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SESSION OF 2008 192ND OF THE GENERAL ASSEMBLY

No. 52

**SENATE**

WEDNESDAY, July 2, 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, Reverend DONALD CRAMER, of Campus Ministry, Bloomsburg University, Bloomsburg, offered the following prayer:

Good afternoon. Let me begin by thanking you for the opportunity to be with you today and offering particular thanks to Senator Punt and Senator Wonderling for making this opportunity possible for me. Now, let us take a moment in silence to recollect ourselves and to place today's work in its context.

(Pause.)

Lord of lords, this Senate comes before You today, well, to be honest, a little tired. Nonetheless, there is still work to be done. As the men and women of this Chamber continue their legislative work, keep them ever mindful of all those they collectively serve. Give them the grace to respect each other and the openness to be receptive to each other's wisdom. Instill in each official here an ever-growing commitment to personal integrity and service to others.

God of justice and peace, transform all of our politics, so that the voices of the needy and powerless may be heard on the lips of their public representatives. May this Chamber's decisions temper individual interests with those of the common good. It is here that so much can be done to build and support the communities in which we are proud to have our fellow Pennsylvanians live.

Lastly, because their work includes many miles and many hours, keep our Senators safe on their travels throughout the Commonwealth, and watch over their families, who so often must share them with us. In all of these ways, we thank You for Your blessings and guidance, today and every day.

May You be praised now and forever. Amen.

The PRESIDENT. The Chair thanks Father Donald Cramer, who is the guest today of Senator Gordner, Senator Wonderling, and Senator Punt. Father Cramer, also, besides being with Campus Ministry of Bloomsburg University, is an intern on the staff of Senator Wonderling.

**PLEDGE OF ALLEGIANCE**

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

**SPECIAL ORDER OF BUSINESS  
GUEST OF SENATOR ROBERT WONDERLING  
PRESENTED TO THE SENATE**

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

Senator WONDERLING. Madam President, I would like to echo your fine welcome of Father Donald Cramer. As suggested, Don is a member of the Diocese of Harrisburg, Pennsylvania, hailing from Benton, Pennsylvania, which makes him a constituent of Senator Gordner. For the last several months, Don has been working in my Senate office, as he is a candidate for his Ph.D. in studies at Indiana University of Pennsylvania in advanced leadership development and has been working on an ongoing project to study immigration trends in this Commonwealth. So indeed, Madam President, it is an honor today to have Don here. He has served the Commonwealth for the last several months, as well as offering a wonderful prayer to begin our Session.

The PRESIDENT. Thank you.

(Applause.)

**HOUSE MESSAGES**

**SENATE BILL RETURNED WITH AMENDMENTS**

The Clerk of the House of Representatives returned to the Senate **SB 1389**, 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, this bill will be referred to the Committee on Rules and Executive Nominations.

**HOUSE CONCURS IN SENATE AMENDMENTS  
TO HOUSE AMENDMENTS TO SENATE BILL**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to House amendments to **SB 949**.

**HOUSE CONCURS IN SENATE AMENDMENTS BY  
AMENDING SAID AMENDMENTS TO HOUSE BILLS**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the

Senate, by amending said amendments, to **HB 1150** and **HB 1589**, in which 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.

**HOUSE BILLS FOR CONCURRENCE**

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

July 2, 2008

**HB 1824, 2625 and 2629** -- Committee on Public Health and Welfare.

**HB 2188** -- Committee on Urban Affairs and Housing.

**HB 2231** -- Committee on Finance.

**HB 2642** -- Committee on Banking and Insurance.

**BILLS INTRODUCED AND REFERRED**

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

July 2, 2008

Senators ORIE, PILEGGI, WAUGH, ERICKSON, BAKER, RAFFERTY and PICCOLA presented to the Chair **SB 1516**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for the sale or lease of state-owned property.

Which was committed to the Committee on STATE GOVERNMENT, July 2, 2008.

