

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

MONDAY, DECEMBER 3, 2007

SESSION OF 2007 191ST OF THE GENERAL ASSEMBLY

No. 90

SENATE

MONDAY, December 3, 2007

The Senate met at 1 p.m., Eastern Standard Time.

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

PRAYER

The Chaplain, Reverend JAMES C. RAMSEY, of East Union Presbyterian Church, Cheswick, offered the following prayer:

O God, who created the earth, the heavens, the seas, and all that is in them, You have given us charge over this great and diverse land once called Penn's Woods. You have commissioned us stewards of its people and creatures, its resources, and its future. Give these, Your servants, energy, intelligence, imagination, and love as they begin their important work anew this day. Take away from them selfishness and boastfulness. Let them not be arrogant or rude. Keep them from insisting on their own way. Keep them from irritability and from resentment. Help them to eschew what is wrong and rejoice together in what is right for Pennsylvania.

Finally, O God, I pray for the very ones who labor to serve, the people and officials who populate the municipalities, townships, cities, counties, and districts across this Commonwealth. May what is decided within these walls be a blessing to regular citizens: hotel workers, hairdressers, teachers, truckers, tax accountants, nurses, physicians, those in food service and factories, those in retail, research, and real estate, to the end that Your justice and Your mercy might be reflected and upheld. Amen.

The PRESIDENT. The Chair thanks Reverend Ramsey and his lovely family for coming today to open with the prayer. They are the guests of Senator Orie.

PLEDGE OF ALLEGIANCE

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

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:

MAGISTERIAL DISTRICT JUDGE

November 29, 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 Magisterial District Judge, in and for the County of Huntingdon, Magisterial District 20-3-01, to serve until the first Monday of January 2008, vice Daniel S. Davis, resigned.

EDWARD G. RENDELL
Governor

**MEMBER OF THE STATE
CONSERVATION COMMISSION**

November 30, 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, R. John Dawes, R.D. 1, Box 152, Alexandria 16611, Huntingdon County, Thirtieth Senatorial District, for appointment as a member of the State Conservation Commission, to serve until May 30, 2010, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Loren Lustig, Biglerville, whose term expired.

EDWARD G. RENDELL
Governor

**MEMBER OF THE STATE
CONSERVATION COMMISSION**

November 30, 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, Ross W. Orner, Jr., 3532 Home Camp Road, Rockton 15856, Clearfield County, Forty-first Senatorial District, for reappointment as a member of the State Conservation Commission, to serve until May 30, 2011, and until his successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF PHARMACY

December 3, 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, Pauline Ritter Montgomery, 165 North Main Street, Hughesville 17737, Lycoming County, Twenty-third Senatorial District, for appointment as a member of the State Board of Pharmacy, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Frank Rubino, Huntingdon Valley, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE PROFESSIONAL
STANDARDS AND PRACTICES COMMISSION

December 3, 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, Dr. Jane S. Bray, 100 Fieldgate Drive, Lancaster 17603, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the Professional Standards and Practices Commission, to serve until the third Tuesday of January 2010, and until her successor is appointed and qualified, vice Nancy H. Stankus, Ed.D., York, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE PROFESSIONAL
STANDARDS AND PRACTICES COMMISSION

December 3, 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, Elizabeth A. Brewer, Three Blue Hills Court, PO Box 249, Riverside 17868, Northumberland County, Twenty-seventh Senatorial District, for appointment as a member of the Professional Standards and Practices Commission, to serve until the third Tuesday of January 2010, and until her successor is appointed and qualified, vice George Dull, Ph.D., Pittsburgh, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE PROFESSIONAL
STANDARDS AND PRACTICES COMMISSION

December 3, 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, Jean Dexheimer, 1227 Rebecca Ave-

nue, Wilkensburg 15221, Allegheny County, Thirty-eighth Senatorial District, for appointment as a member of the Professional Standards and Practices Commission, to serve until the third Tuesday of January 2010, and until her successor is appointed and qualified, vice Robert B. Cormany, Ed.D., Carlisle, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE PROFESSIONAL
STANDARDS AND PRACTICES COMMISSION

