hour of every man, woman, and child in this great State of Pennsylvania. We call upon Your divine blessing, that as servants of all we may be found diligent, alert, courageous, and compassionate.

Grant to us this day Your wisdom, O God, as we conduct the business of the Pennsylvania State Senate. May our efforts in all legislation be guided by Your divine hand. May our hearts be pure, our thoughts tempered by Your love, and our spirits ever-mindful of justice and righteousness in all of our dealings.

Bless, O God, our Governor and all who serve in the executive branch. Bless every Senator and Representative by name as they conduct their legislative duties. Bless those in our judiciary who sit in judgment concerning the issues of law and justice throughout the State, and together may they all seek that one accord that will provide for the safety, the peace, and the happiness of life we all seek in our beloved Commonwealth.

In the name of our Lord and Savior, I pray. Amen.

The PRESIDENT. The Chair thanks Reverend Johnson, who is the guest today of Senator Eichelberger.

PLEDGE OF ALLEGIANCE

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

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILLS

The Clerk of the House of Representatives returned to the Senate SB 580, SB 755, SB 791, SB 792, SB 793, SB 794 and

SB 795 with the information the House has passed the same without amendments.

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate SB 796, 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 6, 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:

June 26, 2007

Senators FERLO, COSTA, LAVALLE, FONTANA, RAFFERTY, MUSTO, TARTAGLIONE, STACK, KITCHEN, WASHINGTON, LOGAN, WONDERLING, O'PAKE, BROWNE and PIPPY presented to the Chair SB 1008, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for a film production tax credit and conferring powers and imposing duties upon the Department of Community and Economic Development.

Which was committed to the Committee on FINANCE, June 26, 2007.

Senators BOSCOLA and GREENLEAF presented to the Chair SB 1009, entitled:

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.

Which was committed to the Committee on FINANCE, June 26, 2007.

Senators BOSCOLA, WONDERLING, O'PAKE, BROWNE, LAVALLE, WOZNIAK, STOUT, STACK, ROBBINS and D. WHITE presented to the Chair SB 1010, entitled:

An Act designating the polka as the official dance of Pennsylvania; and designating the square dance as the official American folk dance of Pennsylvania.

Which was committed to the Committee on STATE GOVERNMENT, June 26, 2007.

Senators PICCOLA, WAUGH, FOLMER, WONDERLING, ROBBINS, D. WHITE, CORMAN and EARLL presented to the Chair **SB 1011**, 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 exemption from certain act; further providing for work to be done under contract let on bids, for contracts for light, heat or water and for purchase of supplies; and further providing for list of names for schools.

Which was committed to the Committee on EDUCATION, June 26, 2007.

BILLS SIGNED

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

SB 580, SB 755, SB 791, SB 792, SB 793, SB 794, SB 795 and HB 906.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Judiciary to meet in the Rules room during Session to consider House Bill No. 10.

BILLS REPORTED FROM COMMITTEES

Senator BAKER, from the Committee on Veterans Affairs and Emergency Preparedness, reported the following bill:

HB 369 (Pr. No. 1401)

An Act amending the act of June 24, 1976 (P.L.424, No.101), referred to as the Emergency and Law Enforcement Personnel Death Benefits Act, further providing for the payment of death benefits to members of emergency personnel teams.

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

HB 483 (Pr. No. 540)

An Act establishing the Mine Families First Program; providing assistance to persons whose family members are trapped, injured or waiting rescue during an underground mine emergency and for duties of the Department of Environmental Protection.

HB 496 (Pr. No. 2086) (Amended)

An Act amending the act of July 10, 1984 (P.L.688, No.147), known as the Radiation Protection Act, further providing for definitions, for licensing and registration fees, for powers of Environmental Quality Board, for nuclear facility and transport fees, for creation of special funds, for response program and for transportation of radioactive materials; and making repeals.

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

HB 131 (Pr. No. 1414)

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, prohibiting fees for police services.

HB 635 (Pr. No. 720)

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for meetings of auditors and for audit of accounts by auditors and financial report to Department of Community and Economic Development.

HB 917 (Pr. No. 1067)

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for general powers of borough.

Senator ERICKSON, from the Committee on Public Health and Welfare, reported the following bill:

HB 1367 (Pr. No. 2087) (Amended)

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, further providing for medical assistance payments for institutional care; providing for pharmaceutical and therapeutics committee; further providing for definitions, for authorization, for amount, for repayment, for regulations and for time periods; and providing for the Senior Care and Services Study Commission.

Senator ARMSTRONG, from the Committee on Appropriations, reported the following bill:

SB 1006 (Pr. No. 1236)

An Act making appropriations from the restricted revenue accounts within the State Gaming Fund and from the State Gaming Fund to the Pennsylvania Gaming Control Board, the Department of Revenue, the Pennsylvania State Police and the Attorney General for the fiscal year beginning July 1, 2007, to June 30, 2008, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2007.

RESOLUTIONS REPORTED FROM COMMITTEES

Senator BAKER, from the Committee on Veterans Affairs and Emergency Preparedness, reported the following resolution:

SR 126 (Pr. No. 1066)

A Resolution memorializing the Congress of the United States to repeal or delay the creation of a national identification card and the implementation of the REAL ID Act of 2005.

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

SR 129 (Pr. No. 1161)

A Resolution opposing the designation of national interest electric transmission corridors and memorializing the Congress of the United States to repeal or modify certain provisions of the Energy Policy Act of 2005.

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

SPECIAL ORDER OF BUSINESS JOURNAL APPROVED

The PRESIDENT. The Journal of the Session of May 22, 2007, is now in print.

A quorum of the Senate being present, the Clerk will read the Journal of the Session of May 22, 2007.

The Clerk proceeded to read the Journal.

Senator PILEGGI. Madam President, I move that further reading of the Journal be dispensed with and that the Journal be approved.

On the question,

Will the Senate agree to the motion?

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

YEA-50

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

NAY-0

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

The PRESIDENT. The Journal is approved.

SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR ROBERT T. REGOLA PRESENTED TO THE SENATE

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

Senator REGOLA. Madam President, it is truly an honor and privilege to introduce to the Senate the Yough Cougar Rocketry Team from Yough High School in Westmoreland County. They have the distinction of being 1 of 15 teams nationwide, and the only one from Pennsylvania, to participate in the NASA Student Launch Initiative sponsored by the Marshall Space and Flight Center in Huntsville, Alabama.

The Yough Cougar Rocketry Team, consisting of Alicia Bowser, Amy Bickerstaff, Tony Barbera, and Ashley Wiley, under the leadership of physics teacher Donald L. Gilbert, Jr., were selected by NASA to design, build, test, and launch a high-powered rocket to an altitude of 1 mile while conducting a scientific experiment.

In order to be considered for this honor, the team placed 19th out of 714 other teams nationwide in the May 2006 Team America Rocketry Challenge held in Manassas, Virginia. By virtue of

their achievement, the Yough Cougars received an invitation to participate in the student launch initiative which culminated with the teams presenting their ideas to NASA engineering and performing their experiments on the Redstone Arsenal Missile Test Range.

These students spent more than 400 hours completing the required documentation and safety requirements, as well as building Dorothy, an 11-foot rocket, affectionately named such for the movie Twister and for the lead character from the Wizard of Oz. Dorothy is on the floor today to my right.

Through their efforts, the team was awarded Federal Contract No. NNM07AA50P. This contract not only included a \$2,500 grant, but perhaps even more important, the distinction of being able to officially say that they had worked for NASA.

Madam President, these results reflect the commitment and excellence of the Yough Cougar Rocketry Team, and I ask that my colleagues extend their usual warm welcome to Alicia, Amy, Tony, Ashley, and Mr. Gilbert.

Thank you.

The PRESIDENT. Will the Yough Cougar Rocketry Team sponsored by NASA please rise so we can welcome you.

(Applause.)

GUESTS OF SENATOR LEANNA M. WASHINGTON PRESENTED TO THE SENATE

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

Senator WASHINGTON. Madam President, it is my distinct honor today to ask my colleagues to join me in welcoming an outstanding athlete from my district in Chestnut Hill. Asha Jaramogi was a student at Masterman High School, and was a captain on the cross-country track and field team. As a sophomore in 2005, Asha came in second in the long jump in the city championships. In 2006, as a junior in high school, Asha won the broad and triple jump competitions in Class AA in the Philadelphia Public League Championships. She also placed second in the long jump in statewide PIAA competition in Shippensburg, Pennsylvania. In 2007, she won the long jump in Class AA in the city championships. Asha was also all-public in track and field in 2005, 2006, and 2007. In addition to track and field, Asha was also all-public in gymnastics. She is an outstanding graduate from Masterman High School, and she is pursuing a college education at Tufts University. This year we honor Asha Jaramogi for placing first in the PIAA Class AAA statewide competition in Shippensburg on Saturday, May 26, 2007.

Madam President and my colleagues, please join me in welcoming Asha Jaramogi to the Senate of Pennsylvania.

The PRESIDENT. Will Asha Jaramogi please rise so we can welcome you.

(Applause.)