Senators MELLOW, COSTA, LOGAN, FERLO, FONTANA, ORIE, GREENLEAF, TARTAGLIONE, STOUT, HUGHES, MUSTO, BOSCOLA, KITCHEN, LAVALLE, WOZNIAK, C. WILLIAMS and STACK presented to the Chair **SB 1518**, entitled:

An Act amending the act of September 17, 1965 (P.L.521, No.272), entitled "An act providing for the compiling, codifying, recodifying and reenacting of ordinances in cities of the second class A," prohibiting preemption of ordinances.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, July 2, 2008.

Senators McILHINNEY, GREENLEAF, D. WHITE, TOMLINSON, WASHINGTON, FUMO, WAUGH and PIPPY presented to the Chair **SB 1519**, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, providing for reimbursement to counties for the costs of obtaining paper-ballot-based voting systems.

Which was committed to the Committee on STATE GOVERNMENT, July 2, 2008.

Senators GREENLEAF, WOZNIAK, COSTA, FERLO, BOSCOLA and WASHINGTON presented to the Chair **SB 1520**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, repealing and adding provisions relating to alimony; repealing provisions relating to bar to alimony and to effect of death on either party on the payment or receipt of alimony; and making an editorial change.

Which was committed to the Committee on JUDICIARY, July 2, 2008.

**BILL SIGNED**

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

**SB 949.**

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

The SECRETARY. Consent has been given to the Committee on Finance to meet in the Rules room to consider House Bill No. 2231 and House Bill No. 377.

**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 Connie Williams.

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

**CALENDAR**

**SENATE RESOLUTION No. 344  
CALLED UP OUT OF ORDER, ADOPTED**

Senator PILEGGI, without objection, called up from page 6 of the Calendar, as a Special Order of Business, **Senate Resolution No. 344**, entitled:

A Resolution endorsing the request for Federal funding to address vitally important water resource needs.

On the question,  
Will the Senate adopt the resolution?

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

YEA-50

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

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

NAY-0

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

The PRESIDENT. The resolution is adopted.

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 to be held in the Rules room, to be followed by a meeting of the Committee on Banking and Insurance, to be followed by a Republican caucus in the Majority Caucus Room.

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

Senator MELLOW. Madam President, at the conclusion of the committee meetings, I request that the Democratic Members report to our caucus room at the rear of the Chamber.

The PRESIDENT. For purposes of meetings of the Committee on Rules and Executive Nominations and the Committee on Banking and Insurance, to be followed by Republican and Democratic caucuses, without objection, the Senate stands in recess.

AFTER RECESS

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

LEGISLATIVE LEAVES

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

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

The PRESIDENT. Senator Orié requests temporary Capitol leaves for Senator Armstrong, Senator Pileggi, Senator Punt, and Senator Scarnati. Without objection, the leaves will be granted.

CONSIDERATION OF CALENDAR RESUMED

HB 2158 CALLED UP OUT OF ORDER

HB 2158 (Pr. No. 4128) -- Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator ORIE, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2158 (Pr. No. 4128) -- The Senate proceeded to consideration of the bill, entitled:

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; 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; authorizing the Department of General Services, with the approval of the Governor and the Department of Military and Veterans' Affairs, to grant and convey, at a price to be determined through a competitive bid process, certain lands, buildings and improvements situate in the Borough of Pottstown, Montgomery County; authorizing the Department of General Services, with the approval of the Governor, to grant and convey, at a price to be determined through a competitive bid process, certain lands, buildings and improvements situate in the Township of West Norriton, Montgomery County; 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; authorizing the Department of General Services, with the approval of the Governor and the Department of Transportation, to grant and convey to Parkwood Real Estate Trust LLC, approximately 1.645 acres including a building and all improvements thereon, situate at Parkwood Drive in the City of Allentown and Salisbury Township, Lehigh County; and authorizing the Department of General Services, with the approval of the Governor, to grant and convey to the County of Lackawanna Transit System Authority (COLTS), certain lands situate in the City of Scranton, Lackawanna County, in exchange for a certain tract of land from COLTS situate in the City of Scranton, Lackawanna County.

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-50

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

NAY-0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate

has passed the same with amendments in which concurrence of the House is requested.

