

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

THURSDAY, SEPTEMBER 18, 2008

SESSION OF 2008 192ND OF THE GENERAL ASSEMBLY

No. 58

**SENATE**

THURSDAY, September 18, 2008

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

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

**PRAYER**

The Chaplain, Rev. JAMES LYONS, of Prince of Peace Catholic Church, Steelton, offered the following prayer:

Let us pray.

Almighty God, we give You thanks for the life You have given to each of us. It is Your first and greatest gift. May the Members of this Senate use their gifts wisely as they go about the performance of their duties. May they always seek Your divine counsel in their deliberations, and may they always have before them the common good. May they have a special concern for the poor of our society. I ask these blessings, Lord, in Your holy name. Amen.

The PRESIDENT. The Chair thanks Father Lyons, who is the guest today of Senator Piccola. He also happens to be my priest. So for all these times, God bless you. Thank you, Father Lyons.

**PLEDGE OF ALLEGIANCE**

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

**HOUSE MESSAGES**

**HOUSE CONCURS IN SENATE  
CONCURRENT RESOLUTION**

The Clerk of the House of Representatives informed the Senate that the House has concurred in the resolution from the Senate, entitled:

**Weekly recess.**

**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:

September 18, 2008

**HB 44** -- Committee on Environmental Resources and Energy.

**HB 2034** -- Committee on Public Health and Welfare.

**HB 2525** and **2532** -- Committee on Agriculture and Rural Affairs.

**HB 2575** -- Committee on Game and Fisheries.

**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:

September 18, 2008

Senators BROWNE, PILEGGI, EARLL, M. WHITE, ERICKSON, CORMAN, PIPPY, COSTA, MADIGAN, ORIE, BAKER, FOLMER, WAUGH, TARTAGLIONE and RAFFERTY presented to the Chair **SB 1451**, entitled:

An Act providing for use of volunteer time by health care professionals in meeting continuing education requirements.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, September 18, 2008.

Senators McILHINNEY, PILEGGI, BAKER, ERICKSON, CORMAN, PIPPY, KITCHEN, TOMLINSON, ORIE, RAFFERTY, C. WILLIAMS, BRUBAKER, WONDERLING and BROWNE presented to the Chair **SB 1455**, entitled:

An Act establishing the Keystone Care Prescription Assistance Program in the Department of Public Welfare to provide prescription drug assistance; and making an appropriation.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, September 18, 2008.

Senator RAFFERTY presented to the Chair **SB 1557**, entitled:

An Act authorizing the Department of Transportation to sell land under certain conditions; and repealing certain provisions of The Administrative Code of 1929.

Which was committed to the Committee on TRANSPORTATION, September 18, 2008.

Senators BROWNE, ORIE, SCARNATI, ARMSTRONG, FOLMER, RAFFERTY, EICHELBERGER, WAUGH, ROBBINS, BAKER, EARLL, D. WHITE and VANCE presented to the Chair **SB 1568**, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, providing for a unified retirement system for employees of the Commonwealth and its political subdivisions and other employers.

Which was committed to the Committee on FINANCE, September 18, 2008.

Senators ORIE, RAFFERTY, PILEGGI, O'PAKE, FONTANA, ERICKSON, REGOLA, WAUGH, D. WHITE, WOZNIAK, WONDERLING, MUSTO, BROWNE, WASHINGTON, STACK, BOSCOLA and EARLL presented to the Chair **SB 1569**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for global positioning system technology.

Which was committed to the Committee on JUDICIARY, September 18, 2008.

Senators A. WILLIAMS, COSTA, FONTANA, ORIE, KITCHEN, O'PAKE, LOGAN, PIPPY and TARTAGLIONE presented to the Chair **SB 1570**, entitled:

An Act prohibiting the investment of State funds in certain private business entities doing business in Sudan; and providing indemnification to certain persons.

Which was committed to the Committee on FINANCE, September 18, 2008.

Senators McILHINNEY, ERICKSON, ARMSTRONG and WOZNIAK presented to the Chair **SB 1571**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, exempting certain fuels from certain sale and labeling requirements.

Which was committed to the Committee on JUDICIARY, September 18, 2008.

Senators McILHINNEY, ERICKSON, PIPPY, O'PAKE, ORIE, KITCHEN, TOMLINSON, BOSCOLA, C. WILLIAMS, WONDERLING and WASHINGTON presented to the Chair **SB 1572**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for tax deferral for taxpayers in declared disaster areas.

Which was committed to the Committee on FINANCE, September 18, 2008.

Senators MUSTO and M. WHITE presented to the Chair **SB 1573**, entitled:

An Act amending the act of July 9, 2008 (P.L.915, No.64), known as the Water and Sewer Systems Assistance Act, further providing for definitions; further providing for incurring indebtedness and for the issue and sale of bonds; and creating the Water and Sewer Systems Assistance Bond Fund.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, September 18, 2008.

Senators ROBBINS, PILEGGI, BAKER, BOSCOLA, BROWNE, BRUBAKER, COSTA, ERICKSON, FOLMER, FONTANA, GREENLEAF, KITCHEN, LAVALLE, LOGAN, MUSTO, O'PAKE, PIPPY, PUNT, RAFFERTY, STACK, TARTAGLIONE, TOMLINSON, WASHINGTON, WAUGH, M. WHITE and C. WILLIAMS presented to the Chair **SB 1574**, entitled:

An Act authorizing the Commonwealth of Pennsylvania to join the Interstate Compact on Educational Opportunity for Military Children; providing for the form of the compact; imposing additional powers and duties on the Governor, the Secretary of the Commonwealth and the compact administrator; and establishing the State Council on Interstate Educational Opportunity for Military Children.