GUESTS OF SENATOR ROBERT WONDERLING PRESENTED TO THE SENATE

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

Senator WONDERLING. Madam President, I would like to introduce two additional interns who are spending time in my

district office this summer. Katlyn Donoghue is an intern in my Lansdale office in Montgomery County. She grew up in Harleysville, Pennsylvania, and attended Souderton High School. She is currently attending Cornell University, majoring in applied economics and management, and I understand she is also a stand-out scholar athlete as well. She hopes to enter the field of finance and perhaps end up on Wall Street some day.

Also joining us is Mr. Ed Furman, who resides in Blue Bell, Pennsylvania, and interns in our Harleysville office. He is currently a sophomore at Saint Joseph's University and has a dual major in history and political science. Upon graduation, he hopes to embark on a legal career and enter public service at some future date.

Madam President, I ask that we welcome Ed and Katlyn to our Senate.

The PRESIDENT. Would Ed and Katlyn please rise so we can welcome you to the Senate.

(Applause.)

GUESTS OF SENATOR MICHAEL A. O'PAKE PRESENTED TO THE SENATE

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

Senator O'PAKE. Madam President, in the gallery are some members from a statewide group of young leaders who are spending the week at Shippensburg University at a leadership conference, but today they are watching State government action here on the hill. They are from the Keystone Boys' State Leadership Conference and are in the gallery with their t-shirts. Some of them have gone already, but they are our future leaders, and I ask the Chair to extend to them our usual warm Senate welcome.

The PRESIDENT. Will the Keystone boys please rise so we can welcome you.

(Applause.)

GUEST OF THE PRESIDENT PRESENTED TO THE SENATE

The PRESIDENT. I also have a guest here today. Her name is Kari Porp, and she is an intern in my Philadelphia office. She is a freshman at Colgate University, and she is Barbara Adams' daughter.

(Applause.)

CALENDAR

HB 892 CALLED UP OUT OF ORDER

HB 892 (Pr. No. 1045) -- Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator PILEGGI, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 892 (Pr. No. 1045) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a portion of State Route 74 in Perry County as the Marine Lance Corporal Jason L. Frye Memorial Highway.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Madam President, it is with tremendous mixed emotions that I stand before you in support of House Bill No. 892, introduced by my colleague from Perry County, Representative Mark Keller. The good news is we are honoring a true American hero today, as we should be doing. The tough news is that it is a memorial designation.

I never had the opportunity to meet Jason Frye. He was born in Perry County, went to West Perry High School in Perry County, and graduated in 2004. He studied carpentry and was part of the county vocational technical school, and being from Perry County, as you can expect, he was an avid outdoorsman. He was a devout Lutheran and was a member of the Mount Zion Lutheran Church in his hometown of Landisburg, Pennsylvania.

Madam President, Jason entered the United States Marine Corps under the delayed enlistment program in December of 2003. Following his high school graduation, he reported to basic training at Parris Island, South Carolina. He was then assigned to the 2nd Battalion, 2nd Marine Regiment, 2nd Marine Division, II Marine Expeditionary Force based at Camp Lejeune, North Carolina, and then deployed to Iraq in July 2005 following basic training.

Lance Corporal Jason Frye served with distinction in the 2nd Battalion, 2nd Marines, Golf Company, Weapons Platoon, as a machine gunner and rifleman. His fellow Marines enjoyed his stories of home, and he was a very patriotic and proud Pennsylvanian.

He was killed on October 6, 2005, by an improvised explosive device, IED, while on patrol with his unit in Fallujah, Iraq. It destroyed the Humvee in which he was riding, and he and three fellow Marines were killed instantly. Jason was 19 years old.

Madam President, House Bill No. 892 designates a portion of State Route 74 in Perry County as Marine Lance Corporal Jason L. Frye Memorial Highway. We in the State legislature have the authority to name state highways and buildings for men and women who served the Commonwealth with distinction. Today we have the honor of naming a State highway after Marine Lance Corporal Jason Frye, who served our Commonwealth and the United States of America with honor, and gave the ultimate sacrifice so that men, women, and children abroad can live in a free society and enjoy the liberty of democracy, free of tyranny and oppression.

Madam President, before we vote on House Bill No. 892, I would like to welcome Jason's parents, Connie and Gary Frye, of Landisburg. With them is Meredith Odato, who was Jason's girlfriend and is an intern in my office. She is a student at Cornell University.

The PRESIDENT. Please rise.

(Applause.)

Senator CORMAN. Madam President, as I said, I never got the chance to meet Jason, but the first time I met his parents, his mother was quick to say to me, please always support our troops. They need your support.

Well, Madam President, they do need our support, both those serving and those who have served. Today we honor one of our true great American heroes, Jason Frye. Before we have a vote, could we have a moment of silence for all of our soldiers in Iraq.

(Whereupon, the Senate en bloc stood in a moment of silence in solemn respect to the memory of Marine Lance Corporal JASON L. FRYE and all of our soldiers in Iraq.)

And the question recurring,
Shall the bill pass finally?

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

YEA-50

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

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.

RECESS

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

Senator PILEGGI. Madam President, I request a recess of the Senate for the purpose of a meeting of the Republican Caucus to be held in the Majority Caucus Room immediately. I expect the caucus to last approximately an hour.

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

Senator O'PAKE. Madam President, I request that the Democrats report to our caucus room immediately upon recess.

The PRESIDENT. Without objection, for purposes of Republican and Democratic caucuses to be held in their respective caucus rooms, the Senate will stand in recess.

AFTER RECESS

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

LEGISLATIVE LEAVE

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

Senator PILEGGI. Madam President, I request a temporary Capitol leave for Senator Punt.

The PRESIDENT. Senator Pileggi requests a temporary Capitol leave for Senator Punt. Without objection, the leave is granted.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILLS REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER TEMPORARILY

SB 728, HB 842 and SB 913 -- Without objection, the bills were passed over in their order temporarily at the request of Senator PILEGGI.

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

SB 968 (Pr. No. 1235) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, providing for reduction and prevention of health care-associated infection.

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

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.

LEGISLATIVE LEAVES

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

Senator PILEGGI. Madam President, I request temporary Capitol leaves for Senator Piccola and Senator Wonderling.

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

CONSIDERATION OF CALENDAR RESUMED

SB 913 CALLED UP

SB 913 (Pr. No. 1234) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 913 (Pr. No. 1234) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for environmental funds reporting and disclosure and for funding for the Hazardous Sites Cleanup Fund.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentleman from Chester, Senator Dinniman.

Senator DINNIMAN. Madam President, I would like to speak in opposition to Senate Bill No. 913. If I understand this correctly, money from Keystone 93 will be used for the hazardous waste program, and what I would like to know, while I oppose it, but I might misunderstand something, is that I want to make sure that no money is being deprived of any conservancy or any park organization that could use these funds. If they are using the 15 percent of the realty transfer tax that would usually go for the support of parks and conservancies for the Hazardous Waste Sites Cleanup Fund, that means that conservancies will have 15 percent less available to them this year.

In many of our districts, saving parks and working in partnership with conservancies is of vital importance. In fact, in my home county, citizens themselves in over 31 of our townships have voted to increase their own taxes by as much as 3 to 1 margins in order to save the land. I do not want to be recorded as voting for anything that is going to take away funds for land preservation.

So, I rise in opposition, unless the maker of the bill, my colleague Senator White, can explain how conservancies will not be

hurt if 15 percent of the money that would go to them will now be used for hazardous waste.

Thank you, Madam President.

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

Senator M.J. WHITE. Madam President, I first want to talk a little bit about the Hazardous Sites Cleanup Act in general, and then I will try to answer the gentleman's question. This is a very important fund, and both the Governor and the Secretary of the Department of Environmental Protection have cited the need to fund this Hazardous Sites Cleanup Fund to the tune of about \$40 million per year as the most pressing environmental issue facing our Commonwealth.

The money is used to finance the cleanup projects at abandoned industrial facilities and contaminated sites where the responsible party is either unknown or financially unable to do it. It ensures a statewide emergency response network and enables DEP to provide interim cleanup action to remove contaminants and stabilize serious environmental releases. It provides the Commonwealth's 25 percent match for Federal money from the Federal hazardous waste program and the State's 10 percent match for the Comprehensive Environmental Response Compensation Liability Act, commonly known as the Superfund.

It finances the investigation of illegal hazardous waste disposal sites, and provides relocation expenses for residents and businesses jeopardized by the release of hazardous substances. It also supports DEP's household hazardous waste program, including electronics recycling and mercury diversion, to prevent hazardous chemicals from entering State landfills.

Years ago, the decision was made to create what is now called Key 93. Under that bill, 15 percent of the State's realty transfer tax -- well, let me back up and state how we funded HSCA, the act I just described. Historically, that fund was capped at \$40 million to \$50 million annually by money diverted from the corporate net stock and franchise tax. As you know, we have made a decision to phase that tax out, so over 10 years that money will no longer be there. To some extent, it has already been phased out. Madam President, we have been looking diligently, we and the administration and everyone involved, for a replacement funding source, a certain funding source for the Hazardous Sites Cleanup Act, because I think everyone will agree how important it is that it be funded.