### BILLS REPORTED FROM COMMITTEE

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

#### **SB 1000 (Pr. No. 2228) (Rereported) (Concurrence)**

An Act prohibiting the regulation of voice-over-Internet protocol and other Internet protocol-enabled products and services; and providing for preservation of consumer protection, for fees and rates and for preservation of cable franchise authority.

#### **SB 1389 (Pr. No. 2283) (Rereported) (Concurrence)**

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and the public schools for the fiscal year July 1, 2008, to June 30, 2009, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2008; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Payment Fund, the Banking Department Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund and the Tobacco Settlement Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2008, to June 30, 2009; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2008, to June 30, 2009, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2008; to provide for the additional appropriation of Federal and State funds from the General Fund for the Executive and Judicial Departments of the Commonwealth for the fiscal year July 1, 2007, to June 30, 2008, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2007.

#### **HB 1150 (Pr. No. 4133) (Rereported) (Concurrence)**

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.

### RESOLUTION REPORTED FROM COMMITTEE

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

#### **SR 352 (Pr. No. 2279)**

A Resolution commemorating the contributions of Milton Friedman and the 96th birthday of Milton Friedman on July 31, 2008.

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

### SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 1

#### SENATE CONCURS IN HOUSE AMENDMENTS TO SENATE AMENDMENTS

**HB 1150 (Pr. No. 4133)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, in 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.

On the question,

Will the Senate concur in the amendments made by the House to Senate amendments to House Bill No. 1150?

Senator ORIE. Madam President, I move that the Senate do concur in the amendments made by the House to Senate amendments to House Bill No. 1150.

On the question,

Will the Senate agree to the motion?

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

Senator ORIE. Madam President, on Sunday, by a historic, strong bipartisan vote of 49 to 1, the Senate approved House Bill No. 1150. Quite frankly, Madam President, the legislation we adopted gave Pennsylvania the best autism insurance coverage in the nation. It is a national model, a gold standard for the treatment and coverage of autism spectrum disorders. Today, Madam President, we are presented with the opportunity to finalize this minimal, technical change to what the Senate adopted and send it to the Governor, who is waiting to sign it.

When Speaker O'Brien reached out to our leadership, Senator Scarnati and Senator Pileggi, they turned to Senator Don White and me, as we have been leaders on the consideration of this bill, to review, negotiate, and ultimately decide whether or not to agree to one last amendment to House Bill No. 1150. Upon review, Senator White and I saw the proposed grammatical changes and the clarifying language to a definition were merely technical in nature and agreed to the amendment.

Based upon Senator White's and my guidance, Senator Scarnati, Senator Pileggi, along with Senator White and I, agreed to the amendment and indicated in a letter to the Speaker and the House leadership that we would advocate for the Senate to con-

cur with the small, minor technical changes. Upon receipt of our letter, the House suspended the rules and adopted the amendment and House Bill No. 1150. For the record, Madam President, the bill that the House amended remains 99.9 percent the same as we passed in the Senate on Sunday.

I would like to reiterate at this time, Madam President, my sincere appreciation and commendations to Senator Don White and Senator Stack for their outstanding leadership, compassion, and dedication to addressing the concerns of families of autistic children. Madam President, I cannot praise Senator White enough for his advocacy, his leadership, and his attention on behalf of children with autism, and especially for the way he conducted the passage of this legislation. In addition to the others I thanked on Sunday, I would like to thank Jim Boudier, who is the father of an autistic child, an advocate who has been a strong voice for the autism community and this legislation. He is in the gallery tonight.

Today, I ask that we adopt this landmark legislation, the best bill in the country, Madam President, a model for every other State, and tonight, Madam President, is a monumental night for parents of children with autism, and I ask my colleagues to join with me in concurring in this legislation.

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Stack.

Senator STACK. Madam President, I will not be long. You heard from me on Sunday night, but I just wanted to once again go on record thanking my colleagues, Senator Orié and Senator White, for the great job that they did on this legislation. It was a pleasure to work with them. Our staffs also did a fantastic job. I also want to thank Speaker of the House O'Brien, who has been such a huge advocate on the issue of autism, for his very productive ideas, which helped this bill to become, as Senator Orié said, a landmark bill which is going to be an example for other States.

