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THURSDAY, JUNE 26, 2008

SESSION OF 2008 192ND OF THE GENERAL ASSEMBLY

No. 46

SENATE

THURSDAY, June 26, 2008

The Senate met at 3 p.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, Pastor SALVATORE BUONOCORE, of Turkey Valley United Methodist Church, Millerstown, offered the following prayer:

My name is Sal Buonocore, and it is an honor and a privilege to lead us in prayer in this Session of our State Senate. It is said that I am going to lead you in prayer, but I understand if you lead and no one follows, you are not really leading. I really do not want to lead you, but I would like to invite you to participate with me, together, because as we pray, this is not a passive spectator event.

So I want to invite you to join with me, and as I pray aloud, I ask that you pray along silently in your own hearts, as is best reflective of your own personal belief and practice. I will not be offended if you pray and do not hear my words. That is okay. Our task is not to hear each other's words right now but for God to hear our petitions, for us to hear Him speak to us.

Let us pray.

Dear Father, we thank You, and we praise You. We thank You and praise You for who You are. You are wise, all-knowing. You are patient, loving, gracious, and merciful. Father, You are holy and just and righteous. We praise You for who You are, and we thank You for all the blessings and benefits which we have so undeservedly received. We humbly come before You as Your servants, and we ask that You be glorified in us, that You be glorified through us, and that You be glorified in what we do this day, especially in this Session of our State Senate.

Father, may You be pleased in our work. May it bring You glory and honor in ways that will fulfill Your plans and purposes for us, Your plans and purpose for our State government and for our Commonwealth. Father, may You be honored. May You be glorified in the way that we humbly apply Your God-given gifts of wisdom and discernment as we seek Your plans, purpose, and agenda for our time together.

We are Your servants. We are Your stewards. May it be the desire of our hearts to conduct ourselves in such a way that is pleasing to You, and in which You would look upon us and pro-

claim, well done, good and faithful servants. Lord, we ask that throughout this Session, give us ears to not only hear one another, but that we may also hear You as You guide and direct us in the plans and path that You desire for us. Help us make the hard decisions. Help us hold to those things that You would have us do.

And again, we thank You and praise You for hearing, receiving, answering these, our prayers, which we pray in the name, the power, and the authority of Jesus Christ. May our work be guided and directed by You and thereby have Your blessing upon it. Amen.

The PRESIDENT. The Chair thanks Pastor Buonocore, who is the guest today of Senator Corman.

PLEDGE OF ALLEGIANCE

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

HOUSE MESSAGES

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 999** and **SB 1063**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule XIV, section 6, the bills will be referred to the Committee on Rules and Executive Nominations.

**SPECIAL ORDER OF BUSINESS
ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. Consent has been given for the Committee on Banking and Insurance to meet during today's Session in the Rules room to consider House Bill No. 2428.

BILLS REPORTED FROM COMMITTEES

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

SB 1497 (Pr. No. 2212)

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, in public assistance, adding definitions; and further providing for established drug regimens.

HB 1788 (Pr. No. 2500)

An Act requiring the Department of Public Welfare to prepare and submit a report on licensing of personal care homes.

Senator TOMLINSON, from the Committee on Consumer Protection and Professional Licensure, reported the following bill:

SB 1134 (Pr. No. 2262) (Amended)

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, in restructuring of electric utility industry, further providing for definitions; providing for rate change mitigation; and further providing for duties of electric distribution companies.

Senator PICCOLA, from the Committee on State Government, reported the following bills:

SB 858 (Pr. No. 1070)

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, prohibiting public contracts for lobbying.

SB 1499 (Pr. No. 2216)

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing for State-owned vehicle use.

HB 1786 (Pr. No. 2383)

An Act authorizing the Department of General Services, with the approval of the Governor, to dedicate, grant and convey to the Strasburg, Lancaster County, Borough Authority, a water main and appurtenances to be constructed by the Department of General Services, together with easements for public water purposes, situate in Strasburg Township, Lancaster County, and to grant such further easements and licenses as may be necessary to provide the Railroad Museum of Pennsylvania with access to public sewer service.

HB 2158 (Pr. No. 4083) (Amended)

An Act authorizing the Department of General Services, with the approval of the Department of Transportation and the Governor, to grant and convey to Pike County or its assigns, certain lands, situate in the Borough of Milford, Pike County, in exchange for a certain tract of land; and authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Heritage Building Group, Inc., and the Municipal Authority of the Township of South Heidelberg, and/or their assigns, six permanent sanitary sewer easements and two temporary construction easements, situate in South Heidelberg Township and Lower Heidelberg Township, Berks County.