Which was committed to the Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, September 18, 2008.

Senator WAUGH presented to the Chair **SB 1575**, entitled:

An Act authorizing the release of Project 70 restrictions imposed on certain lands owned by the City of York, York County; and imposing Project 70 restrictions on certain lands being conveyed to the City of York.

Which was committed to the Committee on STATE GOVERNMENT, September 18, 2008.

Senator RHOADES presented to the Chair **SB 1576**, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Military and Veterans' Affairs, to grant and convey to the Schuylkill YMCA certain lands and building situate in the Borough of Pottsville, Schuylkill County.

Which was committed to the Committee on STATE GOVERNMENT, September 18, 2008.

Senators BROWNE, EARLL, ORIE, GREENLEAF, ROBBINS, BAKER, BOSCOLA, WAUGH, MUSTO and KASUNIC presented to the Chair **SB 1577**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for reports to Department of Education and for financial reports.

Which was committed to the Committee on EDUCATION, September 18, 2008.

Senators FOLMER, BROWNE, WONDERLING and PICCOLA presented to the Chair **SB 1578**, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in party organization, further providing for definition of political parties and political bodies; and, in nomination of candidates, further providing for nominations by minor political parties and for nominations by political bodies.

Which was committed to the Committee on STATE GOVERNMENT, September 18, 2008.

Senator DINNIMAN presented to the Chair **SB 1579**, entitled:

An Act authorizing the Department of General Services, with the approval of the Department of Military and Veterans Affairs and the Governor, to grant and convey to East Vincent Township, certain lands situate in East Vincent Township, Chester County.

Which was committed to the Committee on STATE GOVERNMENT, September 18, 2008.

Senators TOMLINSON, M. WHITE, WAUGH, BROWNE, WOZNIAK and WONDERLING presented to the Chair **SB 1580**, entitled:

An Act amending the act of July 9, 1987 (P.L.220, No.39), known as the Social Workers, Marriage and Family Therapists and Professional Counselors Act, further providing for unlawful practice.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, September 18, 2008.

Senators RAFFERTY and ORIE presented to the Chair **SB 1581**, entitled:

An Act prohibiting the use of State funds for relocation of licensed facilities.

Which was committed to the Committee on COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT, September 18, 2008.

#### **RESOLUTION INTRODUCED AND REFERRED**

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

September 18, 2008

Senators DINNIMAN, PILEGGI, RAFFERTY, C. WILLIAMS, WAUGH, TARTAGLIONE, STOUT, STACK, O'PAKE, MUSTO, MELLOW, LOGAN, LAVALLE, KITCHEN, KASUNIC, FONTANA, FOLMER, FERLO, ERICKSON, COSTA, BRUBAKER, BOSCOLA and ARMSTRONG presented to the Chair **SR 375**, entitled:

A Resolution opposing certain Federal rules and procedures governing the regulation of the interstate transportation of natural gas and memorializing the Congress of the United States to repeal or modify certain provisions of the Natural Gas Policy Act of 1978.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, September 18, 2008.

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

The SECRETARY. Consent has been given for the Committee on Communications and Technology to meet during today's Session to consider House Bill No. 1490.

#### **BILLS REPORTED FROM COMMITTEES**

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

**SB 5 (Pr. No. 2379)** (Amended)

An Act establishing the Community-Based Health Care (CHC) Program in the Department of Health; providing for hospital health clinics and for a tax credit; and making an appropriation.

#### **HB 2629 (Pr. No. 3939)**

An Act amending the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, further providing for licensure.

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

**SB 461 (Pr. No. 2380)** (Amended)

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for sewer and drainage systems connections.

**SB 462 (Pr. No. 2381)** (Amended)

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for ordinances to require sewer connections.

**SB 463 (Pr. No. 2382)** (Amended)

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further providing for sanitary sewer connections.

**HB 588 (Pr. No. 654)**

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

**HB 708 (Pr. No. 4377)** (Amended)

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing, in Local Government Capital Project Loan Fund provisions, for assistance to municipalities and for ranking of local government capital project loan applications.

**HB 1634 (Pr. No.4003)**

An Act providing for uniform methods to satisfy required municipal registration of deeds and conveyances; permitting access of information in lieu of registration; prohibiting municipalities from requiring municipal registration of deeds prior to recordation by recorders of deeds; and making inconsistent repeals

#### **RESOLUTION REPORTED FROM COMMITTEE**

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

**SR 340 (Pr. No. 2133)**

A Resolution designating the month of November 2008 as "Pancreatic Cancer Awareness Month" in Pennsylvania.

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

#### **LEGISLATIVE LEAVES**

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

Senator PILEGGI. Madam President, I request legislative leaves for Senator Punt, Senator Tomlinson, and Senator Folmer.

The PRESIDENT. Senator Pileggi requests legislative leaves for Senator Punt, Senator Tomlinson, and Senator Folmer.

The Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Madam President, I request a legislative leave for Senator Connie Williams.

The PRESIDENT. Senator Costa requests a legislative leave for Senator Connie Williams.

Without objection, the leaves will be granted.

SPECIAL ORDER OF BUSINESS JOURNALS APPROVED

The PRESIDENT. The Journals of the Sessions of June 24, 2008, June 25, 2008, June 26, 2008, and June 27, 2008, are now in print.

