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SESSION OF 2008 192ND OF THE GENERAL ASSEMBLY

No. 45

SENATE

WEDNESDAY, June 25, 2008

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

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

PRAYER

The Chaplain, Father GABRIEL ZEIS, President of Saint Francis University, Loretto, offered the following prayer:

Psalm 119 prays: I will run the way of Your commandments when You have set my heart at liberty.

We begin this day and its order of business, Creator of all freedom and life, in the very spirit of liberty bestowed upon us by the graciousness of Your wisdom and care. We gather in this place of government with the dream of those who have gone before us, our Founding Fathers and Mothers who were so taken with Your call to truth and justice that they abandoned all that was comfortable and familiar to them and began a new enterprise established upon faith and the belief that You are always their inspiration and hope.

Today, we face many obstacles. There are challenges before us as we struggle to approve a budget, engage in furthering the development of the great treasure of this Commonwealth--its people--to advance their well-being and to create a secure future for all. You have not held back in Your generosity, for we have, today, a great opportunity to solve our societal problems and to call upon the youth of this Commonwealth to prepare themselves well for what will be their task - to lead when we no longer can.

You have blessed us with a community of legislators who, in this great diversity, build a consensus of vision that will sustain and nurture, guide and protect, empower and preserve the legacy of their constituents that is the legacy of life, liberty, and the pursuit of happiness. Bless this body, the Senate of the Commonwealth of Pennsylvania, with Your divine light. Lead them quietly and securely, this day and always, into the purpose of Your holy will. Amen.

The PRESIDENT. The Chair thanks Father Zeis. We are honored you came here today. He is the guest of Senator Eichelberger and Senator Wozniak.

PLEDGE OF ALLEGIANCE

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

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 25, 2008

Senators RAFFERTY, FONTANA, ORIE, EARLL, KITCHEN, BOSCOLA, WAUGH, WOZNIAK, O'PAKE, GREENLEAF, RHOADES, C. WILLIAMS and STACK presented to the Chair **SB 1507**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in municipal authorities, further providing for purposes and powers.

Which was committed to the Committee on LOCAL GOVERNMENT, June 25, 2008.

Senators WOZNIAK, WASHINGTON, LOGAN, RAFFERTY, A. WILLIAMS, BOSCOLA, MUSTO, STOUT, LAVALLE, BROWNE, O'PAKE, WONDERLING, FERLO, COSTA, C. WILLIAMS and ARMSTRONG presented to the Chair **SB 1508**, entitled:

An Act establishing a Renaissance City Initiative to provide grants to renaissance cities for purposes of furthering economic development and urban revitalization; and making appropriations.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, June 25, 2008.

Senators ROBBINS, MELLOW and HUGHES presented to the Chair **SB 1511**, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, further providing for establishment of county boards and expenses.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 25, 2008.

Senators M. WHITE and COSTA presented to the Chair **SB 1512**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in reimbursements by Commonwealth and between school districts, providing for funding for schools operated by children's residential facilities.

Which was committed to the Committee on EDUCATION, June 25, 2008.

Senators DINNIMAN, COSTA, EARLL, KITCHEN, LAVALLE, RAFFERTY, STOUT, WASHINGTON and WOZNIAK presented to the Chair **SB 1513**, entitled:

An Act amending the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law, further providing for purchase of agricultural conservation easements.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, June 25, 2008.

Senators DINNIMAN, COSTA, KITCHEN, LAVALLE, RAFFERTY, STOUT, WASHINGTON and WOZNIAK presented to the Chair **SB 1514**, entitled:

An Act amending the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law, further providing for limitation on certain governmental actions.

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, June 25, 2008.

BILL SIGNED

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

HB 2496.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Finance to meet during today's Session in the Rules room to consider Senate Bill No. 1247 and House Bill No. 1438.

BILLS REPORTED FROM COMMITTEE

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

SB 884 (Pr. No. 2242) (Amended)

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, restricting municipalities from regulating amateur radio service communications.

SB 1496 (Pr. No. 2211)

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in area government and intergovernmental cooperation, providing for agreements and cooperation with municipal authorities.

HB 1280 (Pr. No. 4060) (Amended)

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, further defining "traditional neighborhood development"; further providing for grants of power to municipalities, for standards and conditions for traditional neighborhood development designations and for manuals of written and graphic design guidelines; providing for subdivision and land development ordinance provisions applicable to traditional neighborhood development, further providing for time limitations, for procedure to obtain preliminary opinion and for implementation agreements.

