

COMMONWEALTH OF PENNSYLVANIA

# Legislative Journal

MONDAY, JULY 16, 2007

SESSION OF 2007 191ST OF THE GENERAL ASSEMBLY

No. 64

## SENATE

MONDAY, July 16, 2007

The Senate met at 9 a.m., Eastern Daylight Saving Time.

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

## PRAYER

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

Let us pray.

God of our fathers, in whom we trust and by whose guidance this great State and nation exist, we pause in the silence of this beautiful morning that our hearts might be still and acknowledge Your presence.

We grow tired and weary, Lord, in the service of Your people, so we again seek Your blessing upon the staff and Members of this Senate. Renew us physically and mentally with Your grace and wisdom, that we may ably conclude this pre-summer Session, and grant swift and safe journeys to all who will hopefully leave this Capitol today to return to their families and loved ones. Amen.

## PLEDGE OF ALLEGIANCE

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

## SPECIAL ORDER OF BUSINESS GUEST OF THE PRESIDENT PRESENTED TO THE SENATE

The PRESIDENT. Former Senator and President pro tempore Henry Hager has joined us today, and he is here saying hello.

## LEGISLATIVE LEAVE

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

Senator MELLOW. Madam President, I request a legislative leave for Senator Stout.

The PRESIDENT. Senator Mellow requests a legislative leave for Senator Stout. Without objection, the leave will be granted.

## LEAVES OF ABSENCE

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

Senator MELLOW asked and obtained a military leave of absence, pursuant to Senate Rule XXI(3), for Senator STACK.

## SPECIAL ORDER OF BUSINESS JOURNAL APPROVED

The PRESIDENT. The Journal of the Session of June 25, 2007, is now in print.

A quorum of the Senate being present, the Clerk will read the Journal of the Session of June 25, 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-48

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

## NAY-0

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

The PRESIDENT. The Journal is approved.

## DISCHARGE PETITION

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

July 16, 2007

## A PETITION

To place before the Senate the nomination of The Honorable Frank J. Pistella as a member of the State Civil Service Commission.

TO: The Presiding Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of The Honorable Frank J. Pistella, Pittsburgh, Pennsylvania, as a member of the State Civil Service Commission, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert D. Robbins  
Joseph B. Scarnati III  
Dominic F. Pileggi  
Jane C. Orie  
Michael L. Waugh

The PRESIDENT. The communication will be laid on the table.

## CALENDAR

### HB 1286 CALLED UP OUT OF ORDER

**HB 1286 (Pr. No. 2346)** -- Without objection, the bill was called up out of order, from page 2 of the Calendar, by Senator PILEGGI, as a Special Order of Business.

## REPORT OF COMMITTEE OF CONFERENCE

### REPORT ADOPTED

**HB 1286 (Pr. No. 2346)** -- The Senate proceeded to consideration of the bill entitled:

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and the public schools for the fiscal year July 1, 2007, to June 30, 2008, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2007; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Payment Fund, the Banking Department Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund and the Tobacco Settlement Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2007, to June 30, 2008; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2007, to June 30, 2008, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2007; to provide for the additional appropriation of Federal and State funds from the General Fund, the State Lottery Fund and the Pharmaceutical Assistance Contract for the Elderly Fund for the Executive, Legislative and Judicial Departments of the Commonwealth for the fiscal year July 1, 2006, to June 30, 2007, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2006.

Senator PILEGGI. Madam President, I move that the Senate adopt the Report of the Committee of Conference on House Bill No. 1286.

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

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

Senator PILEGGI. Madam President, we are here today considering the 2007-08 State budget. Since the Senate first passed the budget on June 20, nearly a month ago, it has been a long road. Today is July 16, which means that we are more than 2 weeks past the deadline for a State budget, but we are now finally considering the Committee of Conference Report on House Bill No. 1286, a budget that truly moves Pennsylvania in the right direction. A budget is an expression of the State's priorities. We balance competing interests and try to ensure that the real needs of Pennsylvanians are met. I would like to talk about what I believe are some of the highlights in this year's budget.

An additional \$167 million is being provided for basic education, along with an additional \$29 million for special education, and an additional \$34 million for charter school reimbursements. The educational improvement tax credit will be increased by 27 percent, from \$59 million in 2006-07 to \$75 million this year. This program helps thousands of children all over the State afford schools they otherwise could not attend, and it has created many innovative programs in our public schools as well.

We are also creating a new tax credit known as the Resource Enhancement and Protection Tax Credit, or REAP, which has been described by a senior agricultural consultant with the Chesapeake Bay Foundation as, quote, "a bold first-in-the-nation step toward expanding conservation opportunities and distinguishing Pennsylvania as a leader in innovative approaches to farm-friendly environmental protection," end of quote. Up to \$10 million in tax credits are available under the REAP program, which enjoys broad support in the Caucus, and was led by Senator Mike Waugh and Senator Mike Brubaker.

To ensure continuity of care, this budget does not include what is known as the pharmacy carve-out in HealthChoices, at a cost of \$14.3 million. This budget includes \$4 million to fight health care-associated infections, implementing legislation prime sponsored by Senator Erickson and sent to the Governor 2 days ago. There is \$5 million in new funding provided for obstetrics and neonatal services. This budget puts a 3-percent COLA in place for Pennsylvania's mental health and mental retardation workers, and it allocates nearly \$110 million in additional contributions to the State Employee Retirement System to help the State address its pension obligations now and in the future.

This budget also includes many items not included in the Governor's original budget proposal. For example, we restored \$5 million for hospital-based burn centers. This money is vital to treating burn victims in Pennsylvania. This budget restores \$5.3 million for biotech research, \$2.5 million is being restored in the New Choices/New Options program, which helps displaced workers find employment, and \$7.1 million is restored for the Hospital Community Access Program, which reimburses hospitals with a large number of patients using medical assistance.

We were able to provide this increased funding with no new taxes, despite strong claims from some that such taxes would be necessary. The Governor originally proposed seven tax increases, but none are included in this budget. In fact, this budget also

maintains some important tax cuts, despite heavy pressure by some to postpone those tax cuts. The biggest one of these, the capital stock and franchise tax, often described as a job-crushing tax, will be reduced by an additional 1 mill this year, saving job creators \$220 million. With this budget, we are also bringing the growth of State spending back to a reasonable level so that this budget does not set us up for tax increases in the future.

You can calculate the growth in State spending in dozens of ways. We have laid out for the public many of those calculations. The two most common are to compare the final 2006-07 budget with the 2007-08 budget now before us and without the \$317.5 million of mass transit funding. If you include that spending in the 2007-08 budget, there is a 4.4-percent increase in State spending. Without that mass transit spending, which is being moved to a dedicated fund, the growth in the General Fund spending is 3.2 percent.

No matter how you calculate it, this is the smallest spending increase during the tenure of the Rendell administration. This budget also puts Pennsylvania well below the national average in terms of State budget growth this year. Clearly, we are on the right track when it comes to controlling State spending. Some advocated that the State should spend as much money as possible this year, every last dollar that came into the State Treasury. Some even said we should dip into the Rainy Day Fund to spend more. Because of our determination to take a multi-year view of the State budget, this 2007-08 budget includes an anticipated \$300 million surplus to carry over into the next fiscal year, and the Rainy Day Fund will increase by \$160 million, bringing the total Rainy Day Fund to \$690 million. The Rainy Day Fund exists to cushion the blow of economic downturns. It should never be spent in good economic times, no matter how well-intentioned the spending is.

We also avoided gimmicks in this budget. All of our public comments have been very clear on the transfer of \$317.5 million for mass transit out of the General Fund into a dedicated fund. By avoiding gimmicks, we made it very easy for the public to know the size and scope of the State budget. This budget does not reflect exactly what the Senate Republican Caucus would like to see. Rather, this budget is the result of negotiations, which also included the Governor's Office and the three other Caucuses.

I would like to publicly thank Senator Scarnati and Senator Armstrong from the Republican Caucus, and Senator Mellow and Senator LaValle and their staffs from the other side of the aisle, for the many long hours and incredible hard work which went into reaching this point.

Budget agreements are ultimately the result of compromise, and in this context, this budget is a remarkably good final product. Madam President, I urge an affirmative vote to adopt the Committee of Conference Report on House Bill No. 1286.

Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Beaver, Senator LaValle.

Senator LaVALLE. Madam President, I want to take just a few brief moments to share some thoughts about this budget process and the people who are involved in crafting this State spending plan.

Madam President, this is my first experience in being directly involved in putting the State budget together instead of waiting

for others to do the hard work of crafting a State budget. From the first meeting earlier this spring, to the final conference committee report, there were countless hours of negotiation, discussion, and exchange by the Members and the hardworking staffs of all the Caucuses and the administration.

Unless you have experienced this process, you do not understand how painstaking it can be, how difficult the choices are, and how much you rely on core values and principles to try to make the right decisions for all, not just for a selected few. I saw the best of people and some emotional displays, but on the whole, this experience reinforced my views that it takes a meeting of the minds and determination to achieve something that drives us all. Some will not be happy with this budget and may vote against it. In fact, some may be downright unhappy about this product. To them, I can only say take some time and consider the hard work and sincere effort put into this budget.

This is a good budget. While budgets are about priorities and choices, it is also about building a bridge to the future. To that end, I am proud to say that we managed to hold the line on spending, while providing for the needs of the people of this Commonwealth. We held spending down, did not increase taxes, and were able to make some key investments so that Pennsylvania can move forward in crucial areas.

I want to be very clear that the fact that we did not raise taxes and held down spending was a bipartisan effort, something of which Republicans and Democrats alike can be proud. We started out with that premise that there would be no new taxes and that we would cut spending, and our polling shows very clearly that is what the people in Pennsylvania wanted. They would rather cut spending as opposed to increase taxes. It is very important that we make that point clear that this was a bipartisan effort. From the very beginning we knew we were not going to raise taxes this year, and to prepare a budget that may allow us to not raise taxes next year.

We crafted a plan that will enable us to meet our financial obligations, yet we addressed pressing challenges in transportation, health care, job creation, education, among others. Just as important, we sought to lay down markers on other issues and set benchmarks that will help us to meet tough controversial problems head-on. Accomplishing all of this required compromise, and there was much compromise through this negotiation process. Perhaps while no one came away absolutely satisfied, no one came away empty handed, especially the people of this Commonwealth, and that is what a real compromise is all about.

I want to publicly thank the Members of the Senate who joined me in the negotiations, and I want to thank Senator Mellow and Senator Fumo, who recommended me to our Caucus to serve as chair of the Committee on Appropriations. I appreciate having had that opportunity. I think they dispelled the old adage that you cannot teach an old dog new tricks. I am a very old dog and I learned some new tricks. To Senator Scarnati, Senator Pileggi, and Senator Armstrong, I have a great deal of respect for the three of them. They worked as hard as anybody could possibly work to get this budget in place and to satisfy the needs of their Members. Everyone worked extremely hard, put in long hours, especially staff members. These folks, and I do not know if everyone else understands that, they put in an awful lot of

hours. When we were home after we have done our thing until midnight, they were still here until 4:00 or 5:00 in the morning.

Madam President, I also want to thank all the Members of the Senate for their patience and input. Through this process, I learned a great deal about the people I work with. Perhaps the best lesson is that despite what people may read or hear, in my view, Pennsylvania is blessed with public servants in this Chamber, in the House, and the Governor's Office, who can put aside parochial views, political differences, and do the right thing for the people of Pennsylvania. It was my honor to experience this process, work through the struggles, and produce a product, this year's State budget, that will help us move forward without any new taxes and with a clear direction in mind. This is a good no-tax bipartisan budget, and it deserves a "yes" vote.

The PRESIDENT. The Chair recognizes the gentleman from Lancaster, Senator Armstrong.

Senator ARMSTRONG. Madam President, Senator Pileggi and Senator LaValle kind of said some of the things I was going to say, but I do have a few prepared remarks.

The first question most Pennsylvanians ask about a State budget, or they ask me anyway, are my taxes going up? Because of our firm commitment, and Senator LaValle mentioned it in the very beginning, as far as the Senate Democrats and Republicans, we were opposed to tax increases large, small, hidden, and any increase at all. The answer was crystal clear, no tax increase. Seven taxes were proposed, zero were approved. In fact, the news even gets better. We preserved the tax cut schedule to take effect this year to help job growth, which amounted to about \$230 million.

This budget was put together with a serious eye on the consequences for next year. It is really a 2-year budget because the necessary precautions were taken to prevent tax increases next year. There are other good signs. We kept the Rainy Day Fund intact. As Senator Pileggi said, we put \$160 million into that fund, and we now have approximately \$700 million put aside. It sounds like a huge number, but it is only about 6 days of revenue for the Commonwealth. It is not a big buffer, but it is one of the biggest we have had in quite a while, and we did not spend all the money that we could have. This is the kind of spending restraint too long absent in Harrisburg. What a difference a year makes. Last year the debate was how high spending would go, this year the debate is how low can we go?

Early in the process we were determined to show Pennsylvanians the danger of uncontrolled State spending. Budget increases of 6 percent to 9 percent over the next decade would swell the budget to a staggering size. We would crush the taxpayers and cripple our strong economy. That is why the target of the cost-of-living index was adapted.

This budget is not generous as those who depend on State government want it. Some people continually want more money. Nor is it as sparse as all those suspicious of State government would prefer. We proved the point: it is possible to have State government live within its means and still provide for quality and necessary services.

We had to make choices on priorities. There is not enough money to pay for every single idea out there. There is not enough money to pay for every good cause, and Pennsylvanians are tired of the-pedal-to-the-metal State spending. Discretionary spending

that groups and institutions have taken for granted are no longer a guarantee. In the past, State spending was matched by spending increases. In the future, we need spending increases to be matched by spending cuts. This process started in this budget, and we need to build on that in the years ahead.