The Clerk proceeded to read the Journals of the Sessions of June 24, 2008, June 25, 2008, June 26, 2008, and June 27, 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

Table with 4 columns of names: Armstrong, Baker, Boscola, Browne, Brubaker, Corman, Costa, Dinniman, Earll, Eichelberger, Erickson, Ferlo, Folmer, Fontana, Fumo, Gordner, Greenleaf, Hughes, Kasunic, Kitchen, LaValle, Logan, Madigan, McIlhinney, Mellow, Musto, O'Pake, Orié, Piccola, Pileggi, Punt, Rafferty, Regola, Rhoades, Robbins, Scarnati, Stack, Stout, Tartaglione, Tomlinson, Vance, Washington, Waugh, White, Donald, White, Mary Jo, Williams, Anthony H., Williams, Constance, Wonderling, Wozniak

NAY-0

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

The PRESIDENT. The Journals are approved.

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 Communications and Technology to be held in the Rules room, to be followed by a Republican caucus also to be held in the Rules room.

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

Senator COSTA. Madam President, the Senate Democrats respectfully request a brief caucus as well.

The PRESIDENT. For purposes of a meeting of the Committee on Communications and Technology, to be followed by Republican and Democratic caucuses, without objection, 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.

CALENDAR

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 180 (Pr. No. 2304) -- The Senate proceeded to consideration of the bill, entitled:

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."

On the question, Will the Senate concur in the amendments made by the House to Senate Bill No. 180?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 180.

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

Table with 4 columns of names: Armstrong, Baker, Boscola, Browne, Brubaker, Corman, Costa, Dinniman, Earll, Eichelberger, Erickson, Ferlo, Folmer, Fontana, Fumo, Gordner, Greenleaf, Hughes, Kasunic, Kitchen, LaValle, Logan, Madigan, McIlhinney, Mellow, Musto, O'Pake, Orié, Piccola, Pileggi, Punt, Rafferty, Regola, Rhoades, Robbins, Scarnati, Stack, Stout, Tartaglione, Tomlinson, Vance, Washington, Waugh, White, Donald, White, Mary Jo, Williams, Anthony H., Williams, Constance, Wonderling, Wozniak

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.

THIRD CONSIDERATION CALENDAR

BILLS REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1503 (Pr. No. 2376) -- The Senate proceeded to consideration of the bill, entitled:

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.

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?

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. Senator Folmer has returned, and his legislative leave is cancelled.

And the question recurring, Will the Senate agree to the bill on third consideration?

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

YEA-50

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

NAY-0

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

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

SB 1504 (Pr. No. 2377) -- 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 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

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

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 AMENDED

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.

On the question, Will the Senate agree to the bill on third consideration? Senator GREENLEAF offered the following amendment No. A8922:

Amend Sec. 1 (Sec. 302), page 2, lines 15 through 29, by striking out all of said lines and inserting:

(a) General rule.—A municipality that adopts an ordinance, regulation or plan or takes any other action involving the placement, screening or height of antennas or antenna support structures shall reasonably accommodate amateur radio service communications, and shall impose only the minimum regulations necessary to accomplish the legitimate purpose of the municipality.

(b) Reasonable accommodations.—A municipality may impose necessary regulations to ensure the safety of amateur radio antenna structures, but must reasonably accommodate amateur service communications. No ordinance, regulation, plan or any other action shall restrict amateur radio antenna height to less than 65 feet above ground level.

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

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

Senator GREENLEAF. Mr. President, first of all, this legislation deals with what are commonly called ham radios. Actually, their title is the American Radio Relay League, Inc. It is a national association of amateur radio operators, and they have a very important role to play in homeland security and other issues, particularly when we are dealing with natural disasters, and they are sometimes the only form of communication in the particular area where the disaster has occurred. We have seen that over and over again in recent disasters. They are an important part of our security system, and as a result, the FCC has issued regulations stating that no State or local government may impose regulations that would unduly interfere with their operations.

Basically, the phrase used in the regulation, and I have a copy of it here in front of me, is that they "...must not preclude amateur service communications." It then goes on to say, "Rather, it must reasonably accommodate such communications and must constitute the minimum practicable regulation to accomplish the state or local authority's legitimate purpose." So what they are saying is you cannot stop them. You basically cannot put regulations on them that would place them at a disadvantage and interfere with their operations, which is a significant and important part of our national security.

So now, what has happened is that 26 other States have adopted State laws to incorporate the language of the FCC regulation into a State statute. Then, actually, even five of them have introduced legislation that would do that as well as help out on what would be a reasonable height requirement. And so that is what this amendment does. One, it incorporates the language of the FCC regulation, and two, it gives a proposed height limitation on the antennas.

We have had significant discussions with some local governments. Much of it dealt with the Pennsylvania State Association of Township Supervisors. I have a letter here from them, dated September 16, in which they asked us to adopt the amendment that we are referring to, and also to report Senate Bill No. 884 from the committee as amended. And that is from the Pennsylvania State Association of Township Supervisors. I also understand that the Pennsylvania State Association of Boroughs was involved in the discussions. Although I do not have a letter, I do not believe they have any objections, and I have not heard from any other municipalities in regard to this issue.

The need for this legislation is that when a ham operator comes before a local ordinance, zoning ordinance, or hearing board, they are not aware of this FCC regulation and do not take it very seriously. But in fact, if they wanted to--they usually do not; they usually try to work with the community--they could take a lawsuit into either Federal or State court and enforce the rights that they have under the FCC ruling. They do not usually do that. There are costs involved in that. They are usually only individuals.

So what this legislation does is not to interfere with the rights of local government. In fact, that issue has already been resolved by the Federal government and by the FCC. Also, what it will do is educate local government and avoid the possibility of numerous lawsuits that could crop up if we do not pass this legislation. It educates them that we have a State statute now, and it is more likely that solicitors, zoning officers, zoning hearing boards, supervisors and commissioners, and others who ably serve in our

local governments, will be aware of it and be understanding that they must accommodate this activity and, as I say, reasonably accommodate it and not preclude the activities in a way that would stop them from doing their business.