LEGISLATIVE LEAVES

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

Senator PILEGGI. Madam President, I request temporary Capitol leaves for Senator Piccola, Senator Folmer, Senator Wonderling, and Senator Greenleaf, and a legislative leave for Senator Punt.

The PRESIDENT. Senator Pileggi requests temporary Capitol leaves for Senator Piccola, Senator Folmer, Senator Wonderling, and Senator Greenleaf, and a legislative leave for Senator Punt.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

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

The PRESIDENT. Senator Mellow requests a legislative leave for Senator Kitchen.

Without objection, the leaves will be granted.

CALENDAR

THIRD CONSIDERATION CALENDAR

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

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

Senator PILEGGI. Madam President, I move that Senate Bill No. 1337 go over in its order.

On the question,

Will the Senate agree to the motion?

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

YEA-50

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

NAY-0

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

The PRESIDENT. The bill will go over in its order.

PERMISSION TO ADDRESS

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

Senator MELLOW. Madam President, I thought perhaps today would be a national holiday in the city of Pittsburgh, but I

want to congratulate, at least on our side, Senator Costa, Senator Ferlo, Senator Fontana, and Senator Logan, because they did beat the New York Yankees last night, so they do deserve their day in the sun today, and I just want to make that acknowledgment on the floor of the Senate.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator Folmer and Senator Wonderling have returned, and their temporary Capitol leaves are cancelled.

CONSIDERATION OF CALENDAR RESUMED

SENATE RESOLUTION No. 322, ADOPTED

Senator McILHINNEY, without objection, called up from page 7 of the Calendar, as a Special Order of Business, **Senate Resolution No. 322**, entitled:

A Resolution honoring the Lenape Valley Foundation on its 50th anniversary.

On the question,
Will the Senate adopt the resolution?

GUESTS OF SENATOR CHARLES T. McILHINNEY PRESENTED TO THE SENATE

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

Senator McILHINNEY. Madam President, Senate Resolution No. 322 is a resolution honoring the 50th anniversary of the Lenape Valley Foundation. With us today in the audience is Mr. Alan Hartl. Mr. Hartl is the executive director of the Lenape Valley Foundation. It is an organization that has provided thousands of Bucks County residents with mental health and mental retardation services for the past 50 years. Alan and his employees serve individuals who have serious and challenging mental health and retardation issues. He deserves a great deal of credit for his leadership in creating and implementing many of the programs that improve the quality of life for clients in our communities every day.

So I ask my colleagues to join me in welcoming Alan to the Senate, and I also ask for an affirmative vote honoring the Lenape Valley Foundation's 50th anniversary.

The PRESIDENT. Would Alan Hartl and the guests from the Lenape Valley Foundation please rise so we can welcome you.
(Applause.)

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

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

SPECIAL ORDER OF BUSINESS GUESTS OF THE PRESIDENT PRESENTED TO THE SENATE

The PRESIDENT. I have about 150 girls in the gallery. The Department of Pennsylvania Veterans of Foreign Wars has brought the Ladies Auxiliary here and all these 150 young students. I would like to welcome Kathy Jo Reinsmith. Yesterday

we had the Legion boys. Today we have the Legion girls. So would the girls please rise so we can welcome you.

(Applause.)

GUESTS OF SENATOR PATRICIA H. VANCE PRESENTED TO THE SENATE

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

Senator VANCE. Madam President, I am really especially pleased to present to the Senate the 2008 PIAA State Class A baseball champions from Camp Hill High School. This group of young men have only one senior on the entire squad. This is their first State title in baseball since 1999. They are here with their head coach, Brad Shover, and their assistant coach, Michael Dickson. The members of the team are Matthew Robertson, James Rish, Lawrence Thompson, Seth Crossley, Tyler Shover, Matthew Spiegel, Michael Frankenfield, Matthew Boyd, Parker Marsh, Luke Hoffman, Thomas Kline, Colton Powden, Sam Sheesley, Jason Updegraff, and Angelo Zanger. I ask the Senate to give this wonderful group of young men a very warm welcome.

The PRESIDENT. Will our 2008 PIAA Class A baseball champions and their coaches all please rise.

(Applause.)

GUESTS OF SENATOR JANE M. EARLL PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentlewoman from Erie, Senator Earll.

