

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, OCTOBER 7, 2008

SESSION OF 2008 192ND OF THE GENERAL ASSEMBLY

No. 63

SENATE

TUESDAY, October 7, 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 GARRETT D. DORSEY, of Saint Ursula Parish, Allison Park, offered the following prayer:

We lift our hearts in prayer.

O God of many blessings, we are grateful for the gifts of wise counsel and understanding You have shared among the Members of this body. We are always ready to thank You for the gifts entrusted to our Commonwealth, guided and enhanced by the mutual actions of those who strive here as they look to the common good of our fellow citizens. Grant to all, in these closing days, help to accomplish their good purposes, conducting the tasks before them with satisfaction.

Following the guidance of the lawgiver Moses, we pray the Lord bless you and keep you, the Lord smile upon you and be gracious to you, the Lord look upon you with kindness, grant you peace. Amen.

The PRESIDENT pro tempore. The Chair thanks Father Dorsey, who is the guest today of Senator Orie.

PLEDGE OF ALLEGIANCE

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

HOUSE MESSAGES

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 684** and **SB 1503**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT pro tempore. Pursuant to Senate Rule XIV, section 6, the bills will be referred to the Committee on Rules and Executive Nominations.

HOUSE BILLS FOR CONCURRENCE

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

October 7, 2008

HB 61 -- Committee on Banking and Insurance.

HB 2011 -- Committee on Consumer Protection and Professional Licensure.

HB 2176 -- Committee on Transportation.

HB 2275 -- Committee on Labor and Industry.

HB 2600 -- Committee on Urban Affairs and Housing.

LEGISLATIVE LEAVE

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 Greenleaf.

The PRESIDENT pro tempore. Senator Pileggi requests a temporary Capitol leave for Senator Greenleaf. Without objection, the leave will be granted.

LEAVE OF ABSENCE

Senator PILEGGI asked and obtained a leave of absence for Senator WONDERLING, for today's Session, for personal reasons.

SPECIAL ORDER OF BUSINESS JOURNALS APPROVED

The PRESIDENT pro tempore. The Journals of the Sessions of September 18, 2008, and September 22, 2008, are now in print.

The Clerk proceeded to read the Journals of the Sessions of September 18, 2008, and September 22, 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-49

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	Wozniak
Erickson	McIlhinney	Scarnati	
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.

**SPECIAL ORDER OF BUSINESS
GUEST OF SENATOR JANE C. ORIE
PRESENTED TO THE SENATE**

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

Senator ORIE. Mr. President, it is an honor to introduce Judith Olson from my district, who is a nominee for the Allegheny County Court of Common Pleas here today, and hopefully will be confirmed later this afternoon.

The PRESIDENT pro tempore. Would the guest of Senator Orie please rise for a warm welcome.

(Applause.)

**GUEST 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 pleasure to introduce our guest Page for today, Alissa Vining, from East Coventry Township, Chester County, who is a fifth grader at East Coventry Elementary School and who likes all kinds of activities. She is in chorus, she is in band, she is on the softball team, and how she became interested in becoming a guest Page is that she was up here on a trip with her school and thought that this was something that she would like to do and asked if she could be a guest Page.

So, Mr. President, I hope we can give her a warm welcome.

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

(Applause.)

**GUESTS OF SENATOR ROBERT T. REGOLA
PRESENTED TO THE SENATE**

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Westmoreland, Senator Regola.

Senator REGOLA. Mr. President, it is truly an honor and a privilege for me to introduce several special guests who are in the gallery today.

First, I would like to introduce a man who has been my hero and true inspiration. He stood by me during the best of times and when times were difficult. It is with great admiration and appreciation that I introduce my father, Robert Regola, Jr.

Accompanying him is my favorite aunt, Aunt Susan, my dad's sister; and my oldest son, Bobby IV, who is in college studying political science.

However, the main guest with my family is a man who has traveled all the way from Punte DeLingo, Italy, to be here. It is with great respect that I introduce my cousin, Paolo Clementi.

Mr. President, I ask the Senate to give its usual warm welcome to the members of my family. Thank you.