To control spending, we must understand where the big increases are and what drives them. The big increases this year are welfare and education. The rest of the budget actually shrinks over 1 percent from previous years. If we are going to continue adding new educational programs to achieve improved student performance, we need to quit funding the approaches that are not working, and while many of the welfare programs are entitlements, there are steps we can take to tighten up requirements, and we must do that.

Fiscal responsibility has also shown an increased contribution to the retirement system. We funded the system at twice the level we had to. Had we not funded that at twice the level, we would have actually decreased the amount by .4 percent, so we would actually be talking about a 2.8-percent increase in the State budget.

While the attention has been devoted to limitation on spending and where cuts were made, there are key places that we have actually increased spending for farmers, veterans, seniors, autistic kids, families seeking educational options, medical services, and for job creation.

There are different philosophies wrapped in this budget. The Governor, I am sure, is touting his new spending programs, the Pre-K Counts and computers in the classrooms, and I wish him the very best of luck with these programs. I hope they are highly successful. We also adopted some tax credit programs, EITC and REAP, as Senator Pileggi mentioned earlier.

Fiscal restraint does not end when the budget is signed into law. We have to be careful as to how much borrowing is committed in the coming months. We have to exercise more oversight over State programs where people doubt their cost-effectiveness and value.

Despite the apparent success, this budget has its detractors. President Eisenhower once observed about the critics of agriculture, farming is very easy when your plow is a pencil and the nearest cornfield is a thousand miles away. The corollary now could be, budgeting is easy when you do not have to negotiate with anyone, when there are no competing constituencies you have to satisfy, and when you can wipe away commitments and contracts with the click of a mouse. The people wanted no tax increases, they want to limit spending, they wanted a budget that was not laced with surprises, so that is a product we delivered - no tax increases, spending held to cost of living, and none of the fiscal foolery that could blowup next year's budget. This is reasonable, it is responsible, and it is right for the taxpayers and the economy.

Before I close, I would like to say Senator Waugh is on personal medical leave, a family emergency, and he wanted me to pass on that he is a strong vote for this budget. I also want to thank everyone involved in this process. For Senator LaValle and me, it was our first year, and I learned a lot and everyone was highly professional. Working with Senator Pileggi, Senator Scarnati, Senator Mellow, Senator LaValle, and Senator Fumo was a great experience. We got along great. We did not see eye

to eye all the time, but everything was professional. It was also great working with the Governor and his staff.

The people who sent us here said, why can you guys not work together? You know what? I think this vote will show the people of Pennsylvania we can work together and we are going to do it.

Also, everyone mentioned staff. To this day, I see them working, and I do not know how they do it. You say, how in the world do you get this thing pulled together in 4 or 5 days? We have a rule that we have to be out of here by 11 o'clock on Session. You know what? Staff does not have that rule. They are here way into the morning, and I want to thank the staff, my staff, and all the staffs of leadership on both sides. They did an excellent job, and I urge an affirmative vote on House Bill No. 1286.

Thank you.

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

Senator MELLOW. Madam President, I do not have a prepared text and had probably little or no interest in speaking today with regard to the budget because there are other things that will develop as the day moves on, but in the spirit of clarity and making sure that the rest of the story is spread on the record, I feel obliged to make a few comments in defense of what did take place with regard to the budget and to point out some clarifications with regard to Governor Rendell and how he presented the budget back on the first Tuesday in February vis-a-vis what is taking place on July 16, the third Monday in the month of July.

When the Governor first proposed his budget a number of months ago, he proposed a budget that had expenditures of only 3 percent, which was less than the cost of living for the particular year. His priorities were much different than the priorities that are going to be finally established right here, but the programs are not fewer; in fact, the programs might even be greater than what was presented by the Governor.

Madam President, it is true that tax increases would be needed to maintain the level of spending in this budget for the proposals the Governor talked about in February. The difference, and we have to be very clear about that, is that it is not that this is a no-tax budget and a rejection of the Governor's seven tax increases, but the fact that when the Governor first made his budget proposal back in February, we were looking at a \$60 million State surplus, which was recognized by both Democratic and Republican Committees on Appropriations in the Senate, as well as the House Democratic Committee on Appropriations.

Well, our surplus that was certified as of the end of the fiscal year in June was not \$60 million, as was then presented by the Governor, but \$650 million, which is much greater than what was presented or proposed back in February, and is therefore the reason why there is a no-tax increase to fund the budget on this level. It is not because of a rejection of seven tax increases and the fanfare that took place in the Capitol yesterday in a news conference, or then I watched a Member of the House of Representatives on television last evening proclaiming victory that the Governor's budget and his seven tax increases were, in fact, defeated. There was no acknowledgment about the fact that there is an increase of \$650 million.

Madam President, in the budget, as suggested by the Governor, and mentioned here on the floor, there are significant tax reductions. The capital stock and franchise tax is reduced rather

significantly. The Governor maintained the posture of the phasing out of that particular tax. There was nothing said on the floor about the reduction in the bank shares tax, which is a tax reduction for banks doing business through mergers where the good will asset that is developed through the sale of a bank and subject to the bank shares tax will, in the capacity of this budget, be a tax credit and a reduction of taxes to banks that are involved in mergers because the bank shares tax will no longer be attributed to the good will increase of the asset.

There was a tax reduction for the farm industry that was pushed by Senator Waugh and is part of this particular budget, and whether or not we like the film industry, there is a \$25 million film tax credit which will be a major benefit to the people of the Commonwealth of Pennsylvania.

When it is stated about the seven tax increases advanced by the Governor back in February when there was a \$60 million surplus and you fast-forward to July 16 when there is a \$650 million surplus, the reason there is no tax increase is because no tax increase is necessary, but, in fact, there are four major tax reductions.

Credit has to go where credit belongs, and credit belongs not only to the Members of the General Assembly, but also to the administration. When you look at the type of money that is spent in the budget, which I totally support, and at the kinds of programs that we are advocating, they might be a little different in priority than the Governor's. I do, however, support the Governor's position with regard to education and how we have to fund pre-kindergarten, because if we do not take care of the greatest natural resource we have, the children of the Commonwealth of Pennsylvania, then we, in fact, as elected officials have not done our job. The greatest natural resources are those children who are in pre-school and pre-kindergarten, and if we do not provide for their proper type of educational needs, then we, in fact, have not done our job.

I would also like to thank Senator Pileggi, Senator Scarnati, Senator Armstrong, Senator LaValle, and Senator Fumo, because in this Chamber, this was done on a bipartisan basis. The discussion has taken place over the last several months and we have not always agreed, but politics is the art of compromise. Everybody does not get what they want in the political sphere. Nobody owns 50.1 percent of politics, and therefore, nobody gets exactly what they want, but everybody can and has participated in this budget negotiation.

So we understand each other, this is a very good budget, it has taken a long time, and I am only sorry that it has taken 16 days before the finalization has ultimately taken place. A lot of hard work was done by a lot of people, and the gentlemen I have mentioned have done a great job, along with the staffs of the Committees on Appropriations, staffs of other committees, staffs of the Leaders' offices on both sides, and the staff of the office of the President pro tempore.

But let us make one thing very clear. This is not a repudiation of Ed Rendell and a seven-tax increase budget. This is a budget based on some very good frugal operation of State government under the direction of Governor Rendell. It is a budget that reflects a surplus of \$650 million in July and not one of \$60 million, which would have necessitated a tax increase. We would never have been able to pass the budget in front of us today with

the spending that it has, even though it is modest, but it is more than what the Governor advocated percentage-wise, without a tax increase. Make no mistake about it. For the 48 Members of the Senate who are here today, that would not have been the case if it were not for the fact that we have a \$650 billion surplus, and there was a lot of strong effort put forth on a bipartisan basis on both sides, because the Members of the Democratic Caucus were very vocal, immediately upon what took place in February, that they did not want to see a tax increase.

This was not just the domain of one party or group of individuals, this was the domain of the Democratic Members of the Senate as well as the Republican Members, not knowing that when we would finally pass a budget in July, that our surplus would be \$650 million, which would make the statements that we made back in February much easier to live by. If the \$60 million surplus estimate had stayed intact, we would never be in the position of passing this budget today, with its expenditures, without having a major tax increase.

Again, I want to thank Senator Pileggi, who I think has done a great job, and Senator Scarnati has done an outstanding job, along with Senator Armstrong, Senator LaValle, and Senator Fumo. I am happy to have been able to play a small part, and I want to thank the other Members of the Senate, both Democratic and Republican, for their patience. It has been a very long, hard, and tough road that we have come across over the last several months, and I think it is the indulgence, patience, and the relationships that we have all developed which have allowed us to get through a very difficult period of time. I want to say thank you very much, and I look forward to getting the budget passed and moving on to the remaining pieces of the budget that must be passed. Hopefully, we can do that in a timely fashion before we conclude Session today.

Thank you, Madam President.

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

Senator FOLMER. Madam President, I rise to make a few comments on House Bill No. 1286, the 2007-08 budget bill. As this is my first term, I did not know what to expect during the budget process, and I have to say that I was surprised. I was surprised at the number and breadth of new programs proposed by the Governor. I was surprised that the Governor proposed not one but seven new taxes, and I was surprised that the Governor had the audacity to use State workers as pawns to try to get those new programs through.

At the same time, I was surprised at how hard the leaders of the Senate worked to ensure that the State budget would be passed with no excessive spending and with no new or expanded taxes. These things were important to me and were key elements during my run for the Senate and my promise to Pennsylvania. As I stand here today, I want the Members of the Senate to know how much I appreciate all the hard work and effort they made to keep State spending under control, and not creating any new taxes or raising any existing taxes.

As I look at previous State budgets, I have to say that this hard work shows, as this budget is a far cry from those of the past 4 years. At the same time, I regret that I will be unable to vote for this budget. Although spending is less than the previous years, it is outside the range that was part of my campaign promise. Al-

though I will be voting "no" on the budget, I want the other Members of the Senate to know that this budget is, and I repeat, is a step in the right direction, and I look forward to working with the other Members of the Senate on next year's budget, a budget that I hope I will be able to support, as I hope it will be one that brings spending to the level of my promise to Pennsylvania and the commitment that I made while running for office.

Madam President, thank you for allowing me the time to make a few brief remarks, and I want to thank my colleagues for what they have tried to do to help bring State spending under control.

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

Senator A.H. WILLIAMS. Madam President, it was not my intention to stand and speak today because I was going to respect the desire of my leadership, and frankly, the bipartisan effort to recognize the 2 weeks of frustration that have finally resulted in a productive budget that most of us here will support, but I do not want today's celebrity gathering to be spoiled by the reflection that a Governor is the bad guy and we are the good guys.

I believe that when Senator Pileggi and Senator Armstrong stood and spoke of the work and time of our staffs, they reflected the best values of the Senate. I believe that when Senator Mellow stood and said that the budget today reflects a different dimension based upon the surplus that we have is accurate. I do not believe that we should stand here today, and I have to say this with restraint, because over the last few weeks I have been described as a pit bull with regard to issues I believe passionately about and think are necessary for Pennsylvania, but I was persuaded by the comments made by Senator Mellow in caucus, the views of Senator LaValle, and the leadership of Senator Pileggi that we had to do things in a certain way that allowed us to move forward. To that end, I came here today to sit in my seat and vote for a budget without comment, but I am not going to sit on this floor and allow for us to take a moment of reflection in contrast to this Governor. His vision for Pennsylvania is the reason why we have not had tax increases in the last 4 years under his administration and allowed us to have this budget that we are going to brag about today.

I would hope that while we collectively shut our mouths and move forward in a bipartisan basis, we understand that those people who were furloughed did not care whether you were from the Senate or the House, whether you were a Democrat or a Republican, or whether your name was Ed Rendell. They felt that they were being held hostage by something we could agree to, and thank God, today we have agreed to something. I hopefully, prayerfully, and respectfully ask that we move through this lengthy day without back and forth bickering about whether it was the Governor's fault, our fault, or the fault of the House.

Frankly, we have something that I think all of us agree is productive, positive, and what Pennsylvanians want. With that in mind, Madam President, I hope that we would look toward the future and many more years of, as my dear friend, Senator Armstrong, described, balanced spending, and frankly, fruitful and effective spending, as our Governor envisions.

The PRESIDENT. The Chair recognizes the gentleman from Blair, Senator Eichelberger.

Senator EICHELBERGER. Madam President, I think that our Governor has an insatiable appetite, one that is shared by the

Democrats in the House, for unlimited spending on big government programs, and this appetite has compromised the future prosperity of Pennsylvania. This reckless disregard for the taxpayers of this State has made the burden of our government too great for many. Many young families leave to raise their children with the security of a good job in the booming economies of the south or the west. Many young professionals, including physicians, choose to succeed elsewhere rather than face the daily threat of lawsuit abuse in our legal climate, and many businesses decide to break the chains of crushing taxes and unreasonable regulations by moving to business-friendly sites beyond our boundaries. This budget, with \$1.4 billion of more spending than last year's approved budget, does not do enough to address the critical economic issues facing this Commonwealth. The dissection of existing spending plans is imperative. Major cuts, alternative programs, and privatized operations are all necessary components of a healthy, progressive budget for a new Pennsylvania. COLAs, new programs without sunset provisions, and noncompetitive funding for many special issues has created a bloated, unresponsive budget over the decades.

I want to commend the Republicans, the leadership team in particular, Senator Scarnati, Senator Pileggi, and Senator Armstrong, for their openness during this process and their accomplishments. They stood firm against the Governor's proposal of seven new or increased taxes. They withstood public pressure to create even more government-funded programs that most assuredly would grow faster than the rate of inflation, and they rallied many Pennsylvanians to encourage all of us in the legislature to stand up to the false promises made by our Governor. I applaud their efforts, and I look forward to diligently working with them on an even better budget next year.

We have seen much success in this year's budget when compared to the sins of the past. I have heard from most of my colleagues that the process is better. There is integrity with our team, and the final product is much better than we could have normally expected. I applaud their work.