RESOLUTION REPORTED FROM COMMITTEE

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

SR 346 (Pr. No. 2236)

A Resolution recognizing July 2008 as "Take a Swing Against Breast Cancer Month" in Pennsylvania and expressing support for this worthy campaign of the Pennsylvania Association of Community Bankers and the Pennsylvania Breast Cancer Coalition.

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

LEGISLATIVE LEAVES

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

Senator ORIE. Madam President, I request temporary Capitol leaves for Senator Armstrong, Senator Pileggi, Senator Scarnati, and Senator Mary Jo White, and a legislative leave for Senator Baker.

The PRESIDENT. Senator Orie requests temporary Capitol leaves for Senator Armstrong, Senator Pileggi, Senator Scarnati, and Senator Mary Jo White, and a legislative leave for Senator Baker.

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.

**SPECIAL ORDER OF BUSINESS
JOURNAL APPROVED**

The PRESIDENT. The Journal of the Session of June 4, 2008, is now in print.

The Clerk proceeded to read the Journal of the Session of June 4, 2008.

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

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

The yeas and nays were required by Senator ORIE 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.

The PRESIDENT. The Journal is approved.

LEGISLATIVE LEAVE CANCELLED

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

SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR JOHN C. RAFFERTY PRESENTED TO THE SENATE

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

Senator RAFFERTY. Madam President, I have the distinct pleasure and honor this afternoon to introduce to my colleagues a sergeant in the United States Marine Corps, Shaun Peiffer. Shaun has been a Marine for 7 years now. He is the son of Ted and Cheryl Ann Peiffer, and the brother of Amanda Peiffer. Cheryl and Amanda are with us as well.

Shaun is a graduate of Methacton High School, of which I also am a graduate, Madam President, for full disclosure. It is interesting, when I talked to his mother, she said when Shaun was a young teenager, he always wanted to be a Marine, a Marine, a Marine. So upon graduation from Methacton High School, he immediately entered the United States Marine Corps. He completed the School of Infantry and joined the Security Force School at Chesapeake, Virginia.

He has served with distinction in a number of areas around the world. Besides being promoted to corporal, while he was a corporal, he, with the 3rd Marine Battalion, 6th Marine Regiment, was deployed to Afghanistan for a 7-month period and served on the Afghanistan-Pakistan border. During his deployment, he reenlisted for another 4 years.

After his tour with the 3rd Marine Battalion, 6th Marine Regiment, he attended the Marine Security Guard School at Quantico, Virginia, and upon graduation received orders to report to his first post at the American consulate in Hong Kong, China. Now Sergeant Peiffer, he then reported to the American Embassy in Tel Aviv, Israel, and the American consulate in Jerusalem. And I learned in conversation today, while he was stationed in Tel Aviv, Madam President, at the foremost security part of the Embassy, it was the time when Israel invaded southern Lebanon.

So he has seen quite a bit of activity and combat in his short tenure with the United States Marine Corps. He has also served at the American Embassy in Morocco. He is home now until June 30, and then he will be reassigned. After completing his eighth year in the Marine Corps, he hopes to enroll in college in Washington and study international relations and continue to serve our country in some form in Federal employment.

He is a remarkable young man. He was a wrestler in high school. He is very proud to wear the Marine uniform. I came to know him quite well today. He is respectful of this country, he is respectful of others, and he is exactly what we look for in our heroes in the United States military.

He is a man of distinction and someone I am proud to consider a friend, and I ask my colleagues, as we give our traditional warm welcome to Sergeant Shaun Peiffer, that we also welcome his mother, Cheryl Ann, and his sister, Amanda, who are seated in the gallery.

Thank you, Madam President.

The PRESIDENT. Will Sergeant Peiffer and Cheryl and Amanda please rise so we can welcome you. Thank you for your years of service. Pennsylvania really appreciates it.
(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 would like to take this opportunity to introduce interns from my district office who are in Harrisburg today to experience a day on the hill.

I have Colby Bryson, who graduated from the University of Pittsburgh. He is planning on attending law school next year at Case Western Reserve University. Charles Young is a student at the University of Pittsburgh, majoring in political science and Spanish. And Jack Basilone is a student at the University of Pittsburgh as well, majoring in public administration.