The PRESIDENT pro tempore. Would the guests of Senator Regola please rise to be recognized.

(Applause.)

**GUESTS OF SENATOR PATRICK M. BROWNE
ON BEHALF OF SENATOR ROBERT C.
WONDERLING PRESENTED TO THE SENATE**

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

Senator BROWNE. Mr. President, on behalf of Senator Wonderling, I want to introduce several interns who are working for Senator Wonderling in his district operations who are with us today.

We have Justina Grabowski, a senior at Lehigh University focusing on political science and environmental policy; Jason Tosches, a senior at Moravian College focusing on political science as a major; Mozella McClendon, who is working out of Senator Wonderling's Northampton County office and is at East Stroudsburg University majoring in political science; and Steven Mandel, who is a finance major and a senior at Lehigh University. Please give them a warm Senate welcome.

The PRESIDENT pro tempore. Would the guests of Senator Browne and Senator Wonderling please rise for a warm welcome.

(Applause.)

**GUESTS OF SENATOR JOHN R. PIPPY
PRESENTED TO THE SENATE**

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

Senator PIPPY. Mr. President, it is always a pleasure to be able to introduce individuals who have an interest in government and have a passion for making the world a better place. Today I have two interns who are working in my district office in Moon Township.

I have Maria Osinski. Maria is currently a senior at the University of Pittsburgh, majoring in legal studies and political science and minoring in history. She is a manager at The Pitt News, a member of the student government board, and a member of Alpha Kappa Psi. After graduation, she plans on attending law school. Maria is the daughter of Robert and Nancy Osinski from Turtle Creek, Pennsylvania.

With us also from my Mount Lebanon office is Rachel McGowan. Rachel is currently a junior at Duquesne University, majoring in political science and English. She is a member of the Duquesne University women's tennis team, a member of Phi Eta Sigma, the National Honor Society, and Pi Sigma Alpha, the political science honor society. Rachel is the daughter of Richard and Melinda McGowan from Canfield, Ohio.

They are seated in the gallery. They have done a great job in my office, and we are very happy to have them here with us today.

The PRESIDENT pro tempore. Would the guests of Senator Pippy please rise for a Senate welcome.
(Applause.)

GUESTS OF SENATOR ROBERT D. ROBBINS PRESENTED TO THE SENATE

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Mercer, Senator Robbins.

Senator ROBBINS. Mr. President, today I have the pleasure of introducing Dominik Pflieger and Kathryn Ammann, who are serving as guest Pages in the Senate. Dominik and Kathryn, both eighth grade students, attend St. Michael School in Greenville, Mercer County.

Dominik is the son of Derrek and Heather Pflieger of Jamestown. He is a member of the school's varsity basketball team and soccer team.

Kathryn is the daughter of Steven and Mary Ammann of Fredonia. She is a cheerleader and a member of the school's girls' basketball team. She participates in National History Day, EQUATIONS Academic Games, Pennsylvania Junior Academy of Science, and the English Festival at Youngstown State University. She is a lector for her church, and her hobby is dancing.

Dominik and Kathryn are accompanied here today by their teacher, Mrs. Nancy Kremm, and Dominik's mother, Mrs. Heather Pflieger.

Mr. President and fellow Members, please join me in welcoming my special guests to the Senate of Pennsylvania.

The PRESIDENT pro tempore. Would the guests of Senator Robbins please rise for a Senate welcome.

(Applause.)

GUESTS OF SENATOR GIBSON E. ARMSTRONG PRESENTED TO THE SENATE

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Lancaster, Senator Armstrong.

Senator ARMSTRONG. Mr. President, in the gallery I have my sister, Jean Anderson, who after 32 years decided to come up and visit the Chamber. She only has one more day to go. So she is squeezing it in on the next to last day of the Session.

With her is Joyce Nuss, Ann Gomez, and Kay Gallagher. Joyce and Ann are also close personal friends of Senator James Rhoades, and I ask that we give them a warm Senate welcome.