December 3, 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, Patricia Garcia, 4533 Laurelwood Drive, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Professional Standards and Practices Commission, to serve until the third Tuesday of January 2008, and until her successor is appointed and qualified, vice David A. Shipula, Hanover Township, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE PROFESSIONAL
STANDARDS AND PRACTICES COMMISSION

December 3, 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, Dr. James W. Gilhooley, 1713 Roosevelt Avenue, Dunmore 18512, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Professional Standards and Practices Commission, to serve until the third Tuesday of January 2010, and until his successor is appointed and qualified, vice David J. Krauser, Ed.D., Scotrun, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE PROFESSIONAL
STANDARDS AND PRACTICES COMMISSION

December 3, 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, Jacalyn M. Mogilski, 171 Rose Inn Avenue, Nazareth 18064, Northampton County, Eighteenth Senatorial District, for appointment as a member of the Professional Standards and Practices Commission, to serve until the third Tuesday of January 2008, and until her successor is appointed and qualified, vice Terrance K. Stover, Hydetown, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE PROFESSIONAL
STANDARDS AND PRACTICES COMMISSION

December 3, 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, Christopher A. Prothro, 105 Warrendale Road, Mars 16046, Butler County, Fortieth Senatorial District, for appointment as a member of the Professional Standards and Practices Commission, to serve until the third Tuesday of January 2009, and until his successor is appointed and qualified, vice Denise E. Darrah, Ed.D., Douglassville, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE PROFESSIONAL
STANDARDS AND PRACTICES COMMISSION

December 3, 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, Frank J. Vecchio, 174 Texter Mission Road, Robesonia 19551, Lebanon County, Forty-eighth Senatorial District, for appointment as a member of the Professional Standards and Practices Commission, to serve until the third Tuesday of January 2008, and until his successor is appointed and qualified, vice Franklin Herron, Jr., Ed.D., York, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE PENNSYLVANIA
PUBLIC UTILITY COMMISSION

December 3, 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 Pennsylvania Public Utility Commission, to serve until April 1, 2009, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Terrance J. Fitzpatrick, Hummelstown, resigned.

EDWARD G. RENDELL
Governor

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

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

November 30, 2007

HB 143 -- Committee on Labor and Industry.
HB 895 and **HB 958** -- Committee on Judiciary.

December 3, 2007

HB 1961 -- Committee on Judiciary.

BILLS INTRODUCED AND REFERRED

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

November 30, 2007

Senators DINNIMAN, BAKER, ERICKSON, FONTANA, KITCHEN, LAVALLE, LOGAN, O'PAKE, RAFFERTY, REGOLA, STOUT, TARTAGLIONE, KASUNIC, WASHINGTON, ORIE, TOMLINSON, PIPPY, EICHELBERGER, ARMSTRONG, BOSCOLA, BROWNE, BRUBAKER, COSTA, FERLO, FOLMER, FUMO, GREENLEAF, HUGHES, MADIGAN, MELLOW, MUSTO, PUNT, RHOADES, ROBBINS, STACK, WAUGH, D. WHITE, A. WILLIAMS, C. WILLIAMS, WOZNIAK and EARLL presented to the Chair **SB 1169**, entitled:

An Act providing for municipal volunteer emergency responder incentives.

Which was committed to the Committee on FINANCE, November 30, 2007.

Senators ROBBINS, SCARNATI, WAUGH, LAVALLE, ARMSTRONG, FERLO, FOLMER, FONTANA, GORDNER, KASUNIC, LOGAN, RAFFERTY, REGOLA, RHOADES, D. WHITE, M. WHITE, WONDERLING, WOZNIAK and STACK presented to the Chair **SB 1172**, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, further providing, in provisions relating to the Governor and disaster emergencies, for general authority of the Governor.

Which was committed to the Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, November 30, 2007.