You know, let us not forget, too, there are so many other good things in this bill, not to mention the extra scrutiny that it will put on a major merger with regard to Highmark and IBC, a potential merger that I think consumers really want us to look out for. And there are other things in this bill, which I will leave other Members to talk about. But it just shows, once again, that when Members work together, we can accomplish great things. So it is a proud night for the Pennsylvania Senate and the Pennsylvania House, Republicans and Democrats, but mostly, the people who need our help across the State.

Thank you, Madam President.

**LEGISLATIVE LEAVE CANCELLED**

The PRESIDENT. Senator Connie Williams has returned, and her legislative leave is cancelled.

And the question recurring,  
Will the Senate agree to the motion?

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

YEA-49

Armstrong	Fumo	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
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	
Fontana	O'Pake	Tartaglione	

NAY-1

Eichelberger

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

**PREFERRED APPROPRIATION BILL  
ON CONCURRENCE IN HOUSE AMENDMENTS**

**SENATE NONCONCURS IN HOUSE AMENDMENTS**

**SB 1389 (Pr. No. 2283)** -- The Senate proceeded to consideration of the bill, entitled:

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and the public schools for the fiscal year July 1, 2008, to June 30, 2009, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2008; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Payment Fund, the Banking Department Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund and the Tobacco Settlement Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2008, to June 30, 2009; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2008, to June 30, 2009, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2008; to provide for the additional appropriation of Federal and State funds from the General Fund for the Executive and Judicial Departments of the Commonwealth for the fiscal year July 1, 2007, to June 30, 2008, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2007.

On the question,  
Will the Senate concur in the amendments made by the House to Senate Bill No. 1389?

Senator ORIE. Madam President, I move the Senate nonconcur in the amendments made by the House to Senate Bill No. 1389, and that a Committee of Conference on the part of the Senate be appointed.

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

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

## BILL ON CONCURRENCE IN HOUSE AMENDMENTS

### SENATE CONCURS IN HOUSE AMENDMENTS

**SB 1000 (Pr. No. 2228)** -- The Senate proceeded to consideration of the bill, entitled:

An Act prohibiting the regulation of voice-over-Internet protocol and other Internet protocol-enabled products and services; and providing for preservation of consumer protection, for fees and rates and for preservation of cable franchise authority.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1000?

Senator ORIE. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1000.

On the question,

Will the Senate agree to the motion?

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

Senator WONDERLING. Madam President, I rise briefly to ask my colleagues to support concurrence of House amendments to Senate Bill No. 1000. This bill passed the Senate unanimously several months ago, and as a reminder to the Members, what this legislation seeks to do, and is expected to do, is to insure that new telecommunications technology, particularly as the bill suggests here, those technologies involving the Internet and communicating via the Internet, remain unregulated in this Commonwealth, as other similar related Internet technologies.

I would like to commend, at this time, Madam President, Senator Connie Williams--this was truly a bipartisan effort--along with her staff, Anne Foreman, and Geri Sarfert, who serves as executive director of our Committee on Communications and Technology in the Senate.

In addition, Madam President, substantive improvements were made to this legislation in the House of Representatives, specifically, language that will insure that traditional telephone companies, particularly those smaller in scale and those that provide vital rural service, will have avenues of recourse as it relates to insuring proper service and proper regulation, Madam President, in addition to improvements relating to consumer protections, which are offered by our Consumer Advocate in this Commonwealth, Mr. Popowski, and I applaud him and thank him for his efforts as well.

And finally, Madam President, I would like to acknowledge the leadership of both Representative Preston and Representative Godshall for seeing the process through to its conclusion, and that is why, Madam President, I ask for an affirmative vote on concurrence in House amendments to Senate Bill No. 1000.

The PRESIDENT. The Chair recognizes the gentlewoman from Luzerne, Senator Baker.

Senator BAKER. Madam President, I rise today to support Senate Bill No. 1000. Several months ago, when this bill passed the Senate, I did not support it, based upon my concerns about the impact of the language in the bill for rural telephone service throughout the 20th District and throughout Pennsylvania. I want to congratulate Senator Wonderling for his efforts to work together in a cooperative fashion to address our concerns and to put that language into the bill so that today I can stand before you and say that I am joining in support of this language.

