

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

MONDAY, JUNE 16, 2008

SESSION OF 2008 192ND OF THE GENERAL ASSEMBLY

No. 40

**SENATE**

MONDAY, June 16, 2008

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

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

**PRAYER**

The Chaplain, Reverend HAROLD W. SALLEE, Director of the President's Council on Hunger with Convoy of Hope, Springfield, Missouri, offered the following prayer:

Thank you for this honor for me to come today. I represent Convoy of Hope, which is a worldwide international relief agency. As we pray today, I ask that you pray with us that the Lord would be able to use us mightily as we travel around the world bringing relief to individuals.

We are feeding over 20,000 children in countries like Haiti and El Salvador, whose average income per day for families is \$10. There are people who are in need like that around the world. When Katrina hit, we were one of the first responders, and we are grateful to individuals who have helped us to do things like that around the world. So as we look at opening this Senate with prayer today, I ask that you pray for us at Convoy of Hope as we endeavor to take food and to meet the needs of people around the world.

Let us pray.

O Father, which art in heaven, before You we humbly bow and recognize that we are but mortal men and women, living in a world that needs hope.

May those living in Myanmar who are unable to help themselves and will soon die unless food and pure water and medical care reaches them soon, O God, would You give them hope through the hands of men and women who care. Continue to change the hearts of the leadership of that country, so that those who care can truly bring hope and rescue those close to death.

We are mindful of those in China who are homeless and helpless, who have lost family members as a result of these massive earthquakes. O God, would You bring hope to each one of them today.

To those in our homeland who have been displaced by floods and tornadoes over the last few weeks and months, O God, would You bring hope to them as individuals reach out to them.

Father, every 5 seconds, somewhere in the world, a child under the age of 5 dies because of hunger. That is 17,000 children

today who will die unless someone brings them hope. Help us to understand this great need and help those who cannot help themselves, O God, we pray.

God, I thank You for this great country. Let us never lose sight of Your blessings upon us. Unto whom much is given, much is required. May we always be ready to give a cup of cold water, food, clothing, and shelter to those who are less fortunate here at home and around the world. That is Your heart, O God. For it is by our love for one another that all will know we are the children of God.

Father, I now bring the Members of this august body before You, the Governor, and those others in leadership. Thank you for each one of them and for the people they represent. Give them, this day, the wisdom of Solomon, for the responsibility that they have is enormous, and the State of Pennsylvania deserves no less. May they be careful, and may they consider the impact of each decision they make and the effect it will have upon every citizen of this State and even beyond. Lord, as they deliberate, let them do so in the spirit of the great founder of Pennsylvania, William Penn. O God, it is with gratitude and expectation that I make these petitions today for this body and for the leadership of this State, and not only the leadership of this State, but the leadership of the United States.

Now, O Lord, may You bless and may You keep and may You make Your face shine upon this body. Would You be gracious unto them. Lord, would You turn Your face toward them and would You give them peace. We humbly ask these things in the name of our Lord and Savior, Jesus Christ. Amen.

The PRESIDENT. The Chair thanks Reverend Sallee, who is the guest today of Senator Greenleaf. We also thank you for your help on the President's Council on Hunger and Convoy of Hope.

**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:

MEMBER OF THE BOARD OF TRUSTEES  
OF EBENSBURG CENTER

June 12, 2008

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, Gloria C. Eberhart, 1427 Third Street, Cresson 16630, Cambria County, Thirty-fifth Senatorial District, for reappointment as a member of the Board of Trustees of Ebensburg Center, to serve until the third Tuesday of January 2013, and until her successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

MEMBER OF THE BOARD OF TRUSTEES  
OF EBENSBURG CENTER

June 12, 2008

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, Darlene A. Lutch, 113 Benedict Street, P.O. Box 675, Carrolltown 15722, Cambria County, Thirty-fifth Senatorial District, for reappointment as a member of the Board of Trustees of Ebensburg Center, to serve until the third Tuesday of January 2013, and until her successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

MEMBER OF THE BOARD OF TRUSTEES  
OF EBENSBURG CENTER

June 12, 2008

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, Rose C. Planinsek, 546 Youngstown Road, Latrobe 15650, Westmoreland County, Thirty-ninth Senatorial District, for reappointment as a member of the Board of Trustees of Ebensburg Center, to serve until the third Tuesday of January 2013, and until her successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

MEMBER OF THE PENNSYLVANIA ECONOMIC  
DEVELOPMENT FINANCING AUTHORITY

June 12, 2008

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, David E. Landau, 11 Oak Knoll Drive, Wallingford 19086, Delaware County, Ninth Senatorial District, for appointment as a member of the Pennsylvania Economic Development Financing Authority, to serve for a term of four years and until his successor is appointed and qualified, vice William Davis, Williamsport, resigned.

