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WEDNESDAY, SEPTEMBER 24, 2008

SESSION OF 2008 192ND OF THE GENERAL ASSEMBLY

No. 61

SENATE

WEDNESDAY, September 24, 2008

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

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

PRAYER

The Chaplain, Reverend W. CRAIG SMITH, of Mt. Jewett/Hazel Hurst United Methodist Church, Kane, offered the following prayer:

We had a beautiful trip down here yesterday from Kane, and I was looking at the Scripture this morning, and it says, I look up to the hills, but where does my help come from? My help comes from the Lord, who made heaven and earth.

Dear Lord, this morning, we come to You for help in the work that is before this body of government today. On this day of business, in this great place of government, we ask You for wisdom and knowledge. We pray for each person here today who represents a district with needs. Bring Your love and compassion to each one here, and help each one here reach out to find common ground for each and every person in this great State. Help direct the affairs of this legislative body, and on this day, we ask for the wisdom and direction of our Federal government as it works to put things in order with the financial problems we face. We ask this all in Your holy name. Amen.

The PRESIDENT pro tempore. The Chair thanks Reverend Smith, who is a guest of mine today. Thank you for traveling down from the great northwest.

PLEDGE OF ALLEGIANCE

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

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

The SECRETARY. Consent has been given for the Committee on Appropriations to consider House Bill No. 647 during today's Session.

BILLS INTRODUCED AND REFERRED

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

September 24, 2008

Senator WAUGH presented to the Chair **SB 1590**, entitled:
An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for required financial responsibility.

Which was committed to the Committee on BANKING AND INSURANCE, September 24, 2008.

Senators WAUGH, WOZNIAK, BRUBAKER, GREENLEAF and LOGAN presented to the Chair **SB 1591**, entitled:

An act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the issuance of identification cards.

Which was committed to the Committee on TRANSPORTATION, September 24, 2008.

Senators WAUGH, WASHINGTON, KITCHEN and PUNT presented to the Chair **SB 1592**, entitled:

An Act amending the act of May 15, 1939 (P.L.134, No.65), referred to as the Fireworks Law, providing for a public safety fee.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, September 24, 2008.

Senators WAUGH, WASHINGTON, RAFFERTY, KITCHEN and PUNT presented to the Chair **SB 1593**, entitled:

An Act amending the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act, providing for testing prior to sewage sludge application.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, September 24, 2008.

Senators FONTANA, WOZNIAK, McILHINNEY, FERLO, FUMO, MUSTO, STOUT, O'PAKE, WONDERLING, BRUBAKER, REGOLA, EICHELBERGER and GORDNER presented to the Chair **SB 1594**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for license requirements.

Which was committed to the Committee on GAME AND FISHERIES, September 24, 2008.

BILLS REPORTED FROM COMMITTEES

Senator BRUBAKER, from the Committee on Agriculture and Rural Affairs, reported the following bill:

HB 2525 (Pr. No. 4434) (Amended) (Rereported)

An Act amending the act of December 7, 1982 (P.L.784, No.225), known as the Dog Law, further providing for definitions, for issuance of dog licenses, for applications for dog licenses, for license certificates, for kennels, for requirements for kennels, for out-of-State dealer license, for bills of sale, for revocation, suspension or refusal of kennel licenses, for transportation of dogs, for health certificates for importation, for inspections of premises and dogs and for additional duties of department; providing for refusal of entry and for the Canine Health Board; further providing for seizure and detention of dogs, for confinement of dogs, for dog bites, for registration, for certain requirements, for control of dangerous dogs, for public safety, for selling, bartering or trading dogs, for damages caused by coyotes, for burdens of proof, for enforcement and for violations; providing for exemption; further defining "releasing agency"; and making editorial changes.

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

HB 1147 (Pr. No.1396)

An Act amending the act of November 24, 1998 (P.L.874, No.110), known as the Motor Vehicle Chop Shop and Illegally Obtained and Altered Property Act, further providing for the definition of "chop shop."

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

SB 1455 (Pr. No. 2386)

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

SB 1564 (Pr. No. 2363)

An Act establishing the Keystone Care Program in the Department of Health to provide grants for health care services; and making an appropriation.

HB 2034 (Pr. No. 4433) (Amended)

An Act providing for long-term care patient access to pharmaceuticals; and conferring powers and duties on the State Board of Pharmacy.

