

COMMONWEALTH OF PENNSYLVANIA

# Legislative Journal

WEDNESDAY, SEPTEMBER 17, 2008

SESSION OF 2008 192ND OF THE GENERAL ASSEMBLY

No. 57

## SENATE

WEDNESDAY, September 17, 2008

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

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

## PRAYER

The Chaplain, Reverend DAVID SCHREFFLER, of Christ Lutheran Church, Duncannon, offered the following prayer:

Let us pray.

Lord God, You are the giver of every good and perfect gift. Grant Your aid to all involved in government, whether local or State, national or international. Give them the skill and learning to meet the needs of this day. We know that there are many who are in need, from the people of the ravaged coastal areas of Texas in the wake of Hurricane Ike, to the poor and the undervalued citizens of our local communities. There are many looking for hope who believe that they are forgotten and forsaken.

Reward the patient labors of these men and women and the role that each one plays in being a leader in our government. Grant them wisdom and courage to seek answers to difficult questions, to find paths in difficult ventures, granting them an abundant harvest of useful discovery for the common welfare, always with an eye on mercy and justice, of brightness and kindness. Grant these things and all that You see we need, knowing that You are our hope and salvation. Amen.

The PRESIDENT. The Chair thanks Reverend Schreffler, who is the guest today of Senator Vance and Senator Corman.

## PLEDGE OF ALLEGIANCE

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

## COMMUNICATION FROM THE GOVERNOR

### NOMINATION REFERRED TO COMMITTEE

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

COMMISSIONER OF THE  
PENNSYLVANIA STATE POLICE

September 17, 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, Lt. Col. Frank Pawlowski, 1800 Elmerton Avenue, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for appointment as Commissioner of the Pennsylvania State Police, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified, vice Col. Jeffrey B. Miller, Harrisburg, resigned.

EDWARD G. RENDELL  
Governor

## SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the following committee meetings to occur during today's Session: the Committee on Community, Economic and Recreational Development, to consider House Bills No. 420 and 2233; also the Committee on Banking and Insurance, to consider Senate Bill No. 1307 and House Bills No. 1177 and 2098.

## BILLS REPORTED FROM COMMITTEES

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

### SB 291 (Pr. No. 2372) (Amended)

An Act providing for a constitutional convention with limited powers; providing for a referendum on the question; providing for the selection, nomination and election of delegates; defining the powers and duties of the convention; providing for its operation; conferring powers and imposing duties on the Governor, the Secretary of the Commonwealth, officers of the General Assembly and county election boards; providing for a referendum on the convention's report; and making an appropriation.

### SB 1236 (Pr. No. 2370) (Amended)

An Act providing for a limited constitutional convention, for a referendum on the question, for the selection, nomination and election of delegates; defining the powers and duties of the convention; providing for the convention's operation; conferring powers and imposing duties on the Governor, the Secretary of the Commonwealth, officers of the General Assembly and county election boards; providing for a referendum on the convention's report; and making an appropriation.

### SB 1290 (Pr. No. 2371) (Amended)

An Act providing for a Citizens Constitutional Convention, for a referendum on the question and for the nomination and election of delegates; defining the powers and duties of the convention; providing for

operation of the convention; conferring powers and imposing duties on the Governor, the Secretary of the Commonwealth, the Chief Justice of the Supreme Court, officers of the General Assembly and county election boards; providing for a referendum on the convention's report; and making an appropriation.

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

**SB 147 (Pr. No. 2373) (Amended)**

An Act amending the act of July 2, 1993 (P.L.345, No.48), entitled "An act empowering the General Counsel or his designee to issue subpoenas for certain licensing board activities; providing for hearing examiners in the Bureau of Professional and Occupational Affairs; providing additional powers to the Commissioner of Professional and Occupational Affairs; and further providing for civil penalties and license suspension," further providing for civil penalties; and making related repeals.

**SB 908 (Pr. No. 2374) (Amended)**

An Act amending the act of December 22, 1983 (P.L.327, No.85), known as the Auctioneer and Auction Licensing Act, further providing for auctioneer and apprentice auctioneer licenses.

**HB 1257 (Pr. No. 4344) (Amended)**

An Act amending the act of May 1, 1933 (P.L.216, No.76), known as The Dental Law, further defining "expanded function dental assistant"; further providing for the State Board of Dentistry; and providing for scope of practice of expanded function dental assistant.

**HB 2499 (Pr. No. 4343) (Amended)**

An Act regulating massage therapy; establishing the State Board of Massage Therapy; providing for funds, for licensure, for disciplinary action, for remedies, for penalties and for preemption.

**HB 2644 (Pr. No. 3986)**

An Act amending the act of December 10, 1974 (P.L.852, No.287), referred to as the Underground Utility Line Protection Law, further providing for duties of facility owners.

Senator GREENLEAF, from the Committee on Judiciary, reported the following bills:

**SB 1440 (Pr. No. 2111)**

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the right of a jury to written instructions.

**SB 1555 (Pr. No. 2347)**

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for requirements for governmental access.

**HB 301 (Pr. No. 4339) (Amended)**

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for subpoena; and, in registration of sexual offenders, further providing for registration.

**HB 1027 (Pr. No. 4340) (Amended)**

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for willful failure to pay support order.

**HB 1664 (Pr. No. 4341) (Amended)**

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for theft of leased property.

**HB 2343 (Pr. No. 4342) (Amended)**

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for persons qualified to solemnize marriages.

**HB 2548 (Pr. No. 3797)**

An Act amending the act of November 22, 1978 (P.L.1166, No.274), referred to as the Pennsylvania Commission on Crime and Delinquency Law, further providing for powers and duties of the commission.

Senator BAKER, from the Committee on Veterans Affairs and Emergency Preparedness, reported the following bills:

**SB 1420 (Pr. No. 2073)**

An Act amending Titles 35 (Health and Safety) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, regulating emergency medical services systems; providing for licensure; conferring powers and duties on the Department of Health; further defining "emergency vehicle"; providing for penalties; providing for Emergency Medical Services Operating Fund distributions; and making a related repeal.