The PRESIDENT pro tempore. Would the guests of Senator Armstrong please rise for a Senate welcome.

(Applause.)

GUESTS OF SENATOR JANE C. ORIE PRESENTED TO THE SENATE

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

Senator ORIE. Mr. President, today I have students here from Deer Lakes High School. They are Victoria Trapanick, Danielle Rupprecht, Alexa Vercelli, Samantha Jenkins, Emily O'Toole, and Gale Foster, their school advisor. Also with them is Sharon Maxwell, the Allegheny County Anti-Tobacco School Program Facilitator. I ask my colleagues to join me in giving them a warm welcome.

The PRESIDENT pro tempore. Would the guests of Senator Orie please rise for a Senate welcome.
(Applause.)

GUESTS OF SENATOR MICHAEL BRUBAKER PRESENTED TO THE SENATE

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

Senator BRUBAKER. Mr. President, it is a privilege of mine to introduce four friends who are here to talk to Members of the General Assembly today about the importance of dentistry and how important it is that we here in the General Assembly recognize that profession and make sure that our laws and work here work in concert and are complementary to their ability to continue to practice in the great Commonwealth of Pennsylvania. With us today is Dr. Charles Fields, Dr. John Gustafson, Bill Spruill, and Tad Glossner.

The PRESIDENT pro tempore. Would the guests of Senator Brubaker please rise for a Senate welcome.

(Applause.)

GUESTS OF SENATOR CONSTANCE WILLIAMS PRESENTED TO THE SENATE

The PRESIDENT pro tempore. The Chair recognizes the gentlewoman from Montgomery, Senator Connie Williams.

Senator C. WILLIAMS. Mr. President, I was hoping to introduce to you today Kim Jackson, who is an intern in my King of Prussia office. We expect her. She is taking the train, and there seems to be a delay. I want to recognize her today. She is a senior at Villanova University majoring in communications and minoring in English, which is what I did, and it prepared me very well for this job. Kim expects to graduate in May 2009. I hope she will get up here soon so she can see what we do and we can inspire her for a career in public service. Thank you.

The PRESIDENT pro tempore. We look forward to her coming. Thank you, Senator Williams.

The PRESIDING OFFICER (Senator Jane C. Orie) in the Chair.

CALENDAR

SECOND CONSIDERATION CALENDAR

HB 1723 CALLED UP OUT OF ORDER

HB 1723 (Pr. No. 4507) -- Without objection, the bill was called up out of order, from page 7 of the Second Consideration Calendar, by Senator PILEGGI, as a Special Order of Business.

BILL ON SECOND CONSIDERATION, AMENDED

HB 1723 (Pr. No. 4507) -- 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; designating the Newtown 413 Bypass as the Officer Gregg

Memorial Bypass; and designating the Walnut Street Bridge in the City of Johnstown, Cambria County, as the Martin Luther King, Jr., Memorial Bridge.

On the question,

Will the Senate agree to the bill on second consideration?

Senator SCARNATI offered the following amendment No. A9729:

Amend Title, page 1, line 3, by inserting after "DESIGNATING": a section of US Route 15 in Tioga Township, Tioga County, as the Senator Roger A. Madigan Highway; designating

Amend Sec. 1, page 2, line 6, by striking out all of said line and inserting:

Section 1. Senator Roger A. Madigan Highway.

(a) Designation.—The new section of US Route 15, opened on October 1, 2008, and beginning at the intersection with State Route 287 in Tioga Township, Tioga County, and extending to the State line with New York, is designated and shall be known as the Senator Roger A. Madigan Highway.

(b) Signs.—The Department of Transportation shall erect and maintain appropriate signs which shall display the name of the highway designated in subsection (a) at each end.

On the question,

Will the Senate agree to the amendment?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Jefferson, Senator Scarnati.

The PRESIDENT pro tempore. Madam President, this amendment designates a new section of U.S. Route 15 from the intersection of Route 287 in Tioga County to the New York border as the Senator Roger A. Madigan Highway.