Senator EARLL. Madam President, today I have the delightful opportunity to--

The PRESIDENT. Excuse me. That is enough. Take your seats.

Senator Earll.

Senator EARLL. Madam President, it is unusual that I have visitors from far away in the northwest corner of the State, so I am delighted to have the opportunity to introduce two young ladies today who are here in Harrisburg and at Shippensburg University participating in the Keystone Girls' State Program. Both are going to be seniors at McDowell High School, and both are also in their fourth year in the Air Force ROTC program.

With me today is Sarah Nevel, and she would like to attend the Air Force Academy and become a pilot after graduation, and her friend Joselle Gontz, more affectionately known as Josie, would like to attend the Merchant Marine Academy or receive a Navy scholarship to study logistics. Obviously, both of these young women have very lofty goals. I wish them much success and thank them for visiting, and I ask that we give them our usual warm welcome.

The PRESIDENT. Would Sarah Nevel and Joselle Gontz please rise.

(Applause.)

GUEST OF SENATOR CHARLES McILHINNEY PRESENTED TO THE SENATE

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

Senator McILHINNEY. It is my pleasure to introduce James Nicholas, a constituent of mine and the winner of A Day at the Capitol. He is a field examiner in the financial industry and has been a resident of the Sellersville area for 20 years. Mr. Nicholas is an avid reader and also enjoys sports. Please join me in giving Mr. Nicholas a welcome here to the Senate.

Thank you, Madam President.

The PRESIDENT. Welcome, Mr. Nicholas. Please rise.
(Applause.)

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has also been given for the Committee on Aging and Youth to meet in the Rules room to consider Senate Bill No. 4 and Senate Bill No. 26.

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 immediately. I expect the caucus will last approximately 1 hour.

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

Senator MELLOW. Madam President, I also request that the Democratic Members report to our caucus room immediately upon the recess of the Session.

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

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

Senator ORIE. Madam President, I request temporary Capitol leaves for Senator Pileggi, Senator Scarnati, and Senator Armstrong.

The PRESIDENT. Senator Orie requests temporary Capitol leaves for Senator Pileggi, Senator Scarnati, and Senator Armstrong.

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

Senator O'PAKE. Madam President, I request temporary Capitol leaves for Senator Mellow, Senator Fumo, and Senator LaValle.

The PRESIDENT. Senator O'Pake requests temporary Capitol leaves for Senator Mellow, Senator Fumo, and Senator LaValle.

Without objection, the leaves will be granted.

CONSIDERATION OF CALENDAR RESUMED

BILL ON CONCURRENCE IN HOUSE AMENDMENTS AS AMENDED

BILL OVER IN ORDER

SB 949 -- Without objection, the bill was passed over in its order at the request of Senator ORIE.

THIRD CONSIDERATION CALENDAR RESUMED

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

HB 2179 -- Without objection, the bill was passed over in its order at the request of Senator ORIE.

BILL OVER IN ORDER

HB 239 -- Without objection, the bill was passed over in its order at the request of Senator ORIE.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 584 (Pr. No. 2237) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in organization and jurisdiction of courts of common pleas, authorizing the establishment of courts of specialized jurisdiction.

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 Allegheny, Senator Orie.

Senator ORIE. Madam President, I submit my remarks for the record.

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

(The following prepared remarks were made part of the record at the request of the gentlewoman from Allegheny, Senator ORIE:)

Pennsylvania is one of the few States which have not yet passed some form of legislation for establishing and operating drug courts and other specialty courts. This bill recognizes the success and expands the use of specialty jurisdiction or problem-solving courts around the country. These courts include drug, family, mental health, DUI, and domestic violence courts and are designed to couple case-specific treatment services with the administration of justice. Study after study has shown that these courts save money. Nationally, these programs have shown substantial benefits, with as much as \$10 of savings realized for every \$1 invested in establishing and maintaining specialty court programs. Likewise, studies have shown that the courts reduce criminal recidivism.

In my region, we have seen these types of results from Allegheny County Common Pleas' two specialized courts, the Drug Court and the Mental Health Court. In the Allegheny drug treatment court, the recidivism rate for those who complete the program is about 28 percent. And

according to a new report by the RAND Corporation released this year, in the Allegheny County Mental Health Court, the recidivism rate is 12 percent. The RAND study indicated that costs were offset in the first year after sentencing. Although participants in the Mental Health Court (MHC) program received more mental health services, they also spent fewer days in jail than they might have if they had been sentenced in criminal court. In the second year after sentencing, the reduced jail time more than offset the costs of continuing mental health treatment, saving Allegheny County taxpayers about \$3.6 million over the 2 years.