In the past, the Governor has proposed a number of different taxes, including a toxic release inventory tax, various tipping fee taxes, but I think I am safe in saying that none of those tax proposals has generated sufficient support to happen. What we have done as a stop-gap for the past 2 years is we have been taking money to fund HSCA from the Environmental Stewardship Fund, which is part of Growing Greener. Last year, we took \$30 million from the Environmental Stewardship Fund to prop up the Hazardous Sites Cleanup Act so that people did not have to be laid off and cleanups did not have to be stopped.

So, we have been diligently looking for a funding source, and the decision has been made by some of us, which I think is a good decision, to look at the Key 93 revenue. The reason we are looking at that money, which is funded from the realty transfer tax, is that when it was started in 2000-01, it generated \$47 million for the various agencies that receive money from that, in-

cluding the Department of Education, Department of Conservation and Natural Resources, and the State System of Higher Education. In 2001-02, it generated \$50 million, and it has been steadily increasing until that fund generated \$82.9 million in 2007-08.

What I am saying here, Madam President, is that the fund, while they are getting a percentage, because that percentage has been steadily increasing over the years, these organizations have essentially witnessed a windfall. My proposal, by taking the \$40 million off the top, would still leave \$48 million for 2008-09 to be spread among those receiving organizations. Now, admittedly, they are not going to get the windfall that they got when it went up to \$82.9 million, but I think we have to set some priorities here.

Madam President, I would suggest that while conservation is a wonderful thing, and parks and recreation are a wonderful thing, the Hazardous Sites Cleanup Act is arguably the most important environmental function that we have to perform. Since we have been unable to find any broadly acceptable funding source, this is the best we can do. I want to point out that last year the Governor, by what he called an accounting change, took \$75 million out of this fund so that only \$12.3 million was left to distribute among these organizations, and I did not hear anyone make a peep.

So, I think we have to get our priorities straight, and I would suggest to you that funding the Hazardous Sites Cleanup Act is a top priority. This is a way to do it with minimum impact on the organizations that are currently receiving Key 93 funding, and I ask for a favorable vote.

The PRESIDENT. The Chair recognizes the gentleman from Chester, Senator Dinniman.

Senator DINNIMAN. Madam President, I would just like to make an additional comment. I thank Senator White for really trying to solve the problem, and there certainly is no question that we have to continue to support the hazardous cleanup fund. It is one of the most essential enterprises that affects all of our districts. I would have preferred, instead of voting on this and taking money away from conservancies and the open space effort in this State, and remember, the citizens have voted time and time again in this Commonwealth to support those efforts at both the statewide and local levels, that we continue our search for alternate funds. The Governor just said yesterday that we have a \$600 million surplus, and would it not be better to use some of those surplus funds to continue the hazardous waste cleanup fund so that we can continue to support the efforts in this Commonwealth to save open space?

Madam President, I respect my colleague and agree with her priorities, but I feel that we should still search for other funds before we take money away from our open space and conservancy efforts.

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

Senator M.J. WHITE. Madam President, it is wonderful that we have a \$500 million surplus this year, but what happens when we do not have a surplus next year, or when we have a deficit the following year? We are looking for a reliable, predictable, steady source of funding for this very important priority, and therefore, I suggest that the realty transfer tax is exactly that source.

Thank you.

LEGISLATIVE LEAVE CANCELLED

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

And the question recurring,
Shall the bill pass finally?

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

Senator WONDERLING. Madam President, I rise to support Senate Bill No. 913 and applaud our chairman of the Committee on Environmental Resources and Energy. Like my distinguished colleague from Chester County, I have heard from a number of conservancy groups this afternoon, probably some of the same members and causes, but I think Senator White has hit it just right as to what our funding priorities should be, particularly when you consider that when this fund was originally created, there was approximately \$47 million put in play. Even as we use the surplus that is available through the realty transfer tax and not diverted to a nonenvironmental purpose, as was done by the administration through the last budget cycle, it is projected this fund will have over \$95 million, over twice the amount of funds available for conservation purposes, by the 2008-09 budget year.

The second reason why I think it is so important that we support Senate Bill No. 913 is that there are approximately 280 public servants who work in the Department of Environmental Protection whose salaries and benefits come from this fund. Folks who took an oath, who are serving to protect our environment, who do not get fancy headlines and do not have to stand for election every 2 to 4 years, who work day in and day out to preserve the environment of this Commonwealth. I do not think the responsible thing would be for us to put those positions and jobs in jeopardy because we do not have a funding source for them.

So, Madam President, I again applaud Senator White. I will be supporting Senate Bill No. 913, and the gentlewoman absolutely, positively stated the facts of what we are attempting to do here with the various environmental and conservation districts that I work hand-in-glove with in the 24th Senatorial District.

Thank you, Madam President.

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-36

Armstrong	Erickson	Piccola	Stout
Baker	Ferlo	Pileggi	Tomlinson
Boscola	Folmer	Pippy	Vance
Browne	Gordner	Punt	Waugh
Brubaker	Greenleaf	Rafferty	White, Donald
Corman	Kasunic	Regola	White, Mary Jo
Costa	Madigan	Rhoades	Williams, Constance
Earll	McIlhinney	Robbins	Wonderling
Eichelberger	Orie	Scarnati	Wozniak

NAY-14

Dinniman	Kitchen	Musto	Washington
Fontana	LaValle	O'Pake	Williams, Anthony H.
Fumo	Logan	Stack	
Hughes	Mellow	Tartaglione	

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

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

SB 728 CALLED UP

SB 728 (Pr. No. 1233) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Third Consideration Calendar, by Senator PILEGGI.

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

SB 728 (Pr. No. 1233) -- 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, providing for Commonwealth employees group life insurance; further providing, in budget implementation, for the State System of Higher Education; providing for general budget implementation and for 2007-2008 budget implementation and restrictions on appropriations for funds and accounts; 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-50

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

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.

HB 842 CALLED UP

HB 842 (Pr. No. 2083) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Second Third Consideration Calendar, by Senator PILEGGI.

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

HB 842 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 13 (Pr. No. 1536) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 2, 1965 (P.L.1860, No.586), entitled "An act encouraging landowners to make land and water areas available to the public for recreational purposes by limiting liability in connection therewith, and repealing certain acts," further providing for liability of landowners toward recreational users, persons or property for acts or acts of omission by recreational users.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

Senator BOSCOLA. Madam President, I rise to support House Bill No. 13. This bill was introduced to address a tragic hunting accident that happened in the Lehigh Valley 3 years ago. An 18-year-old pregnant girl named Casey Burns was shot in the head by a hunter's stray bullet while she was sitting in her parked car in her mother's driveway.

I stood in that same driveway weeks later when Casey was released from the hospital. I walked to the same farmer's field to the spot where the careless hunter fired that single bullet. It missed its target, ricocheted, hit a telephone pole across the street from the end of the farmer's property, and then half a mile away it struck Casey Burns. The case was litigated in Lehigh County court, where both the hunter and the landowner were sued for damages. Even though the landowner was found to be 10-percent negligent, he ultimately paid 100 percent of the damages.

I know this issue is very sensitive to our sportsmen and to those farmers who allow hunters on their fields to hunt deer and other animals, but every sportsman I talked to agreed on three things. Number one, the hunter who fired that shot was not a representative of true sportsmen. He was irresponsible and deserved to face the consequences. Number two, the landowner should not be responsible in the lawsuit. The person who truly pulled the trigger should be held responsible, but not that land-

owner. Number three, they all tell me that this incident has made them even more cautious every time they go out to hunt.

Since that ruling in Lehigh County, more and more landowners in every county have posted their properties for hunters to keep off because of that lawsuit. Landowners should be careful about who they allow on their land, but if that person has always demonstrated responsibility with hunting gear, why should they not be allowed to be on that property? Good sportsmen know that the responsibility ultimately rests with the person who pulled the trigger and fired that shot. That is why I am asking for an affirmative vote today, because this bill remedies the fact that the landowner should not have been held responsible for this.

Thank you, Madam President.

The PRESIDENT. The Chair recognizes the gentleman from Chester, Senator Dinniman.

Senator DINNIMAN. Madam President, I rise with Senator Boscola to support this bill. For those of us in the suburbs, many of our conservation trails and much of the open space is provided access because farmers and landowners allow this to take place. In a place like Chester County, fox hunting is a big sport, and it only exists because landowners allow fox hunters to go on their properties. It is important not only in terms of hunting but also in terms of open trails and access to this public land. That is why we support this bill.

Thank you, Madam President.

And the question recurring,
Shall the bill pass finally?

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

YEA-50

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

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.

ANNOUNCEMENT BY THE PRESIDENT

The PRESIDENT. Pursuant to Senate Rule No. XXII, section 6, I am giving the Senate notice that a photographer from the Associated Press has been granted permission to take still photographs on the floor of the Senate for 15 minutes during the consideration of Senate Bill No. 246.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 246 (Pr. No. 1227) -- The Senate proceeded to consideration of the bill, entitled:

An Act prohibiting smoking in certain public places and workplaces; imposing duties upon the Department of Health; imposing penalties; preempting local regulations; and repealing a related provision of the Fire and Panic Act.

