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Legislative Journal

FRIDAY, JUNE 27, 2008

SESSION OF 2008 192ND OF THE GENERAL ASSEMBLY

No. 47

SENATE

FRIDAY, June 27, 2008

The Senate met at 2 p.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, Reverend Dr. JAMES EARL GARMON, Sr., of Trinity Baptist Church, Pittsburgh, offered the following prayer:

Let us pray.

Gracious and eternal God, our Father, the Giver and Sustainer of our lives, draw nigh unto us this day and lend a listening ear. As we come to the close of this week of hard but satisfying work, we thank Thee, O God, for Your leading and Your guidance. So, on this closing day, still with much work to be done, I pray for these, our elected servants. Continue their strength and wisdom to be effective, as it is humanly and spiritually possible. Touch each representative with clarity of mind to see what the issues really are. Touch them with the depth of thought necessary to deal rightly with each issue and the wisdom needed to do the right thing for the betterment of this Commonwealth of Pennsylvania.

Among the many issues that are confronting them, the State budget is looming hard and heavy over their heads. But with Thy help, O God, from both sides of the aisle, they will get the work done. Therefore, I pray not for them the easy way of getting around the process, but rather, O God, I pray for them to have the wisdom, the strength, and the courage to get this work done.

As I close this prayer, O God, I pray not only for these representatives, but I pray for our United States Senators, I pray for our top officials, Governor Edward Rendell and Lieutenant Governor Catherine Baker Knoll, I pray to God that You would just continue to throw Your loving arms around them all. Increase them, O God, and strengthen them as they carry out their official duties.

Now may the grace of God, the sweet Communion of the Holy Spirit, rest with each of us henceforth, now, always, and forever. In Your blessed Name, all God's children said amen.

The PRESIDENT. The Chair thanks Dr. James Garmon, who is the guest today of Senator Ferlo. Dr. Garmon also, for all of you to know, is a commissioner for the Pennsylvania Human Relations Commission.

PLEDGE OF ALLEGIANCE

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

SPECIAL ORDER OF BUSINESS GUEST OF SENATOR JAMES FERLO

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

Senator FERLO. Madam President, I think all my colleagues will agree that Reverend Garmon's eloquence is only surpassed by his compassion and community spirit. I have had the pleasure of knowing and working with the Reverend for many years in my Lawrenceville community in the city of Pittsburgh, and we do not get to have too many guests here from the western Pennsylvania delegation because of the distance, so I am very honored and pleased that arrangements have been made and that the Honorable Reverend Dr. Garmon is here.

Today, I just want to add, with your permission, Lieutenant Governor, that the Reverend is a longtime friend, he has served as pastor of Trinity Baptist Church in Pittsburgh, in the Lawrenceville community, for the past 24 years. I think the Chair would agree that he has charismatic leadership, but I know him as a man of wisdom with words of action and commitment to human rights, and he has been a dynamic force with all of his messages, one of which he has delivered here today.

He began his advocacy of social justice and racial equality while studying at the American Baptist College in Nashville, Tennessee, where he earned his bachelor of arts. He received his master of divinity at Colgate Rochester Crozer Divinity School in Rochester, New York. He earned his doctor of divinity at Morris College in Sumter, South Carolina, a doctor of theology at California Central University, Los Angeles, California, and a doctor of philosophy at Anchor Theological Seminary and Bible Institute in Texarkana, Arkansas.

Reverend Dr. Garmon is married to Vera Jean Garmon and, together with their son, James Earl Garmon, Jr., they currently reside in Pittsburgh, where he is actively involved in various community organizations, community boards of directors, including an active board member of the Eastside Neighborhood Employment Center. He is chairman of the Religious Affairs Committee, Pittsburgh branch, of the NAACP. He worked untiringly as the coordinator of clergy in western Pennsylvania for the election of Ed Rendell for Governor. But I know he is bipartisan, and he supports folks on both sides of this aisle. As the Lieutenant Governor pointed out, he has served diligently as a member of the Pennsylvania Human Relations Commission statewide, and we unanimously confirmed Reverend Garmon to that board back in 2004, I believe.

Reverend Garmon serves, obviously, in a number of religious positions, being president of the Baptist Ministers' Conference of Pittsburgh and Vicinity and active in the Allegheny Union Baptist Association Congress of Christian Education. He is an instructor in evangelism for the National Baptist Convention, USA, Inc., Congress of Christian Education. He has extensively traveled as a Christian revivalist, evangelist, and teacher, and has taken his travels throughout the United States. But this is a gentleman who has been to many foreign countries and lands, including the Bahamas, Ghana, Africa, and Haiti. He has been to Israel, London, Paris, Russia, Mexico, and probably a few other places.

So we are very honored that Reverend Garmon is with us today. Thank you, and God bless you, Reverend Garmon.

The PRESIDENT. Thank you, Reverend Garmon, for your beautiful prayer and for your presence with us today.

BILL REPORTED FROM COMMITTEE

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

SB 1511 (Pr. No. 2256)

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.

LEGISLATIVE LEAVES

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

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

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

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

Senator O'PAKE. Madam President, I request a temporary Capitol leave for Senator Mellow.

The PRESIDENT. Senator O'Pake requests a temporary Capitol leave for Senator Mellow.

Without objection, the leaves will be granted.

LEAVE OF ABSENCE

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

SPECIAL ORDER OF BUSINESS JOURNAL APPROVED

The PRESIDENT. The Journal of the Session of June 9, 2008, is now in print.

The Clerk proceeded to read the Journal of the Session of June 9, 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-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	Mellhinney	Scarnati	Wozniak
Erickson	Mellow	Stack	
Ferlo	Musto	Stout	
Folmer	O'Pake	Tartaglione	

NAY-0

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

The PRESIDENT. The Journal is approved.

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 request that the Democrats report to our caucus room immediately.

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

AFTER RECESS

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

CALENDAR

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

PREFERRED APPROPRIATION BILL OVER IN ORDER

SB 1510 -- Without objection, the bill was passed over in its order at the request of Senator ORIE.