Senate Bill No. 584 provides that the courts of common pleas may establish "courts of specialized jurisdiction" and includes a new definition to further authorize and recognize the different types of these courts. It also provides for a statewide coordinator, to be appointed by the Pennsylvania Supreme Court, and delineates the duties of the coordinator. The legislation also provides for an interdisciplinary and interbranch advisory committee to the statewide coordinator. The Supreme Court statewide coordinator's role is to: identify sources of funding--Federal funding sources are limited and spread out through numerous programs, and the bill will provide for a coordinated effort to access these funds; provide coordination and technical assistance for grant applications; and develop model guidelines for their implementation around the State.

I ask my colleagues for an affirmative vote on Senate Bill No. 584. Thank you, Madam President.

And the question recurring,
Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

BILL OVER IN ORDER

SB 768 -- Without objection, the bill was passed over in its order at the request of Senator ORIE.

BILL AMENDED

SB 1015 (Pr. No. 1268) -- The Senate proceeded to consideration of the bill, entitled:

An Act requiring certain notification in certain advertising.

On the question,
Will the Senate agree to the bill on third consideration?
Senator FOLMER offered the following amendment No. A7994:

Amend Sec. 3, page 2, line 15, by inserting before "No":

(a) General rule.—

Amend Sec. 3, page 2, line 17, by inserting after "for":
paid

Amend Sec. 3, page 2, line 17, by inserting after "such":
paid

Amend Sec. 3, page 2, by inserting between lines 24 and 25:

(b) Exception.—The provisions of subsection (a) shall not apply where the materials provided to the broadcast or print media are broadcasted or published free of charge.

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 ORIE.

LEGISLATIVE LEAVE CANCELLED

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILLS OVER IN ORDER

SB 1284, HB 1329 and HB 1330 -- Without objection, the bills were passed over in their order at the request of Senator ORIE.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1370 (Pr. No. 1957) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, in insurance holding companies, further providing for standards and management of an insurer within a holding company system.

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	Oric	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	Mellhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

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

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

LEGISLATIVE LEAVE CANCELLED

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILLS OVER IN ORDER

SB 1412 and **HB 2295** -- Without objection, the bills were passed over in their order at the request of Senator ORIE.

SECOND CONSIDERATION CALENDAR

BILLS ON SECOND CONSIDERATION REREPORTED FROM COMMITTEE AS AMENDED

HB 7 (Pr. No. 4019) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 31, 1919 (P.L.356, No.170), entitled, as amended, "An act authorizing courts of record to remove convicts and persons confined in jails, workhouses, reformatories, reform or industrial schools, penitentiaries, prisons, houses of correction or any other penal institutions, who are seriously ill, to other institutions; and providing penalties for breach of prison," further providing for removal of certain convicts who are seriously ill.

Considered the second time and agreed to,

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

SB 1330 (Pr. No. 2227) -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Coal Methane Review Board to resolve disputes between property owners over the location of coal bed methane wells and access roads.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

HB 69, HB 221, SB 346 and **HB 684** -- Without objection, the bills were passed over in their order at the request of Senator ORIE.

BILL LAID ON THE TABLE

SB 829 (Pr. No. 2238) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for restroom access for certain customers of retail establishments and for a penalty.

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

BILL ON SECOND CONSIDERATION

HB 1096 (Pr. No. 3586) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, defining "council"; establishing the Uniform Construction Code Review and Advisory Council; and further providing for revised or successor codes and for training of inspectors.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 1112, SB 1118, SB 1119 and **SB 1138** -- Without objection, the bills were passed over in their order at the request of Senator ORIE.

BILLS ON SECOND CONSIDERATION

SB 1158 (Pr. No. 2145) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, providing for transportation infrastructure partnership and development.

Considered the second time and agreed to,

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

SB 1180 (Pr. No. 2230) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the second time and agreed to,

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

BILL OVER IN ORDER

HB 1199 -- Without objection, the bill was passed over in its order at the request of Senator ORIE.

BILL ON SECOND CONSIDERATION

SB 1266 (Pr. No. 1919) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 22, 2005 (P.L.474, No.94), known as the Breach of Personal Information Notification Act, further providing for notification of breach.