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

MOTION TO REVERT TO PRIOR PRINTER'S No. 25

The PRESIDENT. The Chair recognizes the gentleman from Schuylkill, Senator Rhoades.

Senator RHOADES. Madam President, I move to revert to Prior Printer's No. 25 on Senate Bill No. 246.

The PRESIDENT. Senator Rhoades moves to revert to Prior Printer's No. 25 on Senate Bill No. 246.

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

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

Senator McILHINNEY. Madam President, we just had a long, drawn-out debate on this last evening. I would hope that we would not revert back and undo that long debate.

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

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

The PRESIDENT. The motion fails.

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 Centre, Senator Corman.

Senator CORMAN. Madam President, I will be brief. We went through this bill quite a bit yesterday, and I think everyone knows what is in it, but the Governor held a press conference today talking about problems with the bill and how he would veto it because he claims we offered an amendment providing an

exemption on nonregulated day care and child care facilities in the McIlhinney amendment that passed.

I am here to clarify for the Governor that the original bill read, "A private residence, except when used as a childcare, adult daycare or health care facility," would not be exempt in the bill. What we did is looked at what the Department of Health, in promulgating regulations for this bill, will look to to define what is a child care facility. So, if you look to the Department of Welfare regulations on their Web site, it would define the three types of child care facilities as child care center, group child care home, and family child care home. Coincidentally, that is exactly what we amended the technical amendment to say.

There is no loophole here for unregulated child care facilities, as was spoken about by the Governor. The reason we felt it was important to make this clerical amendment was so some overzealous agent would not, if I chose to leave my children with a relative who may happen to smoke, God forbid, go into a person's private home and cite that person for not obeying the law.

We spelled it out very clearly from the Department of Welfare Web site what exactly a child care facility is, and so I think the Governor was incorrect in saying that we offered this loophole.

I would ask the Governor, knowing the Governor in his night job likes to play Monday morning or Sunday evening quarterback for Comcast on the Eagles, and I ask him, if he would like actual input on this legislation, if he would show up. We would love to hear from him. This bill has been out there for months and received bipartisan support in the amendment yesterday, and now, after it is done, the Governor decides, hey, let us weigh in. Well, weighing in beforehand would be helpful, and we would be happy to have his input, but to sit back and play Monday morning quarterback after this is done and say he will veto the bill on a technicality like this, which he knows can be fixed, is not helpful to the process.

Madam President, I encourage the Governor to jump in and join the game. We are here and are working hard, and I would like him to start becoming a part of the process.

Thank you, Madam President.

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

Senator ORIE. Madam President, I rise to support Senate Bill No. 246, but I would be remiss not to put on the record some of the concerns I have with the omnibus amendment that was voted into this bill.

My concern is that the amendment will continue to pollute the air of workers, patrons, and cause more disease, disability, and death and increase health care costs for taxpayers. When cigarettes or cigars are burned in bars, clubs, or casinos, air pollution levels virtually always exceed unhealthy and very unhealthy ranges of the EPA air quality index allowable for outdoor air and usually exceed hazardous ranges. If that level of pollution ever occurred outdoors, health officials would declare an air pollution emergency and order everyone indoors.

Madam President, in addition, I am concerned that when you look across the country, there are 21 States that have put this smoking ban in place. In addition to that, when you look at the casinos at all the other States, the New Jersey Senate just passed a bill that took out the loopholes regarding that. You can look across the country, and even in New York, where the racinos, the

number one revenue generator in that State, are smoke-free. Those are concerns that I have.

Today, when I learned that Governor Rendell was holding a press conference on this issue, I looked at the history of this bill. It was referred to the Committee on Public Health and Welfare on January 29, 2007, and was reported as committed on January 31, 2007. The first consideration of this bill was on January 31, 2007, and rereferred to the Committee on Appropriations on February 13, 2007. It was then rereported as committed on June 11, 2007.

On June 11, 2007, all the amendments that became part of the omnibus amendment that were debated on the floor became available for the Governor to comment on, as well as after second consideration on June 19, 2007, as well as after it was amended yesterday on third consideration on June 25, 2007.

But today, June 26, Governor Rendell decides to interject on the issue after we have had this out in the public trying to garner as much information from as many interest groups as we could. But today, the Governor decides to comment and brings to light various amendments that he would like addressed in this bill. When the Governor was asked if he would sign the bill into law if those amendments were added, he was noncommittal.

Madam President, these shenanigans by this Governor have to stop. It is outrageous that this is part of the Governor's health care package, which he brought forward during the budget, and he is noncommittal? It is time for this Governor to step up, set parameters, and indicate to us as legislators where he stands on this issue. Is he for casinos or not for casinos? Is he for private bars or not for private bars?

Madam President, it is easy for this Governor to have hindsight vision. He is infamous for it, and it is time for this Governor to come into today, reality, the real world, and comment on the issue, make a point and set parameters, and tell us whether or not he supports this bill and whether or not he is going to sign it into law.

Again, Madam President, this Governor needs to lead on this smoking ban. It is part of his health care reform package, and it is time for him to step up and be heard.

POINT OF ORDER

Senator MELLOW. Madam President, point of order.

The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Mellow. The gentleman will state his point.

Senator MELLOW. Madam President, just an observation. I think it is important that debate take place on this particular issue and what some feelings are, whether pro or con with regard to the issue, but I would caution the Members of the Senate that we should not impugn the integrity of the executive branch here in Harrisburg or any particular Member on the floor of this Senate.

I would like to caution, and I would like the Chair to enforce the fact that during the debate we should debate this thing in a high fashion. We should not in any way question the integrity or impugn the character of any Member or the executive administrator of the Commonwealth of Pennsylvania.

The PRESIDENT. The gentleman's point is well-taken, and we are discussing the merits of the bill.

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Anthony Williams.

Senator A. H. WILLIAMS. Madam President, I am not sure whether to say go Eagles or go Steelers, or to jump in and talk about football, but since we are going to use those analogies, I guess the Governor may feel like Donovan McNabb, loved abroad but not loved at home.

The Governor spoke about this issue well before many of us actually talked about this issue. Let us not recreate history. Senator Greenleaf, over 10 years ago, introduced this concept, and frankly, whether it was a Democratic Governor or Republican Governor, it did not catch fire until Ed Rendell threw a bomb to the Senate to catch. We juggled the ball, we fumbled it back and forth, and we are going to be judged based upon what we send out of here.

This Governor, well before we actually crafted this, moved it through committee, bobbled it back and forth, spoke about it and made clear his desire to have Pennsylvania join with a majority of States to have a smoke-free State. He has now defined his objections to what we are passing to him, and just like we jettisoned Terrell Owens to Texas, I hope that we would jettison this bobbled, ill-conceived, not-well-thought-out piece of legislation.

I come from Philadelphia County, but I represent Delaware County as such. Philadelphia County, in its own wisdom, well before the legislature took this up, provided some requirements in terms of what a no smoking ban meant in Philadelphia County, and frankly, the standard is a lot stricter than what we are providing. That means today the children in Philadelphia County, the people who desire clean air in Philadelphia County, will have a lesser standard after we move this bill out of the Senate. I cannot support that in the name of saying, hallelujah, we now have a no smoking ban.

There is nothing productive about it. I recognize the different philosophical views, and I recognize people will stand up and say, look, we did our best. But, as my grandmother would say, your best is not good enough today. Go back and do the homework again until you get it right, go back and provide what most Pennsylvanians want, and that is a State that does not allow exemptions, loopholes, and a bunch of other conversations that have nothing to do with the Governor, that has everything to do with the Senate, and any other distractions you want to provide, any other name you want to provide to this body. It is our responsibility to do the work here.

If we are going to move a bill out of the Senate, our stamp is on it. It is not the Governor's, it is not the House's, it is not city council's, it is not the Federal government's, it is us doing this work, it is our work, and frankly, this work is not good enough. I guess I am serving as a blocker for the Governor here today in some way, shape, or form, but the reality is we need to face the fact, this race is not finished. The 100 yards to the field is not complete. We are on the 50-yard line, but we have 50 more to go.

I want you to understand, voice votes, mechanisms of moving this, moving that, people are smart. They know what we did today. They know what we are continuing to do. We are not doing what the people have asked us to do. We are not protecting their best interest. So for those reasons, Madam President, I cannot

support this piece of legislation, even though it is my desire that we ultimately have a smoking ban in Pennsylvania.

Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Indiana, Senator Don White.

Senator D. WHITE. Madam President, keeping with the football analogies, this is a game that should never have made it to the stadium. Yesterday, I intended to offer an amendment to Senate Bill No. 246, which would have totally banned smoking in Pennsylvania. I mean everywhere, all the time, except, of course, in nursing homes, which are federally regulated.

Yesterday, we heard the impassioned pleas of those who support Senate Bill No. 246 and all about the health risks associated with smoking, and, you know, they are correct. Smoking is not healthy, and it is an annoyance to many others. So, why do we even permit it? If we are going down this road, why stop half-way?

My amendment was called a poison pill, ridiculous by some, a joke by others, irrelevant by even others. However, it was neither. My proposed amendment was intended to highlight the hypocrisy in which this Chamber will partake if we pass Senate Bill No. 246 even with the amendments.