I would appreciate it if my fellow colleagues would join me in welcoming these interns from my district.

Thank you, Madam President.

The PRESIDENT. Colby Bryson, Charles Young, and Jack Basilone, welcome.

(Applause.)

GUESTS OF SENATOR JOHN C. RAFFERTY PRESENTED TO THE SENATE

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

Senator RAFFERTY. Madam President, I have the privilege of introducing some friends today. Jeffrey McClintock, whom I know very well, is the township engineer for Caln Township, Chester County. Since I have been a Senator, I have gotten to know Jeffrey and his hard work and dedication to the folks at Caln Township. With him today is his wife, Mary, and also with Jeff today are his four children, quadruplets Will, Hunter, Jasmine, and Daphne. They are here in the gallery today, and I ask the Senate to please extend its traditional warm welcome to the McClintock family.

The PRESIDENT. Would Jeffrey McClintock and his wife, Mary, and the quadruplets, Will, Hunter, Jasmine, and Daphne, please rise.

(Applause.)

RECESS

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

Senator ORIE. Madam President, I request a recess of the Senate for the purpose of a Republican caucus.

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.

LEGISLATIVE LEAVE CANCELLED

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

CALENDAR**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 PILEGGI.

THIRD CONSIDERATION CALENDAR**BILL REREPORTED FROM COMMITTEE
AS AMENDED OVER IN ORDER**

SB 1337 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILLS OVER IN ORDER

HB 7 and **HB 239** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL AMENDED AND LAID ON THE TABLE

SB 768 (Pr. No. 2187) -- 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 ORIE offered the following amendment No. A8057:

Amend Sec. 2 (Sec. 1552), page 4, by inserting between lines 1 and 2:

(3.2) The amount of a guarantee under this subsection, if any, shall be set at the discretion of the board based upon its determination of the potential financial risk to the Commonwealth.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

SB 768 TAKEN FROM THE TABLE

Senator PILEGGI. Madam President, I move that Senate Bill No. 768, Printer's No. 2263, 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.

**BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 1015 (Pr. No. 2244) -- The Senate proceeded to consideration of the bill, entitled:

An Act requiring certain notification in certain advertising.

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 Lebanon, Senator Folmer.

Senator FOLMER. Madam President, I rise to urge my colleagues to support Senate Bill No. 1015. The purpose of this bill, the Taxpayer-Funded Advertising Transparency Act, is to insure that taxpayers know how some of their money is spent on advertising by the Governor, the Lieutenant Governor, the Attorney General, the Auditor General, the State Treasurer, departments, offices, boards, authorities, commissions, the legislative branch, and the courts.

This is not to say that advertising is not important. The private sector devotes considerable resources to market, advertise, and otherwise get out their message. The goal of Senate Bill No. 1015 is to help taxpayers fully understand or appreciate the advertising that is done with their money. Senate Bill No. 1015 attempts to give them this information by requiring that Commonwealth advertising include the statement, "Paid for with Pennsylvania taxpayer dollars."

Millions of taxpayers' dollars are spent on advertising by the Commonwealth. While individual advertisements may be worthwhile and may be justified, I believe that we should provide more transparency into this process. All that Senate Bill No. 1015 does is require that the Commonwealth entity doing the advertising note that the ads are being paid for with Pennsylvania tax dollars.

I urge a "yes" vote on Senate Bill No. 1015. Thank you, Madam President.

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

And the question recurring,

Shall the bill pass finally?

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator Armstrong and Senator Baker have returned, and their respective leaves are cancelled.

RECESS

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

Senator PILEGGI. Madam President, I request a recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations, a meeting of the Committee on Appropriations, a meeting of the Committee on Banking and Insurance, and a meeting of the Committee on Finance, to be held in the Rules room, in that order.

The PRESIDENT. For purposes of meetings of the Committee on Rules and Executive Nominations, the Committee on Appropriations, the Committee on Banking and Insurance, 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.

LEAVE OF ABSENCE

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

And the question recurring,
Shall the bill pass finally?

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

YEA-49

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

NAY-0

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

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

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

On the question,
Shall the bill pass finally?

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

YEA-49

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

NAY-0

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

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

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

On the question,
Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentleman from Bradford, Senator Madigan.