Madam President, on behalf of the Route 15 Coalition, the Appalachian Thruway Association, and the good people of Tioga County, I am proud to offer this amendment. This particular section of the new limited-access highway is just one of the remaining upgrades to Route 15 that have been underway since the early 1990s and which have been in the planning stages for nearly four decades.

Senator Madigan and I have been continuing to fight for the necessary funding support for the completion of upgrades to Route 15 over the past few years. The progress has been nothing short of remarkable, especially in the tight financial conditions we find ourselves in today.

If I can take a few minutes and detail the scope of the improvements, I would appreciate the indulgence. On the Pennsylvania side of the border, the project involved the design and construction of 5 1/2 miles of four-lane, new limited-access highway, required the construction of 13 bridges, with construction costs well over \$100 million, and required over 33,000 cubic yards of concrete, 5 million pounds of steel rebar, 7 miles of steel beams, and 8,000 truckloads of asphalt. Projects like this one are rare and are becoming more difficult to maintain in our current funding environment, and without champions like Senator Madigan, they are all but impossible to achieve.

We have been fortunate to have the benefit of Senator Madigan's wise counsel as chairman of the Committee on Transportation in the Senate for the past 9 years. Since his time with us in the Senate is winding down, I can think of no more appropriate way to recognize Senator Madigan's steadfast support of trans-

portation issues in Pennsylvania than to adopt this amendment today, while he can be here and enjoy the honor among his colleagues and friends. Thank you.

(Applause.)

The PRESIDING OFFICER. The Chair recognizes the gentleman from Washington, Senator Stout.

Senator STOUT. Madam President, I rise to concur with Senator Scarnati's statements in naming a section of Route 15 in honor of my colleague of many years, Senator Madigan. We both had an opportunity to work together, with my chairmanship of the Senate Democratic Committee on Transportation, and with his Majority chairmanship, we have always been able to work together and not be separated on partisan issues. We have been there because of the roads of Pennsylvania. They are not Democratic roads. They are not Republican roads. They are Pennsylvania roads.

Roger always worked to support stuff in the best interests. Not only in the Senate Committee on Transportation, but as a member of the State Transportation Commission, he was a long advocate for responsible transportation funding. I see no greater honor than recognizing his many years of service.

Thank you, Roger.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

It was agreed to.

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

LEGISLATIVE LEAVE CANCELLED

The PRESIDING OFFICER. Senator Greenleaf has returned, and his temporary Capitol leave is cancelled.

RECESS

The PRESIDING OFFICER. 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 Republican caucus to be held in the Majority Caucus Room. I expect the caucus to last approximately 90 minutes.

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

Senator O'PAKE. Madam President, I ask that the Democrats report to our caucus room immediately.

The PRESIDING OFFICER. For purposes of 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

THIRD CONSIDERATION CALENDAR

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

HB 301 (Pr. No. 4508) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 23 (Domestic Relations) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further defining "hearing officer"; replacing the title "bail commissioner" with "arraignment court magistrate"; further providing for the number of judges in the courts of common pleas, for the Minor Judiciary Education Board, for the course of instruction and examination for certain minor judiciary and for subpoena; and, in registration of sexual offenders, further providing for registration.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEA-49

Armstrong	Fontana	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	Wozniak
Erickson	McIlhinney	Scarnati	
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 REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

HB 347 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

SPECIAL ORDER OF BUSINESS GUEST OF SENATOR WAYNE D. FONTANA PRESENTED TO THE SENATE

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

Senator FONTANA. Mr. President, we have here in our Chamber a special guest who came to Harrisburg today as a supporter and advocate for the ONE Campaign, which we had a news conference on here this afternoon. Harris Wofford served as a Democratic Senator from Pennsylvania from 1991 to 1995, was the fifth president of Bryn Mawr College, and is a well-recognized advocate of national service and volunteering. Mr. Wofford was a former attorney for the U.S. Commission on Civil Rights, a law professor at the University of Notre Dame, and an early supporter of the civil rights movement. Senator Wofford also served as Pennsylvania's Secretary of Labor and Industry. Since his retirement, he has been the CEO of the Corporation for National and Community Service--that is the agency that runs AmeriCorps and other volunteer programs--as well as served on the boards of America's Promise, Youth Service America, and the Points of Light Foundation.