EDWARD G. RENDELL  
Governor

MEMBER OF THE BOARD OF TRUSTEES OF  
SOUTH MOUNTAIN RESTORATION CENTER

June 12, 2008

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, Thomas J. White, 16 Greenway Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Board of Trustees of South Mountain Restoration Center, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified, vice Richard Wiscott, Shippensburg, resigned.

EDWARD G. RENDELL  
Governor

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

June 12, 2008

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Daniel Saltzgeber, 397 St. Bartholomew Road, Hanover 17331, York County, Twenty-eighth 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 Edwin Galbreath, New Castle, whose term expired.

EDWARD G. RENDELL  
Governor

MEMBER OF THE PENNSYLVANIA ECONOMIC  
DEVELOPMENT FINANCING AUTHORITY

June 13, 2008

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, Fred P. Rinaldi, Esquire, One Lee Court, Old Forge 18518, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Pennsylvania Economic Development Financing Authority, to serve for a term of four years and until his successor is appointed and qualified, vice C. Talbot Heppenstall, Jr., Pittsburgh, resigned.

EDWARD G. RENDELL  
Governor

MEMBER OF THE WORKERS'  
COMPENSATION APPEAL BOARD

June 13, 2008

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 Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified, vice Richard Block, Philadelphia, deceased.

EDWARD G. RENDELL  
Governor

### 2008 REAL PROPERTY DISPOSITION PLAN

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

COMMONWEALTH OF PENNSYLVANIA  
Office of the Governor  
Harrisburg

June 12, 2008

Mark R. Corrigan, Secretary  
Senate of PA  
462 Capitol Building  
Harrisburg, PA 17120

Roger Nick, Chief Clerk  
PA House of Representatives  
129 Capitol Building  
Harrisburg, PA 17120

Re: 2008 Real Property Disposition Plan

Dear Mr. Corrigan and Mr. Nick:

In accordance with Act 48 of 1981, as amended, 71 P.S. Section 651.1 et seq., I am hereby transmitting to you the 2008 Real Property Disposition Plan (June 11, 2008 Revision) for consideration by the General Assembly. The Plan was prepared by the Department of General Services, reviewed by the House and Senate State Government Committees, and revised at the request of several members of the General Assembly. Additional copies of the Plan are available on the Department of General Services website at [www.dgs.state.pa.us](http://www.dgs.state.pa.us).

Thank you for your cooperation in this matter. Should additional information be required, please contact Secretary Creedon at 787-5996.

Sincerely,

EDWARD G. RENDELL  
Governor

The PRESIDENT. This will appear on the Calendar as Real Property Disposition Plan No. 1 of 2008.

### HOUSE MESSAGES

#### HOUSE BILLS FOR CONCURRENCE

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

June 12, 2008

**HB 2295** -- Committee on Urban Affairs and Housing.

**HB 2302** -- Committee on Community, Economic and Recreational Development.

**HB 2428** -- Committee on Banking and Insurance.

### BILLS INTRODUCED AND REFERRED

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

June 12, 2008

Senators BROWNE, FOLMER, RAFFERTY, BAKER, PIPPY, ORIE, ERICKSON, EARLL, WONDERLING, WAUGH, SCARNATI, BOSCOLA, O'PAKE, RHOADES, PILEGGI, BRUBAKER, WOZNIAC, VANCE and CORMAN presented to the Chair **SB 1432**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing for program evaluation.

Which was committed to the Committee on FINANCE, June 12, 2008.