Senators STACK, COSTA, LOGAN, FONTANA, WOZNIAK and C. WILLIAMS presented to the Chair **SB 1174**, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for definitions, for acting for or aiding nonadmitted insurers, for requirements for eligible surplus lines insurers, for other nonadmitted insurers, for surplus lines licensee's duty to notify insured, for declarations, for surplus lines advisory organizations, for evidence of insurance, for licensing of surplus lines licensee, for surplus lines licensee's acceptance of business from brokers, for records of surplus lines licensees, for monthly reports, for surplus lines tax, for tax on independently procured insurance, for suspension, revocation or nonrenewal of surplus lines licensee's license and for penalties; and providing for compliance.

Which was committed to the Committee on BANKING AND INSURANCE, November 30, 2007.

Senators BROWNE, WASHINGTON, RAFFERTY, PILEGGI, M. WHITE, ARMSTRONG, KITCHEN, WONDERLING, ROBBINS, FOLMER, EARLL, WOZNIAK, COSTA, BOSCOLA, C. WILLIAMS and VANCE presented to the Chair **SB 1175**, entitled:

A Joint Resolution proposing separate and distinct amendments to the Constitution of the Commonwealth of Pennsylvania, further providing for qualifications for members of the General Assembly and the Executive Branch.

Which was committed to the Committee on STATE GOVERNMENT, November 30, 2007.

Senators BROWNE, WASHINGTON, RAFFERTY, PILEGGI, M. WHITE, ARMSTRONG, KITCHEN, WONDERLING, ROBBINS, FOLMER, EARLL, WOZNIAK, COSTA, BOSCOLA, C. WILLIAMS and VANCE presented to the Chair **SB 1176**, entitled:

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, further providing for qualifications for election of councilmen, mayor, city treasurer and city controller.

Which was committed to the Committee on LOCAL GOVERNMENT, November 30, 2007.

Senators BROWNE, WASHINGTON, RAFFERTY, PILEGGI, M. WHITE, ARMSTRONG, KITCHEN, WONDERLING, ROBBINS, FOLMER, EARLL, WOZNIAK, COSTA, BOSCOLA, C. WILLIAMS and VANCE presented to the Chair **SB 1177**, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for qualifications of elected county officers and for district attorney qualifications.

Which was committed to the Committee on LOCAL GOVERNMENT, November 30, 2007.

Senators BROWNE, WASHINGTON, RAFFERTY, PILEGGI, M. WHITE, ARMSTRONG, KITCHEN, WONDERLING, ROBBINS, FOLMER, EARLL, WOZNIAK, COSTA, BOSCOLA, C. WILLIAMS and VANCE presented to the Chair **SB 1178**, 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 eligibility and incompatible offices.

Which was committed to the Committee on EDUCATION, November 30, 2007.

Senators DINNIMAN, PUNT, WASHINGTON, HUGHES and C. WILLIAMS presented to the Chair **SB 1179**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for conviction and point schedules, for speed timing devices and for State and local powers.

Which was committed to the Committee on TRANSPORTATION, November 30, 2007.

Senators WOZNIAK, WASHINGTON, FERLO, FONTANA, RAFFERTY, LOGAN, TARTAGLIONE, MELLOW, EARLL,

COSTA, FUMO, LAVALLE, STACK, DINNIMAN, BROWNE, HUGHES, PIPPY, ARMSTRONG, C. WILLIAMS and A. WILLIAMS presented to the Chair **SB 1180**, entitled:

An Act designating the Walnut Street Bridge in the City of Johnstown, Cambria County, as the Martin Luther King, Jr., Memorial Bridge.

Which was committed to the Committee on TRANSPORTATION, November 30, 2007.

Senators FOLMER, EICHELBERGER, PICCOLA and WAUGH presented to the Chair **SB 1181**, entitled:

An Act providing for the expiration of certain State-mandated health care insurance benefits and the provisions of certain acts that impose mandatory covered providers and covered persons; and requiring the Health Care Cost Containment Council to submit a periodic report to the General Assembly.

Which was committed to the Committee on BANKING AND INSURANCE, November 30, 2007.