BILL REREPORTED FROM COMMITTEE
AS AMENDED OVER IN ORDER TEMPORARILY

SB 1372 -- Without objection, the bill was passed over in its order temporarily at the request of Senator ORIE.

BILL OVER IN ORDER

HB 7 -- Without objection, the bill was passed over in its order at the request of Senator ORIE.

BILL AMENDED

HB 239 (Pr. No. 4018) -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,

Will the Senate agree to the bill on third consideration?

Senator RAFFERTY offered the following amendment No. A8122:

Amend Sec. 2 (Sec. 2603), page 2, line 16, by inserting after "OWNER": connect with and use a water system of a township or municipal authority or a joint water board in either of the following cases

Amend Sec. 2 (Sec. 2603), page 2, lines 17 through 24, by striking out all of said lines and inserting:
[of a water system provided by the township or a municipality authority or a joint water board connect with and use the system.]

(1) If, except as provided in subsection (b), the property owner's principal building is located within one hundred fifty feet of a water system or any part or extension of the system.

(2) If the property owner's principal building has no supply of water which is safe for human consumption.

(b) A property owner who, after the effective date of this subsection, is subject to mandatory connection pursuant to subsection (a)(1), shall not be required to connect to the water system pursuant to that subsection if all of the following conditions exist:

(1) The water system or part or extension of the system that is within one hundred fifty feet of the principal building was in existence on the effective date of this subsection.

(2) The principal building has its own supply of water which is safe for human consumption.

(3) Prior to the effective date of this subsection, the property owner was not required to connect to the existing system.

Amend Sec. 2 (Sec. 2603), page 2, line 25, by striking out "(B)" and inserting: (c)

Amend Sec. 2 (Sec. 2603), page 3, line 1, by striking out "(C)" and inserting: (d)

Amend Sec. 2 (Sec. 2603), page 3, line 11, by striking out "(D)" and inserting: (e)

Amend Sec. 2 (Sec. 2603), page 3, line 24, by striking out "(E)" and inserting: (f)

On the question,

Will the Senate agree to the amendment?

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

Senator RAFFERTY. Madam President, I want to thank Elam Herr from the Pennsylvania Association of Township Supervisors. After Senator Stout and Senator Wozniak's comments, we

relooked at the amendment and made some changes that I think will satisfy their concerns, and with Representative Miller, as well, in the House being on board, made a change that he wanted as well.

This makes the bill even stronger, and this would apply to townships of the second class, and only those townships of the second class that have municipal water companies or water companies owned by the municipalities or joint municipal water companies. This is not a bill that applies to townships of the second class with private-owned water companies.

But I think it is a very good bill, Madam President. I ask for an affirmative vote on the amendment. Thank you.

And the question recurring,

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 Mellow has returned, and his temporary Capitol leave is cancelled.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 768 (Pr. No. 2263) -- 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.

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 present said bill to the House of Representatives for concurrence.

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 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 present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

SB 1284, HB 1329, HB 1330 and SB 1337 -- Without objection, the bills were passed over in their order at the request of Senator ORIE.

BILL AMENDED AND LAID ON THE TABLE

SB 1412 (Pr. No. 2141) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 6, 1998 (P.L.705, No.92), known as the Keystone Opportunity Zone, Keystone Opportunity Expansion Zone and Keystone Opportunity Improvement Zone Act, defining "unoccupied parcel"; providing for extensions for unoccupied parcels, for additional keystone opportunity expansion zones, for substitution of parcels outside a subzone and for payments; prohibiting illegal alien labor in zones; and further providing for sales and use tax, for corporate net income tax and for local earned income net profits taxes and business privilege taxes.

On the question,

Will the Senate agree to the bill on third consideration?

Senator PIPPY offered the following amendment No. A8065:

Amend Title, page 1, line 19, by inserting after "TAXES" where it appears the first time: , local sales and use tax

Amend Sec. 1 (Sec. 103), page 2, line 10, by striking out "ZONE" and inserting: parcel

Amend Sec. 2 (Sec. 301.3), page 2, line 23, by striking out "FOR EXTENSION OF" and inserting: to extend

Amend Sec. 2 (Sec. 301.3), page 2, line 24, by striking out "SECTION" and inserting: act

Amend Sec. 2 (Sec. 301.3), page 2, line 30; page 3, lines 1 and 2, by striking out "THE" where it appears third time in line 30, page 2, and all of lines 1 and 2, page 3

Amend Sec. 2 (Sec. 301.3), page 3, lines 8 and 9, by striking out "THE EXTENSION MAY NOT BE APPROVED FOR A PARCEL THAT" in line 8 and all of line 9

Amend Sec. 2 (Sec. 301.3), page 3, line 11, by inserting after "SECTION": , except exemptions for sales and use tax under section 511(a) or 705(a).

Amend Sec. 2 (Sec. 301.3), page 3, line 22, by striking out "In" and inserting: Except as provided in subsection (d), in

Amend Sec. 2 (Sec. 301.3), page 3, line 25, by striking out "July 31," and inserting: June 30,

Amend Sec. 2 (Sec. 301.3), page 5, line 5, by inserting after "zone": The department shall certify the delay in the expiration by December 31, 2008.

Amend Sec. 2 (Sec. 301.3), page 5, lines 7 and 8, by striking out "under subsection (a)" and inserting:

pursuant to subsection (c), provided that the application shall be submitted by May 1, 2009, and approved by the department no later than June 30, 2009

Amend Sec. 2 (Sec. 301.3), page 5, line 8, by striking out "(a)" and inserting: (c)

Amend Sec. 2 (Sec. 301.3), page 5, line 24, by striking out "UNDER SUBSECTION (C)"

Amend Sec. 2 (Sec. 301.4), page 5, line 28, by striking out ", by December 31, 2009,"

Amend Sec. 2 (Sec. 301.4), page 6, line 25, by striking out "part" and inserting: act, except exemptions for sales and use tax under section 511(a) or 705(a).