Mr. President, I ask the Senate to give Mr. Wofford a warm reception. Thank you.

The PRESIDENT pro tempore. Would the guest of Senator Fontana please rise.

(Applause.)

CONSIDERATION OF CALENDAR RESUMED THIRD CONSIDERATION CALENDAR RESUMED

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

HB 834 (Pr. No. 4510) -- 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 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 gentlewoman from Philadelphia, Senator Tartaglione.

Senator TARTAGLIONE. Mr. President, for the past three legislative Sessions, I have introduced legislation that would prohibit the use of mandatory overtime for healthcare workers as a staffing solution in hospitals and healthcare facilities. Every day, nurses and other caregivers in hospitals, nursing homes, and State facilities are forced to work past their regularly scheduled shifts. This mandate may come without warning and extend for a few hours or to an entire second shift.

Because mandatory overtime comes with little or no warning, caregivers cannot prepare for the longer shift. They are forced to

work whether or not they are well-rested enough to continue safely, and regardless of their personal and family responsibilities. It is a fact that physical and mental exhaustion can affect one's ability to think clearly and act safely. Truck drivers, airplane pilots, and flight attendants all have restrictions on the number of hours they may work, to protect the public safety. Yet there are no such restrictions for healthcare workers who may be making life-or-death decisions and observations.

Research has demonstrated the link between overtime in healthcare and medical errors. The Institute of Medicine estimated hospital deaths due to medical errors at 44,000 to 98,000 annually, and research has confirmed that long work hours and overtime contribute to medical errors. They found that shift durations of greater than 12 hours were significantly associated with increased errors among nurses. A study by University of Pennsylvania researcher Ann Rogers found that the risk of errors increased when nurses worked overtime or worked more than 40 hours per week. In fact, the risk of error was three times higher when a nurse worked a 12.5-hour shift or longer.

Mr. President, I am concerned for the well-being of our healthcare workers and see their satisfaction and commitment as vital to our State's healthcare needs. But I am more concerned for patients and their families who put their very lives in the hands of our healthcare professionals. Patients deserve the best and safest care they can provide. Many times in the legislative process, we must compromise to move forward. House Bill No. 834 represents such a compromise, and I believe it to be a good step forward.

House Bill No. 834 will help protect patients and caregivers while allowing healthcare facilities to maintain sufficient staff levels in times of need. I wish we could have done more, but I accept this compromise, and I ask my colleagues to support it as well. I would like to thank Senator Gordner and his staff for their work on this issue and commend them for getting this bill before us today. Mr. President, House Bill No. 834 is important to the healthcare professionals and patients of this Commonwealth, and I ask for an affirmative vote.

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-49

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	Wozniak
Erickson	McIlhinney	Scarnati	
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 5 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 420 (Pr. No. 484) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-49

Armstrong	Fontana	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	Wozniak
Erickson	McIlhinney	Scarnati	
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 without amendments.

BILL OVER IN ORDER

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

BILL OVER IN ORDER TEMPORARILY

HB 647 -- Without objection, the bill was passed over in its order temporarily at the request of Senator PILEGGI.

BILL REVERTED TO PRIOR PRINTER'S No.,
ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 747 (Pr. No. 4182) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for deputy Game Commission officers; and providing for a special license and license auction to hunt one elk.

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

MOTION TO REVERT TO PRIOR PRINTER'S No. 3227

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Lancaster, Senator Armstrong.

Senator ARMSTRONG. Mr. President, several months ago, I put an amendment onto House Bill No. 747 which turned out to be a bit controversial, and the reason I did it was I found that these volunteer deputy wildlife conservation officers had almost unlimited powers, unconstitutional powers, so I put an amendment in to limit this, but it caused all kinds of controversy. In fact, my understanding is they turned into lobbyists and started calling all of us complaining about the legislation.