Senator MADIGAN. Madam President, I rise today in support of Senate Bill No. 1158. This bill authorizes the Commonwealth and regional transportation authorities to enter into agreements with the private sector to design, construct, manage, or maintain new or expanded transportation options through public-private partnerships. As we face the mounting pressures to simply maintain our existing transportation infrastructure, we must innovate and adapt to overcome our transportation challenges using techniques that cannot be accomplished under our current rules of the game.

The work on this legislation began over 4 years ago with the Senate select committee on innovative transportation financing, formed during our previous Session, and then during the many discussions we held after the release of the findings of Governor Rendell's Funding and Reform Commission report. In developing

Senate Bill No. 1158, I have worked closely with Senator Stout, Senator Don White, and other Members of the Senate, and I greatly appreciate their input and support through the process. I also need to recognize the support of our transportation construction industry and the Pennsylvania Chamber of Business and Industry for their assistance in moving this legislation ahead.

Senate Bill No. 1158 should not be viewed as a funding bill for transportation needs or the end of the discussion on transportation funding. Public-private partnerships should be seen as a tool to achieve our mobility goals. And just as it is important to have the hammers and saws needed to build a barn, you will not get too far unless you can afford to buy the timber. Even if we successfully implement the provisions of Senate Bill No. 1158, we will still have capacity needs and safety improvements, along with our other maintenance challenges, which the public-private partnerships cannot meet. We will have to continue the discussion on transportation funding.

Pennsylvania needs to look at transportation funding crises as a whole, and for this reason, we need to develop a long-term plan to provide adequate and inflation-sensitive funding for PennDOT's needs as well as those of our municipalities and our counties. Both the State and local systems are critical to the social and economic well-being of our citizens, and both are facing upward trends of aging and deteriorating structures and skyrocketing construction costs. Local governments are particularly sensitive to soaring costs, as so much of their systems are funded primarily by property taxes.

Without belaboring the point too long here, we still have a great deal of work to do before we can claim that we have fully addressed the needs of transportation at all levels. But for today, we have an important new tool for transportation financing that is advancing, and we can take a measure of pride in having the forethought to embrace it.

Madam President, I request an affirmative vote.

The PRESIDENT. Thank you, Senator Madigan, for your very informative comments.

The Chair recognizes the gentleman from Washington, Senator Stout.

Senator STOUT. Madam President, I rise this afternoon to support Senator Madigan in support of Senate Bill No. 1158. It is a piece of legislation that gives creative opportunities to finance the very expensive infrastructure needs of this Commonwealth. A year ago, this Chamber labored long and hard when they brought the legislation forth that created Act 44, and that was a public-public partnership with the Pennsylvania Turnpike Commission. In this case, we are talking about a public-private partnership to develop roads and infrastructure, not only highways, but also to include mass transit, rail, airports, and other infrastructure needs of the Commonwealth.

Traditionally, we have funded roads here with liquid fuels taxes and so forth. Now, with \$4-plus gasoline, that is not going to happen again. The resources are not there to finance roads with 42-cents-per-gallon gas taxes. All the resources we raise under Act 44 basically go for the maintenance of existing highways, roads, and bridges, and the operation of existing mass transit systems.

This legislation gives us an opportunity to be more creative in financing infrastructure needs. This public-private partnership

can be used for roads, expressways, and roads where you need express lanes constructed. So this technology has been used in other States very successfully to build additional capacity which cannot be financed under traditional highway methods. But this committee, the Committee on Transportation, worked long and hard on this legislation, and I had the privilege to serve on the Transportation Funding and Reform Commission and got an understanding of the long-term transportation infrastructure needs of this Commonwealth.

It is a very scary number, because how are we going to finance it? This gives an opportunity to do that, and any money raised for this has to be used for transportation and cannot be diverted to any other purpose. It has to be used for transportation issues.

So I want to thank Senator Madigan for his leadership in this legislation, and his staff, Craig Shuey, and Cheryl Hicks from my staff, for the work that they did with consultants. We had public hearings and got a lot of input and feedback, and I think this is a good piece of legislation to plan for the infrastructure needs of the future of this Commonwealth. I urge a positive vote on this legislation.

Thank you, Madam President.

The PRESIDENT. Thank you, Senator Stout, for your supportive comments.

The Chair recognizes the gentleman from Columbia, Senator Gordner.

Senator GORDNER. Madam President, first, let me indicate my support for Senate Bill No. 1158. I want to thank our Chairman of the Committee on Transportation, Senator Madigan, and our Democratic chair, Senator Stout, for introducing this legislation.