Amend Sec. 2 (Sec. 301.4), page 6, line 27, by inserting after "2020": Exemptions for sales and use taxes under sections 511 and 705 shall commence upon designation of the zone by the department.

Amend Sec. 2 (Sec. 301.4), page 7, line 2, by striking out "(2), (3), (5)" and inserting: (2)(I) and (ix)

Amend Sec. 2 (Sec. 301.4), page 7, lines 5 and 6, by striking out "adopting the extension of all" and inserting: providing the

Amend Sec. 2, page 7, by inserting between lines 19 and 20: Section 301.5. Expansion for new parcels.

(a) Expansion.—A political subdivision or its designee may apply for an expansion to add up to 15 acres of deteriorated property to an existing keystone opportunity expansion zone, keystone opportunity improvement zone or a subzone of a keystone opportunity zone for parcels that are contiguous to the existing zone or subzone.

(b) Application.—In order to receive a designation under this section, the department must receive an application from a political subdivision or its designee no later than December 31, 2008. The application must contain the information required under section 302(a)(1), (2)(I) and (ix), (5) and (6). The application must include all ordinances, resolutions or other required action adopted by all political subdivisions in which the keystone opportunity expansion zone, keystone opportunity improvement zone or a subzone of a keystone opportunity zone is located adopting all tax exemptions, deductions, abatements and credits authorized under Chapter 7 to the expanded area. The department, in consultation with the Department of Revenue, shall review the application and, if approved, issue a certification of all tax exemptions, deductions, abatements or credits under this act for the expansion authorized under subsection (a) within two months of the receipt of the application.

(c) Applications for certain zones.—For a keystone opportunity

zone that expires December 31, 2008, but is seeking an extension under section 301.3, the application shall include the request for an expansion under subsection (a). The application must be submitted by December 31, 2008, and include all ordinances, resolutions or other required action from all affected political subdivisions approving the addition of the acreage. If the expiration of a keystone opportunity zone is delayed under this subsection, a political subdivision or its designee may apply for an extension under 301.3 and an expansion under this section. If an extension is granted under section 301.3, the extension and the expansion shall be deemed to be effective January 1, 2009.

(d) Authorization.—Persons or businesses within the expanded area shall be entitled to all tax exemptions, deductions, abatements or credits set forth under this part, except for sales and use taxes under section 511(a) or 705(a), for the period set forth in subsection (e). Exemptions for sales and use taxes under sections 511 and 705 shall commence upon approval of the expansion by the department.

(e) Expiration.—All expansions under this section shall expire on the same date as the keystone opportunity expansion zone, keystone opportunity improvement zone or subzone of a keystone opportunity zone.

Amend Sec. 2 (Sec. 301.5), page 7, line 20, by striking out "301.5" and inserting: 301.6

Amend Sec. 3 (Sec. 511), page 11, lines 18 and 19, by striking out ", LANDOWNER OR LESSEE or the construction contractor

Amend Bill, page 14, line 1, by striking out all of said line and inserting:

Section 6. Section 705 of the act, amended December 9, 2002 (P.L.1727, No.217), is amended to read:

Section 705. Local sales and use tax.

(a) General rule.—The political subdivision shall exempt sales at retail of services or tangible personal property, except motor vehicles, to a qualified business or a construction contractor pursuant to a construction contract with a qualified business, landowner or lessee for the exclusive use, consumption and utilization of the tangible personal property or service by the qualified business at [its] the qualified business's, landowner's or lessee's facility located within a subzone, improvement subzone or expansion subzone from a city or county tax on purchase price authorized under Article XXXI-B of the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, as amended, and the act of June 5, 1991 (P.L.9, No.6), known as the Pennsylvania Intergovernmental Cooperation Authority Act for Cities of the First Class, as amended. No exemption may be granted for sales occurring prior to designation of the real property as part of a subzone or expansion subzone.

(b) [Construction contracts.—For any construction contract performed in a subzone, improvement subzone or expansion subzone, the exemption provided in subsection (a) shall only apply to the sale at retail or use of building machinery and equipment to a qualified business, or to a construction contractor pursuant to a construction contract with a qualified business, for the exclusive use, consumption and utilization by the qualified business at its facility in a subzone, improvement subzone or expansion subzone. For the purposes of the subzone, improvement subzone or expansion subzone exemption, building machinery and equipment shall include distribution equipment purchased for the exclusive use, consumption and utilization in a subzone, improvement subzone or expansion subzone facility.] (Reserved).

(c) Definition.—Sales at retail of tangible personal property and services shall be defined in accordance with Article II of the Tax Reform Code of 1971.

Section 7. The amendment of sections 515 and

Amend Sec. 7, page 14, line 4, by striking out "7" and inserting: 8

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 third consideration, as amended?

Senator O'PAKE, on behalf of Senator FUMO, offered the following amendment No. A8125:

Amend Sec. 2 (Sec. 301.4), page 7, by inserting between lines 13 and 14:

(d) Prohibition.—The department shall be prohibited from designating any parcel of land within a city of the first class as a keystone opportunity zone, keystone opportunity expansion zone, keystone opportunity improvement zone or a keystone opportunity innovation zone if any project involving a parcel, within a 1,001-foot radius as measured from the center of the proposed parcel to be designated, has received or has been designated to receive in excess of \$20,000,000 in funding from the Commonwealth within the last four years. The department shall be prohibited from providing any State financial assistance, including loans, grants or any tax abatements, credits, deductions or exemptions provided under this act or any other State law to a parcel located within the area described in this subsection nor shall the department or the governing body of the city of the first class provide any tax exemption, deduction, abatement, credit or other tax benefit under the act of December 1, 1977 (P.L.237, No.76), known as the Local Economic Revitalization Tax Assistance Act, for any project involving a parcel located within the area described in this subsection.

On the question,

Will the Senate agree to the amendment?

LEGISLATIVE LEAVE

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

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

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

And the question recurring,

Will the Senate agree to the amendment?