Thank you, Madam President.

The PRESIDENT. The Chair recognizes the gentleman from Lancaster, Senator Brubaker.

Senator BRUBAKER. Madam President, I also rise to support Senate Bill No. 1000 and would like to congratulate my good friend, Senator Wonderling, for working cooperatively with the House on this critically important amendment. Thank you.

And the question recurring,

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

## LEGISLATIVE LEAVE CANCELLED

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

## CONSIDERATION OF CALENDAR RESUMED

### THIRD CONSIDERATION CALENDAR RESUMED

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 5 (Pr. No. 4111)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 11, 1923 (P.L.1044, No.425), referred to as the Prisoner Transfer Law, further providing for transfer of inmates.

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-50

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

NAY-0

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

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

BILL OVER IN ORDER

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 903 (Pr. No. 2284)** -- 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 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-50

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

NAY-0

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

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

BILLS OVER IN ORDER

**HB 1067** and **HB 1116** -- Without objection, the bills were passed over in their order at the request of Senator ORIE.

BILL REREFERRED

**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.

Upon motion of Senator ORIE, and agreed to by voice vote, the bill was rereferred to the Committee on Consumer Protection and Professional Licensure.

BILLS OVER IN ORDER

**SB 1276**, **SB 1421** and **SB 1496** -- Without objection, the bills were passed over in their order at the request of Senator ORIE.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 1804 (Pr. No. 4112)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, further providing for definitions and for the State Board of Medicine; providing for jointly promulgated regulations; and further providing for physician assistants, for respiratory care practitioners, for physicians assistants license and for respiratory care practitioner certificates and permits.

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-50

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

NAY-0

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

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

**HB 2088 (Pr. No. 4113)** -- The Senate proceeded to consider-  
ation of the bill, entitled:

An Act amending the act of October 5, 1978 (P.L.1109, No.261),  
known as the Osteopathic Medical Practice Act, further providing for  
definitions, for the State Board of Osteopathic Medicine, for prohibition  
on practice without license, for physician assistants, for respiratory care  
practitioners, for respiratory care practitioner certificates and permits  
and for reasons for refusal, revocation or suspension of license; and  
providing for regulations.

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-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	Orie	Tomlinson
Boscola	Gordner	Piccola	Vance
Browne	Greenleaf	Pileggi	Washington

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

NAY-0

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

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

BILL OVER IN ORDER

**HB 2302** -- Without objection, the bill was passed over in its  
order at the request of Senator ORIE.

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 meeting of the Committee on Appro-  
priations.

The PRESIDENT. For the purpose of a meeting of the Com-  
mittee on Appropriations, without objection, the Senate stands in  
recess.

AFTER RECESS

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

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR

BILL OVER IN ORDER

**SB 26** -- Without objection, the bill was passed over in its  
order at the request of Senator ORIE.

BILL ON SECOND CONSIDERATION

**HB 69 (Pr. No. 4031)** -- The Senate proceeded to consider-  
ation of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consoli-  
dated Statutes, defining "mounted specimen"; and further providing for  
buying and selling game and for safety zones.

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



BILL ON SECOND CONSIDERATION  
AND LAID ON THE TABLE

**HB 221 (Pr. No. 4000)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the establishment of the Historic Preservation Incentive Program for historic commercial and residential sites, for grants and for tax credits.

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 laid on the table.

BILL ON SECOND CONSIDERATION

**SB 858 (Pr. No. 1070)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

BILL OVER IN ORDER

**SB 884** -- Without objection, the bill was passed over in its order at the request of Senator ORIE.

BILL REREFERRED

**HB 1280 (Pr. No. 4060)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

BILLS OVER IN ORDER

**HB 1674** and **HB 1786** -- Without objection, the bills were passed over in their order at the request of Senator ORIE.

BILL ON SECOND CONSIDERATION  
AND REREFERRED

**HB 2294 (Pr. No. 4066)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the licensure of persons providing debt management services and for the powers and duties of the Department of Banking; requiring surety bonds; prohibiting certain fees and costs; providing for debt management plans; and prohibiting certain acts by persons providing debt management services.