**HB 2289 (Pr. No. 4338) (Amended)**

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for desecration, theft or sale of venerated objects.

**RESOLUTIONS REPORTED  
FROM COMMITTEES**

Senator GREENLEAF, from the Committee on Judiciary, reported the following resolutions:

**SR 245 (Pr. No. 1798)**

A Resolution directing the Legislative Budget and Finance Committee to prepare a report on the potential secondary effects of sexually oriented adult businesses on communities in this Commonwealth.

**SR 367 (Pr. No. 2369) (Amended)**

A Resolution directing the Legislative Budget and Finance Committee to study the Statewide complement of probation and parole officers.

Senator BAKER, from the Committee on Veterans Affairs and Emergency Preparedness, reported the following resolutions:

**SR 368 (Pr. No. 2351)**

A Resolution designating September 28, 2008, as "Gold Star Mother's Day" in Pennsylvania.

**SR 369 (Pr. No. 2357)**

A Resolution designating the month of October 2008 as "Pennsylvania Fire Prevention Month" in Pennsylvania, observing the week of October 5 through 11, 2008, as "National Fire Prevention Week" and urging Pennsylvanians to heed fire safety messages.

**SR 370 (Pr. No. 2358)**

A Resolution designating the month of October 2008 as "Agent Orange Recognition Month" in Pennsylvania.

**SR 372 (Pr. No. 2368)**

A Resolution designating September 30, 2008, as "Pennsylvania First Responder Appreciation Day."

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

**LEGISLATIVE LEAVE**

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

Senator PILEGGI. Madam President, I request a legislative leave for Senator Punt.

The PRESIDENT. Senator Pileggi requests a legislative leave for Senator Punt. Without objection, the leave will be granted.

**SPECIAL ORDER OF BUSINESS  
JOURNALS APPROVED**

The PRESIDENT. The Journals of the Sessions of June 16, 2008, June 17, 2008, June 18, 2008, and June 23, 2008, are now in print.

The Clerk proceeded to read the Journals of the Sessions of June 16, 2008, June 17, 2008, June 18, 2008, and June 23, 2008.

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

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

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

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	Orie	Tomlinson

Boscola	Gordner	Piccola	Vance
Browne	Greenleaf	Pileggi	Washington
Brubaker	Hughes	Pippy	Waugh
Corman	Kasunic	Punt	White, Donald
Costa	Kitchen	Rafferty	White, Mary Jo
Dinniman	LaValle	Regola	Williams, Anthony H.
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 Journals are approved.

**SPECIAL ORDER OF BUSINESS  
GUESTS OF SENATOR ANDREW E. DINNIMAN  
PRESENTED TO THE SENATE**

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

Senator DINNIMAN. Madam President, I would like to introduce some special guests to the Senate today. My guests are members of the USA-Kenya Chamber of Commerce. There are a significant number of Kenyans not only in Chester County but in Pennsylvania, many who came to graduate school here in the State and have remained. There is now formed, focused here in Pennsylvania, a Chamber of Commerce of people in the U.S. and of Kenyans. Many of the Kenyans are now American citizens working for better economic relations between the two countries.

Madam President, I would like to introduce these people to you. We have Dr. Christine Martey-Ochola, who is president of the Chamber; we have Irene Mumbi Dunjwa, who is the chief operating officer; and we also have with us today Vuyo T. Dunjwa, who is director of marketing; and Stanley Brown, who is also an active member of the USA-Kenya Chamber of Commerce.

So I hope the Senate will greet this group, many of whom live in my district, which is working for better economic relations between the United States and Kenya.

The PRESIDENT. Will Senator Dinniman's guests from the USA-Kenya Chamber of Commerce please rise so we can welcome you.

(Applause.)

Senator DINNIMAN. Madam President, they have also met with the Department of Community and Economic Development and are working quite closely with Secretary Yablonsky in increasing this economic relationship.

Thank you, Madam President.

**GUEST OF SENATOR MICHAEL J. FOLMER  
PRESENTED TO THE SENATE**

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

Senator FOLMER. Madam President, at this time, I am very proud to introduce a very special guest here today. His name is Lucas Jewell, and he is our guest Page today. Lucas is an eighth grader at Elizabethtown Area Middle School. He plays basketball, baseball, and football. Lucas is an aspiring professional

sportswriter. Madam President, please join me in welcoming to the Senate our guest Page, Lucas Jewell.

The PRESIDENT. Would Lucas Jewell please rise so we can welcome you to the Senate.

(Applause.)

## CALENDAR

### SECOND CONSIDERATION CALENDAR

#### SB 1503 CALLED UP OUT OF ORDER

**SB 1503 (Pr. No. 2218)** - Without objection, the bill was called up out of order, from page 2 of the Second Consideration Calendar, by Senator PILEGGI, as a Special Order of Business.

#### BILLS ON SECOND CONSIDERATION AND REREFERRED

**SB 1503 (Pr. No. 2218)** -- The Senate proceeded to consideration of the bill, entitled:

An act to the act of December 8, 1982 (P.L.848, No.235), known as the Highway-Railroad and Highway Bridge Capital Budget Act for 1982-1983, itemizing additional local and State bridge projects.

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

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

**SB 1504 (Pr. No. 2219)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the highway capital budget project itemization for the fiscal year 2008-2009.

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

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

## RECESS

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

Senator PILEGGI. Madam President, I request a recess of the Senate for purposes of meetings of the Committee on Rules and Executive Nominations, the Committee on Banking and Insurance, and the Committee on Community, Economic and Recreational Development, to be followed by a Republican caucus to be held in the Majority Caucus Room.

The PRESIDENT. Senator Pileggi requests a recess for purposes of meetings of the Committee on Rules and Executive Nominations, the Committee on Banking and Insurance, and the Committee on Community, Economic and Recreational Development, and a Republican caucus.

The Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Madam President, I ask my Democratic colleagues to report to the meetings as stated by the Majority Leader, and we will have a caucus in our caucus room to the rear of the Chamber at the conclusion of all those meetings.

The PRESIDENT. Without objection, for those purposes, the Senate stands in recess.