The yeas and nays were required by Senator O'PAKE and were as follows, viz:

YEA-37

Armstrong	Kasunic	Pileggi	Washington
Boscola	Kitchen	Pippy	Waugh
Browne	LaValle	Rafferty	White, Donald
Corman	Logan	Rhoades	Williams, Anthony H.
Costa	Madigan	Robbins	Williams, Constance
Dinniman	McIlhinney	Scarnati	Wonderling
Erickson	Mellow	Stack	Wozniak
Ferlo	Musto	Stout	
Fontana	O'Pake	Tartaglione	
Hughes	Orie	Tomlinson	

NAY-12

Baker	Eichelberger	Greenleaf	Regola
Brubaker	Folmer	Piccola	Vance
Earl	Gordner	Punt	White, Mary Jo

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

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

SB 1412 TAKEN FROM THE TABLE

Senator ORIE. Madam President, I move that Senate Bill No. 1412, Printer's No. 2266, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

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

BILL OVER IN ORDER

HB 1612 -- Without objection, the bill was passed over in its order at the request of Senator ORIE.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 2179 (Pr. No. 4020) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 7 (Banks and Banking) and 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, regulating the mortgage loan industry in terms of practice, licensure and penalties; providing for unlicensed mortgage loan activity; and making related repeals.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The 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.

BILLS OVER IN ORDER

HB 2295 and **HB 2302** -- Without objection, the bills were passed over in their order at the request of Senator ORIE.

SECOND CONSIDERATION CALENDAR

BILLS REREPORTED FROM COMMITTEE AS
AMENDED ON SECOND CONSIDERATION

SB 903 (Pr. No. 2264) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, further providing for contracts relating to consulting; and making a repeal related to form and legality review of consulting contracts.

Considered the second time and agreed to,

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

SB 1276 (Pr. No. 2245) -- The Senate proceeded to consideration of the bill, entitled:

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.

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 1421 -- Without objection, the bill was passed over in its order at the request of Senator ORIE.

BILLS OVER IN ORDER

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

BILL REREFERRED

HB 684 (Pr. No. 4032) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, establishing an Automotive Fuel Testing and Disclosure Program.

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

BILLS OVER IN ORDER

SB 858 and **SB 884** -- Without objection, the bills were passed over in their order at the request of Senator ORIE.

BILLS ON SECOND CONSIDERATION

HB 1067 (Pr. No. 3873) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for transfer of records.

Considered the second time and agreed to,

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

SB 1134 (Pr. No. 2262) -- The Senate proceeded to consideration of the bill, entitled:

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.

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

BILLS OVER IN ORDER

HB 1199 and **HB 1280** -- Without objection, the bills were passed over in their order at the request of Senator ORIE.

BILL ON SECOND CONSIDERATION

SB 1397 (Pr. No. 2134) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in pupils and attendance, further providing for liability for tuition and enforcement of payment and for cost of tuition.

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

BILL REREFERRED

SB 1428 (Pr. No. 2090) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 1, 1945 (P.L.1242, No.428), known as the State Highway Law, providing for erection of traffic-control devices while working; and making editorial changes.

Upon motion of Senator ORIE, 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 ORIE.

BILL ON SECOND CONSIDERATION AND REREFERRED

SB 1499 (Pr. No. 2216) -- The Senate proceeded to consideration of the bill, entitled:

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

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

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

BILLS OVER IN ORDER

HB 1786, HB 2158 and **HB 2428** -- Without objection, the bills were passed over in their order at the request of Senator ORIE.

LEAVE CHANGED

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

Senator O'PAKE. Madam President, I request that Senator Fumo's leave be changed from personal leave to legislative leave.

The PRESIDENT. Senator O'Pake requests that Senator Fumo's leave be changed from personal leave to legislative leave. Without objection, the leave will be changed.

CONSIDERATION OF CALENDAR RESUMED

RESOLUTIONS REREFERRED

Senator ORIE, without objection, called up from page 8 of the Calendar, **Senate Resolution No. 243**, entitled:

A Resolution directing the Joint State Government Commission to conduct a study to examine state law and school policies and practices regarding the notification of parents when a student violates a public or private institution of higher education's drug and alcohol policy.

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

Senator ORIE, without objection, called up from page 8 of the Calendar, **Senate Resolution No. 309**, entitled:

A Resolution directing the Legislative Budget and Finance Committee to conduct a fiscal impact study on the pension and postretirement health benefits of the Pennsylvania Public School Employees' Retirement System and the Pennsylvania State Employees' Retirement System.

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

SENATE RESOLUTION No. 346, ADOPTED

Senator ORIE, without objection, called up from page 8 of the Calendar, **Senate Resolution No. 346**, entitled:

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.

On the question,
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from York, Senator Waugh.

Senator WAUGH. Madam President, this resolution that I introduced, with the support of a great majority of the Senators, just very quickly, I would like to explain it, most of all for the general public. During the month of July, the 11 minor league baseball stadiums across the State are teaming up with the Pennsylvania Association of Community Bankers and the Pennsylvania Breast Cancer Coalition to sponsor, at each of those stadiums, 11 home run derbies that will raise, hopefully, lots of money to be used for breast cancer awareness and breast cancer education efforts statewide. So I encourage all Members, of course, and certainly folks who might be listening, to get involved, be a part of the home run derby, and support this great cause of breast cancer awareness in this Commonwealth.

Thank you.

And the question recurring,

Will the Senate adopt the resolution?

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

RESOLUTION REREFERRED

Senator ORIE, without objection, called up from page 8 of the Calendar, **Senate Resolution No. 348**, entitled:

A Resolution in support of a national transportation system.

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

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 the following committee meetings in the following order: the Committee on Finance, the Committee on Urban Affairs and Housing, and the Committee on Rules and Executive Nominations. Following those meetings, there will be a call for a short Republican caucus.

The PRESIDENT. For purposes of meetings of the Committee on Finance, the Committee on Urban Affairs and Housing, and the Committee on Rules and Executive Nominations, to be followed by a Republican caucus, without objection, the Senate stands in recess.