So I ask for an affirmative vote on the amendment.

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

Senator FERLO. Mr. President, with all due respect, I rise to speak in opposition to the amendment. It is ill-advised. I ask that my colleagues give a little more thought and provide some more due diligence on this matter before a final vote on this amendment or a final vote on the bill as it will eventually evolve.

I do take exception to some of the characterization here. It is not true that necessarily every so-called ham operator is part of some elaborate local emergency response system or part of some representation relative to homeland security. There are hundreds, if not thousands, of so-called ham operators who basically do this because it is their hobby. They enjoy it. They like it. I respect it. It is probably a great, fun activity, and I would suggest that most ham operators do not have anything to do with homeland security or any sort of emergency but basically do this as a hobby.

Now, if one has a hobby collecting Lionel trains in their basement, that is great. You can probably make a lot of noise and have any kind of configuration, and individuals spend thousands of dollars on their hobbies. I respect that. This is a particular hobby for a lot of individuals that, unlike trains in someone's basement or collecting knickknacks, provides an opportunity for lots of disruption in the community and to adjoining residential property owners, in particular, and others.

These antennas that can exceed heights of 50, 60, or 70 feet are oftentimes very disruptive to residential homeowners. The concern that I have in this bill and the amendment is the nature of arbitrarily, in a capricious manner, setting the height at 65 feet. That is not necessary. This should not be a one-size-fits-all resolution. I agree and concede the point that we should make sure that no community or municipality legally, in our Commonwealth, legislates out the existence of these antennas. In other words, every zoning code in the municipality has to allow them as much as they have to allow a prison or some other distasteful use by right. But the Federal law clearly states--and there is enough legal precedent--that local host communities, municipalities, have the right, through local zoning powers, to provide reasonable provisions and accommodations. What is reasonable is for that board to also weigh the option of what the height of these various antennas are.

I have many communities, some in suburban and rural communities, some in concentrated urban areas, where a 65-foot antenna--when you have, as an example, two private property owners where one house is 35 feet above grade above the house next door, you are now talking about a 95-foot tower. Ninety-five feet is 9 1/2 stories, Mr. President.

What I am upset about is, why are we fixated on this, and why are we fixing at the law the inability of local jurisdictions to deal with this reasonably? Imposing this 65-foot one-size-fits-all provision really runs roughshod over local municipal jurisdictions, over local zoning codes, over local zoning officials, over local councils and municipal bodies and boards of supervisors. It just does not make any sense.

I agree wholeheartedly with making sure that we have a State law that clearly says a community cannot exclude the presence of these antennas, but why do we have to set this 65-foot, 6 1/2 story prerequisite or requirement? It is ill-advised. I urge my colleagues to think about this a little bit more. I think all of our colleagues on this side of the aisle are voting in opposition to this proposed amendment, however well-intentioned.

Thank you, Mr. President.

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

Senator GREENLEAF. Very quickly, yes, it is a hobby. But the problem is, we never know when we need that hobbyist to come to our rescue, because we never know when there is going to be a natural disaster that is going to strike in our neighborhood. Then, we will wish they were there to help us out and communicate with us and provide the only communication in that natural disaster - tornadoes, hurricanes, whatever it is. They will be there. In the meantime, they are providing a service for us, but also in the meantime, there may be a hobby as well, but we may never know that.

This is actually just a compromise. The actual height came out of the Pennsylvania Association of Township Supervisors. They suggested the 65-foot height because it was a reasonable height that is lower than in other States. The other States such as Alaska and Virginia have 70- or 75-foot heights. The communities can also regulate the placement, safety issues, structure, and things like that. They have a lot of control over those issues. This is just an attempt by them and those people who have negotiated this to come up with a specific number so that we know that that is reasonable. If they are going to try to go above that, then they are obviously going to have a fight. That is fine. We tried to come up with a height that is reasonable, and I think 65 feet is reasonable.

MOTION TO TABLE AMENDMENT A8922

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

Senator DINNIMAN. Mr. President, I think this can all be worked out over a couple of days if we have a chance to talk, so that we can get the vote so that it would be like in the House, where everyone would vote in favor of it. I move that we table this amendment until Monday, if that is in order.

The PRESIDENT pro tempore. Senator Dinniman moves that the amendment be tabled.

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

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

Senator PILEGGI. Mr. President, I ask for a negative vote on the motion.

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

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

YEA-21

Boscola	Hughes	Musto	Williams, Anthony H.
Costa	Kasunic	O'Pake	Williams, Constance
Dinniman	Kitchen	Stack	Wozniak
Ferlo	LaValle	Stout	
Fontana	Logan	Tartaglione	
Fumo	Mellow	Washington	

NAY-29

Armstrong	Folmer	Pippy	Vance
Baker	Gordner	Punt	Waugh
Browne	Greenleaf	Rafferty	White, Donald
Brubaker	Madigan	Regola	White, Mary Jo
Corman	McIlhinney	Rhoades	Wonderling
Earll	Orie	Robbins	
Eichelberger	Piccola	Scarnati	
Erickson	Pileggi	Tomlinson	

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

The PRESIDENT pro tempore. The motion fails.

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

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

Senator RAFFERTY. Mr. President, I rise in support of the amendment offered by my friend and colleague, Senator Greenleaf. I have been, as my record shows, both on the Committee on Local Government in the Senate and an advocate for local government and local government controls. To date, I have yet to hear from one of the local government associations with any concern over this amendment.