Senators FOLMER, EICHELBERGER, PICCOLA, WAUGH, REGOLA and M. WHITE presented to the Chair **SB 1183**, entitled:

An Act providing for the expiration of certain State-mandated health care insurance benefits and the provisions of certain acts that impose mandatory covered providers and covered persons on qualified high deductible health plans; and requiring the Health Care Cost Containment Council to submit a periodic report to the General Assembly.

Which was committed to the Committee on BANKING AND INSURANCE, November 30, 2007.

Senators FOLMER, EICHELBERGER, PICCOLA, BROWNE and REGOLA presented to the Chair **SB 1185**, entitled:

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, further providing for reasons for refusal, revocation, suspension or other corrective action against a licensee or certificate holder.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, November 30, 2007.

December 3, 2007

Senators FOLMER, EICHELBERGER, PICCOLA, BROWNE and REGOLA presented to the Chair **SB 1186**, entitled:

An Act amending the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, further providing for reasons for refusal, revocation or suspension of license.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, December 3, 2007.

Senators FOLMER, EICHELBERGER, PICCOLA, BROWNE and REGOLA presented to the Chair **SB 1187**, entitled:

An Act amending the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law, further providing for refusal, suspension or revocation of licenses.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, December 3, 2007.

Senators FOLMER, EICHELBERGER, PICCOLA, BROWNE, REGOLA and M. WHITE presented to the Chair **SB 1188**, entitled:

An Act amending the act of July 8, 1986 (P.L.408, No.89), known as the Health Care Cost Containment Act, further providing for the functions of the Health Care Cost Containment Council.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, December 3, 2007.

Senators FOLMER, EICHELBERGER, PICCOLA, WAUGH, BROWNE, REGOLA and M. WHITE presented to the Chair **SB 1189**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in personal income taxation, providing for a credit against unreimbursed qualified health insurance premium payments.

Which was committed to the Committee on FINANCE, December 3, 2007.

Senators FOLMER, EICHELBERGER, PICCOLA and M. WHITE presented to the Chair **SB 1190**, entitled:

An Act authorizing the purchase of health insurance from out-of-State insurers.

Which was committed to the Committee on BANKING AND INSURANCE, December 3, 2007.

Senators FOLMER, EICHELBERGER, PICCOLA and BROWNE presented to the Chair **SB 1191**, entitled:

An Act establishing the Pennsylvania High-Risk Health Insurance Pool and the State Comprehensive Health Insurance Pool Board; providing for the powers and duties of the pool and the board; for selection of administering insurer and for payment of plan costs; and prescribing plan benefits.

Which was committed to the Committee on BANKING AND INSURANCE, December 3, 2007.

Senators FOLMER, EICHELBERGER, PICCOLA, WAUGH and BROWNE presented to the Chair **SB 1192**, entitled:

An Act requiring health care facilities to provide consumers with certain information about fees; providing for emergency room patient diversion programs; providing for publication of information relating to performance of health care facilities, for electronic health records and for the powers and duties of the Health Care Cost Containment Council.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, December 3, 2007.

Senators FOLMER, EICHELBERGER and PICCOLA presented to the Chair **SB 1193**, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, further providing for uniformity in administration of assistance and regulations as to assistance.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, December 3, 2007.

Senators FOLMER, EICHELBERGER and PICCOLA presented to the Chair **SB 1194**, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, in provisions relating to children's health care, further providing for the children's health care program and for State plan.

Which was committed to the Committee on BANKING AND INSURANCE, December 3, 2007.

GENERAL COMMUNICATION

SMALL BUSINESS ENVIRONMENTAL ASSISTANCE ANNUAL REPORT

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

Department of Environmental Protection
Rachel Carson State Office Building
P. O. Box 2063
Harrisburg, PA 17105-2063

November 20, 2007

Mark R. Corrigan
Secretary of the Senate
Senate Box 203053
Harrisburg, PA 17120-3053

Dear Mr. Corrigan:

The Department of Environmental Protection (DEP) is pleased to present to you its Small Business Environmental Assistance Annual Report. This report summarizes the accomplishments of the program in assisting the small business community throughout the Commonwealth of Pennsylvania. The documented interactions on a variety of outreach and financial assistance programs demonstrate the strong desire of the small business community to see these programs continued and expanded.