However, Madam President, I must abide by the principles I have set for myself and not support a budget that does not meet the spending levels and progressive approach to changing Pennsylvania that is so desperately needed at this time in our history. I ask for God's blessing and guidance on this body as we face the challenges ahead.

Thank you, Madam President.

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

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

#### YEA-46

Armstrong	Fumo	O'Pake	Tartaglione
Baker	Gordner	Orie	Tomlinson
Boscola	Greenleaf	Piccola	Vance
Browne	Hughes	Pileggi	Washington
Brubaker	Kasunic	Pippy	White, Donald
Corman	Kitchen	Punt	White, Mary Jo
Costa	LaValle	Rafferty	Williams, Anthony H.
Dinniman	Logan	Regola	Williams, Constance

Earll	Madigan	Rhoades	Wonderling
Erickson	McIlhinney	Robbins	Wozniak
Ferlo	Mellow	Scarnati	
Fontana	Musto	Stout	

#### NAY-2

Eichelberger Folmer

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

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

#### 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 Republican caucus in the Majority Caucus Room to begin at 10:45 a.m.

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

Senator MELLOW. Madam President, there will also be a Democratic caucus.

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

#### AFTER RECESS

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

#### CONSIDERATION OF CALENDAR RESUMED

#### REPORT OF COMMITTEE OF CONFERENCE

#### REPORT ADOPTED

**HB 842 (Pr. No. 2347)** -- The Senate proceeded to consideration of the bill entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for background checks of prospective employees and conviction of employees for certain offenses, in school finances, for annual budget, in district and assistant superintendents, for eligibility, in professional employees, for qualifications and for transferred programs and classes, in certification of teachers, for program of continuing professional education; providing for continuing professional education for school or system leaders and for Pennsylvania school leadership standards; in pupils and attendance, further providing for school lunch and breakfast reimbursement; further providing for duties of Department of Education relating to school health services and for educational assistance program; in early learning programs, further providing for Head Start Supplemental Assistance Program; establishing the Pennsylvania Pre-K Counts Program; providing for distressed school districts and student attendance in other districts; in opportunities for educational excellence, for responsibilities of department and State Board of Education; in education empowerment provisions, providing for superintendent power to recommend dismissal; further providing for education empowerment districts and for boards of control for certain school districts; in community education councils, further providing for State funding; establishing the Pennsylvania Technical College Program; in educational improvement tax credit provisions, further providing for limitations; providing for funding for public libraries; in reimbursement by Commonwealth and be-

tween school districts, further providing for small district assistance; providing for basic education funding for 2006-2007 school year; further providing for payments on account of limited English proficiency programs, for payments to intermediate units, and for special education payments to school districts; providing for budget stabilization plan progress report; and further providing for payments on account of pupil transportation, for Commonwealth reimbursements for charter schools and cyber charter schools and for Pennsylvania accountability grants.

Senator PILEGGI. Madam President, I move that the Senate adopt the Report of the Committee of Conference on House Bill No. 842.

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

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

Senator COSTA. Madam President, I rise to offer remarks for the record.

The PRESIDENT. The remarks will be spread upon the record.

*(The following prepared remarks were made a part of the record at the request of the gentleman from Allegheny, Senator COSTA:)*

Madam President, there are many good, solid, and progressive items in the education bill that is before us now, items such as the new pre-K moneys, additional funds for accountability block grants, and a renewed focus on state-of-the-art classroom technology. However, there is one issue that I continue to struggle with concerning this measure, how the education program for the students at Duquesne High School is presented and addressed. Throughout the process that got us to this point, our primary focus was to ensure that all Duquesne students receive a quality education and to make sure that neighboring school districts are not adversely impacted.

A quality education program starts with strong community support built on a firm local foundation, and the belief that the changes that are made are for the best of all concerned. That is the strength of the approach we offered when we put our own plan together. Unfortunately, this reasonable approach was rejected in favor of a State-endorsed strong-arm approach that gives several communities the straight arm. The State-imposed plan gives too much power to the State Education Secretary in Harrisburg to make decisions that should be made locally.

Strong, effective, comprehensive education for all students must be grounded in the community. Without local support, too many students and schools will thrash around looking for an identity. That is why our plan was the most effective approach offered. We sought fairness, not hardship. Our belief was, and continues to be, that the lasting solution has to come from those impacted by the closure of the school, not the State. Yet, we are now saddled with a State-imposed plan that ignores unique local issues and problems. I am not sure that the State's approach is the correct one for Duquesne or the neighboring districts. Educators will lose their jobs, families will be in transition, and children will be confused, disoriented, and cast into difficult situations.

Education is not only about dollars and cents. Convenience should be a consideration, but not a priority. That is why we need to take a look at the big picture. Taking the easy way out of a jam does not always mean it is the right path. There are other paths, other options, other directions, and other solutions. It is about opportunity. All students, teachers, and administrators must come together to create a comfortable learning environment. Given the approach that the State has offered for Duquesne, I am concerned about the comfort level for Duquesne students as well as those in neighboring districts. The closure of Duquesne and the dissolution of its students into neighboring districts must be supported by the students, parents, administrators, and the State work-

ing together. That is why we created our own plan which had the support of all impacted parties except for the State's education bureaucracy.

There are many drawbacks to the approach to closing the Duquesne school that will reverberate for many years. Many of these narrowly drawn rules that arbitrarily move students and teachers around do not reflect what the community needs. While there are some good parts of the proposal as it affects Duquesne, the plan does not address the many problems and transitional difficulties that local input might have helped solve. That is why I will oppose this bill.

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

Senator LOGAN. Madam President, I am in a bad position. Senator Costa offered his remarks, but I am going to speak. Madam President, I will take the boos.

I rise to oppose House Bill No. 842. As you know, on June 5 of this year, the Duquesne School District, specifically Duquesne High School, was closed by the Board of Control upon recommendation from the Department of Education and the Secretary of Education.

Madam President, I have been fighting this problem for 7 years now. I think we can all come to an agreement that the Duquesne school situation needed a change, a drastic change. The students there were shortchanged in the curriculum they were offered. There are no advanced placement courses, music courses, yearbook clubs, school newspaper, National Honors Society, only one foreign language class, a few sports teams, and we can go on and on and on.

For a number of years, I have been saying there needs to be a change. However, on June 5 the high school was closed. On June 4 and June 6, we had no plan. We had no plan where to send the 200 kids who attended Duquesne High School. In this School Code bill there are some fantastic things when you are talking about tutoring programs, pre-K, the EITC program, the accountability block grant program, and we can go on and on. The negative vote that I am about to make is not reflective on those programs, but it is reflective on what has happened or not happened in relationship to the Duquesne school situation. We did not have a plan moving forward when Duquesne High School was closed. All the plans were not given enough consideration and all the options were not totally explored.

I need to vote "no" on this School Code bill because the School Code bill as proposed circumvents the current School Code. It gives the Secretary of Education and the Department of Education way too much power. It does not guarantee, at least to me, that siblings in that school district will not be split up among other school districts in the receiving district. It does not guarantee, at least to me, that the taxpayers in the receiving district or districts will not be burdened by taking some of the kids from Duquesne.

There is a lot of good in this School Code bill, as I said, and a lot of good as it relates to Duquesne High School. As some might be listening, this is a terrible precedent that we set here. It is very difficult to try to effect change in the Duquesne school system when the Department of Education, in my opinion, has already had this plan in mind and they were moving forward, and the local legislators, the taxpayers, and the school boards were not really given much consideration.

As we stand today, the receiving districts, or potentially eight of them, have not even been contacted by the Department of

Education, Madam President. We are 5 or 6 weeks away from when school starts and these kids in the Duquesne School District still do not know where they are going to attend school, and that is wrong, Madam President, that is absolutely wrong.

The West Mifflin School District administrators and school board came up with a wonderful alternative. It was not really examined by the Department of Education, all we heard was it is not good enough. Well, Madam President, the West Mifflin School Board then wrote to the Governor and the Secretary of the Department of Education saying, let us come to Harrisburg to talk about what is good and bad about the plan, and there was no response. Let us move forward with the plan that the Department of Education wants to implement. That is not good enough for the Duquesne students, and that is not good enough for the potential receiving districts.

Madam President, I ask for a negative vote on the School Code bill.

The PRESIDENT. Thank you, Senator Logan. We all share your concern. I am a Pittsburgh person, too, and hopefully within the next week or two, there will be a successful completion of that program. In the meantime, we are going to take a vote on this bill.

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

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

#### YEA-41

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

#### NAY-7

Costa	Folmer	Logan	Regola
Eichelberger	Gordner	Pippy	

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

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

#### BILL ON CONCURRENCE IN HOUSE AMENDMENTS AS AMENDED

SENATE CONCURS IN HOUSE AMENDMENTS  
AS AMENDED

**SB 97 (Pr. No. 1327)** -- 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, in sales and use tax, further providing for definitions, for exclusions, for assessment and for refund; in personal income tax, further providing for operational provisions and for assessment; in corporate net income tax, further providing for assessments; in bank and trust company shares tax, further providing for ascertainment of taxable amount and exclusion of United States obligations; in realty transfer tax, further providing for assessment and notice; providing for a film production tax credit and conferring powers and duties upon the Department of Community and Economic Development and providing for a resource enhancement and protection tax credit; in neighborhood assistance tax credit, further providing for definitions, for tax credit and for grant of tax credit and providing for pass-through entities; in malt beverage tax, further providing for departmental assessment; and providing for powder metallurgy parts.

On the question,

Will the Senate concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 97?

Senator PILEGGI. Madam President, I move that the Senate do concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 97.

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-45

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

#### NAY-3

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

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

#### THIRD CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED  
OVER IN ORDER TEMPORARILY

**HB 1590** -- Without objection, the bill was passed over in its order temporarily at the request of Senator PILEGGI.

PREFERRED APPROPRIATION BILL  
OVER IN ORDER

**SB 546** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**HB 1631 (Pr. No. 2345)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the Pennsylvania Gaming Economic Development and Tourism Fund Capital Budget for 2007; itemizing projects to be assisted by the Department of Community and Economic Development, together with their estimated financial costs; authorizing recurring payments for certain projects; and making appropriations.

On the question,

Will the Senate agree to the bill on third consideration?

Senator RHOADES offered the following amendment No. A3139:

Amend Sec. 3, page 42, line 1, by striking out all of said line and inserting:

(40) Luzerne County

(i) County projects

(A) Payments related to the construction and development of a cargo airport, including acquisition, infrastructure and other related costs . . . . . 495,000,000  
(Base Project Allocation - \$495,000,000)

Amend Sec. 4, page 44, by inserting between lines 28 and 29:

(9) The amount allocated to the project described in section 3(40)(i)(A) shall be paid in annual amounts, not to exceed \$16,500,000, for 30 years or the retirement of the debt issued for the project described in section 3(40)(i)(A), whichever is less. No amounts allocated to the project described in section 3(40)(i)(A) shall be paid or otherwise released until the following conditions have been met:

(i) The project has been approved by the Federal Aviation Administration and the Bureau of Aviation in the Pennsylvania Department of Transportation.

(ii) That the report submitted by the Legislative Budget and Finance Committee pursuant to Senate Resolution 144 of 2007 indicates that the project is feasible.

(iii) That no other funds derived by a political subdivision under 4 Pa.C.S. (relating to amusements) be utilized for the project.

(iv) No money allocated to the project described in section 3(40)(i)(A) shall be approved for release until the Department of Community and Economic Development certifies that funding for the project includes at least 50% in non-Commonwealth funds at the time of application.

Amend Sec. 4, page 44, line 29, by striking out "(9)" and inserting:  
(10)

On the question,

Will the Senate agree to the amendment?

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

Senator RHOADES. Madam President, this is the amendment which would reestablish the cargo airport at Hazleton, with payments for construction and development of the cargo airport, including acquisition, infrastructure, and other related costs of approximately \$495 million.

It also includes the exceptions that we built here in the Senate, that the project has to be approved by the Federal Aviation Administration, the Bureau of Aviation, and the Pennsylvania Department of Transportation. The report submitted by the Legislative Budget and Finance Committee pursuant to Senate Resolution No. 144 of 2007 indicates that the project is feasible, and that no other funds derived by a political subdivision under 4 Pa. C.S., relating to amusements, be utilized for the project, which means any money made through slots in Luzerne County cannot be used for this project, and no money allocated to the project described in section 3(40)(i)(A) shall be approved for release until the Department of Community and Economic Development certifies that funding for the project includes at least 50 percent in non-Commonwealth funds at the time of the application.

Madam President, I wrote a letter just to ask for support of it, and I would like to go through the letter from the standpoint of this project, what it would contain, and what it would be like. It is my intent to ask for your support for this amendment to House Bill No. 1631.

The Luzerne County Airport Facility, as it is currently called, is proposed to be located in a major section of my district. Approximately 10 years ago, a project like the present was proposed for the same location. A study was funded by the Federal government and undertaken by Luzerne County, but an application for permitting was never submitted to the FAA because of failure to secure local sponsorship.

A year ago, Gladstone Partners chose to pursue this facility and retained Leigh Fisher, a noted aviation consultant, to conduct a second study on the feasibility and impact of this proposed project. The results of this study reflect the opportunity to create 4,500 direct jobs, 161,000 indirect jobs, and infuse approximately \$17 billion into the economy of northeastern Pennsylvania.

The location of the proposed facility lies 80 miles west of New York City and is comprised of approximately 4,700 acres. The site is 4 miles south of the Interstate 80 and Interstate 81 intersection and is contiguous with Interstate 81. On the northern side of the project lies the State-funded business park built over the last 7 years. This business park is fully occupied and over 15 million square feet is under roof, including tenants of Fortune 500 companies. Norfolk Southern is on the northern boundary, and an extensive rail system is on the southern side of the project. The existing highway gives a potential user of this facility access to approximately 50 million people within a 5-hour drive.