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 2539** and **HB 2546** -- Without objection, the bills were passed over in their order at the request of Senator ORIE.

REPORT FROM COMMITTEE ON RULES  
AND EXECUTIVE NOMINATIONS

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

MAGISTERIAL DISTRICT JUDGE

May 12, 2008

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Anthony J. Kilker, P.O. Box 221, Oneida 18242, Schuylkill County, Twenty-ninth Senatorial District, for appointment as Magisterial District Judge, in and for the County of Schuylkill, Magisterial District 21-3-05, to serve until the first Monday of January 2010, vice William A. Slezosky, resigned.

EDWARD G. RENDELL  
Governor

*NOMINATION LAID ON THE TABLE*

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

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

EXECUTIVE NOMINATION

*EXECUTIVE SESSION*

Motion was made by Senator ROBBINS,  
That the Senate do now resolve itself into Executive Session for the purpose of considering a certain nomination made by the Governor.

Which was agreed to by voice vote.

*NOMINATION TAKEN FROM THE TABLE*

Senator ROBBINS. Madam President, I call from the table a certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

MAGISTERIAL DISTRICT JUDGE

May 12, 2008

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Anthony J. Kilker, P.O. Box 221, Oneida 18242, Schuylkill County, Twenty-ninth Senatorial District, for appointment as Magisterial District Judge, in and for the County of Schuylkill, Magisterial District 21-3-05, to serve until the first Monday of January 2010, vice William A. Slezosky, resigned.

EDWARD G. RENDELL  
Governor

On the question,  
Will the Senate advise and consent to the nomination?

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

YEA-50

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

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.  
Ordered, That the Governor be informed accordingly.

**EXECUTIVE SESSION RISES**

Senator ROBBINS. Madam President, I move that the Executive Session do now rise.  
The motion was agreed to by voice vote.

**UNFINISHED BUSINESS  
BILLS REPORTED FROM COMMITTEES**

Senator D. WHITE, from the Committee on Banking and Insurance, reported the following bill:

**HB 1167 (Pr. No. 1431)**

An Act amending the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921, further defining "company action level event" for purposes of risk-based capital reporting requirements.

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

**HB 1788 (Pr. No. 4179) (Amended) (Rereported)**

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, in public assistance, further providing for medical assistance payments for institutional care; providing for payments for hospital readmissions and for maximum payment to practitioners for inpatient hospitalization; further providing for pharmaceutical and therapeutics committee; providing for Drug Utilization Review Board; further providing for Medicaid managed care organization assessments; in assessments for intermediate care facilities for mentally retarded persons, further providing for time periods; providing for hospital assessments; in departmental powers and duties as to licensing, providing for personal care home information; in fraud and abuse control, further providing for third-party liability; providing for Federal law recovery of medical assistance reimbursement; and further providing for data matching.

**HB 2313 (Pr. No. 4149) (Amended) (Rereported)**

A Supplement to the act of April 1, 1863 (P.L.213, No.227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect; and providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure.

**HB 2314 (Pr. No. 4150) (Amended) (Rereported)**

An Act making an appropriation to the Fox Chase Institute for Cancer Research, Philadelphia, for the operation and maintenance of the cancer research program.

**HB 2315 (Pr. No. 4187) (Amended) (Rereported)**

A Supplement to the act of July 28, 1966 (3rd Sp.Sess., P.L.87, No.3), entitled "An act providing for the establishment and operation of the University of Pittsburgh as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the chancellor to make an annual report of the operations of the University of Pittsburgh," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure.

**HB 2316 (Pr. No. 4152) (Amended) (Rereported)**

An Act making appropriations to the Wistar Institute, Philadelphia, for operation and maintenance expenses and for AIDS research.

**HB 2317 (Pr. No. 4153) (Amended) (Rereported)**

A Supplement to the act of November 30, 1965 (P.L.843, No.355), known as the Temple University-Commonwealth Act, making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

**HB 2318 (Pr. No. 4154) (Amended) (Rereported)**

An Act making an appropriation to the Central Penn Oncology Group.