Senators ORIE, BROWNE, LOGAN, PUNT and WASHINGTON presented to the Chair **SB 1444**, entitled:

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for bail for second-time DUI offenders; and further providing for definitions and for penalties.

Which was committed to the Committee on JUDICIARY, June 12, 2008.

June 16, 2008

Senators PICCOLA, BAKER, ORIE, FOLMER, WONDERLING, WAUGH, ARMSTRONG, PIPPY and RHOADES presented to the Chair **SB 1488**, entitled:

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, in lobbying disclosure, further providing for definitions, for reporting and for prohibited activities.

Which was committed to the Committee on STATE GOVERNMENT, June 16, 2008.

Senators O'PAKE, MELLOW, COSTA, STOUT, TARTAGLIONE, LAVALLE, FERLO, FONTANA, RAFFERTY, DINNIMAN, MUSTO, BOSCOLA, LOGAN, BROWNE, HUGHES and C. WILLIAMS presented to the Chair **SB 1489**, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, regulating toxic chemicals found in products specifically designed for and commercially marketed toward children; and providing for penalties.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 16, 2008.

Senators COSTA, ORIE, FONTANA, FERLO, LOGAN, PIPPY and GREENLEAF presented to the Chair **SB 1490**, entitled:

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, prohibiting preemption of ordinances.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 16, 2008.

Senators BRUBAKER, KASUNIC, BOSCOLA, RHOADES, ERICKSON, WOZNIAK, BROWNE and D. WHITE presented to the Chair **SB 1491**, entitled:

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for regulation of contracts; and providing for additional contracting authority for electric power and energy.

Which was committed to the Committee on LOCAL GOVERNMENT, June 16, 2008.

Senator ARMSTRONG presented to the Chair **SB 1492**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in State System of Higher Education, further providing for annual report; and providing for State-related university reporting.

Which was committed to the Committee on EDUCATION, June 16, 2008.

Senators VANCE, BRUBAKER, WAUGH, FONTANA, EICHELBERGER, MADIGAN, ERICKSON, FOLMER, TOMLINSON, PICCOLA, PUNT, BAKER, RAFFERTY, MUSTO, ORIE, EARLL, REGOLA, WONDERLING, BROWNE and COSTA presented to the Chair **SB 1493**, entitled:

An Act providing for nutrient and sediment reduction credits; establishing the Nutrient Credit Trading Board and providing for its powers and duties; and providing for powers and duties of the Department of Environmental Protection, the Environmental Quality Board and the Pennsylvania Infrastructure Investment Authority.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, June 16, 2008.

### GENERAL COMMUNICATION

#### ANNUAL REPORT ON THE BUREAU OF DOG LAW ENFORCEMENT

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

COMMONWEALTH OF PENNSYLVANIA  
Department of Agriculture  
2301 North Cameron Street  
Harrisburg, PA 17110

June 11, 2008

The Honorable Mark Corrigan, Secretary-Parliamentarian  
Senate of Pennsylvania  
462 Main Capitol Building  
Harrisburg, PA 17120

Dear Secretary-Parliamentarian Corrigan:

Attached please find an updated version of the Pennsylvania Department of Agriculture's Annual Report on the Bureau of Dog Law Enforcement to the Pennsylvania General Assembly. In accordance with Act 225 of 1982, the Dog Law, the Department has provided the Agricultural and Rural Affairs Committees with a report of the progress, activity and expenditure for the calendar year 2007.

This updated version replaces an incorrect table (appendix C - Dog License Sales in 2007), and provides additional information on the 2006 annual report (see page 5, Citation Issuance). Please discard the previous version of the report you received.

I believe this year's report demonstrates the improvements made to the Bureau of Dog Law Enforcement in 2007. Through the efforts of Governor Edward G. Rendell, the Bureau of Dog Law Enforcement was greatly enhanced from years prior. Many of these changes occurred in late 2006. However, their impact could not be fully gauged until the 2007 year came to a close and a full year's review could take place.

Thank you for your continued support of Pennsylvania agriculture.

Sincerely,

DENNIS C. WOLFF  
Secretary

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

### LEGISLATIVE LEAVES

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

Senator PILEGGI. Madam President, I request legislative leaves for Senator McIlhinney, Senator Punt, and Senator Tomlinson.