This state-of-the-art facility will serve cargo and private aircraft traffic, and provide the best instrument landing system with a Category 3c capability, or zero visibility landing potential. Commercial passenger traffic will not be accepted and the region will continue to rely on the Wilkes-Barre-Scranton International Airport. The potential development and expansion of this project could create a freight and cargo aviation facility with one of the longest runways on the east coast of 13,000 feet. This facility will be capable of accommodating the largest aircraft flying from the furthest reaches of the globe without refueling. The development has an additional 23 million square feet of space with a value in excess of \$1.6 billion. This project has the potential to make the Commonwealth of Pennsylvania an international player in world global trading and economy.

Gladstone Partners paid for and submitted an application for airspace approval to the FAA for the project. Within 90 days, approval was granted by the FAA and the partnership has been given 18 months to show progress towards a permitted facility. Anything less than that would generally begin to put this project in jeopardy because time would be limited. In their grant, the FAA took into account the safety of persons and property, both on the ground and in the air, as a basis for awarding its approval. All remaining approvals for the airport development have been delegated to the Commonwealth for approval. Currently, the partnership is in negotiations with one of the world's largest banks and has started the pursuit of facility tenants. Let me add, I am not sure if they will now because of the action we have taken, but tomorrow they are to visit one of the facility tenants who would build a \$700 million structure. They were then going to talk to someone else who was talking about a half-billion dollar structure. The developers plan to generate half of the \$500 million project through private investors, and they are not looking for any funding or moneys from either Schuylkill or Luzerne Counties.

With this in mind, my amendment to the current legislation under consideration for the application of funding from gaming revenues includes this facility for partial funding along with the Pittsburgh and Philadelphia projects. For the project to receive this funding, the executive branch would have to approve the project and the project participants would have to match the allocation currently considered. The milestones already achieved in such a short period bode well, and concern is raised with the potential expiration of the FAA permit.

I want to add a couple other things to that, too. Here are two local papers to show that there is interest in our area. We have one, and this one says, "Counties agree to airport study plan." Luzerne, Schuylkill, Columbia and Carbon got together. This Schuylkill County paper says seven will represent Schuylkill, seven will represent Luzerne, one from Columbia, and one from Carbon, all studying the impact of this cargo airport.

Let me add to that that if you have not been contacted, I do not know why, because I will tell you that I think every organized union in the Commonwealth contacted me. One of the things the operating engineers have said is they can employ 600 operating engineers 24 hours a day, 7 days a week, for 2 years, to remove the 15 million cubic yards of dirt. That, to me, in any stretch of the imagination, is good. When you add the other unions to this and what they can do, this is a good work project for our area.

I also want to mention that in verification of what happens, if any of you had a chance to read yesterday's Times Leader, I believe that is out of Wilkes-Barre. I am not going to read the whole article but parts of it, and it says, "Texas airport delivered seeds for growth." It is out of Fort Worth, and it was done by Cathy Harasta, special to The Times Leader. *(Reading:)*

The cattle grazing in the 17,000-acre Alliance Texas development owe their picture-perfect setting to a vision that began with a cargo airport...

The development, responsible for 25,000 jobs, has so transcended a mere cargo airport that it markets itself as a lifestyle.

As a hub for more than 150 companies, the Alliance Texas development has meant a \$28.5 billion impact on North Texas' economy, according to Insight Research Corporation's analysis.

While municipalities, including Hazel Township in Northeastern Pennsylvania, scrutinize plans for a cargo airport, Alliance Airport enjoys status as a landmark that pioneered not only in aviation but also in the all-things-to-all people category.

Fort Worth Alliance Airport, which opened Dec. 14, 1989, has much to teach its proteges. It provides a blueprint for how to make an industrial airport the signature infrastructure of a grand design, according to its developer, Hillwood, a company engendered by Ross Perot Jr.'s North Texas land investment....

Fort Worth officials bought into a plan that apparently proved peerless and now accounts for one of every 14 jobs in the airport's primary county, Tarrant County....

Twenty-five years ago, most people thought we gave away the store to get Ross to come in, but it was just the other way around, said Bob Bole, the former Fort Worth mayor. It has spurred our metropolitan area and is one of the biggest things around....

No one quite envisioned the inland port, industrial hub and residential paradise that the airport would instigate....

Private investment funds 94.75 percent of the project, which is less than 40 percent built out. Its popularity is such that 26 million square feet have been developed in the more than 65 square-mile area....

The project capitalized on its location on Interstate 35W, which connects Canada and Mexico. The central United States site attracted JC Penney, Motorola, FedEx and other companies eager for distribution centers at a transit hub. One company based in Alliance Texas features a private water supply and two redundant power sources to protect its clients' information in the case of a national emergency.

Let me add this, there are two mine sites on there that drain mine water. They are going to treat this and be able to use it within the companies. *(Reading:)*

**A renewed area.** Fort Worth Alliance Airport, with a runway expansion in progress, handled a record 250,479 metric tons of cargo in 2006. Private planes use the airport, which serves no commercial travelers....

From 1990-2005, Alliance Texas generated \$87,681,964 in property tax revenue for Fort Worth, according to Tarrant Appraisal District and the Denton Appraisal District tax rolls....

You can't overplay the political guts that it took to invest in the infrastructure necessary, said Bill Thornton, the Fort Worth Chamber of Commerce president. Those were tough, tough times. Fort Worth was in the collapse of the oil and gas industry, the collapse of the banking industry, and the real estate industry. The cutback in the defense industry was significant.

Those tax revenues are being generated for the city, he said. Bob Bole's vision and the strategic annexation of the land 17 miles from the urban core have made for a healthier city. We have been one of the hottest markets in the past five or six years....

This is so much more than an industrial development, Thornton said. This would be truly hard to replicate in its magnitude. It's obviously one of a kind, and what a delightful story it is.

Based on that story, based on that design, and based on that potential, I ask for a positive vote on the amendment.

Thank you, Madam President.

And the question recurring,

Will the Senate agree to the amendment?

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

YEA-4

McIlhinney

Piccola

Pileggi

Rhoades

## NAY-44

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

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

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

## YEA-31

Armstrong	Fumo	Mellow	Tartaglione
Corman	Greenleaf	Musto	Tomlinson
Costa	Hughes	Orie	Washington
Dinniman	Kasunic	Pileggi	White, Donald
Earll	Kitchen	Pippy	Williams, Anthony H.
Erickson	LaValle	Rafferty	Williams, Constance
Ferlo	Logan	Scarnati	Wozniak
Fontana	McIlhinney	Stout	

## NAY-17

Baker	Folmer	Punt	White, Mary Jo
Boscola	Gordner	Regola	Wonderling
Browne	Madigan	Rhoades	
Brubaker	O'Pake	Robbins	
Eichelberger	Piccola	Vance	

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

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

## HOUSE MESSAGES

## SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 413, SB 466, SB 548, SB 929, SB 930, SB 934, SB 947, SB 953, SB 954, SB 955, SB 956, SB 957, SB 958, and SB 959**, 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, the bills will be referred to the Committee on Rules and Executive Nominations.

## 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 Committee on Rules and Executive Nominations to be held in the Rules room immediately.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room immediately, without objection, the Senate stands in recess.

## AFTER RECESS

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

## BILLS REPORTED FROM COMMITTEE

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

**SB 548 (Pr. No. 1299)** (Rereported) (*Concurrence*)

An Act amending the act of May 17, 1921 (P.L.682, No.284), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," providing for scope of article, for the definition of "long-term care insurance," for the Long-Term Care Partnership Program, for authority to promulgate regulations, for marketing and advertising prohibited and for penalties; and further providing for coverage and limitations.

**SB 929 (Pr. No. 1312)** (Rereported) (*Concurrence*)

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

**SB 930 (Pr. No. 1313)** (Rereported) (*Concurrence*)

A Supplement to the act of July 28, 1966 (3rd Sp.Sess., P.L.87, No.3), known as the University of Pittsburgh—Commonwealth Act, making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure.

**SB 934 (Pr. No. 1314)** (Rereported) (*Concurrence*)

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

**SB 947 (Pr. No. 1315) (Rereported) (Concurrence)**

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

**SB 953 (Pr. No. 1316) (Rereported) (Concurrence)**

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

**SB 954 (Pr. No. 1317) (Rereported) (Concurrence)**

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

**SB 955 (Pr. No. 1318) (Rereported) (Concurrence)**

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

**SB 956 (Pr. No. 1319) (Rereported) (Concurrence)**

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

**SB 957 (Pr. No. 1320) (Rereported) (Concurrence)**

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

**SB 958 (Pr. No. 1321) (Rereported) (Concurrence)**

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

**SB 959 (Pr. No. 1322) (Rereported) (Concurrence)**

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

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

**NONPREFERRED APPROPRIATIONS BILLS ON  
CONCURRENCE IN HOUSE AMENDMENTS**

**SENATE CONCURS IN HOUSE AMENDMENTS**

**SB 929 (Pr. No. 1312) --** The Senate proceeded to consideration of the bill, entitled:

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

On the question,  
Will the Senate concur in the amendments made by the House to Senate Bill No. 929?

Senator PILEGGI. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 929.

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-46**

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

**NAY-2**

Eichelberger      Folmer

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

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

**SENATE CONCURS IN HOUSE AMENDMENTS**

**SB 930 (Pr. No. 1313) --** The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of July 28, 1966 (3rd Sp.Sess., P.L.87, No.3), known as the University of Pittsburgh—Commonwealth Act, making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure.

On the question,  
Will the Senate concur in the amendments made by the House to Senate Bill No. 930?

Senator PILEGGI. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 930.

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-46**

Armstrong	Fumo	O'Pake	Tartaglione
Baker	Gordner	Orie	Tomlinson
Boscola	Greenleaf	Piccola	Vance
Browne	Hughes	Pileggi	Washington

Brubaker	Kasunic	Pippy	White, Donald
Corman	Kitchen	Punt	White, Mary Jo
Costa	LaValle	Rafferty	Williams, Anthony H.
Dinniman	Logan	Regola	Williams, Constance
Earll	Madigan	Rhoades	Wonderling
Erickson	McIlhinney	Robbins	Wozniak
Ferlo	Mellow	Scarnati	
Fontana	Musto	Stout	

## NAY-2

Eichelberger Folmer

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

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

## SENATE CONCURS IN HOUSE AMENDMENTS

**SB 934 (Pr. No. 1314)** -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 934?

Senator PILEGGI. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 934.

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-46

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

## NAY-2

Eichelberger Folmer

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

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

## SENATE CONCURS IN HOUSE AMENDMENTS

**SB 947 (Pr. No. 1315)** -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 947?

Senator PILEGGI. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 947.

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-46

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

## NAY-2

Eichelberger Folmer

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

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

## SENATE CONCURS IN HOUSE AMENDMENTS

**SB 953 (Pr. No. 1316)** -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 953?

Senator PILEGGI. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 953.

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

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

Senator WOZNIAK. Madam President, I would like to be recorded in the negative for Senate Bill No. 953 through Senate Bill No. 959, inclusive.

Thank you.

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

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

#### YEA-40

Armstrong	Fumo	Musto	Robbins
Baker	Greenleaf	O'Pake	Scarnati
Browne	Hughes	Orie	Stout
Brubaker	Kasunic	Piccola	Tartaglione
Costa	Kitchen	Pileggi	Tomlinson
Dinniman	LaValle	Pippy	Vance
Earll	Logan	Punt	Washington
Erickson	Madigan	Rafferty	Williams, Anthony H.
Ferlo	McIlhinney	Regola	Williams, Constance
Fontana	Mellow	Rhoades	Wonderling

#### NAY-8

Boscola	Eichelberger	Gordner	White, Mary Jo
Corman	Folmer	White, Donald	Wozniak

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

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

#### SENATE CONCURS IN HOUSE AMENDMENTS

**SB 954 (Pr. No. 1317)** -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,  
Will the Senate concur in the amendments made by the House to Senate Bill No. 954?

Senator PILEGGI. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 954.

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-40

Armstrong	Fumo	Musto	Robbins
Baker	Greenleaf	O'Pake	Scarnati
Browne	Hughes	Orie	Stout
Brubaker	Kasunic	Piccola	Tartaglione
Costa	Kitchen	Pileggi	Tomlinson
Dinniman	LaValle	Pippy	Vance
Earll	Logan	Punt	Washington
Erickson	Madigan	Rafferty	Williams, Anthony H.
Ferlo	McIlhinney	Regola	Williams, Constance
Fontana	Mellow	Rhoades	Wonderling

#### NAY-8

Boscola	Eichelberger	Gordner	White, Mary Jo
Corman	Folmer	White, Donald	Wozniak

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

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

#### SENATE CONCURS IN HOUSE AMENDMENTS

**SB 955 (Pr. No. 1318)** -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,  
Will the Senate concur in the amendments made by the House to Senate Bill No. 955?

Senator PILEGGI. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 955.

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-40

Armstrong	Fumo	Musto	Robbins
Baker	Greenleaf	O'Pake	Scarnati
Browne	Hughes	Orie	Stout
Brubaker	Kasunic	Piccola	Tartaglione
Costa	Kitchen	Pileggi	Tomlinson
Dinniman	LaValle	Pippy	Vance
Earll	Logan	Punt	Washington
Erickson	Madigan	Rafferty	Williams, Anthony H.
Ferlo	McIlhinney	Regola	Williams, Constance
Fontana	Mellow	Rhoades	Wonderling

#### NAY-8

Boscola	Eichelberger	Gordner	White, Mary Jo
Corman	Folmer	White, Donald	Wozniak

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

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

#### SENATE CONCURS IN HOUSE AMENDMENTS

**SB 956 (Pr. No. 1319)** -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 956?

Senator PILEGGI. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 956.