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

BILLS OVER IN ORDER

SB 1413, SB 1428, SB 1449 and SB 1488 -- Without objection, the bills were passed over in their order at the request of Senator ORIE.

BILL ON SECOND CONSIDERATION, AMENDED

HB 1612 (Pr. No. 3392) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for testing standards for cigarette fire safety, for certification of compliance by manufacturers, for package markings and for enforcement and penalties; establishing special funds; and providing for sale of existing inventory, for manufacturers' sale to other states or foreign countries and for regulations and preemptions.

On the question,
Will the Senate agree to the bill on second consideration?
Senator TOMLINSON offered the following amendment No. A6356:

Amend Sec. 5, page 9, lines 24 through 27, by striking out "IN THE CASE OF A" in line 24 and all of lines 25 through 27

Amend Sec. 5, page 10, lines 1 through 3, by striking out ". ANY AMENDED CERTIFICATION FORM" in line 1, all of line 2 and "REQUIRE AN ADDITIONAL \$500 FEE." in line 3 and inserting:

, except that whenever a manufacturer submits a certification form listing a cigarette that is within a brand family for which the manufacturer already has paid a fee of \$1,000 within the three-year certification period, and that has not already been listed in a certification form submitted during that three-year period, the manufacturer shall pay the department an additional fee of \$500.

On the question,
Will the Senate agree to the amendment?
It was agreed to.

On the question,
Will the Senate agree to the bill on second consideration, as amended?
It was agreed to.
Ordered, to be printed on the Calendar for third consideration.

BILL OVER IN ORDER

HB 1742 -- Without objection, the bill was passed over in its order at the request of Senator ORIE.

BILL ON SECOND CONSIDERATION

HB 2302 (Pr. No. 3912) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for assistance to agencies promoting tourism; authorizing the Department of Community and Economic Development to make grants and provide assistance to properly designated tourism promotion agencies and regional marketing partnerships; conferring powers and imposing duties on the governing bodies of certain political subdivisions; and repealing the Tourist Promotion Law.

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

RECESS

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

Senator ORIE. Madam President, I request a recess of the Senate for purposes, in this order, of a meeting of the Committee on Appropriations, a meeting of the Committee on Aging and Youth, and a meeting of the Committee on Finance.

The PRESIDENT. For purposes of meetings of the Committee on Appropriations, the Committee on Aging and Youth, and the Committee on Finance, without objection, the Senate stands in recess.

AFTER RECESS

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

UNFINISHED BUSINESS

BILLS REPORTED FROM COMMITTEES

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

SB 1276 (Pr. No. 2245) (Amended) (Rereported)

An Act providing for the licensure of credit counseling agencies and for the powers and duties of the Department of Banking; requiring penal bonds; prohibiting certain fees and costs; providing for debt management plans; prohibiting certain acts by credit counseling agencies; and making a related repeal.

SB 1372 (Pr. No. 2246) (Amended) (Rereported)

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 Health Care Cost Containment Council and its powers and duties, for data submission and collection, for access to council data and for sunset of act.

SB 1510 (Pr. No. 2241)

An Act making appropriations from the restricted revenue accounts within the State Gaming Fund and from the State Gaming Fund to the Pennsylvania Gaming Control Board, the Department of Revenue, the Pennsylvania State Police and the Attorney General for the fiscal year beginning July 1, 2008, to June 30, 2009, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2008.

Senator BROWNE, from the Committee on Finance, reported the following bills:

SB 1247 (Pr. No. 1690)

An Act amending the act of May 21, 1943 (P.L.571, No.254), known as The Fourth to Eighth Class and Selective County Assessment Law, further providing for appeals by municipalities.

HB 1438 (Pr. No. 2482)

An Act amending the act of June 26, 1931 (P.L.1379, No.348), referred to as the Third Class County Assessment Board Law, further providing for appeals by corporate authorities.

SENATE RESOLUTIONS ADOPTED

Senators C. WILLIAMS, MELLOW, PILEGGI, O'PAKE, FERLO, STOUT, TARTAGLIONE, STACK, BRUBAKER, PUNT, PIPPY, FONTANA, MUSTO, COSTA, LAVALLE, M. WHITE, WASHINGTON, BAKER, GREENLEAF, RAFFERTY, FOLMER, A. WILLIAMS, ORIE, WONDERLING, EARLL, BOSCOLA, LOGAN, KASUNIC, REGOLA, ERICKSON, RHOADES, ARMSTRONG and BROWNE, by unanimous consent, offered **Senate Resolution No. 349**, entitled:

A Resolution reiterating the importance of the Revolutionary War, observing September 3, 2008, as the 225th anniversary of the signing of the Treaty of Paris that ended the Revolutionary War, reaffirming our friendship with France, Spain and Great Britain and recognizing the civic endeavors of the Pennsylvania Society of the Sons of the American Revolution.