I have absolute respect and admiration for those organizations that have been fighting the fight and supporting the smoking ban. Their cause is noble and sincere. However, we as a legislature are being anything but sincere or noble with this legislation, which is completely inconsistent with our own public policy. The reality is, while today we claim the high road of protecting public health and safety with this legislation, later this week we will pass a budget, hopefully, that depends in large part on the cigarette tax revenue to balance the budget.

Yes, Madam President, the Commonwealth is addicted to the revenue that we generate from those addicted to nicotine. We always claim the cigarette tax is a deterrent to individuals to refrain from smoking. That simply is not the case. In truth, our budget depends on this revenue year in and year out. Indeed, my proposed amendment was ridiculous in the sense that the criminalization of smoking would have meant the loss of \$1 billion annually in cigarette tax money to the Commonwealth.

The cigarette tax and tobacco settlement funding is used to balance the General Fund budget, support Mcare abatement for doctors, subsidize adultBasic and Cover All Kids, and even supplements farmland preservation. Yes, Madam President, our addiction to the revenue we generate makes a total ban on smoking unfeasible and ridiculous, because we also suffer from an addiction.

Madam President, beyond the inconsistent public policy of Senate Bill No. 246 and what it sets, there are practical concerns we must consider that we have not talked about, we just brush over, especially when you consider the impact exemptions placed in this legislation yesterday that we are now going to vote on will have on enforcement. Who will enforce it? How much will it cost to enforce these bans? How are we going to ensure that exemptions are properly adhered to? Is this the honor system? Is this citizen's arrest? I am anxious to find out once we step into that deep end of the pool how we are going to handle that. The city of New York has 2 enforcement officers for 12 million people, so I assume we can have one in the east and one in the west go

around with their sniffing dogs. I do not know how we are going to do it.

The reality is, in my opinion, the free market is taking care of this issue. Witness Eat'N Park, the big restaurant chain out west, its business decision to go smoke-free, I salute their decision. That was their right and their business decision to make. If that is the will of the public, I assure you free enterprise will respond accordingly. We do not need to legislate this issue.

Madam President, my remarks today are anything but politically correct, I know that, but they are honest. If we are serious about public health and safety, then let us criminalize this product and make the hard decisions as to how we break our Commonwealth's addiction to the revenue. However, if we are going to continue to depend so heavily on the tax revenue we generate from those who are addicted, then we need to be honest with ourselves and the people of this Commonwealth.

Thank you, Madam President. I ask for a negative vote on Senate Bill No. 246.

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

Senator M.J. WHITE. Madam President, Senator White and I are not related, but we certainly think along common lines. I happen to believe that Senate Bill No. 246 is nanny government at its most intrusive. I do not think it is the government's job to protect us against our own vices or to make us healthy despite our own choices.

We have already banned smoking in public buildings and in most workplaces, which is appropriate, but now we are reaching into private places. We call these public places, but in reality they are only public because the public is invited or allowed in. They are not required to be there. These are places that they patronize. I believe that since they are privately owned, as the Senator said, the decision whether to go smoke-free should be that of the owner of the premises. I am wondering where we are going to stop. Business owners who believe that secondhand smoke is endangering their employees I think have the moral obligation to make their workplace smoke-free. They do not need the legislature to tell them that.

I am very concerned about the enforcement, but if in fact secondhand smoke is so deadly, as we are being told, how can we permit it anywhere? Senator White is exactly right. How can we permit smoking in a private home where there are children in that home? If secondhand smoke is so deadly, why are we not protecting them? Where is the next step? The only logical step is the prohibition of tobacco, which for all the reasons already stated, we simply do not have the guts or the heart to do.

The enforcement of prohibition is particularly silly in this bill. We are going down the road of prohibition. We are passing a bill that we know will not be followed in many cases, and will not be enforced. Are we going to have smoking police? Are they going to have dogs sniffing ashtrays? Although, that would probably endanger the health of the dog. We have serious issues of enforcement. The fine, for example, is not on the owner of an establishment who permits some of the people to smoke in his establishment, it is on the smoker. Now, who is going to levy that fine or write that ticket? I have already heard from some of my police forces who say that any bar that calls me and tells me to come down and write a ticket for somebody who is smoking is going

to wait a very long time, because I have more important things to do.

When you pass a law that cannot be enforced, Madam President, you breed disrespect and ridicule to the law, and I believe that is where we are heading here. People have private choices to make. If you do not like smoke establishments, do not go there, and tell the people why you do not go there. I do not take my children and my grandchildren to places where there is smoke, and I do not patronize certain businesses in my community where they have very poor ventilation and a lot of smokers. People can vote with their behavior.

I support use of the tobacco funds to force smoking cessation, for smoking education programs for children, but I do not support nanny government telling people what is good for them.

Thank you.

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

Senator FERLO. Madam President, in life there are the physical roadblocks, and then there are roadblocks of twisted logic used by individuals to try to defend what I think are not very common sense approach to an issue. In the original bill proposed by Senator Greenleaf, as well as a number of cosponsors, along with myself and not this so-called omnibus bill that we are voting on today, we had a chance, Madam President, for a comprehensive, uniform, and progressive piece of legislation for our State. We had a chance to defend and enhance the health care of the people whom we are elected to represent. We had a chance to lower the public healthcare costs, which have been enumerated at length, which do not seem to be much in debate. Many scholarly studies were presented, whether it be the AMA, the American Public Health Association, and the like.

We had a chance to lower that public health care cost and that burden, not immediately, but over a longer period of time. We had a chance, and this is why I am most particularly upset with us in a partisan way, we Democrats, we had a chance to defend working people, those who have the benefit of a collective bargaining agreement and have the benefit of union representation, but also the larger number of working people who do not have the union and do not have a collective bargaining agreement, in particular, lower income service workers who in the main are unorganized and do not have the benefit of collective bargaining. We had a chance to defend and enhance their health care at their workplace. We know very clearly that people get up every day, especially lower income wage workers with kids to support, get on a public bus, if there is one available, work for either minimum wage jobs or very low wage jobs, and they are hard-pressed. You cannot just tell the boss, I do not want to work in this environment. You are stuck having to do the job. We are helping to defend those workers who do not have a legal or political advocacy means to defend themselves.

We had a chance to defend children who cannot speak for themselves, who did not ask to be in a household, or at least in a public setting with smoke. Clearly, there does not seem to be much debate, at least from some, that smoke is carcinogenic from cigarette tobacco. We had a chance to defend those children who cannot defend themselves. They do not get a right to vote, and we had a chance to do that. We had a chance for uniformity and have an easily understood bill across the board, and despite some

of the logic that is being presented here today, I believe the bill is almost self-enforceable.

We know that if we have this legislation it will become self-enforceable because people in the public environment in the areas that we are going to be excluded from no longer having smoking allowed in the workplace and in the public settings, that it would no longer be acceptable. It would not happen immediately. Just like the recycling and green movement, it did not happen immediately, but we sat and structured and institutionalized and created a systematic change that now is readily accepted by a lot of people, and that is in effect what the smoking bill could have done as presented by Senator Greenleaf originally. It would, over a period of time, through education, advocacy, and all the cessation efforts that we are funding, in fact in my opinion become self-enforceable.

I stated earlier, we had a chance to help those who cannot help themselves. I am not going to mention names, but there are a lot of folks in this room who are heavy smokers. I have 10 brothers and sisters, and the first pack of cigarettes I bought were Camels for my mother, back in the early 1950s, and they were 28 cents a pack. My father worked all his life to support 10 kids. He had to work all night long as a manager and tavern owner, and he enhanced his body, unfortunately, with an awful lot of second-hand smoke. In fact, he died at 87 years old from lung cancer.

We had a chance not to weaken the political will of many local communities under Home Rule in Pennsylvania. Philadelphia and Allegheny Counties, through elected councils, wanted to take their own progressive bill forward. We took that away. We ran roughshod over the best interests of those communities.

I want to just say in closing, Madam President, we had a chance to defend truly the civil liberties and the personal rights of all people, including those individuals who want to smoke. As I stated yesterday, nothing in the Greenleaf bill would deny anybody the right to smoke, only insofar as their smoke travels in a public setting and becomes a problem for another individual. That is what civil liberties and personal rights are, protecting both sides of the equation.

Madam President, in the original bill by Senator Greenleaf, we had a chance to do all of that. In this omnibus bill that is being presented here today, which I am obviously voting against, we have not had that chance, and, in fact, quite honestly, that chance is now going up in smoke.

Thank you, Madam President.

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

Senator GREENLEAF. Madam President, I rise to discuss a very difficult decision that many of us have to make in regard to this bill. We have a bill that is intended to protect the health and welfare of the people of this Commonwealth. Of course, many of us were very disappointed that there were exceptions adopted into the legislation that we did not agree with. But, we did not have the votes to go any further, and the reversion motion that was just defeated, that was overwhelmingly opposed by a continuing majority in this body about putting it back in its original form, sent the message that obviously we do not have the votes to change this bill other than what it is today.