I want to share with the Members of the Senate that I had the opportunity two or three summers ago to visit one of the gatherings of the shortwave radio operators and witness what they do, the training they undertake, and the programs that they work out with one another so that they can serve as a communications network for the Commonwealth of Pennsylvania and for this country, should all of our communications systems be shut down due to a manmade or natural disaster, even understanding and knowing how to apply Morse code. So it is a very effective tool for us, for our emergency situations, and one that I think is necessary for us, and I ask for an affirmative vote.

Thank you, Mr. President.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Mr. President, can I ask the maker of the amendment to stand? I have one question.

The PRESIDENT pro tempore. Will the maker of the amendment stand for interrogation? The Senator indicates he will.

The Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Mr. President, I am sitting in the comfort of my living room, and I am very good friends with my next-door neighbor. However, my next-door neighbor is a ham operator, and he wishes to put a 65-foot tower right next to my property line. Under this amendment, if I went and complained to city hall, would I have any recourse, or would city hall have no influ-

ence whatsoever and that gentleman could put a 65-foot tower right next to my property line, or 15 feet off, whatever the setback might be? The local government would have no control to say he could or could not put a tower up. Would that be correct?

Senator GREENLEAF. No, Mr. President, they would have some say about it. They would have some say about replacement, security issues, safety issues, screening issues. They would have all the say they would have in a normal zoning issue, but they may not, under Federal law, do that now. They cannot stop them and interfere with their operation. The Federal law is that way. What happens is it is not being enforced, and most ham operators then do not challenge it in court. This is an effort to try to avoid future litigation, because they will be litigating if we do not do this. And so the answer to the gentleman's question is they cannot stop them from putting an antenna up, but the local government has all other controls in regard to dealing with other issues, the placement, safety, and other issues such as that.

Senator WOZNIAK. Okay, Mr. President, just so I am clear, the local government cannot stop the person from putting up a tower, but they can tell them where within their property they have to put the tower?

Senator GREENLEAF. Mr. President, whatever the zoning ordinance provides. I mean, I cannot answer that without looking at an individual ordinance, but whatever their ordinances provide, other than locating and citing the antenna—as far as putting antennas up, they can regulate them. My understanding from reading the provisions is it says that they can impose reasonable restrictions on this right that they have been given by the Federal government.

Senator WOZNIAK. Okay, Mr. President. I thank the gentleman very much. I think I understand the answer.

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

Senator FERLO. Respectfully, Mr. President, one last brief comment. I think this is a little bit disingenuous. It is trying to be portrayed that somehow we have to allow this 65-foot tower, and that is not the case.

The argument should be that we should continue to allow local zoning. The purpose and the need for this State legislation, which I agree with, is to make sure that we do not have a situation where a local zoning code attempts to exclude completely, or would not have present in their local zoning code, as Senator Greenleaf rightfully points out, reasonable provisions to accommodate. But there is no need, there is no requirement, and it is counterproductive for this legislative body to run roughshod and explicitly create this 65-foot requirement. That is not the case.

So what is important is that there would be local zoning, there would continue to be reasonable provisions, and if you have a heavily residential community that has 20-foot lots or 30-foot lots and the local zoning code requires reasonable rates and regulations, including maybe 45-foot or 48-foot, that is reasonable in the eyes of the particular situation. That is fundamentally different than in rural communities, some of which I have in my three-county district. So what I am upset about is this notion that we are dictating and running roughshod and requiring the imposition of the 65 feet. A one-size-fits-all philosophy or requirement here is really counterproductive and inappropriate. Thank you.

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

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

## YEA-29

Armstrong	Folmer	Pippy	Vance
Baker	Gordner	Punt	Waugh
Browne	Greenleaf	Rafferty	White, Donald
Brubaker	Madigan	Regola	White, Mary Jo
Corman	McIlhinney	Rhoades	Wonderling
Earl	Orie	Robbins	
Eichelberger	Piccola	Scarnati	
Erickson	Pileggi	Tomlinson	

## NAY-21

Boscola	Hughes	Musto	Williams, Anthony H.
Costa	Kasunic	O'Pake	Williams, Constance
Dinniman	Kitchen	Stack	Wozniak
Ferlo	LaValle	Stout	
Fontana	Logan	Tartaglione	
Fumo	Mellow	Washington	

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

The PRESIDENT pro tempore. The bill will go over as amended.

**SB 1496 (Pr. No. 2211)** -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,

Will the Senate agree to the bill on third consideration?

Senator REGOLA offered the following amendment No. A8840:

Amend Title, page 1, lines 3 and 4, by striking out "and cooperation"

Amend Title, page 1, line 4, by removing the period after "authorities" and inserting: ; and further providing for review of agreement by Local Government Commission.

Amend Sec. 1 (Sec. 2310.1), page 1, line 9, by striking out "2310.1" and inserting: 2303.1

Amend Sec. 1 (Sec. 2310.1), page 1, line 9, by striking out "and cooperation"

Amend Sec. 1 (Sec. 2310.1), page 1, line 12, by striking out "pursuant to" and inserting: upon the passage of an

Amend Sec. 1 (Sec. 2310.1), page 1, line 17, by striking out "pursuant to" and inserting: upon the passage of

Amend Sec. 1 (Sec. 2310.1), page 2, line 1, by inserting after "may": jointly

Amend Sec. 1 (Sec. 2310.1), page 2, lines 9 and 10, by striking out "in question"

Amend Bill, page 2, by inserting between lines 15 and 16:

Section 2. Section 2314 of Title 53 is amended to read:

§ 2314. Review of agreement by Local Government Commission.