If you should have any questions, please do not hesitate to contact Scott Pauchnik, Director of Legislative Affairs, by e-mail at spauchnik@state.pa.us or by telephone at 717-783-8303.

Thank you for your interest in this report and for continuing to partner with DEP to promote a clean environment and strong business climate for all Pennsylvania businesses.

Sincerely,

KATHLEEN A. MCGINTY
Secretary

The PRESIDENT. This report will be filed in the Library.

APPOINTMENT OF MEMBER PURSUANT TO SENATE RESOLUTION No. 42 OF 2007

The PRESIDENT. The Chair wishes to announce the President pro tempore has made the following appointment:

Senator Patrick M. Browne as chairman of the Joint State Government Commission Task Force to study the system for providing services to indigent criminal defendants created pursuant to Senate Resolution No. 42 of 2007.

APPOINTMENT OF MEMBER PURSUANT TO SENATE RESOLUTION No. 135 OF 2007

The PRESIDENT. The Chair wishes to announce the President pro tempore has made the following appointment:

Senator Stewart J. Greenleaf as chairman of the Joint State Government Commission Task Force to study the distribution and use of methadone created pursuant to Senate Resolution No. 135 of 2007.

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The PRESIDENT. The Chair wishes to announce the President pro tempore has made the following appointments:

Senator Edwin B. Erickson as a member of the Board of Directors of the Pennsylvania Higher Education Assistance Agency.

Mr. Harry E. Brown as a member of the Health Care Cost Containment Council.

Mr. Brian W. Kelly as a member of the Health Care Cost Containment Council.

Mr. Craig G. Litchfield as a member of the Operational Committee for the Pennsylvania Community Development Bank.

Mr. Walter N. Peechatka as a member of the Conservation and Natural Resources Advisory Council.

Mr. George B. Wolff as a member of the Chesapeake Bay Commission.

BILLS REPORTED FROM COMMITTEE

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

SB 711 (Pr. No. 1608) (Amended) (Rereported)

An Act providing for the protection of consumers from having spyware deceptively installed on their computers and for criminal and civil enforcement.

SB 826 (Pr. No. 1609) (Amended) (Rereported)

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for actuarial cost method.

SB 880 (Pr. No. 1570) (Rereported)

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, providing for vouchers for licenses and permits.

HB 131 (Pr. No. 2910) (Amended) (Rereported)

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

HB 606 (Pr. No. 2600) (Rereported)

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for court jurisdiction on appeals from decision of the board, for hearings before the board and administrative law judges, for revocation of licenses, for increased fines, for renewal of licenses and for responsible alcohol management.

LEGISLATIVE LEAVES

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

Senator ORIE. Madam President, I request legislative leaves for Senator McIlhinney, Senator Punt, and Senator Tomlinson, and temporary Capitol leaves for Senator Rhoades and Senator Pileggi.

The PRESIDENT. Senator Orie requests legislative leaves for Senator McIlhinney, Senator Punt, and Senator Tomlinson, and temporary Capitol leaves for Senator Rhoades and Senator Pileggi.

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

Senator O'PAKE. Madam President, I request a legislative leave for Senator Stout.

The PRESIDENT. Senator O'Pake requests a legislative leave for Senator Stout.

Without objection, the leaves will be granted.

LEAVES OF ABSENCE

Senator ORIE asked and obtained leaves of absence for Senator EARLL and Senator PIPPY, for today's Session, for personal reasons.

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

SENATE CONCURRENT RESOLUTION

WEEKLY RECESS

Senator ORIE offered the following resolution, which was read as follows:

In the Senate, December 3, 2007

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14, of the Pennsylvania Constitution, that when the Regular Session of the Senate recesses this week, it reconvene on Monday, December 10, 2007, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14, of the Pennsylvania Constitution, that when the Regular Session of the House of Representatives recesses this week, it reconvene on Monday, December 10, 2007, unless sooner recalled by the Speaker of the House of Representatives.