AFTER RECESS

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

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator Mary Jo White, Senator Pileggi, and Senator Armstrong have returned, and their temporary Capitol leaves are cancelled.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

SB 1372 CALLED UP

SB 1372 (Pr. No. 2246) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator PILEGGI.

BILL REREPORTED FROM COMMITTEE AS AMENDED, AMENDED

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.

On the question,

Will the Senate agree to the bill on third consideration?

Senator FONTANA offered the following amendment No. A8158:

Amend Title, page 1, line 7, by inserting after "appropriation,"; defining "committee";

Amend Title, page 1, line 9, by removing the comma after "collection" and inserting: and

Amend Title, page 1, line 9, by inserting after "data": ; providing for the establishment of a Health Care Cost Containment Council Act Review Committee

Amend Title, page 1, line 10, by removing the period after "act" and inserting: ; providing for abatement under Health Care Provider Retention Program; and making a related repeal.

Amend Bill, page 1, lines 13 through 16, by striking out all of said lines and inserting:

Section 1. The title of the act of July 8, 1986 (P.L.408, No.89), known as the Health Care Cost Containment Act, reenacted and amended July 17, 2003 (P.L.31, No.14), is amended to read:

AN ACT

Providing for the creation of the Health Care Cost Containment Council, for its powers and duties, for health care cost containment through the collection and dissemination of data, for public accountability of health care costs and for health care for the indigent; providing for health care provider retention; and making an appropriation.

Section 1.1. Section 3 of the act is amended by adding a definition to read:

Section 3. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Committee." The Health Care Cost Containment Council Act Review Committee.

Section 2. Sections 4(f), 5(c) and (d), 6(a) and (d) and 10(b)(5) of the act are amended to read:

Amend Sec. 1 (Sec. 5), page 4, line 24, by striking out the bracket before "and"

Amend Sec. 1 (Sec. 5), page 4, line 26, by inserting a period after "6"

Amend Sec. 1 (Sec. 5), page 4, lines 26 and 27, by striking out "] methodologies" in line 26 and all of line 27

Amend Sec. 1 (Sec. 5), page 6, line 12, by inserting after "and": service

Amend Sec. 1 (Sec. 6), page 7, by inserting between lines 27 and

28:

(1.1) Any vendor shall comply with data submission guidelines established in the report submitted under section 17.2. The council shall maintain a vendor list of at least two vendors that may be chosen by any data source for submission of any specific data elements.

(2) Except as provided in this section, the council may adopt any nationally recognized methodology to adjust data submitted under subsection (c) for severity of illness. Every three years after the effective date of this paragraph, the council shall solicit bids from third-party vendors to adjust the data. The solicitation shall be in accordance with 62 Pa.C.S. (relating to procurement). Except as provided in subparagraph (i), in carrying out its responsibilities, the council shall not require health care facilities to report data elements which are not included in the manual developed by the national uniform billing committee. The following apply:

(i) Within 60 days of the effective date of this paragraph, the council shall publish in the Pennsylvania Bulletin a list of diseases, procedures and medical conditions, not to exceed 35, for which data under subsections (c)(21) and (d) shall be required. The chosen list shall not represent more than 50% of total hospital discharges, based upon the previous year's hospital discharge data. Subsequent to the publication of the list, any data submission requirements under subsections (c)(21) and (d) previously in effect shall be null and void for diseases, procedures and medical conditions not found on the list. All other data elements pursuant to subsection (c) shall continue to be required from data sources. The council shall review the list and may add no more than a net of three diseases, procedures or medical conditions per year over a five-year period starting on the effective date of this subparagraph. The adjusted list of diseases, procedures and medical conditions shall at no time be more than 50% of total hospital discharges.

(ii) If the current data vendor is unable to achieve, on a per-chart basis, savings of at least 40% in the cost of hospital compliance with the data abstracting and submission requirements of this act by June 30, 2004, as compared to June 30, 2003, then the council shall disqualify the current vendor and reopen the bidding process. The independent auditor shall determine the extent and validity of the savings. In determining any demonstrated cost savings, surveys of all hospitals in this Commonwealth shall be conducted and consideration shall be given at a minimum to:

(A) new costs, in terms of making the methodology operational, associated with laboratory, pharmacy and other information systems a hospital is required to purchase in order to reduce hospital compliance costs, including the cost of electronic transfer of required data; and

(B) the audited direct personnel and related costs of data abstracting and submission required.

(iii) Review by the independent auditor shall commence by March 1, 2004, and shall conclude with a report of findings by July 31, 2004. The report shall be delivered to the council, the Governor, the Health and Human Services Committee of the House of Representatives and the Public Health and Welfare Committee of the Senate.

Amend Sec. 1 (Sec. 6), page 7, line 29, by striking out the bracket before "and"

Amend Sec. 1 (Sec. 6), page 7, line 30, by striking out the bracket after "elements"

Amend Sec. 1 (Sec. 6), page 8, line 1, by striking out the bracket before "and" and after "effectiveness"

Amend Sec. 1 (Sec. 6), page 8, line 2, by striking out the bracket before "and" and after "(c)(21)"

Amend Sec. 1 (Sec. 6), page 8, line 3, by striking out the bracket before "provider"

Amend Sec. 1 (Sec. 6), page 8, lines 3 and 4, by striking out "] quality,"

Amend Sec. 1 (Sec. 6), page 8, line 6, by striking out the bracket before "The"

Amend Sec. 1 (Sec. 6), page 8, line 27, by striking out the bracket after "organizations."

Amend Sec. 1 (Sec. 6), page 8, line 29, by inserting after "5(b)": The public comment period shall be no less than 30 days from the release of these elements.

Amend Sec. 1 (Sec. 10), page 9, line 19, by inserting after "report": An individual provider shall verify and validate the pavor data within 30 days of its release to that specific individual provider.

Amend Bill, page 9, by inserting between lines 20 and 21:

Section 3. The act is amended by adding sections to read:

Section 17.2. Health Care Cost Containment Council Act Review Committee.

(a) Establishment.—There is hereby established an independent committee to be known as the Health Care Cost Containment Council Act Review Committee.