Every agreement between a local government and the Commonwealth, any other state, government of another state or the Federal Government under the provisions of this subchapter shall, prior to and as a



condition precedent to enactment of an ordinance, be submitted to the Local Government Commission for review and recommendation. The commission shall within [60] 90 days of receipt of the agreement determine whether it is in proper form and compatible with the laws of this Commonwealth. Failure of the commission to make recommendations within [60] 90 days of receipt of the agreement shall constitute a recommendation in favor of the agreement.

Amend Sec. 2, page 2, line 16, by striking out "2" and inserting: 3

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

#### BILL REREFERRED

**HB 2188 (Pr. No. 4351)** -- 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.

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

#### SECOND CONSIDERATION CALENDAR

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

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

#### BILL REREFERRED

**SB 147 (Pr. No. 2373)** -- The Senate proceeded to consideration of the bill, entitled:

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 repairs.

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

#### BILLS OVER IN ORDER

**SB 291, HB 301 and HB 420** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

##### BILL ON SECOND CONSIDERATION AND REREFERRED

**SB 908 (Pr. No. 2374)** -- The Senate proceeded to consideration of the bill, entitled:

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.

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.

#### BILLS OVER IN ORDER

**HB 1027, HB 1177, SB 1236, HB 1257, SB 1290, SB 1307, SB 1420, SB 1440 and HB 1511** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

#### BILL ON SECOND CONSIDERATION

**SB 1555 (Pr. No. 2347)** -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the second time and agreed to,

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

#### BILLS OVER IN ORDER

**HB 1664, HB 2098, HB 2233, HB 2289, HB 2343, HB 2499, HB 2548 and HB 2644** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

#### SENATE RESOLUTION No. 368, ADOPTED

Senator PILEGGI, without objection, called up from page 6 of the Calendar **Senate Resolution No. 368**, entitled:

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

On the question,

Will the Senate adopt the resolution?

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

#### SENATE RESOLUTION No. 369, ADOPTED

Senator PILEGGI, without objection, called up from page 6 of the Calendar **Senate Resolution No. 369**, entitled:

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.

On the question,  
Will the Senate adopt the resolution?  
A voice vote having been taken, the question was determined in the affirmative.

**SENATE RESOLUTION No. 370, ADOPTED**

Senator PILEGGI, without objection, called up from page 6 of the Calendar **Senate Resolution No. 370**, entitled:

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

On the question,  
Will the Senate adopt the resolution?  
A voice vote having been taken, the question was determined in the affirmative.

**SENATE RESOLUTION No. 372, ADOPTED**

Senator PILEGGI, without objection, called up from page 6 of the Calendar, as a Special Order of Business, **Senate Resolution No. 372**, entitled:

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

On the question,  
Will the Senate adopt the resolution?  
A voice vote having been taken, the question was determined in the affirmative.

**REAL PROPERTY DISPOSITION PLAN No. 1 of 2008, RESOLUTION A, ADOPTED**

Senator PILEGGI, without objection, called up from page 7 of the Calendar, **Real Property Disposition Plan No. 1 of 2008, Resolution A**, entitled:

Resolved, That Real Property Disposition Plan No. 1 of 2008, transmitted by the Governor under The Administrative Code of 1929 to the General Assembly under date of June 12, 2008, which is incorporated herein by reference be approved.

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.
Earl	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling

Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

**NAY-0**

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

Ordered, That the Governor be informed accordingly.

**UNFINISHED BUSINESS  
BILL REPORTED FROM COMMITTEE**

Senator WONDERLING, from the Committee on Communications and Technology, reported the following bill:

**HB 1490 (Pr. No. 4378) (Amended)**

An Act relating to broadband deployment, mapping and availability.

**SENATE RESOLUTION ADOPTED**

Senators STACK, WASHINGTON, A. WILLIAMS, KASUNIC, FONTANA, COSTA, C. WILLIAMS, FOLMER, KITCHEN, O'PAKE, STOUT, MUSTO, FERLO, PIPPY, RAFFERTY, TARTAGLIONE, PUNT, MADIGAN, LAVALLE, ORIE, EARLL, GREENLEAF, M. WHITE, LOGAN, DINNIMAN, FUMO, PILEGGI, ERICKSON and WONDERLING, by unanimous consent, offered **Senate Resolution No. 377**, entitled:

A Resolution designating the month of September 2008 as "Alcohol and Drug Addiction Recovery Month" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

Senator STACK. Mr. President, drug and alcohol addiction is a problem in every community and in every State, including Pennsylvania. One in 10 Pennsylvanians suffers from the disease of addiction. One in four families has a member with an alcohol or drug addiction. It can affect anyone. Addiction knows no race, gender, age, religion, or economic status. However, the important thing is recovery is possible. That is why I rise today to seek unanimous support for this resolution designating the month of September as "Alcohol and Drug Addiction Recovery Month" in Pennsylvania.

This annual observance recognizes the dignity of recovery and the benefits of addiction treatment services. Here in Pennsylvania, we need to recognize the importance of treatment and recovery. Addicts can recover from this disease, but they cannot do it alone. From rehabilitation centers to local meetings for addicts and their loved ones, treatment is available to those who desire to free themselves from the bondage of addiction. Treatment prevents addiction-related illness and fetal alcohol and drug syndrome. It also reduces crime and driving under the influence.

Mr. President, we need to support local treatment programs and make sure addicts have ample opportunities to make recov-

ery possible. That is why I ask my colleagues to support this resolution designating September 2008 as "Alcohol and Drug Addiction Recovery Month" in Pennsylvania.