## AFTER RECESS

The PRESIDENT pro tempore (Joseph B. Scarnati III) in the Chair.

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

## CONSIDERATION OF CALENDAR RESUMED

### BILL ON CONCURRENCE IN HOUSE AMENDMENTS TO SENATE AMENDMENTS AS AMENDED

#### SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED

**HB 4 (Pr. No. 4329)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 44 (Law and Justice) of the Pennsylvania Consolidated Statutes, imposing a central or regional booking fee on criminal convictions to fund the start-up, operation or maintenance of a central or regional booking center; providing for a countywide booking center plan; providing for definitions of "board" and "department"; further providing for composition of the Pennsylvania Commission on Sentencing, for powers and duties and for adoption of guidelines for sentencing; providing for adoption of guidelines for resentencing, adoption of guidelines for parole and adoption of recommitment ranges following revocation of parole by the Pennsylvania Board of Probation and Parole; further providing for publication of guidelines, for sentencing generally, for sentence of total confinement, for sentencing proceeding and place of confinement and for information required upon commitment and subsequent disposition and for referral to State intermediate punishment program; providing for work release or other court order and for recidivism risk reduction incentive; and making a related repeal.

On the question,

Will the Senate concur in the amendments made by the House to Senate amendments, as further amended by the Senate, to House Bill No. 4?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate amendments, as further amended by the Senate, to House Bill No. 4.

On the question,

Will the Senate agree to the motion?

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

Senator GREENLEAF. Mr. President, I rise in support of this legislation. This is a historic piece of legislation that we have

taken here. It is a joint effort between the House and the Senate, and it is a bipartisan effort that we have been involved in here.

We are facing a crisis in our criminal justice system, particularly in our penitentiaries and prisons in Pennsylvania and countywide. We have about 30,000 people incarcerated in our county prisons and 47,000 to 48,000 people in our State prisons. That population was about 8,000 people in 1980. There are now, as I said, 47,000 to 48,000 people in our penitentiaries. We started out with about seven or eight penitentiaries in 1980. We are now up to 27, and we will have to build 3 new prisons to handle all the people that we have going into our prisons between now and 2012, at \$200 million for each facility and about \$50 million to operate them. We are almost spending as much on our prisons as we are on higher education, and by the next couple of years, we will be spending more.

We have done a good job, in the last several decades, of dealing with violent offenders, and we have passed some tough but strong and good laws in regard to those individuals. But at the same time, we have caught in our net those individuals who are first-time nonviolent offenders, property offenders, and first-time drug offenders for whom we can and should spend some time on rehabilitation, and people we do not really need in our penitentiaries but on whom we are spending \$35,000 to \$40,000 every year to house.

So we have a revolving door in our institutions, and we do not have greater public safety. In fact, some of the rates have gone up, some of them have stayed the same, but they are not necessarily fitting into our philosophy or approach to prison. Prison is punishment, but punishment without rehabilitation is a failure. And so we need to provide incentives. We need to provide programs to get these individuals off of the drugs that drove them to their criminal activity.

A large percentage of the people who are incarcerated in our prisons are involved in some type of drug activity. I think the figure is about 70 percent. So are we surprised that when they go in, they are addicted to drugs and alcohol, and when they leave our prison system, they are still addicted to drugs and alcohol? Are we surprised that when they go in, they do not have a job, they do not have vocational training, and we do not provide that for them, and then they leave, and they do not have vocational training, they do not have employment opportunities, they do not have a job? Is it surprising that every year, we release 16,000 inmates, a third of our population, and we put back 16,000 people and more?

We are adding about 1,700 inmates per year to our population. At that rate, we are going to have to build those penitentiaries every year after 2012 at \$200 million per institution. So it is important for us to pass this legislation to provide incentives for those individuals who are amenable to this type of treatment, to provide them with the opportunity to get off of the drugs and addictions and start a new life, so they do not come back to the institutions, so we can improve our public safety, because they will not be involved in additional criminal activities.

We will be starting to save money, as New York did when it passed similar legislation such as this. They are now reducing their nonviolent offender prison population by a thousand inmates per year. They are about to close three of their penitentiaries because they do not need them for these nonviolent offend-

ers. We need them for the violent offenders, and they are going to stay there, but we certainly can take steps to keep people who do not need to be there, whom we can help out and not recidivate.

So, House Bill No. 4 that we are addressing deals with those issues. It provides help and relief for the county prisons. Right now, they are so overcrowded that we are actually having the county prisons-- of their 30,000 inmates, a large percentage of those individuals in the county prisons actually should be serving State time if it is over 2 years, and they should be in the State penitentiary. We have not been accepting them, and so as a result, with this bill, because it will reduce our population, we can take those prisoners who belong in State prison into the State system and relieve the counties of that burden. They obviously are in support of this legislation providing a merit time proposal, which would provide incentives to those people who engage in activities that help to rehabilitate themselves, and if they would do that, they would get a small amount of time off of their sentences.

Also, this Senate initiated and passed, some years ago, a State intermediate punishment provision, which, again, would provide intensive counseling and treatment while they are in prison in our State system to get them off of their addictions. It is a very successful program. At least a third are very successful and do not return, and actually, in initial reports in Pennsylvania, it is even much higher than that. That is a significant step, because it will mean that those people will not return to their criminal activity.

And there are also some provisions in here with regard to parole and when individuals are paroled and when they are not, and when they are eligible for parole that they are paroled and are not waiting around for some technical problem. If they are not acting properly while they are in prison and not engaging in these rehabilitative programs, then we are not going to release them to the benefit of some of these parole provisions, but if they do, then they should receive those benefits.

So I ask that the Senate concur in the Senate amendments to House amendments so that we can balance the scale. We spent, as I said, 20 years passing some really tough laws here, which were appropriate, but now, I think it is important for us to balance the scales to make sure that we have a system that provides both punishment and also rehabilitation. Thank you.

The PRESIDENT pro tempore. The Chair recognizes the gentlewoman from Philadelphia, Senator Kitchen.