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-40

Armstrong	Fumo	Musto	Robbins
Baker	Greenleaf	O'Pake	Scarnati
Browne	Hughes	Orie	Stout
Brubaker	Kasunic	Piccola	Tartaglione
Costa	Kitchen	Pileggi	Tomlinson
Dinniman	LaValle	Pippy	Vance
Earll	Logan	Punt	Washington
Erickson	Madigan	Rafferty	Williams, Anthony H.
Ferlo	McIlhinney	Regola	Williams, Constance
Fontana	Mellow	Rhoades	Wonderling

#### NAY-8

Boscola	Eichelberger	Gordner	White, Mary Jo
Corman	Folmer	White, Donald	Wozniak

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

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

#### SENATE CONCURS IN HOUSE AMENDMENTS

**SB 957 (Pr. No. 1320)** -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 957?

Senator PILEGGI. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 957.

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-40

Armstrong	Fumo	Musto	Robbins
Baker	Greenleaf	O'Pake	Scarnati
Browne	Hughes	Orie	Stout
Brubaker	Kasunic	Piccola	Tartaglione
Costa	Kitchen	Pileggi	Tomlinson
Dinniman	LaValle	Pippy	Vance
Earll	Logan	Punt	Washington
Erickson	Madigan	Rafferty	Williams, Anthony H.
Ferlo	McIlhinney	Regola	Williams, Constance
Fontana	Mellow	Rhoades	Wonderling

#### NAY-8

Boscola	Eichelberger	Gordner	White, Mary Jo
Corman	Folmer	White, Donald	Wozniak

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

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

#### SENATE CONCURS IN HOUSE AMENDMENTS

**SB 958 (Pr. No. 1321)** -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 958?

Senator PILEGGI. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 958.

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-40

Armstrong	Fumo	Musto	Robbins
Baker	Greenleaf	O'Pake	Scarnati
Browne	Hughes	Orie	Stout
Brubaker	Kasunic	Piccola	Tartaglione
Costa	Kitchen	Pileggi	Tomlinson

Dinniman	LaValle	Pippy	Vance
Earll	Logan	Punt	Washington
Erickson	Madigan	Rafferty	Williams, Anthony H.
Ferlo	McIlhinney	Regola	Williams, Constance
Fontana	Mellow	Rhoades	Wonderling

## NAY-8

Boscola	Eichelberger	Gordner	White, Mary Jo
Corman	Folmer	White, Donald	Wozniak

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

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

## SENATE CONCURS IN HOUSE AMENDMENTS

**SB 959 (Pr. No. 1322)** -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 959?

Senator PILEGGI. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 959.

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-40

Armstrong	Fumo	Musto	Robbins
Baker	Greenleaf	O'Pake	Scarnati
Browne	Hughes	Orie	Stout
Brubaker	Kasunic	Piccola	Tartaglione
Costa	Kitchen	Pileggi	Tomlinson
Dinniman	LaValle	Pippy	Vance
Earll	Logan	Punt	Washington
Erickson	Madigan	Rafferty	Williams, Anthony H.
Ferlo	McIlhinney	Regola	Williams, Constance
Fontana	Mellow	Rhoades	Wonderling

## NAY-8

Boscola	Eichelberger	Gordner	White, Mary Jo
Corman	Folmer	White, Donald	Wozniak

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

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

## SENATE CONCURS IN HOUSE AMENDMENTS

**SB 548 (Pr. No. 1299)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," providing for scope of article, for the definition of "long-term care insurance," for the Long-Term Care Partnership Program, for authority to promulgate regulations, for marketing and advertising prohibited and for penalties; and further providing for coverage and limitations.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 548?

Senator PILEGGI. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 548.

On the question,

Will the Senate agree to the motion?

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

Senator CORMAN. Madam President, I have about 45 minutes' worth of remarks, which I will follow the lead of my friend from Allegheny County and submit for the record. But before I do that, this is a very important bill on long-term care and I want to thank Senator Don White, Chairman of the Committee on Banking and Insurance, for his assistance in championing this bill, and Senator Stack, who is not here, for his cooperation as well.

Thank you, Madam President.

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

*(The following prepared remarks were made a part of the record at the request of the gentleman from Centre, Senator CORMAN:)*

Madam President, Senate Bill No. 548 will provide a strong financial incentive for consumers to invest in long-term care insurance and reduce financial costs to taxpayers.

It would also create the Long-Term Care (LTC) Partnership Program, which would provide a financial incentive for individuals to buy LTC insurance, and orders the Pennsylvania Department of Public Welfare to file Pennsylvania's State plan for LTC insurance with the Federal centers for Medicare and Medicaid services 30 days after this act becomes law, by mid to late October. This measure is intended to give people the opportunity to protect their personal assets by buying the insurance.

Under the current system, health care consumers are required to spend down their assets before taxpayer-funded Medicaid steps in to cover the expenses associated with long-term care. As a result, many individuals and families spend all of their assets well before they go into long-term care, and then taxpayers are forced to pick up the costs, which can be significant.

Under the LTC Partnership Program, individuals would be allowed to retain an amount equal to the amount of long-term care insurance they hold. Therefore, a person who has a \$100,000 policy would be entitled to keep \$100,000 in assets when Medicaid steps in. That means Medicaid would realize savings of \$100,000, based on the amount paid by the policy, and the individual would be able to keep \$100,000.

This is a commonsense bill that will help to lower health care costs and protect consumers in cases where long-term care is needed. Long-

term care is the largest single line item in the public welfare budget, and we must look at all alternatives to reduce the growth of this taxpayer-funded program.

Thank you, Madam President.

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

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

#### YEA-48

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

#### NAY-0

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

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

### RECESS

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

Senator PILEGGI. Madam President, I request a recess of the Senate to the call of the President pro tempore. I do not believe we will reconvene before 4:30 p.m. today.

The PRESIDENT. Without objection, the Senate stands in recess to the call of the President pro tempore.

### AFTER RECESS

**The PRESIDENT pro tempore (Joseph B. Scarnati III) in the Chair.**

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

### SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet in the Rules room to consider Senate Bill No. 413 and House Bill No. 1295.

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

### COMMUNICATIONS FROM THE GOVERNOR

#### NOMINATIONS REFERRED TO COMMITTEE

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

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

#### MEMBER OF THE COMMONWEALTH OF PENNSYLVANIA COUNCIL ON THE ARTS

July 16, 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, B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, for appointment as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 2010, and until his successor is appointed and qualified, vice Adrienne Snelling, Fogelsville, resigned.

EDWARD G. RENDELL  
Governor

#### MEMBER OF THE STATE CIVIL SERVICE COMMISSION

July 16, 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, The Honorable Frank J. Pistella, 359-A South Evaline Street, Pittsburgh 15224, Allegheny County, Thirty-eighth Senatorial District, for appointment as a member of the State Civil Service Commission, to serve until April 9, 2012, or until his successor is appointed and qualified, vice Katherine Holtzinger Conner, Mechanicsburg, whose term expired.

EDWARD G. RENDELL  
Governor

#### MEMBER OF THE COUNCIL OF TRUSTEES OF CLARION UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

July 16, 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, B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, for appointment as a member of the Council of Trustees of Clarion 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, vice Richard Kooman, II, Shippensburg, deceased.

EDWARD G. RENDELL  
Governor

#### MEMBER OF THE PENNSYLVANIA DRUG, DEVICE AND COSMETIC BOARD

July 16, 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, Stephanie Moore, R.R. 2, Box 397, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, for appointment as a member of the Pennsylvania Drug, Device and Cosmetic Board, 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 Gayle Cotchen, Gibsonia, resigned.

EDWARD G. RENDELL  
Governor

MEMBER OF THE BOARD  
OF TRUSTEES OF HAMBURG CENTER

July 16, 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, Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the Board of Trustees of Hamburg Center, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified, vice John Bastek, Reading, resigned.

EDWARD G. RENDELL  
Governor

MEMBER OF THE COUNCIL OF TRUSTEES  
OF KUTZTOWN UNIVERSITY OF PENNSYLVANIA  
OF THE STATE SYSTEM OF HIGHER EDUCATION

July 16, 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, Stephanie Moore, R.R. 2, Box 397, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, for appointment as a member of the Council of Trustees of Kutztown 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 James Schwoyer, Kutztown, deceased.

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE BOARD OF EXAMINERS  
OF NURSING HOME ADMINISTRATORS

July 16, 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, 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 Examiners of Nursing Home Administrators, 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 I. William Goldfarb, Pittsburgh, whose term expired.

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE BOARD  
OF OSTEOPATHIC MEDICINE

July 16, 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, Nina Tinari, (Public Member), 6401 Church Road, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, for appointment as a member of the State Board of Osteopathic Medicine, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Warren Moser, Downingtown, whose term expired.

EDWARD G. RENDELL  
Governor

MEMBER OF THE BOARD OF TRUSTEES  
OF POLK CENTER

July 16, 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, Nina Tinari, 6401 Church Road, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, for appointment as a member of the Board of Trustees of Polk Center, to serve until the third Tuesday of January 2011, and until her successor is appointed and qualified, vice Robert L. Murray, Oil City, resigned.

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE BOARD OF VEHICLE  
MANUFACTURERS, DEALERS AND SALESPERSONS

July 16, 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, Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Sharon E. Guise, Dover, whose term expired.

EDWARD G. RENDELL  
Governor

MEMBER OF THE BLAIR COUNTY  
BOARD OF ASSISTANCE

July 16, 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, Nina Tinari, 6401 Church Road, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, for appointment as a member of the Blair County Board of Assistance, to serve until December 31, 2009, and until her successor is appointed and qualified, vice Reverend Jack D. Moyer, Altoona, resigned.

EDWARD G. RENDELL  
Governor

MEMBER OF THE CLINTON COUNTY  
BOARD OF ASSISTANCE

July 16, 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, Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the Clinton County Board of Assistance, to serve until December 31, 2008, and until his successor is appointed and qualified, vice Kenneth Boyce, Lock Haven, deceased.

EDWARD G. RENDELL  
Governor

MEMBER OF THE FOREST COUNTY  
BOARD OF ASSISTANCE

July 16, 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, Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the Forest County Board of Assistance, to serve until December 31, 2009, and until his successor is appointed and qualified, vice Phyllis C. Skinner, Pleasantville, resigned.

EDWARD G. RENDELL  
Governor

MEMBER OF THE LAWRENCE COUNTY  
BOARD OF ASSISTANCE

July 16, 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, Stephanie Moore, R.R. 2 Box 397, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, for appointment as a member of the Lawrence County Board of Assistance, to serve until December 31, 2009, and until her successor is appointed and qualified, vice Robert Session, New Castle, deceased.

EDWARD G. RENDELL  
Governor

MEMBER OF THE LUZERNE COUNTY  
BOARD OF ASSISTANCE

July 16, 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, B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, for appointment as a member of the Luzerne County Board of Assis-

tance, to serve until December 31, 2007, and until his successor is appointed and qualified, vice Joseph Salvo, Shavertown, deceased.

EDWARD G. RENDELL  
Governor

MEMBER OF THE WASHINGTON COUNTY  
BOARD OF ASSISTANCE

July 16, 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, Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as a member of the Washington County Board of Assistance, to serve until December 31, 2008, and until her successor is appointed and qualified, vice Arthur M. Wilson, Amity, resigned.

EDWARD G. RENDELL  
Governor

MAGISTERIAL DISTRICT JUDGE

July 16, 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, B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, for appointment as Magisterial District Judge, in and for the County of Northampton, Magisterial District 03-2-08, to serve until the first Monday of January 2008, vice Elmo Frey, Jr., resigned.

EDWARD G. RENDELL  
Governor

MAGISTERIAL DISTRICT JUDGE

July 16, 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, Nina Tinari, 6401 Church Road, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, for appointment as Magisterial District Judge, in and for the County of Allegheny, Magisterial District 05-2-16, to serve until the first Monday of January 2008, vice Mary Grace Boyle, resigned.

EDWARD G. RENDELL  
Governor

RECALL COMMUNICATION  
LAID ON THE TABLE

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 laid on the table:

MEMBER OF THE STATE  
CIVIL SERVICE COMMISSION

July 16, 2007

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 11, 2007, for the appointment of The Honorable Frank J. Pistella, 359-A South Evaline Street, Pittsburgh 15224, Allegheny County, Thirty-eighth Senatorial District, as a member of the State Civil Service Commission, to serve until April 9, 2012, or until his successor is appointed and qualified, vice Katherine Holtzinger Conner, Mechanicsburg, whose term expired.

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

EDWARD G. RENDELL  
Governor

### HOUSE MESSAGES

#### SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 246**, 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.

#### HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE AMENDMENTS TO SENATE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to House amendments to **SB 116** and **SB 623**.

#### HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 1203**, **HB 1287** and **HB 1530**.

#### HOUSE CONCURS IN SENATE BILLS

The Clerk of the House of Representatives returned to the Senate **SB 455**, **SB 931**, **SB 932**, **SB 933**, **SB 935**, **SB 936**, **SB 937**, **SB 938**, **SB 939**, **SB 940**, **SB 941**, **SB 942**, **SB 943**, **SB 944**, **SB 945**, **SB 946**, **SB 948**, **SB 950**, **SB 951** and **SB 952**, with the information the House has passed the same without amendments.

#### 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:

July 16, 2007

**HB 1330** -- Committee on Local Government.

**HB 1423** -- Committee on Consumer Protection and Professional Licensure.

### BILLS SIGNED

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

**SB 116**, **SB 455**, **SB 548**, **SB 623**, **SB 929**, **SB 930**, **SB 931**, **SB 932**, **SB 933**, **SB 934**, **SB 935**, **SB 936**, **SB 937**, **SB 938**, **SB 939**, **SB 940**, **SB 941**, **SB 942**, **SB 943**, **SB 944**, **SB 945**, **SB 946**, **SB 947**, **SB 948**, **SB 950**, **SB 951**, **SB 952**, **SB 953**, **SB 954**, **SB 955**, **SB 956**, **SB 957**, **SB 958**, **SB 959**, **HB 1203**, **HB 1287** and **HB 1530**.