HB 2625 (Pr. No. 4117)

An Act establishing the County Access to Community-based Care and Extended Safety-net Services (County Access) Program in the Department of Health; setting criteria for eligibility for counties and health care providers; developing plans to assure people and families with low income access to a continuum of health care services on a county basis; and providing for powers and duties of the Department of Public Welfare, the Department of Health and the Insurance Department.

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

SB 1291 (Pr. No. 2447) (Amended)

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, providing for neighborhood blight reclamation and revitalization.

LEGISLATIVE LEAVE

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

Senator O'PAKE. Mr. President, I request a legislative leave for Senator Washington.

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

**SPECIAL ORDER OF BUSINESS
JOURNALS APPROVED**

The PRESIDENT pro tempore. The Journals of the Sessions of July 2, 2008, July 3, 2008, July 4, 2008, and July 8, 2008, are now in print.

The Clerk proceeded to read the Journals of the Sessions of July 2, 2008, July 3, 2008, July 4, 2008, and July 8, 2008.

Senator PILEGGI. Mr. 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 pro tempore. The Journals are approved.

SENATE RESOLUTION ADOPTED

Senators BROWNE and COSTA, by unanimous consent, offered **Senate Resolution No. 390**, entitled:

A Resolution recognizing Paul D. Halliwell for his numerous years of service to this Commonwealth, and honoring him upon his retirement as chair of the Public Employee Retirement Commission.

On the question,
Will the Senate adopt the resolution?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Lehigh, Senator Browne.

Senator BROWNE. Mr. President, it is always a pleasure to have an opportunity to recognize those individuals who have dedicated a career toward the service of the citizens of this Commonwealth. In that regard, I am very proud, today, to join my colleague, Senator Costa, in recognizing Paul Halliwell for his long service to this Commonwealth, currently as chairman of the Public Employee Retirement Commission.

As you know, the Retirement Commission provides this Assembly--which is very active on bills that affect our pension systems--with information that we can use to evaluate whether these pieces of legislation will have positive or negative implications on the fiscal solvency of our many pension systems throughout the Commonwealth. Mr. Halliwell has directed that for many, many years. In addition, during his tenure, the commission has provided tremendous leadership in public policy studies and public policy statements that have assisted us in making our decisions in this Assembly regarding legislation that will affect the long-term viability of our pensions.

Mr. Halliwell has done a tremendous job during his career here, and in that regard, I am very proud to be able to offer a resolution from the State Senate recognizing his long service and wishing him well in his retirement. Please join me, all the Members of the Senate, in sponsoring this resolution and recognizing Mr. Halliwell.

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

Senator COSTA. Mr. President, I, too, want to rise and concur in the comments made by my friend and colleague, Senator Browne, regarding Mr. Halliwell. He is one of those individuals who, for a number of years, has been a faithful and dedicated servant of the Commonwealth of Pennsylvania. I have had the pleasure of working with him as a member of the Public Employee Retirement Commission for a number of years now, and he along with so many others in that agency are individuals who do a tremendous job. His service to the board and to the commission has been something that we have benefitted from.

So I want to join my colleague and ask my other colleagues to join us in supporting this resolution recognizing one of the outstanding servants of Pennsylvania. 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.

**GUEST OF SENATOR PATRICK M. BROWNE
AND SENATOR JAY COSTA
PRESENTED TO THE SENATE**

The PRESIDENT pro tempore. Would the guest of Senator Browne and Senator Costa please rise so the Senate may give you a welcome.

(Applause.)

**SPECIAL ORDER OF BUSINESS
GUEST OF SENATOR MICHAEL A. O'PAKE
PRESENTED TO THE SENATE**

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

Senator O'PAKE. Mr. President, one of our guest Pages today is from my district. He is a very bright senior from Muhlenberg High School, has close to a 4.0 average, and is very interested in political science. As a matter of fact, he recently attended a young leaders conference in Washington, D.C. So now he is here to see how a State legislature should work efficiently, effectively, and I hope that it will help him in his career decisions. His name is George Daniel Ionas, and I ask the Senate to welcome George to the Senate of Pennsylvania.

The PRESIDENT pro tempore. Would the guest of Senator O'Pake please rise.

(Applause.)