Senator KITCHEN. Mr. President, I, too, rise and concur with Senator Greenleaf's remarks, and also, I want to acknowledge to everyone all of the work that he has been doing all of these years, and certainly the last few years. I have learned a lot working with him. This piece of legislation is a good piece of legislation. I do agree that it starts bringing things together, because it does address the fact that almost 60 percent of the people incarcerated, especially at the county level, even higher, have alcohol addictions, drug addictions, or mental health problems, and this legislation will begin to address that.

I do think this is the direction we should be going to help with prison overcrowding and help with other reforms, rather than continuing to build institutions at \$250 million each. So I would like to thank the leadership here for their support, and all the Members for supporting this legislation, so that we can move

forward, maybe with some other measures to help people while we reduce the Corrections budget. So I do ask everyone to support this legislation.

Thank you.

And the question recurring,

Will the Senate agree to the motion?

#### LEGISLATIVE LEAVES

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

Senator PILEGGI. Mr. President, I request temporary Capitol leaves for Senator Erickson, Senator Mary Jo White, and Senator Brubaker.

The PRESIDENT pro tempore. Senator Pileggi requests temporary Capitol leaves for Senator Erickson, Senator Mary Jo White, and Senator Brubaker. Without objection, the leaves will be granted.

And the question recurring,

Will the Senate agree to the motion?

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

#### YEA-48

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

#### NAY-2

Orie  
Piccola

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

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

### THIRD CONSIDERATION CALENDAR

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

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

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

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

On the question,

Shall the bill pass finally?

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

Senator GREENLEAF. Mr. President, I rise to ask for an affirmative vote on this legislation as well. The Senate was very involved in this issue. We adopted an advisory committee on geriatric and seriously ill inmates some years ago, and that task force was established by the Joint State Government Commission. They held numerous hearings and looked at this issue about individuals who are terminally ill in our institutions and what to do with them, because we are spending, sometimes, hundreds of thousands of dollars to maintain them. Some of them are in wheelchairs and not ambulatory.

As a result of that advisory committee, there were three recommendations. One was with regard to mental health courts. Twenty percent of our inmates are mentally ill in our institutions, and so we are responding with that slowly by establishing mental health courts throughout our Commonwealth to address that issue. And the second proposal was this proposal, that with the agreement of the Department of Corrections and the district attorney, if an individual is determined by a doctor to be terminally ill and would die within 1 year, they could be transferred to a secure facility to be taken care of, basically in hospice care. When that happens, and they are transferred to another facility, the State is no longer required to foot that bill. Actually, the Federal government would pick up those costs during that time.

There are numerous requirements, security requirements, district attorney approval, Department of Corrections approval, all to make sure the facility is secure. And also, if things change, there is the ability for the department and the DA to petition to bring that person back into the institution. There are probably a dozen provisions in here about security issues.

So, as a result, I think it is an important issue to take. It is a recommendation from the Joint State Government Commission, and it will both save us a lot of money and also deal with an issue that has been a long-term problem for the Department of Corrections.

Thank you. I urge an affirmative vote.

And the question recurring,

Shall the bill pass finally?

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

#### YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	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

**SB 1496** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

## SECOND CONSIDERATION CALENDAR RESUMED

## BILL ON SECOND CONSIDERATION

**SB 884 (Pr. No. 2242)** -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the second time and agreed to,

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

## BILL ON SECOND CONSIDERATION, AMENDED

**HB 2188 (Pr. No. 4061)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for court-appointed conservators to bring residential, commercial and industrial buildings into municipal code compliance when owners fail to comply.

On the question,

Will the Senate agree to the bill on second consideration?

Senator PIPPY offered the following amendment No. A9023:

Amend Sec. 3, page 3, by inserting between lines 4 and 5:

"Actively marketed." A "for sale" sign has been placed on the property with accurate contact information and the owner has done at least one of the following:

(1) engaged the services of a licensee under the act of February 19, 1980 (P.L.15, No.9), known as the Real Estate Licensing and Registration Act, to place the property in a Multiple Listing Service or otherwise market the property;

(2) placed weekly or more frequent advertisements in print or electronic media; or

(3) distributed printed advertisements.

Amend Sec. 3, page 4, line 23, by inserting after "declared":  
by the appropriate official

Amend Sec. 3, page 4, by inserting between lines 26 and 27:

"Substantial rehabilitation." Repairs to the building where:

(1) the cost of repairs, replacements and improvements exceeds 15% of the property's value after completion of all repairs, replacements and improvements; or

(2) more than one major building component is being replaced. Major building components include:

(i) roof structures;

(ii) ceilings;

(iii) wall or floor structures;

(iv) foundations;

(v) plumbing systems;

(vi) heating and air conditioning systems; and

(vii) electrical systems.

Amend Sec. 4, page 5, lines 4 and 5, by striking out all of line 4 and "be appointed" in line 5 and inserting:

include a sworn statement that, to the best of the petitioner's knowledge, the property meets the conditions for conservatorship set forth in section 5(d)

Amend Sec. 4, page 5, line 5, by inserting after "petitioner":

after reasonable efforts to obtain such information

Amend Sec. 4, page 6, line 3, by striking out "15" and inserting:  
30

Amend Sec. 5, page 6, line 24, by striking out "Subject to the court's discretion, a" and inserting:

A

Amend Sec. 11, page 19, line 16, by striking out "OR ARMED CONFLICT" and inserting:

, armed conflict or in order to assist with relief efforts during a declared Federal or State emergency

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on second consideration, as amended?

It was agreed to.

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

## REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

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

### MEMBER OF THE STATE BOARD OF DENTISTRY

July 8, 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, Barbara Lee (Bonnie) Fowler (Public Member), 245 Conway Street, Carlisle 17013, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Board of Dentistry, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Gwendolyn White, Erie, resigned.

EDWARD G. RENDELL  
Governor

MEMBER OF THE PENNSYLVANIA  
LIQUOR CONTROL BOARD

May 28, 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, Patrick J. Stapleton III, Esquire, 6 Fox Ridge Drive, Malvern 19355, Chester County, Nineteenth Senatorial District, for reappointment as a member of the Pennsylvania Liquor Control Board, to serve until the third Tuesday of May 2012, and until his successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL  
Governor

**NOMINATIONS LAID ON THE TABLE**

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

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

**EXECUTIVE NOMINATIONS**

**EXECUTIVE SESSION**

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

Which was agreed to by voice vote.