I am going to vote for this legislation even with these exceptions in it. I do not like those exceptions, and I have worked very

intently for 10 years against exceptions like them, but my hope and my dream is that there are going to be changes in this legislation.

I hope that the House of Representatives will make the changes that are necessary that have been mentioned in the Governor's letter dated today, which I have a copy of here, as well as the things that we debated and discussed last night. Without a vote, I think that the process could be stumbled and stopped, and I think it is important for us to continue on with this process and to send this bill over to the House of Representatives with the hope that they will make those changes.

I will tell you, every day that goes by in this State, the polls will get stronger, and the demand for these changes will get stronger, and every day, whether it is tomorrow or whether it is next year, many of these exceptions, if not all of them, will be taken out of this legislation, as they did in New Jersey, where they took the exceptions out after a year for the casinos. Even the casinos will be in here asking us to take them out. We are going to have a Clean Air Act in this State sooner or later. I am going to vote for it now, but there will be changes later.

Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Madam President, I just want to rise and commend Senator Greenleaf. I am a cosponsor of his bill, but it probably would not seem like that since I led the movement to change it, but his championship of this issue is what brought us here today.

This is not everything he wanted or everything I wanted. I share his passion, and I share the passion of the Senator from Allegheny and the Senator from Philadelphia for a no-exemption bill. We do not have the votes, Madam President. I wish we did. We do not have the votes today.

Instead of going with what we want, we have to go with what we can achieve. The McIlhinney amendment is what we can achieve. I think it is a good vote, it will get a ban in place, and if the Senator comes back next year to remove some of these exemptions, we will address that at that point in time.

His championship of this issue is what brought us here today. I want to congratulate him. It is a very historic moment to actually, finally, join the rest of the 28 States in this country with some sort of ban, although most of them have some sort of exemptions, and Senator Greenleaf needs to be commended.

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

Senator MELLOW. Madam President, very briefly, we have heard a number of speakers say a lot of things about what we are not doing today. Perhaps we should say something about what we are doing today.

Madam President, to the best of my recollection, all we did yesterday was exempt a couple different groups.

Number one, private clubs. I believe, Madam President, the key word there is "private." The public usually does not attend events at a private club.

Number two, Madam President, we limited to 25 percent of the space on a casino floor that can be used for smoking. Those individuals who want to go to a casino will have 75 percent of the space in that particular facility which is smoke-free, of which

they do not have to participate or attend an area where there is smoking in a casino.

Twenty percent or less of sales of a restaurant, Madam President, or licensee would be food sales, which means that anybody who has 21 percent of food sales who owns a restaurant or bar cannot have smoking in their facility.

Nursing homes, Madam President, can allow people to smoke, and should they not be able to? After all, to those individuals, those poor people who must reside in a nursing home, that is their home. That would be paramount to us saying you cannot smoke in the home in which you live.

Drug and alcohol centers, Madam President, people who are trying to recover from an addiction. Every professional that you would talk to in a drug and alcohol center will tell you pointblank, that you cannot deprive people recovering from a drug and alcohol addiction who want to smoke. You cannot deprive them that right to smoke if they want to.

Cigar bars, Madam President. If you want to participate in smoking in a cigar bar, you had better be an individual who likes to smoke cigars or attends the cigar bar, or you do not have to be there. There is no mandate that anyone would have to be there. And fundraisers, Madam President, where it is cigar-specific. So, if you are going to go to that fundraiser, you are going for one specific reason, and if you work there, you are working there knowing full well that it could potentially be a hazard to your health.

How about the other 98 percent of the things that we have done in the omnibus amendment that was accepted yesterday by Members of this body? How about the other 98 percent of the facilities in the Commonwealth that will not be able to have smoking? Is it not about time that we say something on that behalf? Is it not about time that we talk about the fact that perhaps this is the first step forward in doing something that is right? That maybe we cannot accomplish everything that everyone would want to accomplish in one brush. Maybe, Madam President, we are going too far to begin with. I think what Senator Don White and Senator Mary Jo White said made a lot of sense. Perhaps the intrusion of government into the private lives of people should be stopped. Maybe there has to come a timeframe when we say to individuals, you are responsible for your own behavior.

When I hear over and over about how we have to protect children, I could not agree with you more. As an individual who has two grown daughters and a 9-year-old granddaughter, there is no one that I would want to protect more than my two daughters or my granddaughter. There was no way, when those daughters of mine were children, we would ever allow them to be in an environment that was not smoke-free. I would never want to go to a restaurant that was not smoke-free. Once again, that is my right and my responsibility. When is government going to go too far to tell people what they can do, when they can do it, and how they can do it?

Madam President, I think, the enactment of Senate Bill No. 246, and the work that has been done by Senator Greenleaf over the years, is admirable. It brought the issue to the forefront. The Governor pushed it in his presentation to us in a Joint Session back sometime in late winter or early spring of this year. We as a deliberative body in this Chamber, by a majority of Members voting, voted that we think that we could enact an omnibus

amendment in Senate Bill No. 246 that would take us to a new level, but still would preserve the rights of people in Pennsylvania to govern and do what they think is good for them and for their families and for their own health.

Madam President, for those individuals who are talking about the fact that we have done some horrific thing by the enactment of this amendment, and hopefully after the final passage of this bill today, have to realize, not only have we worked very hard to get to this point, but now the other deliberative body, the House of Representatives, is going to have their opportunity to put their fingerprint either on this bill or on another proposal, and perhaps send it back here to the Senate where we then can work on the differences between the two Chambers and try to come up with a final resolution.

I sincerely believe, Madam President, that sometimes we in government want to go too far to infringe on the duties and the rights of the people of the Commonwealth of Pennsylvania, and I ask for an affirmative vote.

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-33

Boscola	Greenleaf	Musto	Tomlinson
Browne	Hughes	O'Pake	Vance
Corman	Kasunic	Orie	Washington
Costa	Kitchen	Piccola	Waugh
Dinniman	LaValle	Pileggi	Wonderling
Erickson	Logan	Rafferty	Wozniak
Fontana	Madigan	Stack	
Fumo	McIlhinney	Stout	
Gordner	Mellow	Tartaglione	

NAY-17

Armstrong	Ferlo	Rhoades	Williams, Anthony H.
Baker	Folmer	Robbins	Williams, Constance
Brubaker	Pippy	Scarnati	
Earl	Punt	White, Donald	
Eichelberger	Regola	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 present said bill to the House of Representatives for concurrence.

BILL AMENDED

SB 455 (Pr. No. 1225) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 1, 1933 (P.L. 216, No. 76), known as The Dental Law, further providing for the definitions of "dental hygienist" and "board"; providing for the definition of "public health dental hygiene practitioner"; further providing for the general powers of the State Board of Dentistry and for radiologic procedures, education and training; and providing for the practice of public health dental hygienists.

On the question,

Will the Senate agree to the bill on third consideration?

Senator VANCE offered the following amendment No. A2233:

Amend Title, page 1, line 15, by striking out "hygienists" and inserting: hygiene practitioners

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 PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 466 (Pr. No. 1226) -- 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 application and for exemptions.

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

NAY-1

Williams, Constance

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

SB 715 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL AMENDED

HB 778 (Pr. No. 1977) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 30 (Fish) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for classification of offenses and penalties, for chemical testing to determine amount of alcohol or controlled substances, for operating watercraft under influence of alcohol or controlled substance and for county intermediate punishment programs.

On the question,

Will the Senate agree to the bill on third consideration?

Senator GORDNER offered the following amendment No. A1779:

Amend Title, page 1, line 4, by inserting after "penalties,": for penalties for threatened and endangered species,

Amend Sec. 1, page 1, lines 10 and 11, by striking out all of said lines and inserting:

Section 1. Sections 923(a)(6) and (7) and (d) and 2305 of Title 30 of the Pennsylvania Consolidated Statutes are amended to read:

Amend Sec. 1, page 2, by inserting between lines 29 and 30:

§ 2305. Threatened and endangered species.

(a) Establishment and publication of lists.—The executive director shall establish a Pennsylvania Threatened Species List and a Pennsylvania Endangered Species List. The lists, and any revisions thereto, shall be published in the Pennsylvania Bulletin.

(b) Rules, regulations and permits.—The commission may promulgate rules and regulations governing the catching, taking, killing, importation, introduction, transportation, removal, possession, selling, offering for sale or purchasing of threatened and endangered species and, if deemed advisable, may issue permits for catching, taking or possessing any of those species.

(c) Penalty.—Any person intentionally violating any rule or regulation promulgated under this section commits a misdemeanor of the third degree. Each fish caught, taken, killed, imported, transported, removed, introduced, possessed, sold, offered for sale or purchased in violation of any rule or regulation promulgated under this section shall constitute a separate offense. Catching a threatened or endangered species shall not constitute a violation if it is immediately released where it was captured in the condition in which it was captured.

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 PILEGGI.

BILL OVER IN ORDER

SB 781 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 811 (Pr. No. 995) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for long-term living facility licensure information; and imposing duties on the Department of Aging, the Department of Health and the Department of Public Welfare.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentlewoman from Cumberland, Senator Vance.