The PRESIDENT. Senator Pileggi requests legislative leaves for Senator McIlhinney, Senator Punt, and Senator Tomlinson.

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

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

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

Without objection, the leaves will be granted.

### SENATE CONCURRENT RESOLUTION

#### WEEKLY RECESS

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

In the Senate, June 16, 2008

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, June 23, 2008, 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, June 23, 2008, 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 PILEGGI and were as follows, viz:

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	Orie	Tomlinson
Boscola	Gordner	Piccola	Vance
Browne	Greenleaf	Pileggi	Washington
Brubaker	Hughes	Pippy	Waugh
Corman	Kasunic	Punt	White, Donald

Costa	Kitchen	Rafferty	White, Mary Jo
Dinniman	LaValle	Regola	Williams, Anthony H.
Earll	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

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

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

**SPECIAL ORDER OF BUSINESS  
GUESTS OF SENATOR JANE C. ORIE  
PRESENTED TO THE SENATE**

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

Senator ORIE. Madam President, I would like my colleagues to welcome Zara Moss. Zara is 8 years old. She attends Eden Christian Academy and lives in Cranberry Township. Zara recently wrote to me expressing interest in government. She wanted a chance to experience a day in Harrisburg and the action on the Senate floor to learn more about Pennsylvania government.

I am thrilled that 8-year-old Zara has a sincere interest in the legislative process. She has indicated to me, Madam President, that she is going to run for the Senate when she comes of age. So please take a moment to welcome Zara and her family. Her mother, Julie, is here; her father, Greg; her grandmother, Ethel; her 5-year-old sister, Ava; and her 3-year-old sister, Bianca.

The PRESIDENT. Would Zara Moss and her mother, Julie, and father, Greg, and grandmother, Ethel, and her two sisters all please rise so we can welcome you to the Pennsylvania Senate.

(Applause.)

**GUESTS OF SENATOR JOHN R. PIPPY  
PRESENTED TO THE SENATE**

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

Senator PIPPY. Madam President, it is my pleasure today to introduce two wonderful young women. Jocelyn Grecko and Reva Singh are both interns from my district office in Moon Township. They are here visiting for the day to get a better appreciation and understanding of how we operate in the Capitol.

Jocelyn is a recent graduate of Our Lady of the Sacred Heart High School. She is a resident of Clinton, Pennsylvania, and her parents are Jennifer and Christopher Grecko. In the fall, she will attend the Catholic University of America in Washington, D.C., where she plans to study media relations and political science.

Reva is a sophomore at George Washington University in Washington, D.C., where she is majoring in journalism. She is a resident of Sewickley Heights, and her parents are Dr. Amar and Neeta Singh. Would you please give them a warm Senate welcome. They are seated in the gallery.

The PRESIDENT. Would Jocelyn Grecko and Reva Singh please rise so we can welcome you to the Pennsylvania Senate.

(Applause.)

**GUESTS OF SENATOR JANE C. ORIE  
PRESENTED TO THE SENATE**

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

Senator ORIE. Madam President, I am pleased, today, to introduce Jenna Nelson from my district. Jenna is the daughter of Doug and Ellen Nelson. She just finished the eighth grade at Pine-Richland Middle School, and she lives in Wexford.

Each year in my district, Madam President, I sponsor a "There Ought To Be A Law" contest, and Jenna has been selected by judges from all walks of life, from judicial and business leaders to political. She got the winning proposal, and it is to require restaurants to hang a sign or poster in their establishment explaining how to perform the Heimlich maneuver in the event of an emergency. I find it extremely encouraging to see youths like Jenna in Pennsylvania taking an interest in the political process, but it is even more heartening to see them take an interest in the health and well-being of others in the Commonwealth.

Please welcome and congratulate Jenna, along with her parents, Doug and Ellen, and her brother, Ryan.

The PRESIDENT. Would Jenna and her parents and her brother, Ryan, all please rise so we can welcome you to the Pennsylvania Senate.

(Applause.)

**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 to be held in the Majority Caucus Room. I expect the caucus will last approximately 2 hours.

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

Senator O'PAKE. Madam President, I ask 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.