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

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

Senator DINNIMAN. Mr. President, it is my privilege today to have a constituent who is another one of our guest Pages. His name is Justin Achee. Justin, by the way, is active in our community. He is very interested in understanding the legislative process, and that is one reason he wanted to be here today. He is very interested in politics as well. In fact, he will be competing in the Lincoln-Douglas debate this year, a debate program that is sponsored by the National Christian Forensics and Communications Association. And the resolution might interest us in the Senate. The resolution of the debate is one we can learn from: when in conflict, one should value idealism above pragmatism.

Finally, I want to say that the homeschool movement in Chester County is alive and well, and Justin is a great example of the success of homeschooling. It is important in our community that we have school choice, and Justin shows us how well students can do in opportunities when a school choice such as homeschooling is an option within our communities. I would also like to introduce his mother, Patricia Achee, who is here. Patty has been one of the leaders in the homeschool movement in southeastern Pennsylvania, and Patty also was in charge of a reading contest every summer, where I was privileged, over the last 10 years, to be able to present awards.

So, Mr. President, I hope we will have a warm Senate welcome for our Page Justin Achee and his mother, Patricia Achee. Thank you, Mr. President.

The PRESIDENT pro tempore. Would the guests of Senator Dinniman please rise so we can give you a warm welcome.

(Applause.)

RECESS

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

Senator PILEGGI. Mr. President, I request a recess of the Senate for the purpose, first, of a meeting of the Committee on Appropriations to be held in the Rules room, to be followed by a Republican caucus to be held in the Majority Caucus Room. I would expect the caucus to last no more than 1 hour.

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

Senator O'PAKE. Mr. President, after the meeting of the Committee on Appropriations, I ask the Senate Democrats to report to our caucus room. It is a very important caucus.

The PRESIDENT pro tempore. For the purpose of a meeting of the Committee on Appropriations, to be followed by Republican and Democratic caucuses, without objection, the Senate stands in recess.

AFTER RECESS

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

BILLS REPORTED FROM COMMITTEE

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

SB 1422 (Pr. No. 2414) (Rereported)

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, in health and accident insurance, providing for group health policies to continue for period of time after termination of employment or membership in health maintenance organizations.

SB 1453 (Pr. No. 2415) (Rereported)

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for conditions subject to which policies are to be issued; and providing for health insurance coverage for certain children of insured parents.

HB 647 (Pr. No. 2449) (Rereported)

An Act relating to crane operator licensure; establishing the State Board of Crane Operators; conferring powers and imposing duties relative to regulating the practice of crane operation; imposing penalties; and making an appropriation.

HB 2629 (Pr. No. 3939) (Rereported)

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.

LEGISLATIVE LEAVES

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

Senator PILEGGI. Mr. President, I request a temporary Capitol leave for Senator Armstrong, and legislative leaves for Senator Earll and Senator Punt.

The PRESIDENT pro tempore. Senator Pileggi requests a temporary Capitol leave for Senator Armstrong, and legislative leaves for Senator Earll and Senator Punt. Without objection, the leaves will be granted.

CALENDAR

THIRD CONSIDERATION CALENDAR

BILLS ON THIRD CONSIDERATION
REREPORTED FROM COMMITTEE
AS AMENDED OVER IN ORDER

SB 5 and HB 2188 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

**BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 884 (Pr. No. 2433) -- 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 third time and agreed to,
And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

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

YEA-49

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

NAY-1

Ferlo

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

On the question,
Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

LEGISLATIVE LEAVES

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

Senator O'PAKE. Mr. President, I request legislative leaves for Senator Boscola and Senator Kasunic.

The PRESIDENT pro tempore. Senator O'Pake requests legislative leaves for Senator Boscola and Senator Kasunic. Without objection, leaves will be granted.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1177 (Pr. No. 4345) -- The Senate proceeded to consideration of the bill, entitled:

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.

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

On the question, Shall the bill pass finally?

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

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	Orie	Tomlinson
Boscola	Gordner	Piccola	Vance
Browne	Greenleaf	Pileggi	Washington
Brubaker	Hughes	Pippy	Waugh
Corman	Kasunic	Punt	White, Donald

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

NAY-0

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

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

BILL OVER IN ORDER

SB 1231 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1258 (Pr. No. 2410) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 21, 1943 (P.L.571, No.254), known as The Fourth to Eighth Class and Selective County Assessment Law, further providing for appeals by municipalities.