(b) Composition.—The committee shall consist of the following voting members composed of and appointed as follows:

(1) One member appointed by the Governor.

(2) Four members appointed by the General Assembly, one of whom shall be appointed by each of the following:

(i) one by the President pro tempore of the Senate;

(ii) one by the Minority Leader of the Senate;

(iii) one by the Majority Leader of the House of Representatives;

and

(iv) one by the Minority Leader of the House of Representatives.

(3) Two representatives of the business community, at least one of whom represents small business, and neither of whom is primarily involved in the provision of health care or health insurance, one of whom shall be appointed by the President pro tempore of the Senate and one of whom shall be appointed by the Speaker of the House of Representatives from a list of four qualified persons recommended by the Pennsylvania Chamber of Business and Industry.

(4) Two representatives of organized labor, one of whom shall be appointed by the President pro tempore of the Senate and one of whom shall be appointed by the Speaker of the House of Representatives from a list of four qualified persons recommended by the Pennsylvania AFL-CIO.

(5) One representative of consumers who is not primarily involved in the provision of health care or health care insurance, appointed by the Governor from a list of three qualified persons recommended jointly by the President pro tempore of the Senate and the Speaker of the House of Representatives.

(6) One representative of hospitals, appointed by the Governor from a list of three qualified hospital representatives recommended by the Hospital and Health System Association of Pennsylvania.

(7) One representative of physicians, appointed by the Governor from a list of three qualified physician representatives recommended jointly by the Pennsylvania Medical Society and the Pennsylvania Osteopathic Medical Society.

(8) One representative of nurses, appointed by the Governor from a list of three qualified representatives recommended by the Pennsylvania State Nurses Association.

(9) One representative of the Blue Cross and Blue Shield plans in Pennsylvania, appointed by the Governor from a list of three qualified persons recommended jointly by the Blue Cross and Blue Shield plans of Pennsylvania.

(10) One representative of commercial insurance carriers, appointed by the Governor from a list of three qualified persons recommended by the Insurance Federation of Pennsylvania, Inc.

(c) Chairperson.—The appointment made by the Governor under subsection (b)(1) shall serve as chairman of the committee.

(d) Quorum.—Eleven members shall constitute a quorum for the transaction of any business, and the act by the majority of the members present at any meeting in which there is a quorum shall be deemed to be the act of the committee.

(e) Meetings.—

(1) All meetings of the committee shall be advertised and conducted pursuant to 65 Pa.C.S. Ch. 7 (relating to open meetings).

(2) All action taken by the committee shall be taken in open public session, and action of the committee shall not be taken except upon the affirmative vote of a majority of the members of the committee present during meetings at which a quorum is present.

(f) Compensation and expenses.—The members of the committee shall not receive a salary or per diem allowance for serving as members of the committee but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties. Expenses may include reimbursement of travel and living expenses while engaged in committee business.

(g) Commencement of committee.—

(1) Within 15 days after the effective date of this section, each

organization or individual required to submit a list of recommended persons to the Governor, the President pro tempore of the Senate or the Speaker of the House of Representatives under subsection (b) shall submit the list.

(2) Within 30 days of the effective date of this section, the Governor, the President pro tempore of the Senate and the Speaker of the House of Representatives shall make the appointments called for in subsection (b), and the committee shall begin operations immediately following the appointments.

(h) Responsibilities of the committee.—The committee shall have the following powers and duties:

(1) To study, review and recommend changes to this act.

(2) To accept and review suggested changes to this act submitted by members of the committee.

(3) To approve, by a majority vote of the members of the committee, a report recommending statutory changes to this act. The report shall include, at a minimum, the following:

(i) The establishment of an Internet database for the general public showing Medicare reimbursement rates for common covered services and treatment.

(ii) In consultation with experts in the fields of quality data and outcome measures, the definition and implementation of: (A) A methodology by provider type for the council to risk adjust quality data; (B) A methodology for the council to collect and disseminate data reflecting provider quality and provider service effectiveness.

(4) To submit the report approved under paragraph (3) to the President pro tempore of the Senate and the Speaker of the House of Representatives by April 30, 2009.

(i) Committee support.—The council shall offer staff and administrative support from the council or its work groups necessary for the committee to carry out its duties under this section.

Section 17.3. Abatement under Health Care Provider Retention Program.

(a) Program.—The Insurance Department shall continue the Health Care Provider Retention Program, originally established in section 1102 of the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, for all health care providers as set forth in Chapter 11. This section shall apply to calendar years 2008 and 2009.

(b) Abatement.—Notwithstanding section 1104(b)(2) of the Medical Care Availability and Reduction of Error (Mcare) Act, birth centers shall be eligible for abatement under subsection (a).

(c) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Birth center." As defined in section 103 of the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act.

"Health care provider." As defined in section 103 of the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act.

Section 4. Section 19 of the act is amended to read:

Amend Bill, page 10, by inserting between lines 6 and 7:

Section 5. Repeals are as follows:

(1) The General Assembly declares that the repeal under paragraph (2) is necessary to effectuate the addition of section 17.3 of the act.

(2) Section 1115 of the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, is repealed.

Amend Sec. 2, page 10, line 7, by striking out "2" and inserting: 6

Amend Sec. 2, page 10, line 9, by striking out "SECTIONS 5(D)(4) AND" and inserting: section

Amend Sec. 2, page 10, line 10, by striking out "OCTOBER 1, 2009" and inserting: January 1, 2010

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

UNFINISHED BUSINESS BILLS REPORTED FROM COMMITTEES

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

SB 1063 (Pr. No. 2229) (Rereported) (Concurrence)

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, in local tax, further providing for definitions, for delegation of tax powers and restrictions, for recapture of tax, for payroll tax, for nonresident sports facility usage fees, for vacation of tax ordinances and resolutions, for advertising tax ordinances, for second class city tax rates, for taxpayer appeals, for filing ordinances, for limitation on tax rates, for withholding of local services taxes, for administrative personnel and joint agreements, for audits of earned income and other taxes, for payment of tax to other taxing authorities as credits or deductions, for personal property, for assessment limitations and for tax limitations; providing for legal representation, for restricted use, for consolidated collection of local income taxes, for collection of delinquent taxes and for miscellaneous provisions; further providing for penalties and for repeals; and making editorial changes.