**CALENDAR**

**HB 1863 CALLED UP OUT OF ORDER**

**HB 1863 (Pr. No. 2549)** -- Without objection, the bill was called up out of order, from page 4 of the Third Consideration Calendar, by Senator PILEGGI, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**HB 1863 (Pr. No. 2549)** -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a bridge on PA Route 120 crossing the railroad tracks at the east end of Renovo Borough in Clinton County, Pennsylvania, as the Western Clinton County Veterans Bridge.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator McIlhinney and Senator Tomlinson have returned, and their legislative leaves are cancelled.

CONSIDERATION OF CALENDAR RESUMED

SB 1442 CALLED UP OUT OF ORDER

SB 1442 (Pr. No. 2106) -- Without objection, the bill was called up out of order, from page 4 of the Third Consideration Calendar, by Senator PILEGGI, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1442 (Pr. No. 2106) -- 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, in high schools, further providing for academic degrees.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

YEA-49

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

NAY-1

Piccola

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.

RECONSIDERATION OF SB 1442

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1442 (Pr. No. 2106) -- Senator WOZNIAK. Madam President, I move that the Senate do now reconsider the vote by which Senate Bill No. 1442, Printer's No. 2106, just passed finally.

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

On the question,  
Shall the bill pass finally?

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

YEA-48

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

NAY-2

Piccola                      Wozniak

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.

### THIRD CONSIDERATION CALENDAR

#### PREFERRED APPROPRIATION BILL OVER IN ORDER TEMPORARILY

**SB 1389** -- Without objection, the bill was passed over in its order temporarily at the request of Senator PILEGGI.

#### BILL LAID ON THE TABLE

**HB 239 (Pr. No. 1441)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further providing for liens for assessments and for connection to water system.

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

#### HB 239 TAKEN FROM THE TABLE

Senator PILEGGI. Madam President, I move that House Bill No. 239, Printer's No. 1441, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

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

#### BILL OVER IN ORDER

**SB 352** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

#### BILL AMENDED

**SB 768 (Pr. No. 2105)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes, further providing for the definitions of "commercial lending activities" and "commercial lending institutions" and for the First Industries Program.

On the question,

Will the Senate agree to the bill on third consideration?

Senator MELLOW offered the following amendment No. A7568:

Amend Sec. 2 (Sec. 1552), page 2, line 26, by striking out "\$100,000" and inserting: \$250,000

On the question,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

Will the Senate agree to the bill on third consideration?

Senator ORIE offered the following amendment No. A7304:

Amend Sec. 3, page 4, line 19, by inserting after "LENDER": or other commercial lender

Amend Sec. 3, page 4, lines 20 through 25, by striking out "ALL LOAN AND LOAN GUARANTEE INFORMATION" in line 20 and all of lines 21 through 25 and inserting: The report shall be posted on the department's Internet website.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

#### BILL OVER IN ORDER

**SB 1274** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

#### BILLS AMENDED

**SB 1363 (Pr. No. 1948)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 1, 1945 (P.L.1232, No.427), entitled "An act providing for and regulating the appointment, promotion and reduction in rank, suspension and removal of paid operators of fire apparatus in boroughs, incorporated towns and townships of the first class; creating a civil service commission in each borough, incorporated town and township of the first class; defining the duties of such civil service commission; imposing certain duties and expenses on boroughs, incorporated towns and townships of the first class; imposing penalties; and repealing inconsistent laws," further providing for general provisions relating to examinations, for rejection of applicant and hearing, for manner of filling appointments, for probationary period and for physical examinations.

On the question,

Will the Senate agree to the bill on third consideration?

Senator REGOLA offered the following amendment No. A7468:

Amend Sec. 2 (Sec. 13), page 3, lines 28 and 29, by striking out "currently addicted to and"

Amend Sec. 2 (Sec. 16), page 6, line 5, by striking out "because of addiction to, and the current use of," and inserting: due to the use of

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

**SB 1364 (Pr. No. 1949)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 5, 1941 (P.L.84, No.45), entitled "An act providing for and regulating the appointment, promotion and reduction in rank, suspension and removal of paid members of the police force in boroughs, incorporated towns and townships of the first

class maintaining a police force of not less than three members; creating a civil service commission in each borough, incorporated town and township of the first class; defining the duties of such civil service commission; imposing certain duties and expense on boroughs, incorporated towns and townships of the first class; imposing penalties, and repealing inconsistent laws," further providing for general provisions relating to examinations, for rejection of applicant and hearing, for manner of filling appointments, for probationary period and for physical examinations.