On the question,
Will the Senate adopt the resolution?

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

Senator C. WILLIAMS. Madam President, these are two very different resolutions, but they have one thing in common: They were prepared by some of my summer staff, who are here today with us.

Kimberly McMurray is a graduate student in Villanova's master's program of political science and is a graduate of Villanova. She is living in Bryn Mawr, but her hometown is White Plains, New York. Lynne Kolodinsky is from Norristown. She went to Norristown Area High School. She is a Commonwealth Scholar at the University of Virginia and came and met me in one of our Good Government seminars when she was still in high school, and she is also on our staff this summer. These two young staff members worked very hard on these resolutions.

The American Revolutionary War resolution, I hope the Senate will support this. If you all remember your history lessons, then you will remember that the Treaty of Paris was signed on September 3, 1783, and ratified by the Congress at the Confederation on January 14, 1784, marking an end to the American Revolutionary War, which we all know started on April 19, 1775, when the first rays of daylight broke on Lexington Green and the shot was heard around the world.

More than a year later, on July 4, 1776, delegates to the Second Continental Congress declared that these colonies are, and

of right ought to be, free and independent States and supported that declaration and mutually pledged to each other their lives, their fortunes, and their sacred honor. As we know about the history of the American Revolution, we read about the heroics of the American patriots, who lacked many resources but were armed with courage and a goal to free America, for themselves and their children.

As we prepare to celebrate Independence Day on July 4, a little over a week away, I ask that we pause from our picnics, visits, and family vacations and recall the true meaning of this day, the fight that took place in our country to gain the independence that we all enjoy today. So although on September 3 we will not be in Session, please consider taking part in one of the many observances of the 225th anniversary of the Treaty of Paris, which established a peaceful relationship and began a deep friendship between the United States and Great Britain.

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

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

Senators C. WILLIAMS, LOGAN, STACK, FERLO, RAFFERTY, BAKER, O'PAKE, PUNT, BOSCOLA, GREENLEAF, ORIE, DINNIMAN, COSTA, FUMO, FONTANA, ERICKSON, A. WILLIAMS, PIPPY, STOUT, BRUBAKER, WAUGH, HUGHES, BROWNE, CORMAN, FOLMER, M. WHITE, LAVALLE, MELLOW, TOMLINSON, MUSTO, WONDERLING, KITCHEN, KASUNIC, WOZNIAK, PILEGGI, ARMSTRONG and EARLL, by unanimous consent, offered **Senate Resolution No. 350**, entitled:

A Resolution designating the month of September 2008 as "Ovarian Cancer Awareness Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator C. WILLIAMS. Madam President, I offer the following remarks for the record.

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

(The following prepared remarks were made part of the record at the request of the gentlewoman from Montgomery, Senator CONNIE WILLIAMS:)

Ovarian cancer is the fifth leading cause of cancer death among women. This year, approximately 21,650 women in the United States will be diagnosed with ovarian cancer, and an estimated 15,520 women will die from the disease. It ranks high on the list of common cancers in women and as the cause of cancer death in women.

According to the American Cancer Society, one in 71 women will be diagnosed with this type of cancer during her lifetime. Most people know very little about the disease. If it is caught in its earliest stages, it can be treated. Late-stage diagnosis can cut a woman's survival rate in half. Instead of losing women to this disease each year, we could extend their lives using today's technology, but it takes increased awareness and education about the disease.

I ask you to join with me today in declaring September as "Ovarian Cancer Awareness Month" in Pennsylvania. In doing so, we can help to raise awareness about the disease, promote education regarding its risks and symptoms, and get the word out about the importance of early diagnosis. This will allow more women to live longer and healthier lives.

And the question recurring,

Will the Senate adopt the resolution?