**NOMINATIONS TAKEN FROM THE TABLE**

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

The Clerk read the nominations as follows:

MEMBER OF THE STATE BOARD  
OF BARBER EXAMINERS

July 8, 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, L. Anthony Spossey, 545 Duncan Avenue, Washington 15301, Washington County, Forty-sixth Senatorial District, for reappointment as a member of the State Board of Barber Examiners, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE BOARD  
OF BARBER EXAMINERS

July 29, 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, Robert V. Vavro, 221 Glen Caladh Street, Pittsburgh 15207, Allegheny County, Forty-third Senatorial District, for reappointment as a member of the State Board of Barber Examiners, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE BOARD OF CHIROPRACTIC

June 17, 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, Steven R. Karp, D.C., 152 Birchwood Drive, West Chester 19380, Chester County, Nineteenth Senatorial District, for appointment as a member of the State Board of Chiropractic, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Samuel Barvinchack, D.C., Greencastle, whose term expired.

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE BOARD OF DENTISTRY

July 8, 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, Barbara Lee (Bonnie) Fowler (Public Member), 245 Conway Street, Carlisle 17013, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Board of Dentistry, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Gwendolyn White, Erie, resigned.

EDWARD G. RENDELL  
Governor

MEMBER OF THE BOARD OF TRUSTEES  
OF EBENSBURG CENTER

June 12, 2008

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Darlene A. Lutch, 113 Benedict



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

EDWARD G. RENDELL  
Governor

MEMBER OF THE BOARD OF TRUSTEES  
OF EBENSBURG CENTER

June 12, 2008

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Rose C. Planinsek, 546 Youngstown Road, Latrobe 15650, Westmoreland County, Thirty-ninth Senatorial District, for reappointment as a member of the Board of Trustees of Ebensburg Center, to serve until the third Tuesday of January 2013, and until her successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE BOARD  
OF FUNERAL DIRECTORS

July 29, 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, Joseph A. Fluehr III, 800 Newtown-Richboro Road, Richboro 18954, Bucks County, Sixth Senatorial District, for reappointment as a member of the State Board of Funeral Directors, to serve for a term of five years and until his successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL  
Governor

MEMBER OF THE BOARD OF GOVERNORS OF  
THE STATE SYSTEM OF HIGHER EDUCATION

August 18, 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, Larry L. Brink, Jr., 21 Eicher Street, Uniontown 15401, Fayette County, Thirty-second Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until graduated or separated from the University, vice Joshua O'Brien, Bloomsburg, graduated.

EDWARD G. RENDELL  
Governor

MEMBER OF THE BOARD OF GOVERNORS OF  
THE STATE SYSTEM OF HIGHER EDUCATION

August 18, 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, Jessica E. Carson, 35 Skyview Drive, Quarryville 17566, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until graduated or separated from the University, vice Ryan Gebely, Leesport, graduated.

EDWARD G. RENDELL  
Governor

MEMBER OF THE BOARD OF GOVERNORS OF  
THE STATE SYSTEM OF HIGHER EDUCATION

August 18, 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, Ryan R. Jerico, 20 Springhouse Lane, Canonsburg 15317, Washington County, Forty-sixth Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until graduated or separated from the University, vice Joseph Peltzer, New Hope, graduated.

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE BOARD  
OF LANDSCAPE ARCHITECTS

July 29, 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, James W. Barnes, 270 Sinking Springs Lane, York 17406, York County, Twenty-eighth Senatorial District, for reappointment as a member of the State Board of Landscape Architects, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE BOARD  
OF LANDSCAPE ARCHITECTS

July 8, 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, W. Thomas Borellis, 1634 Jamestown

Place, Pittsburgh 15235, Allegheny County, Forty-third Senatorial District, for reappointment as a member of the State Board of Landscape Architects, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL  
Governor

#### MEMBER OF THE STATE BOARD OF NURSING

July 8, 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, Linda Tanzini Ambroso (Public Member), 192 Boxfield Road, Pittsburgh 15241, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the State Board of Nursing, to serve until March 27, 2012, or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Laura Spear, Philadelphia, resigned.

EDWARD G. RENDELL  
Governor

#### MEMBER OF THE STATE BOARD OF OSTEOPATHIC MEDICINE

July 8, 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, Joanne M. Coolen (Public Member), 579 Windsor Court, Hummelstown 17036, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Osteopathic Medicine, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Warren Moser, Downingtown, whose term expired.

EDWARD G. RENDELL  
Governor

#### MEMBER OF THE STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS

July 8, 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, Donna A. Tonrey, Psy.D., LMFT, 239 Mallard Drive East, North Wales 19454, Montgomery County, Twelfth Senatorial District, for reappointment as a member of the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, to serve for a term of four years and until her successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL  
Governor

#### MEMBER OF THE BOARD OF TRUSTEES OF WESTERN YOUTH DEVELOPMENT CENTERS

July 29, 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, Bradley G. Olson, Sr., 411 E. Hillcrest Avenue, New Castle 16105, Lawrence County, Forty-seventh Senatorial District, for appointment as a member of the Board of Trustees of Western Youth Development Centers, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified, vice Sam Scialdone, New Castle, resigned.

EDWARD G. RENDELL  
Governor

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

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.
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 Governor be informed accordingly.

#### EXECUTIVE SESSION RISES

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

#### SB 1503 (Pr. No. 2376) (Amended) (Rereported)

A Supplement to the act of December 8, 1982 (P.L.848, No.235), known as the Highway-Railroad and Highway Bridge Capital Budget Supplemental Act for 2008-2009, itemizing additional State and local bridge projects.

**SB 1504 (Pr. No. 2377) (Amended) (Rereported)**

An Act providing for the highway capital budget project itemization for the fiscal year 2008-2009.

**HB 1511 (Pr. No. 3764) (Rereported)**

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for notice and hearing in juvenile matters.