On the question,
Will the Senate adopt the resolution?

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

YEA-47

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

Eichelberger	Madigan	Robbins	Williams, Constance
Erickson	McIlhinney	Scarnati	Wonderling
Ferlo	Mellow	Stack	Wozniak
Folmer	Musto	Stout	

NAY-0

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

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

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR EDWIN B. ERICKSON
PRESENTED TO THE SENATE**

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

Senator ERICKSON. Madam President, I have the pleasure today to introduce Kathy Scullin from Crozer-Keystone Health System, Bill Tyson from ConocoPhillips, and Tony DiTommaso from Comcast. They are government affairs specialists and work for the interests of their companies, but they also are heavily involved in the Delaware County community and help to make that community stronger by donating their time, effort, and expertise to the betterment of the community. So it is with true pleasure that I introduce these people and ask that we give them a warm welcome.

Thank you.

The PRESIDENT. Will Kathy Scullin, Bill Tyson, and Tony DiTommaso please rise. Welcome to the Senate.

(Applause.)

RECESS

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

Senator ORIE. Madam President, I request a recess of the Senate for the purpose of a Republican caucus, which will last approximately 2 hours.

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

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

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

AFTER RECESS

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

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator Rhoades and Senator Pileggi have returned, and their temporary Capitol leaves are cancelled.

LEGISLATIVE LEAVES

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

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

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

CALENDAR

THIRD CONSIDERATION CALENDAR

BILLS OVER IN ORDER

HB 296 and SB 317 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Tomlinson has returned, and his legislative leave is cancelled.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILL OVER IN ORDER TEMPORARILY

SB 1000 -- Without objection, the bill was passed over in its order temporarily at the request of Senator PILEGGI.

BILL OVER IN ORDER

SB 1114 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

**BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 1125 (Pr. No. 1573) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, prohibiting the use of name, portrait or picture of a soldier in certain cases.

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

On the question,
Shall the bill pass finally?

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

YEA-47

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

Eichelberger	Madigan	Robbins	Williams, Constance
Erickson	McIlhinney	Scarnati	Wonderling
Ferlo	Mellow	Stack	Wozniak
Folmer	Musto	Stout	

NAY-0

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

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

SB 1147 (Pr. No. 1575) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for information relating to prospective child-care personnel.

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

On the question,
Shall the bill pass finally?

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

YEA-47

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

NAY-0

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

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

SB 1156 (Pr. No. 1576) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for notice and hearing and for disposition of dependent child.

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

On the question,
Shall the bill pass finally?

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

YEA-47

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

NAY-0

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

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

SB 1159 (Pr. No. 1548) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating Long Pond Road in Tunkhannock Township, Monroe County, from the intersection with SR 115 eastward to the intersection with Stony Hollow Road, as Dr. Joseph Mattioli and Dr. Rose Mattioli Drive.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-47

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

NAY-0

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

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

SECOND CONSIDERATION CALENDAR**BILL REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION**

SB 778 (Pr. No. 1581) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for long-term care patient access to pharmaceuticals; and conferring powers and duties on the State Board of Pharmacy.

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

BILL ON SECOND CONSIDERATION REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 838 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILLS OVER IN ORDER

SB 232 and **SB 428** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILLS REREFERRED

SB 486 (Pr. No. 1585) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 3, 1959 (P.L.1688, No.621), known as the Housing Finance Agency Law, further providing for the general authority, for notice and institution of foreclosure proceedings, for notice requirements, for assistance payments and for repayment; and providing for an ongoing foreclosure study.

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

SB 1019 (Pr. No. 1584) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act, further providing for definitions, for grounds for disciplinary proceedings, for vehicle shows, off-premise sales and exhibitions; providing for recreational vehicle shows, off-premise sales, exhibitions and rallies; and further providing for vehicle shows, off-premise sales and exhibitions on Sundays.