Senator VANCE. Madam President, very briefly, we presently collect all the data about personal care homes, whether they have or have not been inspected, whether they have had deficiencies, but there is no way the public can be made aware of this.

This bill would simply allow this information to be placed on the Internet. Presently, we have 85 percent of our personal care homes that have not been inspected in over a year, so I think it is very necessary that this information be made available to the public, and I ask the Senate for a "yes" vote.

And the question recurring,
Shall the bill pass finally?

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

YEA-50

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

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

HB 840 and HB 881 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 972 (Pr. No. 1196) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a portion of U.S. Route 322 in Centre County as the Thomas D. Larson Highway.

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

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

HB 1169 and HB 1228 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

LEGISLATIVE LEAVE

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

Senator O'PAKE. Madam President, I ask for a temporary Capitol leave for Senator Fumo.

The PRESIDENT. Senator O'Pake asks for a temporary Capitol leave for Senator Fumo. Without objection, the leave will be granted.

CONSIDERATION OF CALENDAR RESUMED

RECONSIDERATION OF SB 728

BILL ON FINAL PASSAGE

SB 728 (Pr. No. 1233) -- Senator O'PAKE. Madam President, I move that the Senate do now reconsider the vote by which Senate Bill No. 728, Printer's No. 1233, passed finally.

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

And the question recurring,
Shall the bill pass finally?

REMARKS PURSUANT TO SENATE RULE XI

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

Senator O'PAKE. Madam President, for the reasons placed on the record previously by Senator Fumo during the Senate's consideration of House Bill No. 112, on behalf of Senator Fumo, I ask that his vote not be recorded on final passage of Senate Bill No. 728, pursuant to Senate Rule XI, section 2.

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	Fontana	Orie	Tomlinson
Baker	Gordner	Piccola	Vance
Boscola	Greenleaf	Pileggi	Washington
Browne	Hughes	Pippy	Waugh
Brubaker	Kasunic	Punt	White, Donald
Corman	Kitchen	Rafferty	White, Mary Jo
Costa	LaValle	Regola	Williams, Anthony H.
Dinniman	Logan	Rhoades	Williams, Constance
Earll	Madigan	Robbins	Wonderling
Eichelberger	McIlhinney	Scarnati	Wozniak
Erickson	Mellow	Stack	
Ferlo	Musto	Stout	
Folmer	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.

SECOND CONSIDERATION CALENDAR

BILLS REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

SB 97 (Pr. No. 1217) -- 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 bank and trust company shares tax, for ascertainment of taxable amount and exclusion of United States obligations.

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

SB 638 (Pr. No. 1218) -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Cancer Drug Repository Program for accepting donated cancer drugs and dispensing cancer drugs; and providing for the powers and duties of the State Board of Pharmacy.

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

SB 763 (Pr. No. 1219) -- The Senate proceeded to consideration of the bill, entitled:

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.

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

SB 857 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILLS OVER IN ORDER

SB 7, SB 333, HB 363, SB 468, SB 674 and SB 707 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL REREFERRED

SB 845 (Pr. No. 1201) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 19, 1988 (P.L.1262, No.156), known as the Local Option Small Games of Chance Act, further providing for definitions, for prize limits, for insured games, for limited sales, for recordkeeping, for eligible organizations' use of locations for conducting small games of chance, for separate individual prize limitations and for advertising.

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

BILL OVER IN ORDER

SB 861 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

SB 886 (Pr. No. 1195) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 19, 1980 (P.L.15, No.9), known as the Real Estate Licensing and Registration Act, further prohibiting certain acts.

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

BILL REREFERRED

HB 896 (Pr. No. 1844) -- 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 limited wineries.

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

BILLS OVER IN ORDER

SB 916 and SB 962 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL REREFERRED

SB 978 (Pr. No. 1183) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 10, 1981 (P.L.214, No.67), known as the Bingo Law, further providing for rules for licensing and operation.

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

REQUEST FOR RECESS

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

Senator PILEGGI. Madam President, I request a recess of the Senate for two meetings. First, a meeting of the Committee on Judiciary, and second, a meeting of the Committee on Rules and Executive Nominations, both to be held in the Rules room.

The PRESIDENT. The Committee on Judiciary and the Committee on Rules and Executive Nominations will both meet in the Rules room.

GUESTS OF SENATOR JAMES J. RHOADES
PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Schuylkill, Senator Rhoades.

Senator RHOADES. Madam President, unfortunately, earlier today I wanted to make an introduction, but the championship team got stuck in one of our elevators for about 20 to 30 minutes, and when they came out, they were all perspired and wet, and probably quite a bit shaken up, so they went home.

It would have been my pleasure, and that is why I wanted to put on the record, that the Minersville Junior-Senior High School Boys' Baseball Team was the 2007 PIAA Class A State Champion team in baseball.

They were over in the House and then we took them over to the State Museum, came back to my office for lunch, and then unfortunately, they got stuck in the elevator.

I want to say, for the amount of time I spent with them, I found them to be an exceptionally fine group of young men, not only good athletes, but more and most importantly, fine young

men. They come from a small high school, so they are great baseball, football, basketball players, and wrestlers.

Joining all the players today was Fred Schneck, president of the school board; Joseph Brady, superintendent of schools; Carl McBreen, principal; Jim Yacobacci, assistant principal; and Rich Dry, athletic director.

I think the best way to summarize this is with a quote by head coach Del Hauck, who said, this is great, I do not know how to explain it, and I am a very lucky man. This ride is something every baseball coach should get an opportunity to experience. There is no other feeling like it in the world.

He did a super job with his team. They played at the Blair County Ball Park and became the first Schuylkill County team in 11 years to win the PIAA Championship with a 4-1 victory over District 9 Champion, Johnsonburg.

The members of the team were, Zachary Bitting, Zachary Fritz, Marshall Hummel, Christopher Pozza, Matthew Rose, Ryan Weachock, Jonathan Drebitko, Brian Hardock, Benjamin Mennig, Anthony Pritiskutch, Shane Ryan, David White, Brenton Eades, Connor Horan, Kory Morris, Tyler Rolek, Michael Stoppie, and Ryan C. Wynosky.

Along with head coach Del Hauck, who did an excellent job with them, Charlie Fritz and Jim Kramer were their varsity assistant coaches, and Steve Toth and Jonathon Marazas were their junior varsity coaches.

I wanted to put that on the record, and I also wanted to show you the shirt they gave me, Minersville 2007 State Champions, 25-1. That is enviable in anybody's league.

The PRESIDENT. Welcome to the Minersville Area Baseball PIAA Class A Champions.

(Applause.)

Senator RHOADES. I would also note, Madam President, that this is a citation for the school, but every player also received a citation. I want to wish them the best of luck, and thank you for the opportunity to put this on the record.

The PRESIDENT. Thank you, Senator Rhoades, for your consideration of all of these young men, all of their coaches, athletic director, president of the school board, and all of those who came here today.

PETITIONS AND REMONSTRANCES

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

Senator WONDERLING. Madam President, I just want to take this opportunity to offer a few remarks in memoriam.

Senator Corman was the prime sponsor of Senate Bill No. 972 that passed unanimously a few moments ago, which is an act designating a portion of U.S. Route 322 in Centre County as the Thomas D. Larson Highway.

I would like to offer a few remarks regarding the life and the legacy of Dr. Tom Larson, who literally, in my opinion, as the Secretary of Transportation during the Thornburgh administration, reformed, revolutionized, and regained the credibility among the citizens of this Commonwealth as it relates to the Pennsylvania Department of Transportation and its businesses.

Dr. Larson at the time was a civil engineering professor at Penn State University, and not long after Governor Thornburgh was elected to serve as Governor of this Commonwealth, he sent

a very extensive letter to Governor Thornburgh suggesting what could be done to improve transportation in this Commonwealth. I do not think Tom ever expected a reply, and not the reply that he indeed received, and that was an offer by Governor Thornburgh to serve as his first PennDOT Secretary. In fact, Madam President, as legend has it, the Governor said, well, you have all these great ideas, here is the agency, go ahead and try to change it.

I think it is important, particularly as we talk about, quote, "transportation funding crises," which seems to be the crisis du jour this week, to recount for the record exactly where our highway and bridge system stood at this particular point in time.

When Governor Thornburgh and Secretary Larson took their posts in our State government, at that point in time there were no less than a dozen pieces of legislation to abolish PennDOT. The agency had become financially bankrupt, some would argue morally bankrupt, with indictments running down through the agency. It was not unusual to have postings on the interstate not because work was being performed, but because the potholes were so bad. Pothole season would begin in March and continue literally throughout the year. Dr. Larson, along with his team, regained the confidence of the citizens in our transportation agency. In fact, many of the legacy systems that remain in PennDOT today were his creation.

I wanted to pause to spend time because on a personal level, Dr. Larson was a mentor to me. I had the great honor and privilege to serve as deputy secretary of PennDOT in the 1990s in the Ridge administration, and on more than one occasion I received a gentle note or a phone call from Mount Nittany with advice from a truly gentle man, and of course, Dr. Larson went on to serve in a national capacity as a highway administrator and then literally traveled the world in encouraging particularly developing countries to develop innovative techniques as it relates to their infrastructure.