**HB 1742 (Pr. No. 4350) (Amended) (Rereported)**

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

Senator EARLL, from the Committee on Community, Economic and Recreational Development, reported the following bills:

**HB 420 (Pr. No. 484)**

An Act amending the act of April 23, 2002 (P.L.298, No.39), known as the Main Street Act, further providing for the Main Street Program.

**HB 2233 (Pr. No. 3498)**

An Act amending the act of February 9, 2004 (P.L.61, No.7), known as the Elm Street Program Act, further providing for program requirements and for guidelines; and repealing the expiration date of the act.

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

**SB 1307 (Pr. No. 2375) (Amended)**

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

**HB 1177 (Pr. No. 4345) (Amended)**

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, further providing for definitions, for scope of service and for rights of health service doctors.

**HB 2098 (Pr. No. 4346) (Amended)**

An Act establishing a system for payment or reduction in payment for preventable serious adverse events within this Commonwealth; and providing for the powers and duties of the Department of Health and the Department of State.

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

**SB 180 (Pr.No. 2304) (Rereported) (Concurrence)**

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for burial details for veterans and for termination of certain health insurance benefits; and adding a definition of "ancillary service plans."

**SENATE RESOLUTION ADOPTED**

Senator BOSCOLA, by unanimous consent, offered **Senate Resolution No. 376**, entitled:

A Resolution commending the Chiropractic Fellowship of Pennsylvania for its educational efforts, and recognizing the week of September 14 through 20, 2008, as "Vertebral Subluxation Awareness Week" in Pennsylvania.

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

**CONGRATULATORY RESOLUTIONS**

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

Congratulations of the Senate were extended to the Senior Corps-Retired and Senior Volunteer Program of Lehigh, Northampton and Carbon Counties, by Senator Boscola and others.

Congratulations of the Senate were extended to Mr. and Mrs. Sam Leisey, Mervin Zimmerman, Inc., of Lititz, Lancaster Farmland Trust of Strasburg and to the Lancaster Mennonite Historical Society by Senator Brubaker.

Congratulations of the Senate were extended to Benjamin Hodgson by Senator Corman.

Congratulations of the Senate were extended to Michelle E. Venema, Glenda K. Brion, John Robert Heim, Tammy Klotzbach, Benjamin Miller and to Fame Fire Company No. 3 of West Chester by Senator Dinniman.

Congratulations of the Senate were extended to Barbara J. Tachovsky by Senators Dinniman and Pileggi.

Congratulations of the Senate were extended to the Swarthmore Fire and Protective Association by Senator Erickson.

Congratulations of the Senate were extended to Eleanor L. Anthony by Senator Ferlo.

Congratulations of the Senate were extended to Amy Tran by Senator Folmer.

Congratulations of the Senate were extended to Dan McKevitt by Senator Greenleaf.

Congratulations of the Senate were extended to Ekke Schneemann by Senator Madigan.

Congratulations of the Senate were extended to Ethan Thomas Quist by Senator McIlhinney.

Congratulations of the Senate were extended to the Scranton Business and Professional Women's Club by Senator Mellow.

Congratulations of the Senate were extended to Brad Curtis Siger by Senator Orie.

Congratulations of the Senate were extended to Dr. Donald Burkins and to Margaret Weaver by Senator Punt.

Congratulations of the Senate were extended to Michael John Brown and to the North Coventry Township Police Department by Senator Rafferty.

Congratulations of the Senate were extended to Joanne Bergquist by Senator Regola.

Congratulations of the Senate were extended to Chief Jeff J. Walcott by Senator Rhoades.

Congratulations of the Senate were extended to the Fredonia Lions Club by Senator Robbins.

Congratulations of the Senate were extended to the Hungarian Reformed Federation of America by Senator D. White.

Congratulations of the Senate were extended to Frederick Glosser by Senator M.J. White.

### CONDOLENCE RESOLUTION

The PRESIDENT pro tempore laid before the Senate the following resolution, which was read, considered, and adopted by voice vote:

Condolences of the Senate were extended to the family of the late Edgar O. Beck by Senator Brubaker.

### BILLS ON FIRST CONSIDERATION

Senator DINNIMAN. Mr. 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 147, SB 291, SB 908, SB 1236, SB 1290, SB 1307, SB 1420, SB 1440, SB 1555, HB 301, HB 420, HB 1027, HB 1177, HB 1257, HB 1664, HB 2098, HB 2233, HB 2289, HB 2343, HB 2499, HB 2548 and HB 2644.**

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 pro tempore. The Chair recognizes the gentlewoman from Northampton, Senator Boscola.

Senator BOSCOLA. Mr. President, yesterday, the House of Representatives moved a bill that would extend electric rate caps for 2 more years in Pennsylvania. Without rate caps, 85 percent of electric customers in Pennsylvania will see their monthly bills increase by 50 to 60 percent, beginning in 2010.

So I want to publicly commend Representative Bud George for leading that fight in the House. His legislation will protect millions of electric customers who cannot afford to pay \$100 more or \$200 more every month just to keep the lights on. Middle-class working families are already struggling because they are paying more at the gas pump and they are paying more at the grocery stores these days. It is a lot more than it used to be. And this comes at a time when home foreclosures are at an all-time high and our national economy is barely limping through a recession.

I also want to thank Governor Rendell for taking such a strong stand in support of ratepayers. Chairman George and Governor

Rendell know what is at stake here. And we all know that something has to be done before electric rate caps expire in 2010 and 2011. We do not want to join that long list of other States that failed to act until after their rate caps came off. Some of those States, like Maryland, Ohio, and Texas, are still struggling to undo the damage that deregulation brought. But unfortunately, it is too late for those small businesses that went out of business in those other deregulated States, and the good-paying jobs that left when large industrial plants were forced to shut down and relocate, they are not coming back.

So we do not want to go down that road in Pennsylvania. If we do nothing to fix electric deregulation in Pennsylvania, we will be celebrating the failure of real competition and breaking a promise that this legislature made 12 years ago. We cannot allow that to happen. I have been in this Chamber for 10 years now, and I have confidence that we can do the right thing. I also have confidence in the leadership of Senator Tomlinson and Senator Pileggi. I want to publicly say how proud I am to work with both of them, because they understand the complexity of this issue and know that we have our work cut out for us.