On the question,

Will the Senate agree to the bill on third consideration?

Senator REGOLA offered the following amendment No. A7467:

Amend Sec. 2 (Sec. 13), page 3, line 28, by striking out "currently addicted to and"

Amend Sec. 2 (Sec. 16), page 6, lines 12 and 13, by striking out "because of addiction to, and the current" and inserting: due to the

Amend Sec. 2 (Sec. 16), page 6, line 13, by removing the comma after "oi"

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

**SB 1365 (Pr. No. 1950)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, as to civil service for police and firemen, further providing for general provisions relating to examinations, rejection of applicant and hearing, manner of filling appointments, probationary period and physical examination.

On the question,

Will the Senate agree to the bill on third consideration?

Senator REGOLA offered the following amendment No. A7469:

Amend Sec. 1 (Sec. 1183), page 3, line 12, by striking out "currently addicted to and"

Amend Sec. 3 (Sec. 1186), page 6, lines 9 and 10, by striking out "because of addiction to, and current use of," and inserting: due to the use of

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

**SB 1366 (Pr. No. 2054)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for general provisions relating to examinations, for rejection of applicant and hearing, for manner of filling appointments, for probation period and for physical examinations.

On the question,

Will the Senate agree to the bill on third consideration?

Senator REGOLA offered the following amendment No. A7470:

Amend Sec. 2 (Sec. 637), page 3, line 17, by striking out "currently addicted to and"

Amend Sec. 4 (Sec. 640), page 6, lines 17 and 18, by striking out "because of addiction to the habitual" and inserting: due to the

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

#### BILL OVER IN ORDER

**SB 1367** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

#### BILL AMENDED

**SB 1368 (Pr. No. 2136)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 31, 1933, (P.L.1108, No.272), entitled, as amended "An act providing for the appointment, promotion, reduction, removal and reinstatement of paid officers, firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the third class; defining the powers and duties of civil service commissions for such purposes; and fixing penalties," further providing for civil service examinations and eligibility lists.

On the question,

Will the Senate agree to the bill on third consideration?

Senator REGOLA offered the following amendment No. A7471:

Amend Sec. 2 (Sec. 5), page 4, line 1, by striking out "currently addicted to and"

Amend Sec. 2 (Sec. 6), page 6, lines 20 and 21, by striking out "because of current addiction to the habitual" and inserting: due to the

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

#### BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 1385 (Pr. No. 2139)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing, in corporate net income, for the definition of "taxable income."



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 Allegheny, Senator Costa.

Senator COSTA. Madam President, I rise to express my opposition and my intent to vote in the negative on Senate Bill No. 1385. In addition to that, it is my intent to vote in the negative on Senate Bills No. 1386, 1387, and 1388.

Madam President, this series of bills represents a business tax cut package that has been proposed by some of our colleagues. I think it is important that our colleagues recognize, and I would like to point out to them, that the total cost of this business tax cut package that is before us, these four bills, represents a \$210 million reduction in taxes in this Commonwealth. Madam President, beyond that, the cost of these tax cuts over the years grows by another \$30 million, on top of the \$210 million already stated. This would be revenue that would be eliminated from our General Fund.

Madam President, in a tight budget year, when we are looking at the fine print of State expenditures, looking under every rock to try to find a way in which we can conserve revenues simply to stay out of real fiscal trouble, the last thing we need to do, in my opinion, Madam President, at this time, given the juncture that we are at, is to give one sector of our economy a business tax cut, or a cut, at the expense of others. Madam President, in my opinion, it is not good fiscal policy to cut revenues so much in this particular year that we may force ourselves into deficits in the following years, and next year in particular. To me, that is not responsible policy. That is not conservative policy. It is short-sighted policy.