Again, I am delighted that Senator Corman advanced this legislation, and, Madam President, I truly do recognize the life and legacy of Dr. Tom Larson.

ANNOUNCEMENT BY THE CHAIR

The PRESIDENT. Will all Members of the Committee on Rules and Nominations please report to the Rules room immediately.

PETITIONS AND REMONSTRANCES (cont'd)

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Madam President, I wanted to thank Senator Wonderling. I am a little remiss. Today was a little confusing with some of the issues going on, and I did not get a chance to stand up and speak on the bill when it came forward, and maybe my fellow Members are glad I did not and saved the remarks for Petitions and Remonstrances, but Dr. Larson was a constituent of mine. An important legacy, as I think back when Senator Wonderling talked about him when he took over PennDOT, was how he changed it, but maybe the most important legacy is that the Secretaries of Transportation who followed him were great Secretaries as well, and they followed, whether they

were under Governor Casey with Howard Yerusolim, or Governor Ridge and Brad Mallory, or Secretary Biehler today, their focus was transportation. It was not Republicans or Democrats, but transportation, how can we make Pennsylvania a better place with our transportation systems? I think Dr. Larson set that standard when he took over and the other Secretaries followed it, and we have had tremendous success in PennDOT since those very, very dark years of the 1970s, as Senator Wonderling prefaced.

A friend of mine had a very important position high up in the Shapp administration, and one day as the Patriot-News continued to run stories about corruption at PennDOT, the Governor then supposedly threw the paper down and shouted, I do not want to see one more story about corruption at PennDOT. How are we going to stop these stories? My friend said he replied, well, stop hiring crooks, and that would get us in the right direction. It was a little tongue-in-cheek, obviously, but Dr. Larson's legacy was that he did rebound PennDOT and set a standard which, thankfully, Secretary Yerusolim, Secretary Mallory, and Secretary Biehler, to their credit, have followed. Transportation is not a Republican, Democratic, rural, urban, or suburban issue, it is a Pennsylvania issue, and they have led that fight ever since.

This stretch of road, which is Route 322 going into State College, is a growing area, the Mount Nittany Expressway, as it is called right now, and we have seen under his leadership, along with Congressman Bud Shuster and my father, Senator Doyle Corman, together developed that project. I have really seen tremendous development along that corridor, both economically and residentially, for the area, and it is a tremendous asset for the community. I can think, as someone who lives in Centre County, where Dr. Larson lived, of no greater tribute to him than to put his name on this highway which actually opened the doors for some smart growth in our community.

So, I want to thank Senator Wonderling for addressing this and giving me a chance to speak on this bill. He was a great public servant, Madam President, and maybe that is one of the best comments you can give someone, that he was a great public servant.

The PRESIDENT. We all knew Dr. Larson and respected him, and as you said, he was a great public servant.

UNFINISHED BUSINESS BILL REPORTED FROM COMMITTEE

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

HB 10 (Pr. No. 2103) (Amended)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the Criminal Justice Enhancement Account.

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 Peter M. Gilbert by Senator Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. John Decowski and to Marguerite Bromfield by Senator Baker.

Congratulations of the Senate were extended to Larry Gordon by Senator Boscola.

Congratulations of the Senate were extended to Justin Royce, Ryan Stadel and to Alex J. Schmucker by Senator Brubaker.

Congratulations of the Senate were extended to Kyle J. Crosby by Senator Earll.

Congratulations of the Senate were extended to Daniel W. Stover by Senator Eichelberger.

Congratulations of the Senate were extended to Mr. and Mrs. Arthur J. Drevenak and to Dr. and Mrs. William S. Gibson, Jr., by Senator Gordner.

Congratulations of the Senate were extended to Philip L. Rakszawski by Senator Greenleaf.

Congratulations of the Senate were extended to Frank and Melanie Belcher by Senator Kasunic.

Congratulations of the Senate were extended to Mr. and Mrs. F. Dale Strassner, Mr. and Mrs. L. Jay Belford and to Gary P. Landon by Senator Madigan.

Congratulations of the Senate were extended to Stephanie D. Lewis by Senator Piccola.

Congratulations of the Senate were extended to Jonathan David Cohen, Robert W. Naef and to Joseph Venuto by Senator Pileggi.

Congratulations of the Senate were extended to Joe Shearer, Derry Township Agricultural Fair and to the Yough High School Cougar Rocketry Team of Herminie by Senator Regola.

Congratulations of the Senate were extended to Mr. and Mrs. Charles Bailey and to Stephen Costalas by Senator Rhoades.

Congratulations of the Senate were extended to Brooklyn Taylor by Senator Robbins.

Congratulations of the Senate were extended to Richard W. Eberle by Senator Tomlinson.

Congratulations of the Senate were extended to Michael Stephen Deemer and to Jim Miller, Jr., by Senator D. White.

Congratulations of the Senate were extended to Mr. and Mrs. Paul Weiser, Mr. and Mrs. Jim Bashline, John K. Vagias, Catherine M. Donahue, M. Lemoyne Miller and to Kevin Joseph Evanko by Senator M.J. White.

Congratulations of the Senate were extended to Macungie Volunteer Fire Department and to Macungie Minstrelaires by Senator Wonderling.

CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late Margaret I. Paumer by Senator A.H. Williams.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator ROBBINS,

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

Which was agreed to by voice vote.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

MEMBER OF THE COUNCIL OF TRUSTEES OF LOCK HAVEN UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

March 27, 2007

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, George Durrwachter, 907 West Fourth Street, Williamsport 17701, Lycoming County, Twenty-third Senatorial District, for reappointment as a member of the Council of Trustees of Lock Haven University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF LOCK HAVEN UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

March 27, 2007

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Daniel P. Elby, 3535 Pebble Ridge Drive, York 17402, York County, Thirteenth Senatorial District, for reappointment as a member of the Council of Trustees of Lock Haven University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF LOCK HAVEN UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

March 27, 2007

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Guy A. Graham, 605 Indian Road, Clearfield 16830, Clearfield County, Twenty-fifth Senatorial District, for reappointment as a member of the Council of Trustees of Lock Haven University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF
LOCK HAVEN UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION

March 27, 2007

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Margery Krevsky, 4790 W. Maple Road, Bloomsfield Hills, Michigan 48301, for appointment as a member of the Council of Trustees of Lock Haven University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2013, and until her successor is appointed and qualified, vice Donald Faulkner, Beech Creek, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF
LOCK HAVEN UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION

March 27, 2007

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Virginia Ann Roth, 5 Scotch Circle, Duncannon 17020, Perry County, Thirty-fourth Senatorial District, for appointment as a member of the Council of Trustees of Lock Haven University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2011, and until her successor is appointed and qualified, vice Ron Jury, New Cumberland, deceased.

EDWARD G. RENDELL
Governor

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

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

YEA-50

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

NAY-0

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Senator ROBBINS. Madam President, I move that the Executive Session do now rise.

The motion was agreed to by voice vote.

BILLS ON FIRST CONSIDERATION

Senator C. WILLIAMS. Madam President, I move that the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

SB 1006, HB 10, HB 131, HB 369, HB 483, HB 496, HB 635, and HB 917.

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

**BILL ON FIRST CONSIDERATION
AND REREFERRED**

Senator PILEGGI. 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.

The bill was as follows:

HB 1367.

And said bill having been considered for the first time.

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

COMMUNICATION FROM THE GOVERNOR

**CORRECTION TO NOMINATION
REFERRED TO COMMITTEE**

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

MEMBER OF THE STATE BOARD OF PODIATRY

June 26, 2007

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

Please note the nomination dated June 25, 2007, for the appointment of Stephanie Moore, R.R.2, Box 397, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, for appointment as a member of the State Board of Podiatry, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, should be corrected to read:

Stephanie Moore, R.R.2, Box 397, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, for appointment as a member of the State Board of Podiatry, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice E. Douglas Newton, M.D., Evans City, whose term expired.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

June 26, 2007

HB 606 -- Committee on Law and Justice.

HB 966 -- Committee on Banking and Insurance.

HB 1116 -- Committee on Game and Fisheries.

HB 1203 -- Committee on Environmental Resources and Energy.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, JUNE 27, 2007

9:30 A.M.	AGRICULTURE AND RURAL AFFAIRS (to consider Senate Resolutions No. 114 and 139)	Room 8E-A East Wing
10:00 A.M.	STATE GOVERNMENT (to consider Senate Bills No. 137, 346 and 989) CANCELLED	Room 8E-B East Wing
10:30 A.M.	APPROPRIATIONS (to consider House Bill No. 1367)	Room 461 Main Capitol
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider certain executive nominations)	Rules Cmte. Conf. Rm.

FRIDAY, JUNE 29, 2007

10:30 A.M.	STATE GOVERNMENT (to consider Senate Bills No. 137, 346 and 989)	Room 8E-A East Wing
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RECESS

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

Senator PILEGGI. Madam President, I move that the Senate do now recess until Wednesday, June 27, 2007, at 11 a.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate recessed at 5:46 p.m., Eastern Daylight Saving Time.