Considered the 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-37

Armstrong	Gordner	O'Pake	Stack
Boscola	Greenleaf	Orie	Stout
Browne	Hughes	Pileggi	Tomlinson
Corman	Kasunic	Pippy	Washington
Costa	LaValle	Punt	White, Donald
Dinniman	Logan	Rafferty	White, Mary Jo
Earll	Madigan	Regola	Wozniak
Erickson	McIlhinney	Rhoades	
Fontana	Mellow	Robbins	
Fumo	Musto	Scarnati	

NAY-13

Baker	Folmer	Vance	Wonderling
Brubaker	Kitchen	Waugh	
Eichelberger	Piccola	Williams, Anthony H.	
Ferlo	Tartaglione	Williams, Constance	

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

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

BILL OVER IN ORDER

HB 2644 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

SECOND CONSIDERATION CALENDAR

BILLS REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

SB 1400 (Pr. No. 2435) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 3, 1959 (P.L. 1688, No. 621), known as the Housing Finance Agency Law, providing for the Pennsylvania Housing Affordability and Rehabilitation Enhancement Program.

Considered the second time and agreed to,

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

SB 1584 (Pr. No. 2436) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for divestiture by the State Treasurer, the Pennsylvania Municipal Retirement System, the State Employees' Retirement System and the Public School Employees' Retirement System of investments in companies doing business in Iran and Sudan.

Considered the second time and agreed to,

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

BILLS ON SECOND CONSIDERATION

HB 44 (Pr. No. 4414) -- The Senate proceeded to consideration of the bill, entitled:

An Act prohibiting the sale, installation and disposal of mercury thermostats; and prescribing penalties.

Considered the second time and agreed to,

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

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 repeals.

Considered the second time and agreed to,

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

BILL OVER IN ORDER

SB 291 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 347 (Pr. No. 4430) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in registration of vehicles, further providing for issuance and reissuance of registration plates and for lost, stolen, damaged or illegible registration plate; in commercial drivers, further providing for commercial driver's license qualification standards; in fees, further providing for exemptions from other fees; in rules of the road in general, further providing for speed timing devices; in inspection of vehicles, further providing for inspection by police or Commonwealth personnel; in powers of department and local authorities, further providing for promulgation of rules and regulations by department; and in snowmobiles and all-terrain vehicles, further providing for definitions.

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.

BILL OVER IN ORDER TEMPORARILY

HB 588 -- Without objection, the bill was passed over in its order temporarily at the request of Senator PILEGGI.

BILL REREFERRED

HB 708 (Pr. No. 4377) -- The Senate proceeded to consideration of the bill, entitled:

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

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

BILL ON SECOND CONSIDERATION

SB 739 (Pr. No. 2424) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 15, 1982 (P.L. 1266, No. 287), entitled, as amended, "An act conferring limited residency status on military personnel, their dependents and civilian personnel assigned to an active duty station in Pennsylvania," expanding applicability of the act to include all active duty personnel and their dependents.

Considered the second time and agreed to,

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

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 834 (Pr. No. 4416) -- The Senate proceeded to consideration of the bill, entitled:

An Act relating to hours of employment of health-care employees; providing for penalties and remedies; and imposing powers and duties on the Department of Labor and Industry.

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.

BILL REREFERRED

SB 902 (Pr. No. 2429) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 18, 2001 (P.L.949, No.114), known as the Workforce Development Act, further providing for membership of the Pennsylvania Workforce Investment Board; and establishing the Pennsylvania Center for Health Careers.

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

BILL ON SECOND CONSIDERATION

HB 949 (Pr. No. 4428) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 10, 1990 (P.L.404, No.98), known as the Real Estate Appraisers Certification Act, further providing for real estate appraiser certification required, for application and qualifications and for certification renewal, licensure renewal and records.

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

BILLS OVER IN ORDER

HB 1027, HB 1086, SB 1236 and SB 1290 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 1439 (Pr. No. 4390) -- The Senate proceeded to consideration of the bill, entitled:

An Act of June 26, 1931 (P.L.1379, No.348), referred to as the Third Class County Assessment Board Law, further providing for appeals by corporate authorities.