Madam President, the problem is that we have a real problem here in terms of revenues for this Commonwealth. The truth of the matter is, in this Chamber, many of us, if not all of us, we all want to vote for business tax cuts. And, Madam President, I think it is important that we point out that over the past 5 years, we have cut more than \$1 billion in business tax cuts in this Commonwealth. But, Madam President, this year is not the right year to do this. More importantly, Madam President, we are less than 2 weeks away from concluding, hopefully, our--

#### POINT OF ORDER

Senator MELLOW. Madam President.

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

Senator MELLOW. Madam President, this is a very important issue. It deals with the fiscal responsibilities of this Chamber and the fiscal health of the Commonwealth over the next several years. I think that the gentleman should be offered more consideration so that the Members will make an intelligent vote on these particular bills that are coming up. He is making an extremely important point, and I am sure there is going to be somebody on the other side who will want to have a counterpoint. It

is important that the Members understand the debate taking place, and with the kind of noise that is in this Chamber, it is virtually impossible to be able to comprehend the discussion.

The PRESIDENT. The gentleman's point is well-taken. It is sort of hard to keep them quiet, okay? It is very difficult.

You may commence, Senator Costa.

Senator COSTA. Thank you, Madam President. You do an excellent job in keeping them quiet, and I want to thank my colleague, Senator Mellow, for recognizing that this is a very important issue.

As I said, nearly everyone in this room wants to vote for business tax cuts. As I stated earlier, we have done it on a number of occasions over the past 5 years, to the tune of well over \$1 billion in business tax cuts that the businesses across this Commonwealth have enjoyed. Madam President, we also know, I hope we all know, that this type of business tax cut in this particular year, at this point in time in our budget process, is not appropriate, given the fact that our budget is so, so very tight.

Madam President, the plan that is before us has the same feeling that we felt as little kids standing in front of the bakery window. We see all the good sugary treats that exist on the other side of that window. We know that they taste good, we certainly know that they look good, and we also know that they will be a short-term quick fix. But, Madam President, in the end, when we have eaten too much, we take in all those calories, and we end up adding inches to our waistlines, and it ultimately results in tooth decay.

Madam President, taken by themselves, these tax cuts are attractive, many of which my colleagues and I have supported. Expanding the net operating loss provision to \$5 million sounds like a good idea, but it is not a good idea this year because it costs \$71 million that we simply do not have. Tax forgiveness for low-income families, Madam President, and I have supported this measure year in and year out. It is a very good thing to do. Except this year, it is not a good thing to do, at least not at this point in time, because it costs \$44 million of funds we are without.

And, Madam President, permitting expanded deductibility of business expenses seems to make sense and buttresses the argument that something is being done to help our businesses, but again, not this year, at the cost of \$6.6 million, when we are struggling, and we will be struggling over the next several weeks to make ends meet. The expansion of the sales tax factor may be a good thing when there are funds to be able to support them and there are funds that are available. However, this year the funds are not available, particularly when you look at a cost of \$92 million.

Madam President, I submit to you that the collection of all these matters and all these pieces of legislation, in total, representing about \$200-some million, is simply not the right thing to do at this time. The impact of the adoption of this package will make some of us here feel good. But the truth is, this year it is not good. It is irresponsible and may create a real disaster for us down the road. In this tight budget year, when we are facing and asking for folks to sacrifice, when we cannot find the will in this Chamber to address healthcare, to address energy, to address economic development, and to address education needs in this Commonwealth, these ideas would slash revenues at the expense

of other needs and are short-sighted, and Madam President, I submit to my colleagues that they need to be reconsidered.

I ask for a negative vote, not because these are not good pieces of legislation, but rather, in terms of our discussion about our budget, we simply do not have the resources at this point in time. I ask for a negative vote.

Thank you, Madam President.

The PRESIDENT. The Chair recognizes the gentlewoman from Montgomery, Senator Connie Williams.

Senator C. WILLIAMS. Madam President, this is going to be a very difficult vote for me today, because I support these measures as a matter of public policy. Over the years, I have supported a variety of business tax breaks, and I continue to support legislation that makes Pennsylvania more attractive and more competitive to new business and industry. As Democratic Chair of the Senate Committee on Communications and Technology, I continue to speak with representatives of some of our newest and most innovative businesses, and I understand their needs.