There are 20-some States that have public-private partnership legislation in place, and I know that Senator Madigan and Senator Stout are very active at the national scene and have seen where these type of arrangements work. They are opportunities that we need to look at here in Pennsylvania creatively to address our transportation needs.

I know in our Caucus, Senator Madigan is very clear about the shortage of funding, both at the Federal level and here at the State level. There are concerns that the Federal funding in this Federal system may go bankrupt within the next year or two. Here at the State level, because of the high cost of gasoline, our gas tax revenues are flat or, in some cases, declining. So this is an opportunity for us to take a look at new projects.

I had two amendments that I had filed to this bill, and I want to speak about the second one. This legislation specifically excludes the turnpike, which has raised some controversy from different sides, but I want to talk about the second amendment that I was going to introduce, and it has to do with the funding provided under Act 44.

I want to remind folks that Act 44 was passed last July, and it had two components to it. One was the increase in the tolls on the existing Pennsylvania Turnpike, and the second part was allowing for tolls to be implemented on Interstate 80. As I think everyone knows, an application went in to the Federal Highway Administration to toll I-80. That application was sent back to the Turnpike Commission in mid-December. There were 20-some issues that the Federal Highway Administration asked for clarifi-

ation on, and 6 months have now transpired, and that application has not been resubmitted to the Federal Highway Administration. So 6 months have gone by, and to some degree, it is a good thing, because as each day goes by, there is not a toll on I-80. I-80 goes through my district, and the businesses and the residents of my district are very pleased about that.

But I need to talk about the funding element of it. Under Act 44, \$750 million has been borrowed so far as a result of Act 44, and \$750 million, to our benefit, has been paid to PennDOT and mass transit. Not one toll has been collected on Interstate 80, and not one toll has been increased on the Pennsylvania Turnpike. In fact, no tolls will be increased on the Pennsylvania Turnpike until January of 2009. So already, Act 44 has authorized \$750 million of borrowing, with no new revenue for Act 44 coming in.

POINT OF ORDER

Senator O'PAKE. Madam President, I rise to a point of order. The PRESIDENT. The gentleman from Berks, Senator O'Pake, will state it.

Senator O'PAKE. Madam President, I would caution that what the gentleman is talking about has nothing to do with this bill.

Senator GORDNER. Madam President, this bill deals with public-private partnerships.

Senator O'PAKE. Madam President, but it excludes the turnpike.

Senator GORDNER. I could, I guess, go ahead and introduce my amendment. I was told that I would be given some leeway in order to talk about it, but if the gentleman would prefer, I can ask for a recess and grab my amendment. I was going to speak for about 2 more minutes, but--

Senator O'PAKE. Madam President, nobody told us about any proposed amendment.

Senator GORDNER. Madam President, if the Chair would like, I can go ahead and introduce the amendment and then speak on it.

Senator O'PAKE. Madam President, we have not seen the amendment.

Senator PILEGGI. Madam President, may we be at ease.

The PRESIDENT. The Senate is at ease.

(The Senate was at ease.)

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

Senator GORDNER. Madam President, again, Act 44 required for borrowing, which has been done. In the coming fiscal year, 2008-09, there is another \$625 million in borrowing, which will lead to over \$1 billion in borrowing, Madam President, without revenues being collected.

The amendment that I had circulated would have required Federal approval by October, which would have been a year after Act 44 became effective. I am not going to offer it at this time, but I just think the record needs to reflect that Act 44 has payment consequences. It has borrowing consequences. And until we get some decision by the Federal government in regard to this issue, it remains in limbo. And I certainly would urge the Turnpike Commission, some 6 months later, to finish the application and to submit it to the Federal Highway Administration, either for approval or rejection.

Again, Madam President, I thank Chairman Madigan and Chairman Stout. I am pleased to support this legislation at this time, and I think it will act as a tool for road and bridge projects around this Commonwealth.

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-49

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

NAY-0

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

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

BILL OVER IN ORDER

SB 1180 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

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 third time and agreed to,

On the question,
Shall the bill pass finally?

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

Senator PILEGGI. Madam President, late last year, three State-owned computers were stolen in three separate incidents. Those computers contained more than 17,800 Social Security numbers, as well as other personal information from nearly 400,000 Pennsylvanians. Unfortunately, the State did not notify

these potential victims of identity theft about the fact that their personal information had been compromised for 2 to 3 weeks.