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

Senators GREENLEAF, BRUBAKER, LOGAN, O'PAKE, MUSTO, FUMO, MADIGAN, C. WILLIAMS, FERLO, RAFFERTY, STACK, BOSCOLA, DINNIMAN, WASHINGTON, ERICKSON, PUNT, MELLOW, BAKER, FOLMER, REGOLA, STOUT, BROWNE, KITCHEN, TARTAGLIONE, COSTA, PILEGGI, TOMLINSON, M. WHITE, FONTANA, LAVALLE, KASUNIC, PIPPY, WAUGH, EARLL, CORMAN, ORIE and WOZNAK, by unanimous consent, offered **Senate Resolution No. 351**, entitled:

A Resolution designating the month of September 2008 as "Prostate Cancer Awareness Month" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator GREENLEAF. Madam President, prostate cancer is the most common type of cancer diagnosed among men in Pennsylvania, afflicting over 9,000 men in 2005, and it is the second leading cause of cancer death among men in this Commonwealth, causing approximately 1,485 deaths in 2005. The Department of Health reports that each year from 1995 to 2005, on average, there were 9,949 new prostate cancer cases diagnosed among men in this Commonwealth, and 1,484 men in this Commonwealth died from the disease. The American Cancer Society estimates that 186,000 men in the United States will be diagnosed with prostate cancer during 2008, and 28,660 men will die of this disease, which is the second leading cause of cancer death of men in the United States.

The risk of developing prostate cancer increases as a man ages, as evidenced by the fact that 65 percent of all prostate cancers are diagnosed in men over 65 years of age. Early detection and screening for prostate cancer are vital to combating the disease, especially for all men over 50 years of age. So I ask the Senate to designate the month of September 2008 as "Prostate Cancer Awareness Month" in Pennsylvania and encourage all men to educate themselves about the risks of this disease.

Thank you, Madam President.

And the question recurring,

Will the Senate adopt the resolution?

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. William Calkins, Mr. and Mrs. William Keller and to Mr. and Mrs. George E. Morgan by Senator Baker.

Congratulations of the Senate were extended to Mr. and Mrs. John Janny and to West Park by Senator Browne.

Congratulations of the Senate were extended to Matthew Rychlak, Christopher Totaro and to Jason Drinkwater by Senator Dinniman.

Congratulations of the Senate were extended to Curtis Fowler by Senator Ferlo.

Congratulations of the Senate were extended to the Somerset Area High School Varsity Baseball Team by Senator Kasunic.

Congratulations of the Senate were extended to Mr. and Mrs. Robert C. Schild, Mr. and Mrs. William F. McGuire and to Mr. and Mrs. Harold Hoffman by Senator Madigan.

Congratulations of the Senate were extended to Betty E. Kester by Senator Rhoades.

Congratulations of the Senate were extended to Sister Therese Banach and to Michael J. Lewis by Senator Tomlinson.

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

Congratulations of the Senate were extended to Pauline Smith Inge by Senator A.H. Williams.

Congratulations of the Senate were extended to Barbara Guerin and to the Havertown Center for Older Adults by Senator C. Williams.

Congratulations of the Senate were extended to Owen D. Beahn by Senator Wonderling.

BILLS REPORTED FROM COMMITTEE

Senator VANCE, from the Committee on Aging and Youth, reported the following bills:

SB 4 (Pr. No. 2235)

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, further providing for PACE and PACENET eligibility.

SB 26 (Pr. No. 2250) (Amended)

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing, in child protective services, for definitions and for students in public and private schools; and making editorial changes.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to by voice vote.

The bills were as follows:

SB 4, SB 26, SB 884, SB 1247, SB 1496, SB 1510, HB 1280 and HB 1438.

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

PETITIONS AND REMONSTRANCES

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

Senator FOLMER. Madam President, as we hear the rhetoric about the supposed merits of the Access to Basic Care health plan, I continue to say that the numbers simply do not add up. There will never be enough money, and we run the risk of lower quality in our healthcare system, while not reaching the goals of providing health insurance, namely, coverage for citizens, which advocates of ABC claim is 500,000 adults statewide.

Previously, I have noted that the Governor's own Web site, Rx for PA, has figures showing how the cost of PA ABC would be covered. I again encourage my colleagues to look at the numbers, because it shows the problems of paying for PA ABC and the fact that the premise of additional healthcare will fall short in reality. I say again that the basic problem with PA ABC is the fact that it will only cover about 273,000 uninsured people, with an estimated cost of \$1.1 billion by the fifth year.