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

SB 1020 (Pr. No. 1586) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 15, 1945 (P.L.547, No.217), known as the Conservation District Law, further providing for declaration of policy, for the State Conservation Commission, for creation of

conservation districts, for designation of district directors, for appointment, qualifications, compensation and tenure of directors, for organization of districts and directors, for Commonwealth agencies to cooperate and for discontinuation of districts; and making a repeal.

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

SB 1060 (Pr. No. 1569) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 35 (Health and Safety) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, establishing a system for the use of volunteer health practitioners; providing reasonable safeguards to assure that health practitioners are appropriately licensed and regulated to protect the public's health; providing for applicability of workers' compensation and occupational disease law; and providing for limitation of civil damages.

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

BILL OVER IN ORDER

SB 1121 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILLS REREFERRED

SB 1129 (Pr. No. 1574) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 14, 1972 (P.L.221, No.63), known as the Pennsylvania Drug and Alcohol Abuse Control Act, further providing for commitment of minors.

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

SB 1153 (Pr. No. 1538) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the Minor Judiciary Education Board and for qualifications of certain minor judiciary.

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

BILLS OVER IN ORDER

HB 1235, HB 1604 and **HB 1795** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

SENATE RESOLUTION No. 203, ADOPTED

Senator PILEGGI, without objection, called up from page 4 of the Calendar, **Senate Resolution No. 203**, entitled:

A Resolution urging the President and the Congress of the United States to suspend funding for the Cross-Border Trucking Demonstration Project, implemented by the United States Department of Transportation, which allows Mexican trucks free access to our nation's roads.

On the question,
Will the Senate adopt the resolution?

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

YEA-46

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

NAY-1

Fumo

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

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

THIRD CONSIDERATION CALENDAR RESUMED

SB 1000 CALLED UP

SB 1000 (Pr. No. 1490) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Third Consideration Calendar, by Senator PILEGGI.

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 gentlewoman from Montgomery, Senator Connie Williams.

Senator C. WILLIAMS. Madam President, I desire to interrogate the gentleman from Montgomery, Senator Wonderling.

The PRESIDENT. Will the gentleman from Montgomery, Senator Wonderling, permit himself to be interrogated?

Senator WONDERLING. I will, Madam President.

The PRESIDENT. He indicates he will.

Senator C. WILLIAMS. Madam President, as a cosponsor of Senate Bill No. 1000, I am strongly in support of prohibiting regulation of VoIP, Voice-over-Internet Protocol. In the gentle-

man's memo requesting cosponsorship, the gentleman indicated the bill would only prohibit the regulation of VoIP services. Consumer protection advocates have expressed concerns that the bill's prohibition of regulation of Internet protocol-enabled service, as well as VoIP, may open the door to deregulation of currently protected services provided by the PUC for other types of phone service. I will feel more comfortable supporting this legislation if the gentleman can verify that the intention of this legislation is to prohibit regulation of VoIP services only.

Senator WONDERLING. Madam President, in response to Senator Williams' questions of interrogation, indeed, Senate Bill No. 1000 in the definition of VoIP, or Internet telephone service, has purposely been very, very narrowly defined to only address specifically this type of information service. I think it is important for the Members and for the record to clarify what we are attempting to do today with Senate Bill No. 1000, and that is not, as some would suggest, to deregulate traditional telephone service in Pennsylvania. In fact, quite the contrary.

The intent of Senate Bill No. 1000 is to ensure that these information services, as defined by the Federal Communications Commission, are not subject to State regulation. If you allow me, Madam President, to walk through a process for a consumer to obtain this type of service. First of all, the consumer has to make the choice to leave their traditional telephone service as defined by Title 66 in Pennsylvania. Then they must have some type of dial-up, broadband, or DSL capability from which to engage this service, then choose from an array of providers that are currently offering such services in Pennsylvania. It is at that point in time, after those three choices are made, and it is technically feasible with dial-up, that the consumer then engages in that type of service as proposed in an unregulated fashion. In fact, if the consumer is not satisfied with that service, they can always return to the basic traditional telephone service as defined in Title 66 in this Commonwealth.