Government agencies have a responsibility to protect our personal information. When a data breach occurs, these agencies should provide notification in a timely manner. I do not believe there is any legitimate reason for a government agency to take longer than 1 week to provide this notification.

Senate Bill No. 1266, which was developed in consultation with Attorney General Tom Corbett's office, will put a 1-week notification requirement into law for all governmental agencies, both State and local. It would also require that the data breaches involving governmental bodies be reported to the Attorney General within 3 business days, and it would authorize the Attorney General to investigate every breach involving State agencies.

Identity theft is a widespread concern, and citizens rightly expect the government to do everything possible to protect their sensitive personal information. When government fails to protect that information, it should notify those whose information is compromised within a week.

Madam President, I ask for an affirmative vote on Senate Bill No. 1266.

The PRESIDENT. Thank you, Senator Pileggi, for your informative comments on Senate Bill No. 1266.

And the question recurring,
Shall the bill pass finally?

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

YEA-49

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

NAY-0

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

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

BILLS OVER IN ORDER

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

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 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 Indiana, Senator Don White.

Senator D. WHITE. Madam President, I rise for an affirmative vote on Senate Bill No. 1330, which would establish a special review board to arbitrate coal bed methane well disputes. This is a very geographic issue, but I want to stress that Senate Bill No. 1330 is not intended to change the respective rights and obligations of either party, but rather is intended to create a timely, less expensive process of resolving any disputes that may arise.

Senate Bill No. 1330 calls for the creation of a three-member Coal Bed Methane Review Board made up of a member appointed by the Pennsylvania Farm Bureau; a member appointed jointly by the Pennsylvania Oil and Gas Association, the Independent Oil and Gas Association, the Pennsylvania Coal Association; and a member appointed jointly by the deans of the College of Agricultural Sciences and the College of Earth and Mineral Sciences at Penn State University. This board would consider objections and attempt to reach agreements on issues such as the location of coal bed methane wells and/or access roads.

Under a 1983 Supreme Court ruling, coal bed methane is considered a part of the property rights transferred under coal agreements. Now, with energy prices rising, methane extraction is becoming more and more attractive to developers. As a result, many landowners who previously entered into coal agreements subsequently gave up their rights to coal bed methane and are confronted with mineral state development on their property. Currently, disputes between surface landowners and holders of mineral rights for these properties are often resolved in county Courts of Common Pleas, which is a very cumbersome and a very costly process.

Madam President, as I stated before, this bill does not infringe on anyone's existing rights, but rather would provide a venue by which disputes may be resolved in a quicker and less costly manner.

I ask for an affirmative vote. Thank you very much.

And the question recurring,
Shall the bill pass finally?

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

YEA-49

Armstrong	Fontana	Orie	Tomlinson
Baker	Gordner	Piccola	Vance
Boscola	Greenleaf	Pileggi	Washington
Browne	Hughes	Pippy	Waugh

Brubaker	Kasunic	Punt	White, Donald
Corman	Kitchen	Rafferty	White, Mary Jo
Costa	LaValle	Regola	Williams, Anthony H.
Dinniman	Logan	Rhoades	Williams, Constance
Earl	Madigan	Robbins	Wonderling
Eichelberger	McIlhinney	Scarnati	Wozniak
Erickson	Mellow	Stack	
Ferlo	Musto	Stout	
Folmer	O'Pake	Tartaglione	

NAY-0

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

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

BILLS OVER IN ORDER

HB 1330, SB 1412, HB 1612, HB 2179, HB 2295 and HB 2302 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

SECOND CONSIDERATION CALENDAR

PREFERRED APPROPRIATION BILL
ON SECOND CONSIDERATION

SB 1510 (Pr. No. 2241) -- The Senate proceeded to consideration of the bill, entitled:

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.

Considered the second time and agreed to,

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

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

SB 1276 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL REREPORTED FROM COMMITTEE AS
AMENDED ON SECOND CONSIDERATION

SB 1372 (Pr. No. 2246) -- The Senate proceeded to consideration of the bill, entitled:

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

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

BILL ON SECOND CONSIDERATION
AND REREFERRED

SB 4 (Pr. No. 2235) -- The Senate proceeded to consideration of the bill, entitled:

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.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

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

BILLS OVER IN ORDER

SB 26, HB 69, HB 221, SB 346, HB 684 and SB 884 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILLS REREFERRED

SB 1112 (Pr. No. 2199) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 24, 1976 (P.L.424, No.101), referred to as the Emergency and Law Enforcement Personnel Death Benefits Act, further providing for death benefit eligibility; and repealing certain provisions of the Municipal Police Pension Law and the Municipal Pension Plan Funding Standard and Recovery Act.