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

SB 1440 and HB 1490 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION, AMENDED

HB 1511 (Pr. No. 3764) -- The Senate proceeded to consideration of the bill, entitled:

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

On the question, Will the Senate agree to the bill on second consideration? Senator GREENLEAF offered the following amendment No. A9288:

Amend Title, page 1, line 2, by inserting after "Statutes,": in juvenile matters, adding definitions; Amend Title, page 1, line 3, by striking out "in juvenile matters." and inserting:

, for other basic rights and for adjudications of juveniles. Amend Bill, page 1, lines 8 through 10, by striking out all of said lines and inserting:

Section 1. Section 6302 of Title 42 of the Pennsylvania Consolidated Statutes is amended by adding definitions to read: § 6302. Definitions.

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

*** "Assessment." An individualized examination of a child to determine the child's psychosocial needs and problems, including the type and extent of any mental health, substance abuse or co-occurring mental health and substance abuse disorders and recommendations for treatment. The term includes, but is not limited to, a drug and alcohol, psychological and psychiatric evaluation, records review, clinical interview and the administration of a formal test and instrument.

*** "Screening." A process, regardless of whether it includes the administration of a formal instrument, that is designed to identify a child who is at increased risk of having mental health, substance abuse or co-occurring mental health and substance abuse disorders that warrant immediate attention, intervention or more comprehensive assessment.

*** Section 2. Section 6336.1 of Title 42 is amended to read: Amend Bill, page 5, by inserting between lines 19 and 20:

Section 3. Section 6338 of Title 42 is amended by adding a subsection to read: § 6338. Other basic rights.

*** (c) Statements and information obtained during screening or assessment.—

(1) No statements, admissions or confessions made by or incriminating information obtained from a child in the course of a screening or assessment that is undertaken in conjunction with any proceedings under this chapter, including, but not

limited to, that which is court-ordered, shall be admitted into evidence against the child on the issue of whether the child committed a delinquent act under this chapter or on the issue of guilt in any criminal proceeding.

(2) The provisions of paragraph (1) are in addition to and do not override any existing statutory and constitutional prohibition on the admission into evidence in delinquency and criminal proceedings of information obtained during screening, assessment or treatment.

Section 4. Section 6341(d) of Title 42 is amended and the section is amended by adding a subsection to read:

§ 6341. Adjudication.

(b.2) Evidence on the finding of delinquency.—

(1) No statements, admissions or confessions made by or incriminating information obtained from a child in the course of a screening or assessment that is undertaken in conjunction with any proceedings under this chapter, including, but not limited to, that which is court-ordered, shall be admitted into evidence against the child on the issue of whether the child committed a delinquent act under this chapter or on the issue of guilt in any criminal proceeding.

(2) The provisions of paragraph (1) are in addition to and do not override any existing statutory and constitutional prohibition on the admission into evidence in delinquency and criminal proceedings of information obtained during screening, assessment or treatment.

(d) Evidence on issue of disposition.—

(1) (I) In disposition hearings under subsections (b) and (c) all evidence helpful in determining the questions presented, including oral and written reports, may be received by the court and relied upon to the extent of its probative value even though not otherwise competent in the hearing on the petition.

(ii) Subparagraph (I) includes any screening and assessment examinations ordered by the court to aid in disposition, even though no statements or admissions made during the course thereof may be admitted into evidence against the child on the issue of whether the child committed a delinquent act.

(2) The parties or their counsel shall be afforded an opportunity to examine and controvert written reports so received and to cross-examine individuals making the reports. Sources of information given in confidence need not be disclosed.

Amend Sec. 2, page 5, line 20, by striking out "2" and inserting:
5

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

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

YEA-43

Armstrong	Folmer	O'Pake	Stack
Baker	Fontana	Orie	Stout
Boscola	Gordner	Piccola	Tomlinson
Browne	Greenleaf	Pileggi	Vance
Brubaker	Kasunic	Pippy	Waugh
Corman	LaValle	Punt	White, Donald
Costa	Logan	Rafferty	White, Mary Jo
Dinniman	Madigan	Regola	Williams, Constance

Earll	McIlhinney	Rhoades	Wonderling
Eichelberger	Mellow	Robbins	Wozniak
Erickson	Musto	Scarnati	

NAY-7

Ferlo	Hughes	Tartaglione	Williams, Anthony H.
Fumo	Kitchen	Washington	

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

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.

BILL ON SECOND CONSIDERATION

SB 1544 (Pr. No. 2334) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating the bridge on State Route 655 on Main Street, Belleville, Union Township, Mifflin County as the Curt Zook Memorial Bridge.