I am also proud to say that I will be introducing legislation this week with Senator Fumo and Senator Ferlo to control and gradually phase in higher market rates so that electric customers are not shocked all at once with a 50-percent-higher bill right off the bat. This legislation caps any future rate increases at 10 percent for the first year instead of 50 or 60 percent all at once. It then ties the increase to the Consumer Price Index or 3 percent per year, whichever is less. I think this is a balanced approach that is fair to energy companies and fair to ratepayers. And I think that all that we are asking for is what is fair, what is reasonable for the company and for its customers. That is the goal. And we can achieve it if we work together.

I want to make something else very clear and say this on the record, because I am very passionate, I guess you can tell, about this issue. Issues always seem to boil down to the lowest common denominator in politics, in the simplest terms, in the most convenient definitions. Too often, those terms pit one side against the other, and it becomes us versus them. We are not going to accomplish anything, and we are doing no favors for our folks back home if we allow this to happen.

So for the record, I want to state publicly that I am not against a company making a profit. That is why it is a company. And it employs people. PPL employs 7,000 people in Pennsylvania, over 2,000 employees in the Lehigh Valley, and I am proud of that fact. And I am not against the free market or for more government regulation. I am not attacking the free market. I just want the free market to work the way it is supposed to work so that both the company and its customers benefit, not just the company's shareholders. Real competition is not simply about redistributing dollars and that wealth from ratepayers' pockets to shareholders' wallets. This is not a free market, and it is not how it works.

Mr. President, the reality right now in Pennsylvania is that real energy crisis is less than 500 days away. The clock is ticking, and time is not on our side right now. We must do everything that we can to protect ratepayers before the rate caps expire at the end of the year. And I know that there is no silver bullet or magical solution just waiting to be pulled off the shelf to save the day. I

get that, but I know that we can deal with this crisis in a fair and reasonable way by staying committed to doing the right thing to protect our people.

Thank you, Mr. President.

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

Senator FERLO. Mr. President, I am sure you, certainly, and everyone in the Senate and, more importantly, all of us and the public and our constituents across the Commonwealth are bearing the brunt of daily and hourly news reports about the crisis on Wall Street. And we know, whatever the crisis on Wall Street, it is a profound and much more real crisis on Main Street for the folks whom we represent.

Some may characterize the crisis on Wall Street as some of the more brutal aspects of monopoly capitalism, but the harsh reality is that, in the end, we are going end up paying the piper, and we are beginning to see that now with the bailout of Fannie Mae and Freddie Mac, and now the situation with the AIG insurance corporation. I note the presence this morning on national television of the individual who is the prime mover and entrepreneur who built up the AIG corporation over a 40-year period. He commented today that he lost \$3 billion, but he said he will manage somehow to land on his feet. I do not know that a lot of other people will be able to land on their feet, including individual stockholders and those who have precious little savings in 457 or 401(k) plans and other pension funds around the public sector.

So it is a harsh reality. What I am commenting on today, Mr. President, to follow up on my colleague, Senator Boscola, is yet another aspect of the gloom-and-doom situation that is pending, and that is the electric rate shock that we will all be experiencing, not only as individual ratepayers but also large corporations, big businesses, and small entrepreneurs, the small business community. We are talking about the equivalent of what would be a massive tax increase on the backs of residents, as well as ratepayers in the public sector and in the business sector, who will face rate shock due to the failed policy of deregulation of the electric industry.

As I pointed out years ago, in the 1970s, I fought many a rate hike proposal by Duquesne Light, gas increases by Columbia Equitable--People's Gas at the time--and I continue, to this day, to object to, and I have voiced strong opposition to, so-called electric choice. And now it is going to come home to roost. In the next couple of years, in fact, I point to a recent Penn State University study that projects that deregulation could cost the Commonwealth as many as 67,000 jobs and will increase residential electric rates possibly as much as 60 to 70 percent.

That is obviously rate shock. It falls first and foremost on working people and low-income families, who may not be able to keep their gas and lights on through the winter months. And it is certainly going to fall on the backs of small businesses and others who, as I stated earlier, pretty much will end up paying the equivalent of a significant tax increase and tax hike in a bad economy, in a recessionary economy.

The legislature needs to act. We need to be aggressive on this front. These pending utility rate increases, and the prospect of thousands of our fellow Pennsylvanians getting their electric service shut off or losing their jobs, requires this legislature to act, act aggressively, and I hope and pray that we will act in a

bipartisan fashion in both the House and the Senate. In an already unstable and recessing economy, these rising electric costs could ultimately cripple the economy and break the backs of hardworking Pennsylvania families.

Sadly, but not surprisingly, many of these rate hikes can be attributed to electric generating companies that are more interested in profiteering than providing service at a reasonable cost to their customers. I again state that I vociferously objected to so-called electric choice deregulation a decade ago. I think it was ill-advised, and we are now going to see the harsh reality of that policy implemented legislatively by this august body.

In its 2007 financial statement, PPL Company, which operates in central and eastern Pennsylvania, boasted that its corporate earnings would nearly double to \$3.3 billion by 2010. The report added that the deregulated marketplace would enable them to produce electricity at a cost of \$16 per megawatt hour, yet sell to their customers at up to \$91.42 per megawatt hour. Now, under the old system, the PUC had a reasonable way of insuring a fair rate of return to the investors, to the stockholders. It would analyze the capital investments of the utility companies, and it would, on occasion, grant prudent rate relief, both for capital infrastructure improvements and for the bottom-line profit of that company to remain viable.

That was reasonable. It was capitalism, yes, but it was capitalism that recognized that the utilities, although they were public utilities operating in a public regulatory fashion, have an obligation, an opportunity, and a prerogative to earn some fair rate of return. Deregulation has really been a cruel hoax on industry, on businesses, and on ratepayers. This practice of price gouging has to stop. Unless we act soon, the utility shutoff rate, which has already gone up 37 percent compared to last year, will victimize thousands of additional families across the State.