The problem and the reality is the Commonwealth is not going to realize a surplus this year, and this puts us in the unenviable position of further stretching resources that are already stretched to their limits. I am sure that each one of my colleagues has gotten dozens of letters saying, please increase the amount of money the Governor has put in his budget for business development, for nonprofits, for social services, for arts, or for community development. Nobody has written to us and said, gee, we know this is a hard year, we want to decrease our request. Nobody has done that.

I would like very much to be able to support these bills, and I am hopeful that in the final budget resolution, some of these very important tax initiatives will be put in, in some way or another, but today, how we vote on these bills really is a matter of fiscal responsibility.

Thank you.

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

Senator CORMAN. Madam President, just a couple of comments. First of all, I guess I would like to submit that I do not think it is ever a bad year to lower taxes. I think there is a misnomer that, generally, lower taxes mean less revenue. Yes, in the short-term, they mean less revenue, of course. You have to budget for that. But my colleague from Allegheny County made the comment that this is short-sighted thinking. I would make the exact opposite argument, that it is long-term thinking.

Madam President, just refer back to the 1990s, under Governor Ridge, when we did a plethora of tax cuts, and some of those same arguments were made, that we were going to be hurting revenue. Our revenue came into the Commonwealth in the 1990s, probably around \$20 billion. Now we are pushing \$30 billion with those same tax cuts still in place. Revenues increased with those tax cuts in place over time, Madam President. And this type of long-term thinking stimulus package--this is a real stimulus package, Madam President. It is not like what our Federal government proposed, where we just give money away. It is not like what the Governor proposed, where we just give money away. This is long-term thinking to try to motivate the economy to go in the right direction.

My bill, Madam President, dealing with the net operating loss, is exactly that. Small businesses are the lifeblood of the Commonwealth. Most of our businesses in Pennsylvania are small businesses. And this allows--particularly in my area, Madam President, where Penn State University is, and there are a lot of research jobs--this allows some short-term losses to be recouped by having the net operating loss being carried forward over into the next year.

All this does is raise the cap somewhat. We are only one of two States, Pennsylvania and Connecticut, to even have a cap on net operating losses, because you want these small businesses to be able to grow, so when they lose in the early stages, as many research jobs do, when they start making revenue, you do not want to pound them with taxes. You want to be able to recover those losses so they can be stable and be around for many, many years in the future.

So I understand that in the short term, we have to budget for these tax cuts. I think this is a modest package. I think that we can prioritize our spending, and we are going to propose to find the spending cuts. We are not just going to throw a tax cut package out here, Madam President, and then let our budget go out of balance. We are going to propose coordinating cuts in spending of the Governor's proposal to match the short-term revenue loss. But I believe, Madam President, as I have shown in the past, our revenues will go up because of this package.

So although I certainly respect the opposing view and understand the difficulty of today's economic climate, Madam President, I believe this is the exact kind of stimulus package that we need, and I wholeheartedly support the full package of bills that we are going to be voting on here today.

Thank you, Madam President.

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

Senator MELLOW. Madam President, I paid attention to the debate that started with Senator Costa, then with Senator Williams, and now with Senator Corman. I think it all was very excellent debate and excellent presentations.

Madam President, it is important, for me at least, to note that it was not that many years ago when we did not, in Pennsylvania, have a loss carryforward provision in dealing with the corporate net income tax. And it was I myself and a gentleman who is no longer with us, not only in this body but who has passed away, Senator Frank O'Connell, who introduced a proposal to initiate a loss carryforward provision for the purpose of trying to get Pennsylvania's corporate laws to match the Federal corporate laws, where you could carry, in future years, a loss carryforward with regard to corporate taxes.

Madam President, it was suggested by Senator Connie Williams that this is not good public policy. Well, anytime you are trying to reduce taxes in a year when you have a surplus in a budget, it is very, very good public policy. Unfortunately, Senator Williams is 100-percent correct. We right now are facing a deficit, a potential deficit in Pennsylvania for this fiscal year. And then if you project that into the next fiscal year, Madam President, of 2009-10, we are going to have, unless the economy really makes an incredible turnaround, we are going to have a substantial deficit in revenues in Pennsylvania, unless things change.