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

SB 1118 (Pr. No. 2233) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for license fee for deployed Pennsylvania National Guard members and for resident license and fee exemptions.

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

SB 1119 (Pr. No. 2234) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for resident license and fee exemptions for deployed Pennsylvania National Guard members.

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

SB 1138 (Pr. No. 1521) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further defining "occupational disease."

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

BILL OVER IN ORDER

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

BILL ON SECOND CONSIDERATION
AND REREFERRED

SB 1247 (Pr. No. 1690) -- The Senate proceeded to consideration of the bill, entitled:

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.

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

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

BILL OVER IN ORDER

HB 1280 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL REREFERRED

SB 1413 (Pr. No. 2066) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for revocation of habitual offender's license, for driving while operating privilege is suspended or revoked, for permitting violation of title, for homicide by vehicle and for habitual offenders.

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

BILL OVER IN ORDER

SB 1428 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL REREFERRED

HB 1438 (Pr. No. 2482) -- The Senate proceeded to consideration of the bill, entitled:

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.

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

BILLS OVER IN ORDER

SB 1449, SB 1488 and SB 1496 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL REREFERRED

HB 1742 (Pr. No. 3903) -- The Senate proceeded to consideration of the bill, entitled:

An Act requiring scrap processors and recycling facility operators to collect certain information relating to the purchase of scrap material; requiring commercial accounts; and restricting scrap processors and recycling facility operators from purchasing certain materials.

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

REPORT FROM COMMITTEE ON RULES
AND EXECUTIVE NOMINATIONS

Senator ROBBINS, from the Committee on Rules and Executive Nominations, reported the following nominations made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

MEMBER OF THE STATE
CONSERVATION COMMISSION

June 2, 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, Alvin M. Myers, 1421 Holly Pike, Carlisle 17013, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the State Conservation Commission, to serve until May 30, 2012, and until his successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE HARNESS
RACING COMMISSION

June 4, 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, The Honorable Roy W. Wilt, 262 Leech Road, Greenville 16125, Mercer County, Fiftieth Senatorial

District, for reappointment as a member of the State Harness Racing Commission, to serve for a term of three years and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MEMBER OF THE PUBLIC EMPLOYEE
RETIREMENT COMMISSION

June 5, 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, Anthony W. Salomone, 1312 Upton Drive, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Public Employee Retirement Commission, to serve until October 27, 2013, and until his successor is appointed and qualified, vice Paul D. Halliwell, Pittsburgh, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE PUBLIC EMPLOYEE
RETIREMENT COMMISSION

June 5, 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 F. Werner, CPA, CMI, 1885 Herman Drive, York 17408, York County, Twenty-eighth Senatorial District, for appointment as a member of the Public Employee Retirement Commission, to serve until October 27, 2011, and until his successor is appointed and qualified, vice Paula R. Mandel, Philadelphia, resigned.

EDWARD G. RENDELL
Governor

NOMINATIONS LAID ON THE TABLE

Senator ROBBINS. Madam President, I request that the nominations just read by the Clerk be laid on the table.

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

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator ROBBINS,

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

Which was agreed to by voice vote.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

MEMBER OF THE STATE
CONSERVATION COMMISSION

June 2, 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, Alvin M. Myers, 1421 Holly Pike, Carlisle 17013, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the State Conservation Commission, to serve until May 30, 2012, and until his successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE HARNESS
RACING COMMISSION

June 4, 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, The Honorable Roy W. Wilt, 262 Leech Road, Greenville 16125, Mercer County, Fiftieth Senatorial District, for reappointment as a member of the State Harness Racing Commission, to serve for a term of three years and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MEMBER OF THE PUBLIC EMPLOYEE
RETIREMENT COMMISSION

June 5, 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, Anthony W. Salomone, 1312 Upton Drive, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Public Employee Retirement Commission, to serve until October 27, 2013, and until his successor is appointed and qualified, vice Paul D. Halliwell, Pittsburgh, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE PUBLIC EMPLOYEE
RETIREMENT COMMISSION

June 5, 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 F. Werner, CPA, CMI, 1885 Herman Drive, York 17408, York County, Twenty-eighth Senatorial