Once again, thank you, Mr. President.

And the question recurring,

Will the Senate adopt the resolution?

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

### CONGRATULATORY RESOLUTIONS

The PRESIDENT 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 Mr. and Mrs. Thomas Clark and to Mr. and Mrs. Ray Branning by Senator Baker.

Congratulations of the Senate were extended to Mr. and Mrs. Rowland Edwin Unangst, Mark Wagner, Frank Maurek and to the Catasauqua Area High School Football Team by Senator Boscola.

Congratulations of the Senate were extended to Mr. and Mrs. Lee Butz, William Erdman, Julia Klein, Ted K. Lavendar, Paul Mazzucco, Tom Roberts, Gary F. Millspaugh, James C. McCarthy, Jim Cannon and to the Women's Leadership Initiative of Bethlehem by Senator Boscola and others.

Congratulations of the Senate were extended to the Lititz Moravian Archives and Museum by Senator Brubaker.

Congratulations of the Senate were extended to Carmela Rodella by Senator Costa.

Congratulations of the Senate were extended to Jacob Ross Metz by Senator Eichelberger.

Congratulations of the Senate were extended to Mr. and Mrs. James K. Honse, Harry K. Miller and to Ramona Cambria by Senator Gordner.

Congratulations of the Senate were extended to the Fire Department of Montgomery Township, Stump Road Fire Station, by Senator Greenleaf.

Congratulations of the Senate were extended to Beth McFeely by Senator Kasunic.

Congratulations of the Senate were extended to Holy Ghost Headquarters at the Met of Philadelphia, True Fellowship Church of Philadelphia, Pleasant Grove Baptist Church of Philadelphia, New Salem Baptist Church of Philadelphia, B.M. Oakley Church of God in Christ of Philadelphia and to the Advocate St. Stephen's United Methodist Church of Philadelphia by Senator Kitchen.

Congratulations of the Senate were extended to Tanya Robinson, Joseph Lanning, Kevin Preskey, William Dowling and to Hannelore Dowling by Senator Mellow.

Congratulations of the Senate were extended to Benjamin Jeffrey Euclide and to the management and employees of Cabot Supermetals of Boyertown by Senator O'Pake.

Congratulations of the Senate were extended to Chadley Potter, Southern Chester County Emergency Medical Services, Inc., and to the Middletown Township Business and Professional Association of Lima by Senator Pileggi.

Congratulations of the Senate were extended to John Taylor Ploschnitzig by Senator Pippy.

Congratulations of the Senate were extended to Gregory B. Phillips and to Francis Lubinsky by Senator Rhoades.

Congratulations of the Senate were extended to Hilda Grove, Thomas G. Haller, Joseph M. Russell, Richard G. Sterner, Scott Baldwin, Jacob B. Emenheiser and to Patti Smith by Senator Waugh.

Congratulations of the Senate were extended to the Honorable Beverly Mackereth by Senators Waugh, Punt, and Vance.

Congratulations of the Senate were extended to Richard P. Musko and to Ellen Garbuny by Senator M.J. White.

Congratulations of the Senate were extended to Mary Anne Wesdock Jackson and to Larry M. Wade, Sr., by Senator Wozniak.

### CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Fannetta Nelson Gordon by Senator Ferlo.

Condolences of the Senate were extended to the family of the late Chief Warrant Officer Michael Slebodnik by Senator Orie.

Condolences of the Senate were extended to the family of the late Joseph L. Crosson, Jr., and to the family of the late Evangeline L. Wormsley-Kimber by Senator Piccola.

### BILLS ON FIRST CONSIDERATION

Senator BRUBAKER. 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 5, SB 461, SB 462, SB 463, HB 588, HB 708, HB 1490, HB 1634 and HB 2629.**

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 gentleman from Philadelphia, Senator Fumo.

Senator FUMO. Mr. President, as we all know, I did not expect to be in Harrisburg this week. But since I am able to be here, I want to take a few moments to speak about an issue that will soon have an impact on every person in Pennsylvania. Politicians make a lot of speeches. I have certainly made my share, both here on the floor and in the public, but every now and then, we have a chance not to just talk, but to act in a direct fashion to help people.

We have that opportunity before us now. The United States' financial markets are in turmoil. Our economy seems to be sinking. By one estimate I heard just last night, \$1.2 trillion of wealth in this country has been wiped out over just the past 3 days. Un-

doubtedly, that includes some of the hard-earned savings and investments or retirement nest eggs of many Pennsylvanians.

As we sit here in the Pennsylvania Senate, we do not have the power to do very much about the meltdown on Wall Street, and we cannot correct the lax regulations in Washington that got us into this mess. We cannot do much about the crisis in the national credit markets or undo the subprime mortgage lending mistakes. But we can take action on a simple matter that affects the check-books of every family in our Commonwealth, as well as every business, large or small, that pays an electric bill. We can do something to prevent our citizens from being hit with enormous and unfair electric rate increase gouging.

Government's purpose is to help people who cannot help themselves. The American spirit of rugged individualism has served this country well, and it has an important place in our history and in our future. But there are occasions when the average individual citizen is powerless to help himself, and that is when government must step in and provide that assistance. That is really ultimately why we are here.

The truth is there is almost nothing that Pennsylvanians can do to help themselves out when it comes to paying their deregulated electric bills. Yes, they can do a little. They can adjust the thermostat a few degrees, wash their laundry in off-peak hours, or change their light bulbs to fluorescent ones, but that will not come anywhere near close to making up for the huge rate hikes that they are about to experience. They are at the mercy of an electric company that is going to kick them hard, right in the spot where we carry our wallets, unless we protect them from the negative consequences of a deregulated electric market that this legislature created.