So to answer the Senator's questions, we believe that the definition of Internet telephone service is so narrowly defined that there should not be cause for concern as it relates to the current regulated state of traditional phone service in this Commonwealth.

Senator C. WILLIAMS. Thank you, Madam President.

The PRESIDENT. Thank you, Senator Williams and Senator Wonderling, for the additional clarification of Senate Bill No. 1000.

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-34

Armstrong	Folmer	O'Pake	Washington
Boscola	Fontana	Orie	Waugh
Browne	Fumo	Piccola	White, Donald
Brubaker	Gordner	Pileggi	Williams, Anthony H.
Corman	Greenleaf	Rafferty	Williams, Constance
Dinniman	Kitchen	Regola	Wonderling
Eichelberger	Madigan	Rhoades	Wozniak
Erickson	McIlhinney	Robbins	
Ferlo	Musto	Stack	

NAY-13

Baker	Logan	Stout	White, Mary Jo
Costa	Mellow	Tartaglione	
Kasunic	Punt	Tomlinson	
LaValle	Scarnati	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 present said bill to the House of Representatives for concurrence.

**UNFINISHED BUSINESS
DISCHARGE PETITION**

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

December 3, 2007

A PETITION

To place before the Senate the nomination of Joel S. Ario as the Insurance Commissioner of Pennsylvania.

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 Joel S. Ario, Silverton, Pennsylvania, as Insurance Commissioner of Pennsylvania, 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. Orié
Michael L. Waugh

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

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 T. Anthony Iannelli by Senator Browne and others.

Congratulations of the Senate were extended to Mr. and Mrs. James Picarelli, Adrienne C. Moyer and to Taylor Bryant Wolfe by Senator Gordner.

Congratulations of the Senate were extended to Thomas James Prykowski by Senator Greenleaf.

Congratulations of the Senate were extended to Mark H. Kiefer by Senator Kasunic.

Congratulations of the Senate were extended to the Honorable George A. Uritis by Senator Rhoades.

Congratulations of the Senate were extended to the Bradford Area Chamber of Commerce by Senator Scarnati.

Congratulations of the Senate were extended to Dr. and Mrs. Stephen Kukucka, Mr. and Mrs. Blair Rager and to Mr. and Mrs. James Petrosky by Senator Wozniak.

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 Corporal Adam James Chitjian by Senator Stack.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, DECEMBER 4, 2007

9:30 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (to consider Senate Bills No. 497 and 1050; and House Resolution No. 410)	Room 8E-B East Wing
10:00 A.M.	EDUCATION (public hearing on classrooms for the future)	Hrg. Rm. 1 North Off.
10:30 A.M.	BANKING AND INSURANCE (to consider Senate Bills No. 483, 484, 487 and 488)	Room 8E-A East Wing
11:00 A.M.	JUDICIARY (public hearing on Senate Bill No. 1045 and prison reform)	Room 8E-B East Wing
12:30 P.M.	APPROPRIATIONS (to consider House Bill No. 1589)	Room 461 Main Capitol

WEDNESDAY, DECEMBER 5, 2007

9:30 A.M.	LOCAL GOVERNMENT (to consider Senate Bills No. 987 and 1141; and House Bills No. 1329 and 1330)	Room 8E-A East Wing
9:30 A.M.	FINANCE (to consider House Bill No. 1877)	Room 461 Main Capitol
10:00 A.M.	PUBLIC HEALTH AND WELFARE (to consider Senate Bill No. 387; Senate Resolution No. 194; and an informational briefing on House Bill No. 614)	Room 461 Main Capitol

TUESDAY, DECEMBER 11, 2007

12:00 Noon	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider Senate Bill No. 485; and House Bills No. 1612 and 1662)	Room 461 Main Capitol
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RECESS

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

Senator PILEGGI. Madam President, I move that the Senate do now recess until Tuesday, December 4, 2007, at 1 p.m., Eastern Standard Time.

The motion was agreed to by voice vote.

The Senate recessed at 3:33 p.m., Eastern Standard Time.