Considered the second time and agreed to,

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

BILL REREFERRED

SB 1573 (Pr. No. 2393) -- The Senate proceeded to consideration of the bill, 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.

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

BILL OVER IN ORDER

HB 1664 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

HB 1742 (Pr. No. 4350) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the second time and agreed to,

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

BILL ON SECOND CONSIDERATION AND RECOMMITTED

HB 2200 (Pr. No. 4429) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for definitions; providing for energy efficiency and conservation; further providing for duties of electric distribution companies; and providing for procurement.

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 recommitted to the Committee on Consumer Protection and Professional Licensure.

BILLS OVER IN ORDER

HB 2289 and HB 2343 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL REREFERRED

HB 2548 (Pr. No. 3797) -- The Senate proceeded to consideration of the bill, entitled:

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.

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

SENATE RESOLUTION No. 375, AMENDED AND ADOPTED

Senator PILEGGI, without objection, called up from page 7 of the Calendar, Senate Resolution No. 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.

On the question, Will the Senate adopt the resolution? Senator DINNIMAN offered the following amendment No. A9377:

- Amend Title, page 1, lines 4 and 5, by striking out "Policy Act of 1978" and inserting: Act of 1938
Amend First Whereas Clause, page 1, line 6, by striking out "created" and inserting: authorizes
Amend Third Whereas Clause, page 1, line 12, by striking out "continued" and inserting: continues
Amend Seventh Whereas Clause, page 2, line 22, by striking

- out "Policy Act of 1978" and inserting: Act of 1938
Amend Fourth Resolve Clause, page 3, line 15, by striking out "Policy Act of 1978" and inserting: Act of 1938
Amend Fifth Resolve Clause, page 3, line 21, by striking out "Policy Act of 1978" and inserting: Act of 1938

On the question, Will the Senate agree to the amendment? It was agreed to.

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

SECOND CONSIDERATION CALENDAR RESUMED

HB 588 CALLED UP

HB 588 (Pr. No. 654) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 3 of the Second Consideration Calendar, by Senator PILEGGI.

BILL ON SECOND CONSIDERATION

HB 588 (Pr. No. 654) -- The Senate proceeded to consideration of the bill, entitled:

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

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 1

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1422 (Pr. No. 2414) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, in health and accident insurance, providing for group health policies to continue for period of time after termination of employment or membership in health maintenance organizations.

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 Indiana, Senator Don White.

Senator D. WHITE. Mr. President, I rise today to ask for an affirmative vote on Senate Bill No. 1422. This legislation amends The Insurance Company Law of 1921 to create a mini-COBRA Small Employer Group Health Plan in the Commonwealth.

In essence, Senate Bill No. 1422 extends the COBRA guidelines that permit temporary continuation of insurance coverage provided by small employers to groups that employ 2 to 19 employees. Currently, COBRA provides former employees, retirees, spouses, former spouses, and dependent children the right to temporary continuation of health coverage at group rates when coverage is lost due to certain specific events. However, these benefits only apply to employers with 20 or more employees. It is estimated that the mini-COBRA proposal included in Senate Bill No. 1422 could provide an important safety net to an estimated 150,000 individuals who worked for small businesses but are between jobs.

Mr. President, this benefit is already in place for larger companies. It is time to make it part of the health insurance network for small business employers, too.

I ask for an affirmative vote on Senate Bill No. 1422. Thank you.

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 present said bill to the House of Representatives for concurrence.

SB 1453 (Pr. No. 2415) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for conditions subject to which policies are to be issued; and providing for health insurance coverage for certain children of insured parents.

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 Centre, Senator Corman.

Senator CORMAN. Mr. President, this bill is an attempt to target one of the largest populations of the uninsured here in Pennsylvania, young people between the ages of 18 and 35. This bill would affect those under the age of 30. Right now, if you are single and over the age of 18 and not in college, you cannot get on your parents' insurance plan. This would allow that to go up to the age of 29, just to allow those who may still not be in the employment market yet and trying to figure out where they can get health insurance, this will allow them, at their costs, their parents will be able to provide that insurance to them. So again, this is not the complete answer, by any stretch of the imagination, for the uninsured, but another tool, so to speak, to allow some part of this population to be able to gain health insurance, which is unavailable to them at this point in time.

Thank you, Mr. President.