There is no place other than this Capitol for those consumers to go. There is no meaningful competition. There is no choice. There is no practical way for them to stop using electricity. They just have to pay that monthly bill, no matter what it is. So the only place they have to turn is to us. Twelve years ago, after this legislature approved electric deregulation, I led the fight to make sure that some of those electric company windfalls were passed on to consumers. And that is how we ended up with rate caps that have been serving people for almost a decade.

I will not be here when those caps expire, but most of you will be. So let me warn you. Consumers might not be paying attention yet, but when their electric bill nearly doubles, and they find out that utility companies are still swimming in money under a deregulation plan that you approved, your phone will start ringing. Right now, you are only hearing from the utility companies and their lobbyists, but unless you do something soon to mitigate rate increases, you will be hearing from your constituents when those caps come off. The taking off of those caps will result in the biggest tax increase that this Commonwealth has ever inflicted upon its citizens in the history of this Commonwealth.

It is time for us as a government, acting in the public interest, to stand up to the lobbyists, stand up to the special interests, and help the people who cannot help themselves. It is time for us to act on behalf of the actual people who elected us and sent us here to represent them, not on behalf of the lobbyists hired to represent the big utility companies who still hold a functional monopoly over their customers. If we do nothing, the windfall profits of our electric companies in the first year alone, after the caps are

taken off, will be, in 1 year, \$9 billion--in one shot, \$9 billion--that will be paid by every citizen in this Commonwealth who uses electricity, whether they live in a Democratic district or in a Republican district, free money out of the consumers' pockets and into the pockets of the electric companies that are already doing quite well financially, even under the caps that I had imposed 10 years ago.

Let me be clear. No one is suggesting that utility companies do not have a right to earn a profit, or to provide a healthy return to their investors, or to make enough money to pay their workers a fair wage. We want our electric companies to be strong and profitable. The rate caps that they have lived with for the past decade have not brought them to ruin. In fact, if you look at their stock prices, even after the steep declines in the past few days, you will find that most of them have more than doubled in value since the caps went on. They are not a dying industry that needs us to bail them out. They are a huge Goliath waiting to suck money out of consumers who already have to decide if they can afford gasoline, if they are going to keep their houses, if they can get credit. This is going to be the ultimate coup de gras to personal bankruptcies.

We want to and must pass legislation that allows the electric companies to make money, but more importantly, we must be fair to the consumers from whose paycheck that money comes. We must be able to strike a balance here and not just roll over to large utilities, their lobbyists, and their special interests. If ever there was a time for courage and for the mandate that we do the right thing to protect those we are sworn to serve, this is it. Senator Boscola, Senator Ferlo, and I and others are introducing legislation that will change the way we do business on this issue and will protect all taxpayers from the gouging that is certain to occur. And I will join, and we will ask our colleagues on the other side of the aisle to join with us in the sponsorship of that reasonable legislation that we think does draw a balance in protecting consumers and allowing electric companies to continue to grow.

Mr. President, on another more somber topic, I ask the Members of this Chamber to take a moment in honor of our U.S. service men and women who continue to fight in Iraq. We have kind of lost that over the last couple of days with all of the crises that we have been facing. So far, we have lost 4,106. Another 30,182 have been seriously wounded.

The dead include these two Pennsylvanians: Private Wesley J. Williams, 23, of Philadelphia, who died March 2, 2007, in Baghdad. Private Williams was assigned to the 163d Military Intelligence Battalion, 504th Military Intelligence Brigade. And Sergeant Ashly Moyer, 21, of Emmaus, died on March 3, 2007, in Baghdad, from an explosion from an IED that was detonated. Sergeant Moyer was assigned to the 630th Military Police Company, headquartered in Bamberg, Germany.

I ask that we take a moment of silence for them, Mr. President, and I thank you.

The PRESIDENT pro tempore. Would everyone please rise for a moment of silence.

(Whereupon, the Senate en bloc stood in a moment of silence in solemn respect to the memory of Private WESLEY J. WILLIAMS and Sergeant ASHLY MOYER.)

**BILL SIGNED**

The PRESIDENT pro tempore (Joseph B. Scarnati III) in the presence of the Senate signed the following bill:

**SB 180.****ANNOUNCEMENTS BY THE SECRETARY**

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

## SENATE OF PENNSYLVANIA

## COMMITTEE MEETINGS

MONDAY, SEPTEMBER 22, 2008

9:30 A.M.	JUDICIARY (public hearing on the issue of juvenile lifers)	Hrg. Rm. 1 North Off.
12:00 P.M.	FINANCE (to consider Senate Bills No. 1231, 1258 and 1584; and House Bills No. 1086 and 1439)	Room 461 Main Capitol

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.
10:00 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (to consider Senate Bill No. 1573; Senate Resolution No. 375; and House Bill No. 44)	Room 461 Main Capitol
11:00 A.M.	LABOR AND INDUSTRY (to consider Senate Bill No. 902 and House Bill No. 834)	Room 8E-A East Wing
12:00 P.M.	AGRICULTURE AND RURAL AFFAIRS (to consider House Bill No. 2525)	Room 8E-A East Wing

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.
9:30 A.M.	URBAN AFFAIRS AND HOUSING (to consider Senate Bill No. 1291 with amendments)	Maj. Caucus Room 156 Main Capitol
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 gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Mr. President, I move that the Senate do now recess until Monday, September 22, 2008, at 1 p.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate recessed at 12:40 p.m., Eastern Daylight Saving Time.