SB 1147 (Pr. No. 2159) (Rereported) (Concurrence)

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing, in child protective services, for definitions, for immunity from liability, for release of information in confidential reports, for studies of data in records, for investigating performance of county agencies, for citizen review panels, for child abuse services and for reporting; and providing for report on child abuse and criminal history information requirements.

Senator PIPPY, from the Committee on Urban Affairs and Housing, reported the following bill:

HB 1674 (Pr. No. 3455)

An Act amending the act of May 28, 1937 (P.L.955, No.265), known as the Housing Authorities Law, further providing for powers of authority.

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

HB 2167 (Pr. No. 3950)

An Act amending the act of December 21, 1998 (P.L.1307, No.174), known as the Community and Economic Improvement Act, authorizing the Philadelphia hospitality promotion tax; providing for apportionment of revenue; and making editorial changes.

SENATE RESOLUTIONS ADOPTED

Senators RHOADES, TOMLINSON, BAKER, ROBBINS, MADIGAN, GORDNER, REGOLA, VANCE, RAFFERTY, EARLL, ORIE, ERICKSON, FOLMER, WAUGH, BRUBAKER, WASHINGTON, COSTA, LOGAN, DINNIMAN, KASUNIC, LAVALLE, MELLOW and O'PAKE, by unanimous consent, offered **Senate Resolution No. 353**, entitled:

A Resolution congratulating the Pennsylvania State System of Higher Education on its 25th anniversary and for 25 years of significant work in this Commonwealth.

On the question,
Will the Senate adopt the resolution?

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

Senator RHOADES. Madam President, this resolution commemorates and congratulates the Pennsylvania State System of Higher Education on its 25th anniversary and for 25 years of significant work in this Commonwealth. I ask that the Chair leave the resolution open at the desk for anyone else to sign on who would care to.

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.

Senators DINNIMAN, BOSCOLA, COSTA, FONTANA, GREENLEAF, HUGHES, LOGAN, ORIE, RAFFERTY, STACK, STOUT, ERICKSON, PUNT, TOMLINSON, O'PAKE, MUSTO, PIPPY, BROWNE, KASUNIC, WONDERLING, WASHINGTON and EARLL, by unanimous consent, offered **Senate Resolution No. 354**, entitled:

A Resolution designating the week of September 7 through 13, 2008, as "Suicide Prevention Week" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator DINNIMAN. Madam President, since we will not be back in Session in September before Suicide Prevention Week, I hope that we will pass this resolution. What Members of the Senate might not realize is that the statistics on suicide are very grim. In the United States, it is the fourth leading cause of death among 18- to 65-year-olds. In Pennsylvania, three people die of suicide every day. The causes of suicide are very complex and multifaceted. But as we focus on these causes, we can develop the strategies and interventions for the prevention of suicide, and hopefully during this week, we can focus on those strategies and interventions and prevent as many people as possible from dying from this action.

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.

Senators DINNIMAN, BAKER, BOSCOLA, COSTA, ERICKSON, FERLO, FONTANA, FUMO, GREENLEAF, KASUNIC, MUSTO, O'PAKE, PUNT, STACK, STOUT, TARTAGLIONE, M. WHITE, PILEGGI, TOMLINSON, EARLL, PIPPY and BROWNE, by unanimous consent, offered **Senate Resolution No. 355**, entitled:

A Resolution proclaiming the week of July 13 through 19, 2008, as "Probation, Parole and Community Supervision Week" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator DINNIMAN. Madam President, it is important that we recognize the positive and valued contribution of correctional professionals in our community, and I move for the adoption of this resolution.

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

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

Senators WAUGH, PUNT, PICCOLA, VANCE and ARMSTRONG, by unanimous consent, offered **Senate Resolution No. 356**, entitled:

A Resolution congratulating the York County Economic Development Corporation for 50 years of community service.

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

Senators PILEGGI, MELLOW, PUNT, ERICKSON, FERLO, MUSTO, O'PAKE, BOSCOLA, FUMO, BRUBAKER, RAFFERTY, STOUT, ROBBINS, BAKER, FONTANA, ORIE, DINNIMAN, GREENLEAF, FOLMER, LOGAN, COSTA, D. WHITE, MADIGAN, TOMLINSON, WAUGH, EARLL, PIPPY, BROWNE, GORDNER, KASUNIC, WONDERLING and ARMSTRONG, by unanimous consent, offered **Senate Resolution No. 357**, entitled:

A Resolution commemorating the 85th anniversary of the Pennsylvania Sheriffs' Association and its public service to this Commonwealth.

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

Senators LOGAN, DINNIMAN, STACK, FERLO, FONTANA, RAFFERTY, ORIE, BRUBAKER, TARTAGLIONE, WASHINGTON, PUNT, PILEGGI, TOMLINSON, M. WHITE, WOZNIAK, COSTA, ARMSTRONG, MUSTO, LAVALLE, WONDERLING, BAKER, A. WILLIAMS, BOSCOLA, KITCHEN, PICCOLA, PIPPY, GREENLEAF, O'PAKE, KASUNIC, ERICKSON, BROWNE and HUGHES, by unanimous consent, offered **Senate Resolution No. 358**, entitled:

A Resolution recognizing September 2008 as "Hunger Action Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator A.H. WILLIAMS. Madam President, I stand here with total humility for the gentleman who offered this wonderful resolution. I was going to interrogate him about hunger and those kinds of things, but I have been encouraged that he understands it in real ways, so on behalf of the gentleman, we want to stand here in support of his resolution.

The PRESIDENT. Senator Williams stands in support of Senator Logan's resolution.

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. Paul Taylor by Senator Baker.

Congratulations of the Senate were extended to Grace Assembly of God of Spring City by Senator Dinniman.