Much of the blame for this deregulated mess we are now facing rests squarely with deregulation and the electric competition zealots who assured us that a bold and competitive new market would actually lower people's electric bills. No such marketplace has developed, and we are about to pay the price. Additionally, the FERC, the Federal Energy Regulatory Commission, and PJM, the Pennsylvania/Jersey/Maryland Interconnection, which control the electric grid, have designed markets that enrich generation companies rather than protect consumers.

To combat the failure of electric competition, electric company greed, and lax Federal regulations, my colleagues and I on this side of the aisle plan to introduce, and I, in fact, have introduced, four pieces of legislation today that would complement the bill submitted by Representative George on the electric rate cap situation--leadership that my colleague, Senator Boscola, has vociferously voiced over the last couple of years, to her credit, and she will continue to be, I hope and pray, a strong, vocal advocate over the next few weeks and months.

The series of bills that I have introduced would force electric generating companies to take a responsible role in stabilizing and minimizing consumer costs. I will characterize and generalize the four proposals. They would require a portfolio of contract lengths, where electric companies must enter into short-, medium-, and long-term contracts, and purchase, at least cost, electricity. To the credit of this legislature, more than a decade ago, it implemented similar legislation as it relates to the purchase of

home-heating gas, and it required that utilities, on any given day, purchase the least costly gas available on the marketplace, the so-called gas cost rate. We would like to see this legislature take up my legislation quickly for similar reform as it relates to the purchase of electricity.

Secondly, this legislature, against my better voice and negative vote, approved a so-called reform or, basically, a change to the Chapter 14 provisions which provided some rights and prerogatives to consumers to prevail over the utility company and the Public Utility Commission when it came to winter shutoffs and terminations. We need to go back and restore some of those provisions. So I have a bill that would allow the banning of winter terminations, once again, in nearly all cases, to protect the customers, quite obviously, who are most vulnerable.

I think Senator Boscola's point about the exponential increase in mortgage foreclosures-- and by the way, I just noticed yesterday, the latest statistic is that it has spiked yet again on top of the horrendous mortgage foreclosures of the last 2 years. We have a significant increase. This is going to compound the problem of winter shutoffs and people not being able to pay their light and gas bills.

I also have a bill that would require tougher notification requirements before a utility can shut off the resident's power in terms of personal notification to that family, and also legislation that would allow municipalities to aggregate their residential and small commercial rate classes for the purpose of purchasing electricity in bulk or at lower prices. This is something that is being done in Ohio. Basically, it is something that we allow and have allowed now for some of the larger corporations, but to the extent that the individual council of governments or local municipalities like the city of Pittsburgh want to act in the aggregate on behalf of individual ratepayers to get a bottom-line better rate of electric rates, I am suggesting that we provide the legal and legislative statute and framework for them to possibly do that.

I will obviously be speaking about these four bills as well as the moratorium on the caps at a future meeting. Mr. President, I would ask, I know this is going to become an extremely partisan issue, unfortunately, despite the good commentary and the intent of my colleague, Senator Boscola. I fear that this is going to be one of these dividing issues between Republicans and Democrats. I hope that does not get to be the case, but I fear that the traditional Republicans are going to side with big capital, with big utilities, and the Democrats are going to side with working people and ratepayers. I hope we can break that simplistic representation down to understanding the complexity of the issue and how we can, maybe, collectively move forward in a bipartisan fashion.

It is a tough year right now, especially given the climate of Presidential politics, and given the climate of what some might characterize as a lame-duck Governor. So I am hoping and praying that somehow, through the maze of partisan politics, that we can react affirmatively, strongly, decisively, and timely as relates to what clearly is electric rate shock that will quickly befall our residents and small businesses across the Commonwealth.

Thank you very much, Mr. President.

## ANNOUNCEMENTS BY THE SECRETARY

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

### SENATE OF PENNSYLVANIA

#### COMMITTEE MEETINGS

#### THURSDAY, SEPTEMBER 18, 2008

9:30 A.M.	COMMUNICATIONS AND TECHNOLOGY (to consider House Bill No. 1490)	Room 8E-A East Wing
10:00 A.M.	LOCAL GOVERNMENT (to consider Senate Bills No. 461, 462 and 463; and House Bills No. 588, 708 and 1634)	Room 8E-B East Wing
10:00 A.M.	PUBLIC HEALTH AND WELFARE (to consider Senate Bill No. 5; Senate Resolution No. 340; and House Bill No. 2629)	Room 461 Main Capitol

#### MONDAY, SEPTEMBER 22, 2008

9:30 A.M.	JUDICIARY (public hearing on the issue of juvenile lifers)	Hrg. Rm. 1 North Off.
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#### TUESDAY, SEPTEMBER 23, 2008

9:30 A.M.	AGING AND YOUTH (public hearing on the Grand Jury recommendations in the Danieal Kelly child abuse investigation)	Room 8E-B East Wing
10:00 A.M.	BANKING AND INSURANCE (public hearing to accept proposed recommendations for consideration on the proposed merger of Highmark, Inc., and Independence Blue Cross, IBC)	Hrg. Rm. 1 North Off.

#### WEDNESDAY, SEPTEMBER 24, 2008

9:15 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (informational briefing on carbon management and sequestration)	Room 8E-A East Wing
9:30 A.M.	GAME AND FISHERIES (receive testimony from PA Game Commission on powers and duties of deputy wildlife conservation officers)	Hrg. Rm. 1 North Off.
10:00 A.M.	LAW AND JUSTICE (public hearing on Senate Bill No. 1306, Safe Ride Program)	Room 8E-B East Wing

#### TUESDAY, OCTOBER 7, 2008

10:00 A.M.	BANKING AND INSURANCE (public hearing to accept proposed recommendations for consideration on the proposed merger of Highmark, Inc., and Independence Blue Cross, IBC)	Hrg. Rm. 1 North Off.
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**RECESS**

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

Senator ORIE. Mr. President, I move that the Senate do now recess until Thursday, September 18, 2008, at 11 a.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate recessed at 5:09 p.m., Eastern Daylight Saving Time.