### BILLS REPORTED FROM COMMITTEE

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

**SB 246 (Pr. No. 1326)** (Rereported) (*Concurrence*)

An Act establishing the Smoke Free Pennsylvania Act; prohibiting smoking in enclosed and substantially enclosed areas; imposing duties upon the Department of Health; imposing penalties; and making a related repeal.

**SB 413 (Pr. No. 1276)** (Rereported) (*Concurrence*)

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing for assessment of signs and sign structures; and making related repeals.

**SB 466 (Pr. No. 1329)** (Rereported) (*Concurrence*)

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, for changes in the Uniform Construction Code and for exemptions.

### SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 3

#### SENATE CONCURS IN HOUSE AMENDMENTS

**SB 413 (Pr. No. 1276)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing for assessment of signs and sign structures; and making related repeals.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 413?

Senator PILEGGI. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 413.

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

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

Senator FUMO. Madam President, I ask for an affirmative vote from our Caucus as well.

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

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

#### YEA-46

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

#### NAY-2

Earll                      White, Mary Jo

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

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

#### SENATE CONCURS IN HOUSE AMENDMENTS

**SB 466 (Pr. No. 1329)** -- 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, for changes in the Uniform Construction Code and for exemptions.

On the question,  
Will the Senate concur in the amendments made by the House to Senate Bill No. 466?

Senator PILEGGI. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 466.

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

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

Senator FUMO. Madam President, I ask for an affirmative vote from our Caucus as well.

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

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

#### YEA-48

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

#### NAY-0

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

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

#### LEGISLATIVE LEAVE

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

Senator PILEGGI. Madam President, I request a legislative leave for Senator Rhoades.

The PRESIDENT. Senator Pileggi requests a legislative leave for Senator Rhoades. Without objection, the leave will be granted.

#### SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 2

#### SENATE NONCONCURS IN HOUSE AMENDMENTS

**SB 246 (Pr. No. 1326)** -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Smoke Free Pennsylvania Act; prohibiting smoking in enclosed and substantially enclosed areas; imposing duties upon the Department of Health; imposing penalties; and making a related repeal.

On the question,  
Will the Senate concur in the amendments made by the House to Senate Bill No. 246?

Senator PILEGGI. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 246.

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

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

Senator PILEGGI. Madam President, I voted for Senate Bill No. 246 when it passed the Senate in June, but today I am asking for a negative vote on this motion to concur for three significant reasons.

First, the House amendments establish a remarkably different enforcement process than that established by the Senate. As passed by the House, the enforcement provisions could cost our county governments a significant amount of money.

Second, the House amendments allow for local governments to enact a more restrictive set of ordinances. This is a major policy decision, whether or not State law should be a single, even, uniform standard across the State, or whether every municipality in the State should be able to establish their own set of standards.

Third, the House amendments actually expand the exemption for private clubs. The Senate version did not allow an exemption if a private club would host a public event. The House amendment eliminates that restriction.

It is important that the Members and the public know that this is not an attempt to derail this bill. It is only an attempt to work out the differences between the Senate and the House, which are significant. For these reasons, Madam President, I ask for a negative vote on the motion to concur in House amendments to Senate Bill No. 246.

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

Senator FUMO. Madam President, I join my colleague from Delaware County and ask that our Caucus vote in the negative as well.

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

Senator COSTA. Madam President, I rise to join my colleagues, Senator Fumo from Philadelphia County, and Majority Leader Pileggi, in echoing the comments they have made with respect to the desire to move this piece of legislation, Senate Bill No. 246.

Madam President, I also supported the legislation, and in fact, I even offered amendments that would have allowed for even further exemptions that would ultimately pass. At the end of the day, what we have seen is that there has been 4 or 5 days of discussion in the House relative to this particular piece of legislation.

My hope is that it will move quickly to a conference committee, where we will be able to reconcile the differences as explained by Senator Pileggi. My hope is that this action will assure that we will conclude this process with respect to this smoking ban, so I, too, rise to ask for a nonconurrence for the reasons stated.

Thank you, Madam President.

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

Senator GREENLEAF. Madam President, I request that we concur in the House amendments, for a number of reasons.

First of all, if we nonconcur today, we are not going to deal with this bill for months, and it goes a long way to try to kill this bill and the provisions of it. The committee of conference report, and we do not know when that will happen, is certainly not going to happen this summer, but maybe it will happen in the fall. We have no idea what form it will be in, so I ask that you concede and confirm and concur in the House amendments.

They improved our bill. We passed the bill in the Senate and sent it over to the House. We watched much of their debate, and it was refreshing to see that the Members of the House talked about those issues, and so many of the rank-and-file Members spoke. There was much debate and they overwhelmingly chose to have more restrictive, healthy, worker-friendly legislation than we passed.

However, it still has exceptions that those people who feel there should be some exceptions could accept. For example, it prohibits smoking in restaurants and prohibits, as our original bill did, smoking in bars. It would allow smoking in private clubs, and it does say private clubs, and there is a provision in the definition that it would have to be a nonprofit, have to be of a mutual benefit entertainment and fellowship, and it has to have been in existence continuously for at least 10 years. That provision of being there for 10 years is obviously an effort to make sure that it is a legitimate private club, and that not all of a sudden every bar and tavern would become a private club.

It also allows smoking in tobacco wholesalers and distributors. It allows smoking in specialty tobacco retail establishments and in cigar bars, and it does have a provision that many Members wanted, which was a cigar bar exception. It has a 75-percent requirement that more cigars have to be sold than liquor, and that provision was there to make sure that it was a legitimate cigar bar. So I would put on the record that if you have had an establishment before this legislation was passed and you can show that your purpose of it is to establish the use of tobacco products, and that is the main thrust, and yes, there is drinking at the same time, then I would think that bar should and would qualify. Certainly, it would be my intent, and I am sure of others, to not shut down any legitimate cigar bar.

It also prohibits smoking in a licensed gaming establishment, which it should have. When we passed the bill in the Senate, I voted against the provision, but voted for the bill just to send it to the House for additional consideration. There is no need for exempting gaming establishments.

In addition, the House bill allows smoking in private residences, which the original Senate bill did as well. The nursing home provision, which Federal law provides, and lodging establishments prohibit it in at least 75 percent of smoking quarters, in other words, 25 percent. The House bill also prohibits smoking at nonprofit fundraisers. It allows smoking at tobacco festivals, and it provides civil penalties, because we are not out to punish people in regard to putting them in jail or provide any criminal penalties against them. What we are trying to do, and I think once this legislation is finally passed, is have conformance. We will not have to be out there hitting people over the head with fines or penalties. That will not be the case.

Finally, I think the argument that we should nonconcur because of enforcement costs is not right and is not accurate. Whatever fines that are collected will be used to pay for those costs,

and the little amount that it will cost for the county enforcement agencies is well worth the health cost and the benefits. Remember, according to the American Actuarial Society, we are paying \$10 billion a year in health care costs because of secondary smoke.

In regard to preemption, if you are going to gut the bill, then you should not have preemption. You could not have a weak State bill, as we are trying to do tonight, and then have preemption on top of it and say that no local township can pass an ordinance, or that the city of Philadelphia or the city of Pittsburgh cannot pass stronger legislation. You cannot have it both ways. If you have it both ways, then you are really passing a watered-down bill, so I urge the Senate to concur in the amendments the House put in this bill.

Thank you.

#### LEAVE CANCELLED

The PRESIDENT. Senator Waugh has returned, and his personal leave is cancelled.

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

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

#### YEA-13

Armstrong	Greenleaf	Pippy	Wonderling
Baker	Madigan	Rafferty	
Brubaker	Orie	Rhoades	
Corman	Piccola	Vance	

#### NAY-36

Boscola	Fontana	Mellow	Tartaglione
Browne	Fumo	Musto	Tomlinson
Costa	Gordner	O'Pake	Washington
Dinniman	Hughes	Pileggi	Waugh
Earl	Kasunic	Punt	White, Donald
Eichelberger	Kitchen	Regola	White, Mary Jo
Erickson	LaValle	Robbins	Williams, Anthony H.
Ferlo	Logan	Scarnati	Williams, Constance
Folmer	McIlhinney	Stout	Wozniak

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

The PRESIDENT. The amendments are nonconcurrent in.

#### COMMITTEE OF CONFERENCE APPOINTED ON SB 246

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

Senator PILEGGI. Madam President, I move that the Senate authorize the appointment of a committee of conference on Senate Bill No. 246.

The PRESIDENT. It has been moved by Senator Pileggi that the Senate authorize the appointment of a Committee of Conference on Senate Bill No. 246.

On the question,

Will the Senate agree to the motion?

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

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

#### PERMISSION TO ADDRESS

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

Senator TARTAGLIONE. Madam President, today, when House Bill No. 1286 was passed in the Senate, we had many people to thank for the hard work that led to the passage of this important legislation. I believe we would be remiss if we did not also thank all those individuals who put in long hours and dedicated work behind the scenes that also contributed to the passage of our State's budget.

Madam President, I would like to thank the Chair and her staff for their efforts. I would also like to acknowledge the work of Mark Corrigan and his staff, the folks in the Legislative Reference Bureau, our wonderful Chamber staff, the Pages who have sat with us here in this Chamber, our dedicated security staff, and the staffs of all our Senators who also put in long hours and sacrificed weekends with their families to help pass this budget.

Madam President, passage of the State budget was a total team effort, and all these folks deserve our appreciation for their effort.

Thank you, Madam President.

The PRESIDENT. Thank you, Senator Tartaglione.

(Applause.)

#### MOTION PURSUANT TO SENATE RULE XII

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

Senator PILEGGI. Madam President, as Senate Rule XII.8(d) states, "The Senate shall not adjourn later than 11:00 p.m. each session day unless the Senate adopts a motion that sets forth the need to adjourn later than 11:00 p.m." Therefore, I would like to be clear that the motion that I am about to make is not a motion to suspend the rule, but rather a motion to operate within the rule.

Madam President, in accordance with Senate Rule XII.8(d), I move that the Senate continue in Session past 11 p.m. this evening because it is necessary to complete timely action on two bills. It is now approximately 10:55 p.m., and the two bills are House Bill No. 1295, the Budget Implementation Act, and House Bill No. 1590, which deals with funding for roads, bridges, and mass transit.

The PRESIDENT. Senator Pileggi moves that the Senate continue in Session past 11 p.m. to operate within the rules and permit this operation to consider House Bill No. 1295 and House Bill No. 1590.

On the question,

Will the Senate agree to the motion?

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

Senator FUMO. Madam President, I second that motion, and ask our Members to vote in the affirmative.

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

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

#### YEA-48

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

#### NAY-1

Brubaker

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

The PRESIDENT. The Senate will continue in Session.

### COMMUNICATION FROM THE GOVERNOR TAKEN FROM THE TABLE

Senator ROBBINS, called from the table a certain communication from His Excellency, the Governor of the Commonwealth, recalling the following nomination, which was read by the Clerk as follows:

#### MEMBER OF THE STATE CIVIL SERVICE COMMISSION

July 16, 2007

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 11, 2007, for the appointment of The Honorable Frank J. Pistella, 359-A South Evaline Street, Pittsburgh 15224, Allegheny County, Thirty-eighth Senatorial District, as a member of the State Civil Service Commission, to serve until April 9, 2012, or until his successor is appointed and qualified, vice Katherine Holtzinger Conner, Mechanicsburg, whose term expired.

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

EDWARD G. RENDELL  
Governor

### NOMINATION RETURNED TO THE GOVERNOR

Senator ROBBINS. Madam President, I move that the nomination just read by the Clerk be returned to His Excellency, the Governor.

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

The PRESIDENT. The nomination will be returned to the Governor.

### PERMISSION TO ADDRESS

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

Senator M.J. WHITE. Madam President, while we are waiting for legislation to come over and bills to be printed, I rise to briefly comment on a matter that, unfortunately, has not been resolved in the flurry of legislation coming before us this evening. I am speaking of the critical issue of funding for the Hazardous Sites Cleanup Act, commonly referred to as HSCA.

On May 25, DEP Secretary McGinty warned us that failure to fund HSCA, quote, "will be a blow to Commonwealth citizens and our economic future," unquote. We were warned that nearly 280 Department of Environmental Protection employees would be furloughed on July 1, more than 2 weeks ago. When the Governor proposed his budget in February, he deemed the single most pressing environmental funding challenge we have as not worthy of a single penny in his budget.

In the last 2 years, we spent \$50 million on HSCA out of the Environmental Stewardship Fund of Growing Greener. No one liked that, but we were unable to find other funding sources. The Governor requested \$50 million this year, and in the budget negotiations we offered \$40 million, only to soon find out that DEP said they only needed \$22 million. HSCA funding now is not contained anywhere in the budget, and there has not been one word from DEP as to the impact on those employees or on the impact on hazardous sites cleanups in the Commonwealth.

As negotiations on the budget continue with the Governor, we remain open to alternatives. It is ironic that one of the alternatives discussed in the House of Representatives would have earmarked a portion of existing business taxes out of the General Fund. This is oddly reminiscent of Senate Bill No. 149, legislation I sponsored and which this Senate approved unanimously last Session. The bill was never taken up by the House of Representatives. This discussion should not be happening on July 16. Rather, House leaders should have worked to implement the agreement we all reached with the Governor just a week ago. The time for finishing a budget is now, not in the fall. This Senate passed a reasonable plan to fund HSCA one that made sense, avoided a tax increase, and at the Governor's request, did not touch General Fund revenue. I do not believe it is our responsibility to revisit HSCA funding in the fall. The time is past and the budget is done. The legislature has essentially approved a 2-year budget with an agreement for no new taxes or fees.