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

Senator DINNIMAN. Mr. President, there is another wonderful benefit of this. Recently, parents of children with attention deficit disorder came to see me, and many of these youngsters can only take three courses at a time instead of a full load at a university, but at 23, they are knocked off of their parents' insurance. This will allow them to remain on, so this is another very positive effect of Senator Corman's bill.

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

Senator FERLO. Mr. President, obviously I rise to speak in favor of this legislation. I think it is important to note, however, that it is not any particular windfall. It is basically still an obligation on that family to pay what presumably at some point will be an increased premium on the part of the private health insurance company, when and if they finally figure out what the actual cost and the risk is to them.

In the previous bill, I also support the COBRA obligation. I think both of these bills are bills that were initially introduced by Senate Democratic colleagues. What I do want to characterize, though, with all due respect, even though I voted in the affirmative on this and in support of an expanded role for community health clinics, which is the third leg of this stool, is the attempt by the Republican Majority to kind of cherry-pick healthcare reforms and nip away at an issue and a substantive problem facing so many Pennsylvanians, both more than 1.2 million of the uninsured as well as many more who are insured but have inadequate insurance.

So I believe that we have an obligation to try to improve the lot that we represent, but I do have a concern about the kind of, as I described, cherry-picking of the process, not dealing fundamentally and substantively with the fundamentals of the lack of affordability and availability of health insurance. As you know,

I have a single-payer plan in concept which would actually eliminate the role of the profiteers in the healthcare industry in our State and would set up a more fundamental approach.

So while we continue to cherry-pick around this issue, and it is a counterbalance, as well, to a substantive debate that this Legislature and this Senate needs to have on Governor Rendell's proposal for expanded adultBasic, it just seems like we are doing this in a piecemeal approach, albeit something that the Majority on both sides of the aisle supports. But I hope and pray that at some point we can get to brass tacks and deal fundamentally and in a principled manner with the healthcare crisis that we face, not only in our nation but certainly within our Commonwealth.

Thank you, Mr. President.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, I thank the gentleman from Allegheny County for his support on the legislation. One person may refer to it as cherry-picking, and others may refer to it as targeting. We have taken a long, hard look at the uninsured population and tried to come up with some products that are targeting those who are uninsured and develop products that may benefit some. Again, this is not an end-all answer by any stretch of the imagination for the uninsured, but just another tool to allow some portion of that population to be able to gain insurance.

There is still more work to be done, but we think it is a better approach to target those populations who are uninsured, and particularly the young people who make up the vast majority of the uninsured, and come up with different products that they may be able to access to get insurance without necessarily developing a whole new plan that can be extremely costly to the taxpayers.

So this is a long way from over. There is a lot more to be done on this issue, and we are going to continue to work on it, but I guess I would just like to use the word "target" as opposed to "cherry-picking," targeting those who are uninsured and trying to come up with products that some may be able to access and come up with others that others may be able to access.

Thank you, Mr. President.

And the question recurring,
Shall the bill pass finally?

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

YEA-50

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

NAY-0

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

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

BILL ON SECOND CONSIDERATION
REREPORTED FROM COMMITTEE
AS AMENDED REREFERRED

HB 2525 (Pr. No. 4434) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 7, 1982 (P.L.784, No.225), known as the Dog Law, further providing for definitions, for issuance of dog licenses, for applications for dog licenses, for license certificates, for kennels, for requirements for kennels, for out-of-State dealer license, for bills of sale, for revocation, suspension or refusal of kennel licenses, for transportation of dogs, for health certificates for importation, for inspections of premises and dogs and for additional duties of department; providing for refusal of entry and for the Canine Health Board; further providing for seizure and detention of dogs, for confinement of dogs, for dog bites, for registration, for certain requirements, for control of dangerous dogs, for public safety, for selling, bartering or trading dogs, for damages caused by coyotes, for burdens of proof, for enforcement and for violations; providing for exemption; further defining "releasing agency"; and making editorial changes.

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

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.

NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

MEMBER OF THE STATE HORSE
RACING COMMISSION

June 5, 2008

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John B. (Jeb) Hannum III, 545 Upland Road, Kennett Square 19348, Chester County, Nineteenth Senatorial District, for appointment as a member of the State Horse Racing Commission, to serve for a term of three years and until his successor is appointed and qualified, vice Larry Kent, Ardmore, resigned.

EDWARD G. RENDELL
Governor