Younger people, ages 18 to 34, who seem to think that they are invincible and do not need healthcare, make up over 18 million of the uninsured people in this nation and represent approximately 40 percent of the uninsured in America. To these young people, I say, watch out, because the proponents of the single-payer systems want you. No, they need you, because if young people are brought into healthcare plans, they will pay and help subsidize less healthy people.

This is how Social Security got started. In 1935, when the Social Security system was established, there were 42 taxpayers for each Social Security recipient. Today, there are only a little more than three people paying for each Social Security beneficiary. In 30 more years, the number will fall to a little more than two. This is why we cannot just jump into a plan like PA ABC without knowing the costs, both now and into the future.

Without young people being added to the PA ABC mix, the amount of needed State subsidies rises. If a younger, healthier pool of participants is not added to the mix, or it is not mandated that they purchase healthcare insurance, premiums could become costlier than anticipated, especially since there are many unknown factors with PA ABC, and the actual costs could rapidly spin out of control. This is what happened in Massachusetts when changes were made there. Massachusetts' healthcare costs went well beyond their original estimates.

Madam President, let us not make the same mistakes here in Pennsylvania. Let us make sure that we know what the costs are before we just do something, as some advocates have proposed. Just doing something without knowing what will happen reminds me of a Jerry Brown quote: "When in danger or in doubt, run in circles, scream and shout." We have heard some shouting on the Senate floor on the need to move forward with PA ABC. The question is, is this due to the danger of PA ABC or the doubt? I believe that it is a combination of the two.

Madam President, healthcare is simply too important of an issue to not get it right, for people today and for citizens of the future. If we increase government's role in healthcare, there will never be enough money, and we will constantly be looking for ways to cover the costs, while quality of care is threatened. Pennsylvania and its taxpayers simply cannot afford more spending

and the higher taxes that go with increased spending. If we do not stop creating government programs at rates faster than taxpayers' ability to pay, we are not going to have enough people to pay for the costs. And the middle class, the middle class who made this nation so great, will be squeezed out of existence.

Madam President, another problem with PA ABC is the fact that it is predicated on Federal subsidies increasing at an average rate of 11.2 percent per year. With all the fiscal issues pressing on the Federal government, this is obviously a very optimistic assessment of the Federal government's ability to make such payments year after year after year.

And one final problem with PA ABC is how costs will be paid. It projects that the average annual per capita growth rate in total healthcare costs will be 3.6 percent from now until 2017. Given the double-digit increases that we have seen in healthcare, I cannot imagine that anyone seriously believes that 3.6-percent increases are likely, either now or in the future.

Madam President, these are the reasons why PA ABC's numbers just do not add up. More government is not the answer. There will never be enough money, and the alternatives could be rationed care, lower quality, and higher costs.

Thank you very much.

The PRESIDENT. Thank you, Senator Folmer.

The Chair recognizes the gentleman from Philadelphia, Senator Hughes, for a response.

Senator HUGHES. Madam President, I do not know if this is a response. I do want to remind the Members and all those who may be paying attention that since last November, we began the process of monitoring the lack of action, or rather the inaction, by this Chamber on the issue of healthcare coverage for the uninsured. And now, here we are on June 25, when we have approximately, depending upon how you want to look at the schedule, 3 or 5 or how many days before the end of the month of June, when we are supposed to finish the budget, and supposed to be concluding our business here, where it appears, from all indications, that the issue of providing coverage for healthcare for the uninsured is not going to be dealt with.

Now, we all know, very clearly, based on the bill that passed the House of Representatives with a very significant and very real margin, a bill that had the nod and the support of the Governor, a bill that, for all intents and purposes, had the support of every Member of the Senate Democratic Caucus, that we were poised at that moment, at that time, to negotiate significantly and intensely to try to address this issue.

But here we are, having started with almost 60 scheduled days of Session, now we are down to the last 5, and there is no action. There is no movement. There is no attempt to see coverage put in place for the hundreds of thousands of Pennsylvania adults who have no health insurance coverage. Nothing. Nothing.

Now, we have heard testimony provided by independent sources who have monitored this work in the past, folks out of Washington, D.C., who have monitored activities by other States and the activity by the Federal government, that we are almost 99-percent sure that the Federal government would pass the appropriate waiver and send down to the State of Pennsylvania all the resources necessary, in order that they usually provide it in situations like this. It was clear, by any independent analysis, that we had crafted a measure that could provide coverage, that could