The Governor and the House of Representatives did not keep their promise to fund HSCA. It is now incumbent upon the Governor and the Department of Environmental Protection to get creative and find funding for HSCA somewhere within the \$27 billion budget we approved earlier today.

Thank you, Madam President.

### PERMISSION TO ADDRESS

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

Senator FUMO. Madam President, unfortunately, this morning I did not get a chance to get to the microphone and I wanted to acknowledge and thank the efforts of the staffs who put together this year's comprehensive budget package and other things.

First, I want to let everybody know that we had teams working in the four Caucuses, one team on the Tax Code, one team on the Education Code, one team on the Fiscal Code, one team on the budget bill, and one on the transportation bill. I believe, as was said by my colleague, Senator Armstrong, when we left the building at 10, 11, and 12 o'clock, or whenever it was, those teams stuck around until 2, 3, or 4 o'clock in the morning.

I particularly want to thank Tom Starke, Greg Jordan, Donna Malpezzi, Todd Nyquist, Chris Latta, Drew Crompton, and Kathy Eakin on the Republican side, and on our staff, Paul Dlugolecki, Randy Albright, C.J. Hafner, Mark Mekilo, Liz Craig, Jen Boger, and Sam Lehr.

Madam President, I also want to thank the people who participated in this, especially the rookies from the Republican side, President pro tempore Scarnati, Majority Leader Pileggi, and my good friend, Gib Armstrong, Chairman of the Committee on Appropriations.

I think it was a very productive, although long, month or so of negotiations, but I think if anything, it brought this Chamber closer together in a more bipartisan spirit than I have ever seen. I guess I can claim to have done more budgets than anyone in the legislature now, but it was the first time that I have seen such great bipartisan cooperation on behalf of the Senate, and I want to thank everyone who participated in that and congratulate the new Republican leaders for the great job they did for the first time. I hope next time it will be a little easier, we cannot keep this up, but they did a yeoman's job.

Thank you, Madam President.

The PRESIDENT. Thank you, Senator Fumo. The Chair also wishes to thank Senator Mary Jo White for her previous comments.

### SENATE RESOLUTION ADOPTED

Senator PICCOLA, by unanimous consent, offered **Senate Resolution No. 160**, entitled:

A Resolution commemorating the contributions of Milton Friedman and the 95th birthday of Milton Friedman on July 31, 2007.

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

### HOUSE MESSAGE

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

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate by amending said amendments to **HB 1295**, in which 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.

### 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 Committee on Rules and Executive Nominations to be held in the Rules room immediately.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room immediately, without objection, the Senate stands in recess.

### AFTER RECESS

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

### BILL REPORTED FROM COMMITTEE

Senator PILEGGI, from the Committee on Rules and Executive Nominations, reported the following bill:

#### HB 1295 (Pr. No. 2349) (Rereported) (*Concurrence*)

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 for the State System of Higher Education and for budget implementation; providing for general budget implementation and for 2007-2008 budget implementation and restrictions on appropriations for funds and accounts; and making a related repeal.

### SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 4

#### SENATE CONCURS IN HOUSE AMENDMENTS TO SENATE AMENDMENTS

**HB 1295 (Pr. No. 2349)** -- 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 for the State System of Higher Education and for budget implementation; providing for general budget implementation and for 2007-2008 budget implementation and restrictions on appropriations for funds and accounts; and making a related repeal.

On the question,

Will the Senate concur in the amendments made by the House to Senate amendments to House Bill No. 1295?

Senator PILEGGI. Madam President, I move that the Senate do concur in the amendments made by the House to Senate amendments to House Bill No. 1295.

On the question,

Will the Senate agree to the motion?

The PRESIDENT. The Chair recognizes the gentleman from Jefferson, Senator Scarnati.

The PRESIDENT pro tempore. Madam President, I offer the following remarks for the record relating to House Bill No. 1295.

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

*(The following prepared remarks were made a part of the record at the request of the gentleman from Jefferson, Senator SCARNATI:)*

Madam President, the group life insurance provisions contained in House Bill No. 1295 are not intended to affect the current schedule for life insurance for employees of the Commonwealth. Under House Bill No. 1295, State employees will continue to receive a base life insurance policy covering them in an amount approximating their annual salary up to \$40,000. This bill's language is also not intended to limit the ability of any State agency to purchase for its employees amounts of insurance in excess of the base, which is currently occurring.

Thank you, Madam President.

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

Senator FUMO. Madam President, I ask my Caucus to concur.

LEAVE OF ABSENCE

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

Senator FUMO. Madam President, pursuant to my previous action, I believe I have a conflict of interest and ask to go on personal leave, and I will leave the floor for this vote.

The PRESIDENT. Without objection, Senator Fumo will be placed on personal leave while this vote is taken.

POINT OF ORDER

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

Senator DINNIMAN. Madam President, as a part-time professor in the State System of Higher Education, I rise to ask if there is any conflict of interest in me voting on House Bill No. 1295.

The PRESIDENT. Senator Dinniman, you are a member of a class of many professors. There is no conflict of interest in your voting on House Bill No. 1295.

POINT OF ORDER

The PRESIDENT. The Chair recognizes the gentlewoman from Luzerne, Senator Baker.

Senator BAKER. Madam President, until October 2005, I was employed as executive director of the Blue Ribbon Foundation at Blue Cross of Northeastern Pennsylvania, which oversaw the allocation of resources for its social mission. That employment ended in 2005. Given the provisions of this bill requiring the reporting of social mission for prior years, including a period during which time I was employed by Blue Cross of Northeastern Pennsylvania, I raise a point of order as to whether I am precluded from voting on this legislation.

The PRESIDENT. Senator Baker, I would reference the same ruling I made on this subject last week. There is no conflict of interest for you to vote on this bill this evening.

POINT OF ORDER

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

Senator WONDERLING. Madam President, I raise a point of order according to Senate rules. I currently serve on the board of a for-profit subsidiary of Independence Blue Cross Keystone Health Plan East and do receive remuneration and compensation. I understand there is language in House Bill No. 1295 as amended that may affect the insurance laws and disbursements of such funds pending the proposed merger of Independence Blue Shield and Highmark, and therefore ask the Chair for a ruling on any potential conflict of interest.

The PRESIDENT. Senator Wonderling, I would again reference the same point of order I made last week on this subject. You can indeed vote tonight on House Bill No. 1295.

LEGISLATIVE LEAVE

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

Senator PILEGGI. Madam President, I request a legislative leave for Senator Orie.

The PRESIDENT. Senator Pileggi requests a legislative leave for Senator Orie. Without objection, the leave will be granted.

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

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

YEA-48

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

NAY-0

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

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

LEGISLATIVE LEAVE

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

Senator PILEGGI. Madam President, I request a legislative leave for Senator Earll.

The PRESIDENT. Senator Pileggi requests a legislative leave for Senator Earll. Without objection, the leave will be granted.

### LEAVE CANCELLED

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

### CONSIDERATION OF CALENDAR RESUMED

#### THIRD CONSIDERATION CALENDAR RESUMED

#### HB 1590 CALLED UP

**HB 1590 (Pr. No. 2342)** -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 3 of the Third Consideration Calendar, by Senator PILEGGI.

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

**HB 1590 (Pr. No. 2342)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 53 (Municipalities Generally), 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for minority and women-owned business participation; authorizing local taxation for public transportation assistance; repealing provisions relating to public transportation assistance; providing for transportation issues and for sustainable mobility options; consolidating the Turnpike Organization, Extension and Toll Road Conversion Act; providing for Turnpike Commission standards of conduct; in provisions on the Pennsylvania Turnpike, further providing for definitions, for authorizations and for conversion to toll roads and providing for conversion of Interstate 80, for application, for lease of Interstate 80, for payments, for other interstate highways, for fund distribution, for impact, for financial plan and for nonperformance; in taxes for highway maintenance and construction, providing for definitions; further providing for imposition and for allocation of proceeds; providing for special revenue bonds, for expenses, for application of proceeds of obligations, for trust indenture, for exemption, for pledged revenues, for special revenue refunding bonds, for remedies, for Motor License Fund proceeds, for construction and for funding; and making related repeals.

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 Bradford, Senator Madigan.

Senator MADIGAN. Madam President, I rise tonight to urge an affirmative vote on House Bill No. 1590. As many of my colleagues are aware, this bill is among the many negotiated parts of this budget that are necessary to keep our Commonwealth running during the coming year.

As you are also aware, Pennsylvania has been faced for many years with a significant shortfall in highway, bridge, and public transportation funds. House Bill No. 1590 represents the best

possible solution that could be negotiated in a no-new-taxes environment to deal with the problem that faces every Pennsylvanian in their daily lives. To be fair, if we were able to overcome barriers that have been erected against traditional funding methods for transportation, including fuel taxes and increasing General Fund sources, we might have dealt with this situation differently. But here we are in reality, 16 days past the constitutional deadline for our 2007-08 fiscal year budget, and we have before us what I would characterize as a long-term funding solution for public transportation and a step in the right direction for highway and bridge funding.

Transit advocates have been urging us to pass a dedicated, predictable, and growing fund for public transportation in this Commonwealth. They have consistently stated that the Commonwealth must do more to meet the needs of public transportation users, and in this bill, we have done that. We have done so in a way that I believe we have created a fund for public transportation that should not need to be readdressed for decades. If the day comes that more funding is needed to meet future needs, no one should point their finger at the Commonwealth.

Through this process, transit agencies have been forced to look inward to fare increases, service cuts, realignments, and realistic wage and benefit structures. The gradual increases in the proposal will help ensure that these reforms continue, and perhaps, more importantly, coming out of this legislation, no one should call on this State to provide more funding for public transportation. I believe that we have done our share and then some.

On the highway and bridge side, I am pleased with this bill, but not thrilled, because we have only met half of what the funding and reform commission called for in its November report. In February 2005, when we began discussions on this problem with this Governor, he chose to take it off the table by moving Federal highway dollars to public transportation. All told, \$414 million in highway funds went to keeping public transportation running in our Commonwealth. I have assurances that that will not happen again. This puts the Federal money back into the roads and bridges of the Commonwealth that is so desperately needed. The contribution from the Pennsylvania Turnpike Commission, which will grow to well over a half a billion dollars annually, is also a significant accomplishment for our Pennsylvania roads.

We will still have a good bit of work to do on our roads in making a dramatic improvement in mobility and road conditions. I believe that we need to look at the many capacity projects that are still unfunded in this plan and find a way to move them ahead. To do that, I pledge that we will consider public/private partnership legislation this fall. We will have to take a hard look at our rural road network as well as our local road network and find ways to meet their needs. In short, there is still much to do.

Politics is the art of the possible, and today we have before us an opportunity to move Pennsylvania forward, not to the finish line, but well beyond the starting block. As hard as this fight has been to this point, what we have before us is truly a significant agreement. I urge your support for this legislation.

Thank you, Madam President.

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

Senator ROBBINS. Madam President, I realize the hour is late and I rise to offer my remarks for the record.

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

*(The following prepared remarks were made a part of the record at the request of the gentleman from Mercer, Senator ROBBINS:)*

Madam President, I rise today in opposition to House Bill No. 1590 as it appears before us today. There are a number of questions and concerns about this bill, but I believe the primary issue here is the matter of fairness. This proposal is based on borrowing, which is another case of adding to the ever-increasing debt we are amassing for the future in order to provide a short-term solution, and the bill before us relies on raising revenues from imposing tolls on the thousands of motorists using Interstate 80. That is a bad proposal from the word "go." The truth is, we cannot even stand here and guarantee that this plan will receive Federal approval, nor can we guarantee that 100 percent of the money raised from tolls will go solely for highway and bridge work, and that is very, very troubling.

Madam President, as you know, my district includes the section of Interstate 80 from the Ohio line to the Mercer County line at the east and includes the intersection with Interstate 79. Imposing tolls on Interstate 80 will certainly and negatively impact the people living in my district who use that highway as part of their daily commute, just as surely as the imposing of any other tax that we were asked by the Governor to levy as part of the budget. I cannot stand here in good faith and ask the people I represent to dig deeper into their pockets to pay tolls, knowing full well that money will likely end up, one way or another, benefitting the cities and mass transit. I have a real problem providing a bailout of mass transit on the backs of rural Pennsylvanians.

In addition, this proposal to toll Interstate 80 would almost certainly have a negative impact on any efforts to spur economic development anywhere in northern Pennsylvania. This user fee would increase shipping costs for businesses, both in bringing supplies in and in spending products out. Those few dollars we may gain in tolls could mean the loss of even greater revenues that we could see through business development and job creation. For those reasons, Madam President, I urge a "no" vote on House Bill No. 1590.

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

Senator O'PAKE. Madam President, likewise, on behalf of the Democratic chairman of the Committee on Transportation, I offer the following remarks from Senator J. Barry Stout urging passage.

The PRESIDENT. Senator O'Pake offers remarks on behalf of Senator Stout. Without objection, the remarks will be spread upon the record.

*(The following prepared remarks were made a part of the record at the request of the gentleman from Washington, Senator STOUT:)*

Madam President, I submit these comments today as my vote is cast in the affirmative on House Bill No. 1590. I have had reservation regarding the plan set forth in this legislation, but not due to my lack of concern about the future of transportation funding in Pennsylvania, more so because of it.

I am not philosophically opposed to the tolling of I-80. I know how much it costs to maintain, upgrade, and provide State Police for the public's safety on our interstate system, and that 60 percent of the traffic on I-80 is out-of-state traffic. I served as a member of the Transportation Funding & Reform Commission and have been committed to provide a safe and viable transportation system for over three decades.

But, I sincerely feel that as a part of this package, we should have increased transportation funding by increasing the cap on the average

wholesale price per gallon of fuel. The cap was set in 1981 when the original Oil Franchise Tax was placed into law at \$1.25. Today, 26 years later, the average wholesale price of fuel, as certified by the Department of Revenue, is \$1.99. Had I been in the Senate Chamber today, I would have offered an amendment to raise the cap to \$1.75, which would have raised \$580 million without increasing the millage and without changing the formula. This would have benefitted Pennsylvania's infrastructure for all who are responsible, including PennDOT, counties, local municipalities, and the turnpike's expansion projects, thus benefitting all citizens of this Commonwealth.