Congratulations of the Senate were extended to Jonathan M. Hampton by Senator Eichelberger.

Congratulations of the Senate were extended to Anna Skilonger by Senator Musto.

Congratulations of the Senate were extended to I. Elizabeth Reese by Senator O'Pake.

Congratulations of the Senate were extended to David Eugene Hillard and to James Joseph Uhler by Senator Orie.

Congratulations of the Senate were extended to Gary M. Gulla and to the citizens of the Borough of Conneaut Lake by Senator Robbins.

Congratulations of the Senate were extended to Casey Nils Johnson by Senator Vance.

BILLS ON FIRST CONSIDERATION

Senator RAFFERTY. 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 1511, HB 1674 and HB 2167.

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 Philadelphia, Senator Stack.

Senator STACK. Madam President, just a few years ago, the United States was in a real estate boom. Interest rates were at historic lows, investors poured trillions of dollars into mortgage securities in search of higher-yielding assets. Many people bought new homes or tapped into the equity of their properties, driving the homeownership rate to its highest level ever, at about

69 percent. Now mortgage defaults and foreclosures are on the rise, and homeownership rates are falling.

A 2005 foreclosure study by the Pennsylvania Department of Banking found that abusive lending practices, particularly in the subprime market, were pushing Pennsylvania's foreclosure rate above the national average. This study was a harbinger for the national mortgage crisis.

Well, I am proud to say that the House has passed Senate Bill No. 2179, and we did the same here in the Senate today. The bill will streamline the licensure and administrative process for mortgage brokers and bankers by creating a single license and a new licensure category for all mortgage originators, regardless of the type of lending involved.

The Senate passed similar bills before this, Senate Bill No. 487 and Senate Bill No. 488, in March. Under these bills, mortgage originators will now need to satisfy education testing and continuing education requirements. This is so important to license mortgage originators. It is going to help us protect consumers by insuring that we can revoke the licenses of bad actors. This legislature is going to protect consumers and help strengthen the mortgage industry, which has been reeling from the effects of an economic slowdown and bad loans.

Mortgage foreclosures affect everybody, and they really affect our economy. They can hurt seniors and put them in a serious hurt for prices, hurt our stock market, pension funds, real estate construction, and associated jobs, as well as the lending and credit industry, including the student loan industry. Pennsylvania had nearly 6,000 foreclosure filings in the first quarter of 2008. That number is up 7.6 percent from the last quarter of 2007.

In addition to preventing foreclosures and protecting our economy, we are going to make sure that no one takes advantage of homeowners who are facing foreclosure, as well as future home buyers. Buying a home is such a big and important investment, Madam President. It seems like common sense to me that the people involved in this process should be licensed.

So I want to thank the Department of Banking, and I want to thank Senator Browne, Senator Don White, and Senator Ferlo for their hard work on this issue and working to get it passed. We as legislators have taken an important step to make sure Pennsylvania is up to date with the evolving mortgage industry and in addressing practices that can cause serious financial harm to borrowers. As Pennsylvania tries to work through these difficult times, it is imperative that we craft proactive solutions to safeguarding our housing industry. I really feel we have taken a big, huge first step in doing this, Madam President, and I also want to commend you and all the Members of the Senate in doing that today.

Thank you, Madam President.

The PRESIDENT. Thank you, Senator Stack, for your petition.

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows and referred to the Committee on Rules and Executive Nominations:

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

June 27, 2008

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, for appointment as a member of the Council of Trustees of Mansfield University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2009, and until his successor is appointed and qualified, vice Robert O. Toombs, New Bern, North Carolina, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE MONTOUR COUNTY
BOARD OF ASSISTANCE

June 27, 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, Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as a member of the Montour County Board of Assistance, to serve until December 31, 2010, and until her successor is appointed and qualified, vice Brian Cope, Danville, resigned.

EDWARD G. RENDELL
Governor

MAGISTERIAL DISTRICT JUDGE

June 27, 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, Stephanie Moore, R.R. 2, Box 397, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, for appointment as Magisterial District Judge, in and for the County of Wayne, Magisterial District 22-3-02, to serve until the first Monday of January 2010, vice Bonnie P. Lewis, resigned.

EDWARD G. RENDELL
Governor

RECESS

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

Senator PILEGGI. Madam President, I request a recess of the Senate for a meeting of the Committee on Appropriations to be held in the Rules room immediately.

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

AFTER RECESS

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

BILLS REPORTED FROM COMMITTEE

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

SB 4 (Pr. No. 2235) (Rereported)

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 1247 (Pr. No. 1690) (Rereported)

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 1150 (Pr. No. 4107) (Rereported) (Amended)

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, in preliminary provisions, further providing for effect of act on existing laws; in life insurance, further providing for additional investment authority for subsidiaries; in casualty insurance, providing for autism spectrum disorders coverage and for colorectal cancer screenings coverage; in insurance holding companies, further providing for definitions, for acquisition of control of or merger with domestic insurer, for acquisitions involving insurers not otherwise covered and for standards and management of an insurer within a holding company system; providing for committee review; establishing the Insurance Restructuring Restricted Receipt Account; providing for community health reinvestment; and making a related repeal.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

FRIDAY, JUNE 27, 2008

Off the Floor	APPROPRIATIONS (to consider Senate Bills No. 4 and 1247; and House Bills No. 1150, 1804, 1999, 2051 and 2088)	Rules Cmte. Conf. Rm.
Off the Floor	FINANCE (to consider House Bill No. 2167)	Rules Cmte. Conf. Rm.
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bills No. 999, 1063 and 1147; and certain executive nominations)	Rules Cmte. Conf. Rm.
Off the Floor	URBAN AFFAIRS AND HOUSING (to consider House Bill No. 1674)	Rules Cmte. Conf. Rm.

RECESS

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

Senator PILEGGI. Madam President, I move that the Senate do now recess until Saturday, June 28, 2008, at 10 a.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate recessed at 5:18 p.m, Eastern Daylight Saving Time.