**HB 2319 (Pr. No. 4155) (Amended) (Rereported)**

An Act making an appropriation to Lancaster Cleft Palate for outpatient-inpatient treatment.

**HB 2320 (Pr. No. 4156) (Amended) (Rereported)**

A Supplement to the act of July 7, 1972 (P.L.743, No.176), known as the Lincoln University-Commonwealth Act, making an appropriation for carrying the same into effect; providing for a basis for payments of the appropriation; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

**HB 2321 (Pr. No. 4157) (Amended) (Rereported)**

An Act making an appropriation to the Burn Foundation, Philadelphia, for outpatient and inpatient treatment.

**HB 2322 (Pr. No. 4158) (Amended) (Rereported)**

An Act making an appropriation to The Children's Institute, Pittsburgh, for treatment and rehabilitation of certain persons with disabling diseases.

**HB 2323 (Pr. No. 4159) (Amended) (Rereported)**

An Act making an appropriation to the Trustees of Drexel University, Philadelphia.

**HB 2324 (Pr. No. 4160) (Amended) (Rereported)**

An Act making an appropriation to The Children's Hospital of Philadelphia for comprehensive patient care and general maintenance and operation of the hospital.

**HB 2325 (Pr. No. 4161) (Amended) (Rereported)**

An Act making an appropriation to the Beacon Lodge Camp.

**HB 2326 (Pr. No. 4162) (Amended) (Rereported)**

An Act making appropriations to the Trustees of the University of Pennsylvania.

**HB 2327 (Pr. No. 4163) (Amended) (Rereported)**

An Act making appropriations to the Carnegie Museums of Pittsburgh for operations and maintenance expenses and the purchase of apparatus, supplies and equipment.

**HB 2328 (Pr. No. 4164) (Amended) (Rereported)**

An Act making appropriations to the Philadelphia Health and Education Corporation for the Colleges of Medicine, Public Health, Nursing and Health Professions and for continuation of pediatric services.

**HB 2329 (Pr. No. 4165) (Amended) (Rereported)**

An Act making an appropriation to the Franklin Institute Science Museum for maintenance expenses.

**HB 2330 (Pr. No. 4166) (Amended) (Rereported)**

An Act making an appropriation to the Academy of Natural Sciences for maintenance expenses.

**HB 2331 (Pr. No. 4167) (Amended) (Rereported)**

An Act making appropriations to the Thomas Jefferson University, Philadelphia.

**HB 2332 (Pr. No. 4168) (Amended) (Rereported)**

An Act making an appropriation to the African-American Museum in Philadelphia for operating expenses.

**HB 2333 (Pr. No. 4169) (Amended) (Rereported)**

An Act making an appropriation to the Everhart Museum in Scranton for operating expenses.

**HB 2334 (Pr. No. 4170) (Amended) (Rereported)**

An Act making an appropriation to the Philadelphia College of Osteopathic Medicine, Philadelphia.

**HB 2335 (Pr. No. 4171) (Amended) (Rereported)**

An Act making an appropriation to the Mercer Museum in Doylestown, Pennsylvania, for operating expenses.

**HB 2336 (Pr. No. 4172) (Amended) (Rereported)**

An Act making an appropriation to the Whitaker Center for Science and the Arts in Harrisburg, Pennsylvania, for operating expenses.

**HB 2337 (Pr. No. 4173) (Amended) (Rereported)**

An Act making an appropriation to the Pennsylvania College of Optometry, Philadelphia.

**HB 2338 (Pr. No. 4174) (Amended) (Rereported)**

An Act making an appropriation to the University of the Arts, Philadelphia, for instruction and student aid.

**HB 2340 (Pr. No. 4175) (Amended) (Rereported)**

An Act making an appropriation to the Johnson Technical Institute of Scranton for operation and maintenance expenses.

**HB 2341 (Pr. No. 4176) (Amended) (Rereported)**

An Act making an appropriation to the Williamson Free School of Mechanical Trades in Delaware County for operation and maintenance expenses.