I admit I remain concerned about the massive borrowing and debt service that will be incurred over the next 25 to 40 years by the Pennsylvania Turnpike Commission. However, I remain committed to a safe and viable transportation system for Pennsylvania's motoring public and have cast my vote in the affirmative for this reason.

Thank you, and have a great summer.

The PRESIDENT. The Chair recognizes the gentlewoman from Luzerne, Senator Baker.

Senator BAKER. Madam President, I will be brief, but I do believe I need to speak about this legislation. There are serious transportation needs across Pennsylvania, and there is no doubt that this bill will put some badly needed funding into some places that do need the money. Every community, county, and region of the Commonwealth has much more in need than is available in existing funding, but I am here tonight to talk about the costs and benefits of this plan not being evenly spread across our State, not even coming close.

In my area, we are guaranteed to see the costs of the downside, the tolling of Interstate 80, and will see very little benefit from what has been shown to us so far. The plan invests too much money into Philadelphia and Pittsburgh for mass transit and not nearly enough money for the badly-needed road and bridge projects in my region. Not enough is being asked of those who use mass transit or those areas where mass transit is a major part of the picture.

Conversely, rural areas that I represent are being asked to contribute too much and will get too little in return. Several months ago State transportation officials told me there were nearly 500 deficient bridges in the six-county district that I represent, yet the plans for upgrades that they have provided do little to address that, and actually comes out to about two bridges per county. My district includes 2,600 square miles, so the promised projects are few and far between.

For us, when a bridge is out, declared unsafe, or shut down, a detour can typically last from 12 to 20 miles in range. It inconveniences or disrupts our farmers, commercial deliveries, school districts, emergency responders, and many, many other things. Where people are depending on bridges that are structurally deficient, they have good reason for wanting to know when those problems will be fixed.

For me, the answers to too many questions are still unknown, even with the new money being generated with this bill. There are serious concerns about the consequences of tolling. Traffic will be moving off the interstate and onto our local road networks that are not equipped to handle the load. Economic growth usually generated at access points will be curtailed or hampered. My area is home to many commuters who are already facing the high cost of rising gas prices, travelers who do not have the luxury of public transportation, and who believe that tolls are the worst idea they have ever heard. While this approach may seem to be

a great idea in other parts of the Commonwealth, try asking our local motorists, officials, and economic development professionals who will be dealing with the consequences.

There is another important consideration in this debate. People believe that both the Turnpike Commission and the Department of Transportation are in need of serious reform, and I could not agree more. While there are some reforms included in this bill, they are not nearly enough to justify attempting the manner in which the additional money is being generated and do not compensate for the great imbalance in the distribution of dollars and projects.

Lastly, this plan renews an old habit in Pennsylvania, one that I believe is bad public policy, that of borrowing for road improvements. There are substantial and serious transportation problems that need a solution, but I do not believe this bill is the solution for the people of my district, nor for the people of rural Pennsylvania.

Thank you, Madam President.

The PRESIDENT. The Chair recognizes the gentleman from Columbia, Senator GORDNER.

Senator GORDNER. Madam President, I rise to offer comments similar to the ones made by the previous speaker in opposition to House Bill No. 1590.

I would first like to talk about mass transit. I am still amazed when I pick up newspapers from urban settings like Philadelphia and Pittsburgh and read that the State needs to do more to help mass transit. The figures I consistently see are that our State provides 60 to 70 percent of the share of the cost of mass transit in Philadelphia and Pittsburgh. If you saw a national publication that looked at the top 50 mass transit entities across the country, you saw that the average in those places was that the State share was around 35 percent, and, in fact, Philadelphia and Pittsburgh were the highest percentage of State shares in the country.

So what are we going to do? We are going to pass a plan that gives those mass transit systems even more State dollars. An original plan that came from the House actually required local shares to be increased, but that was watered down in the Senate. I believe that the local shares should be higher and the State shares should be lower. Certainly, when you look at the problems of mass transit in Philadelphia and Pittsburgh, you see issues in regard to their bloated pension system and salary structure, and I do not see anything in this legislation to address those issues.

I only have to go back 2 1/2 years when Governor Rendell took more than \$400 million of money for roads and bridges and flexed them to our mass transit systems. It was interesting over the past couple of months to see Secretary Biehler going around to roads and especially bridges, saying they are deficient and we need to address them. You know, I just had to laugh, because I thought of 2 1/2 years ago when over \$400 million that could have gone to roads and bridges was flexed by Governor Rendell to mass transit. Would it not have been great if that \$400 million had been spent on our roads and bridges? Maybe they would not have as many problems as they do.

The second concern with this legislation has to do with Federal approval. Standing here this evening, I am not so sure that Federal approval will ever come. I have seen a letter from the chief counsel of the Federal Highway Administration saying that they are not sure whether our State will qualify. I have seen an-

other letter from another ranking official within the Federal Highway Administration saying that maybe we will. Looking at the Federal highway transportation bill that was passed a year or so ago, they set out a different set of criteria that you needed to meet in order to get that approval. I saw issues like relieving heavy congestion, and I do not see that along most of the route of Interstate 80; or issues of relieving heavy emissions, and I do not see that along most of Interstate 80; or dealing with major new construction that is going to occur along that highway, and I do not see that either. So I have a real concern whether Federal approval will ever happen. To be honest with you, if you look at what my position is, I will be happy when the Federal government does not approve this project because it will not mean tolls on Interstate 80. Maybe I should be happy with that, but the ultimate result is that if, in fact, that does not happen, mass transit in Philadelphia and Pittsburgh still get their dollars in this plan.

Let me talk a few moments about the effect along the 313 miles of Interstate 80 on residents, workers, business and business opportunities, and growth. In regard to residents and workers, I am one who, when I head to Harrisburg, travels on Interstate 80. I could go on Route 11 and probably go through about 30 traffic lights in order to go about 15 miles, or I can avoid those traffic lights and the extra time and go on Interstate 80. I do not know whether I will be able to do that if tolling occurs and there is a toll booth on that route.

Let me talk about the effect on workers. Montour County is the smallest county in our State and the home of Geisinger Medical Center, with over 12,000 employees. Montour County has a greater percentage of people coming into their county on a daily basis to work than any other county in our State. There are thousands of people who drive into Montour County every day to work. On a plan that I saw which PennDOT did last year, there would be a toll booth right outside Danville on Interstate 80, and that would mean those thousands of workers would have to go through that toll booth twice a day in order to go to work. Well, guess what? That is probably not going to happen. They will end up going on Routes 45, 642, 54, and 11. Each of those routes are two-lane roads, not three-lane or four-lane roads. It is going to have a devastating effect on those roads for those workers.

Let me talk about business and economic development. Right now in Columbia County there is an industrial park that is in the process of being planned. It seemed like a great idea, until a month or so ago. It is located maybe 10 miles from the intersection of I-80 and I-81. Well, with I-80 tolled and I-81 not tolled, if you were a business that deals with a lot of trucking, you are not going to want to locate an industrial park along I-80, you are going to go over on I-81.

What is going to happen to business and economic development? I have heard from all of my economic development entities saying this will have a crushing effect on their plans for economic development of industrial parks in regard to bringing new jobs and new businesses to my senatorial district.

Through the help of Senator Madigan, I am pleased that we were able to make a few changes in this legislation, and I thank Senator Madigan and Craig Shuey of his staff. The original legislation said that the Turnpike Commission would have the authority to put plazas along Interstate 80, just as they do along the northeast extension and the turnpike. Just think of the effect that

would have on our existing businesses and restaurants. I was pleased that the omnibus amendment was able to remove that provision allowing them to do that. A second provision that went into the omnibus amendment will require traffic studies to be done on some of these routes that people will be using. A traffic study will have to be done within a year prior to the conversion and within a year afterwards, and I would urge that PennDOT follow through on that commitment on at least a dozen roads that go along Interstate 80. Let me finish by indicating that this will have a devastating effect on residents, businesses, economic development, and workers in my area.

I think back on Senator Zehn Confair, the father of Interstate 80. For those of you who do not know, it was originally designed in 1939 to capture traffic on the way to the New York State Fair. World War II came along and it ended up not being built until the late 1950s, but the idea was to have it come through to benefit our local area, to benefit business, to benefit economic development, and to have people stop by and spend dollars in our area. Senator Zehn Confair was a native of my hometown, and if you go onto I-80 at different spots, you will see him recognized. He would not be pleased and happy with the events that are occurring this evening.

Thank you, Madam President, for allowing me to speak, and I ask for a "no" vote on this legislation.

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

Senator PILEGGI. Madam President, I understand that viewpoints on this legislation will vary, but I would like to publicly commend Chairman Roger Madigan for his years of trying to find a solution to highway, bridge, and mass transit funding. Along the way, he has proposed many different funding solutions, and every time that he has done that, I have watched people stand up and criticize them as having some inadequacy. He has been persistent and steadfast in trying to solve a problem, and today he has a solution before us that will not likely win unanimous approval, but will likely win majority approval. I want to commend him and his staff for that consistent, steadfast effort to reach a solution that obviously is a compromise. You cannot please everyone, but it is good for Pennsylvania. I believe this bill is worthy of support, and I urge an affirmative vote for House Bill No. 1590.

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

Senator M.J. WHITE. Madam President, I represent a rural district in the west with nine interchanges on I-80, and I rise to support the comments of Senator Baker and Senator Gordner, and to join in the written comments submitted for the record by Senator Robbins.

Thank you.

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

Senator FUMO. Madam President, when we started this debate many months ago, the clear objective and mandate we received from our Caucus and from what we heard from the Republican Caucus was that we wanted to find a solution to mass transit and highways and bridge funding without any new taxes. That is exactly what this bill does. It is not perfect, as no bill is perfect, but I think it goes a long way to solving our problems as

far as mass transit is concerned. I think this solves mass transit problems for decades to come, and as far as putting more money into highways and bridges, I agree we need that, but the only way I see we are going to get that is to increase taxes. When the people who want that are prepared to come forth with a plan to do that, we are more than willing to make it happen.

This is the best we can do under the circumstances, and I think it is pretty damn good. I urge our Caucus to vote in the affirmative.

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-30

Armstrong	Hughes	Musto	Washington
Costa	Kasunic	O'Pake	White, Donald
Dinniman	Kitchen	Pileggi	Williams, Anthony H.
Erickson	LaValle	Rafferty	Williams, Constance
Ferlo	Logan	Scarnati	Wonderling
Fontana	Madigan	Stout	Wozniak
Fumo	McIlhinney	Tartaglione	
Greenleaf	Mellow	Tomlinson	

#### NAY-19

Baker	Earll	Piccola	Robbins
Boscola	Eichelberger	Pippy	Vance
Browne	Folmer	Punt	Waugh
Brubaker	Gordner	Regola	White, Mary Jo
Corman	Orie	Rhoads	

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

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

### 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 Ben Kraft by Senator Boscola.

Congratulations of the Senate were extended to the members and the coach of the 2007 Pennsylvania MATHCOUNTS National Competition Team by Senator Boscola and others.

Congratulations of the Senate were extended to James Brubaker by Senator Brubaker.

Congratulations of the Senate were extended to Brysen Daniel Kinslow and to Stanley Rhoads by Senator Corman.

Congratulations of the Senate were extended to Mr. and Mrs. Alfred Kaleta, Mr. and Mrs. Sylvester Schicatanano and to Adam J. Steininger, Jr., by Senator Gordner.

Congratulations of the Senate were extended to Mr. and Mrs. Ronald Pine by Senator Madigan.

Congratulations of the Senate were extended to Mr. and Mrs. Raymond Young by Senator Mellow.

Congratulations of the Senate were extended to Jacob M. Lesitsky by Senator Musto.

Congratulations of the Senate were extended to Samuel G. Esser, Louise E. Brown and Comcast Cable volunteers by Senator O'Pake.

Congratulations of the Senate were extended to Madeleine Barnes by Senator Orie.

Congratulations of the Senate were extended to Mr. and Mrs. Harry Himes, Sr., Mr. and Mrs. Michael L. Krishart, Mr. and Mrs. Norman R. Smith, Ethan A. White, Brookville/New Bethlehem Home Health Care and to the members of the Brockway Elementary School Governor's Fitness Challenge Team by Senator Scarnati.

Congratulations of the Senate were extended to the First African Presbyterian Church of Philadelphia by Senator Washington.

Congratulations of the Senate were extended to Mr. and Mrs. Tom Dunn and to David W. Bell, Jr., by Senator D. White.

Congratulations of the Senate were extended to James C. McLaughlin by Senator A.H. Williams.

Congratulations of the Senate were extended to Jonathan R. Formanek 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 Victor M. Negron by Senator C. Williams.

### HOUSE MESSAGE

#### HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE

The Clerk of the House of Representatives informed the Senate that the House has adopted the Report of Committee of Conference on **HB 1286**.

### BILLS SIGNED

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

**SB 413, SB 466 and HB 1286.**

### CONSIDERATION OF CALENDAR RESUMED

#### SB 546 CALLED UP

**SB 546 (Pr. No. 589)** -- Without objection, the bill, which previously went over in its order, was called up, from page 4 of the Third Consideration Calendar, by Senator PILEGGI.

#### PREFERRED APPROPRIATION BILL RECOMMITTED

**SB 546 (Pr. No. 589)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 2, 2006 (P.L. , No.2A), known as the General Appropriation Act of 2006, further providing for appropriations to the Department of Agriculture and the Department of Community and Economic Development.

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

### 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 Monday, September 17, 2007, at 1 p.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 11:55 p.m., Eastern Daylight Saving Time.