I just want to clarify a few things. First of all, volunteer deputy WCOs, as they are known, are not State employees. They are volunteers who receive a stipend for being out in the woods, supposedly protecting the game. Now, the powers that a volunteer deputy WCO has are unbelievable, and I just want to list a few of those for the record.

A volunteer--and by the way, a volunteer deputy game officer has 1 week of official training. So after 1 week, they go through some other on-the-job training, but then they are given a badge, and they buy a .9 mm weapon. So they are armed, and they have a badge. Under the law in which we gave them the power, they can go on any land--and I am reading from the legislation--they can go on any land or water, outside of buildings, posted or otherwise, in the performance of the officer's duty.

Another thing they can do is stop or inspect or search, at any time, any means of transportation within the Commonwealth. Another: they can inspect or examine or search, at any time, any camp, tent, cabin, trailer, or any means of transportation or its attachment being used, when the officer presents official identification to the person in charge and states the purpose of the inspection. And they can demand and secure an identification from any person. So they can come up to us and ask for identification and not state a reason why they are asking for the identification.

Now, because of this amendment, Senator McIlhinney, who is chairman of the committee, held a hearing and brought to light some of the different issues, and I thank him for that. Basically, Carl Roe, who is the executive director, came before the committee and advocated for the WCOs, but during the interrogation, so to speak, someone asked him about, or he just volunteered about, someone who was DUI. And Carl Roe said, "If a DUI person is going down the road in a rural area and it happens to be that one of our WCOs is there, we have a public safety responsibility to intervene at that point," whereas a member of the committee, Senator Fumo, said, "No, you have the same responsibility as an

individual on the highway, to call it into the police department. That is the problem. Because they have a badge, they think they are a cop." Then he went on to say, "You call the State Police the same way a citizen does. That is not his authority. That is what I'm getting at...you give some of these people a badge and a gun and some authority, and they take it to the next step. That is where the trouble is...they haven't had the training to do that."

Senator Fumo went on to say, "You are, at that point in time, a normal citizen, you're a housewife, driving down the road seeing the same thing. The fact that you have a badge and a gun that lets you protect wildlife does not empower you to turn on your red light and pull the guy over. That is the problem. You can give me that example...which you may think cries out for an affirmative answer and I disagree with you as a civil libertarian. The law does not permit that, but when you have that attitude, I gotta believe that that is being instilled in your officers to some degree."

Then, the chairman of the committee, Senator McIlhinney, said, "I think I have to chime in there. Under that incident, if that person is pulled over, and then takes off, and then the officer pursues, and then somebody gets hurt in an accident. That officer was not trained to make that pull over."

That is exactly what I am getting at. Some of these WCOs have unconstitutional powers to stop and search and come up to you and ask for identification, and some of them actually think they are cops. So that is what my amendment did. But because of the controversy of the amendment, I would like to, by reverting to a prior printer's number, remove the amendment. So I move to revert to prior Printer's No. 3227.

The PRESIDENT pro tempore. Senator Armstrong moves to revert to prior Printer's No. 3227 on House Bill No. 747.

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

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

The PRESIDENT pro tempore. The Senate now has before it House Bill No. 747, Printer's No. 3227.

HB 747 (Pr. No. 3227) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, providing for a special license and license auction to hunt one elk.

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

On the question,
Shall the bill pass finally?

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

YEA-49

Armstrong	Fontana	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	Wozniak
Erickson	McIlhinney	Scarnati	
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

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

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

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1027 (Pr. No. 4340) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEA-49

Armstrong	Fontana	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	Wozniak
Erickson	McIlhinney	Scarnati	
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

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

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

HB 1044 (Pr. No. 3639) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for powers and duties of the Municipal Police Officers' Education and Training Commission and for police training.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEA-49

Armstrong	Fontana	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	Wozniak
Erickson	McIlhinney	Scarnati	
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.

SB 1112 (Pr. No. 2199) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 24, 1976 (P.L.424, No.101), referred to as the Emergency and Law Enforcement Personnel Death Benefits Act, further providing for death benefit eligibility; and repealing certain provisions of the Municipal Police Pension Law and the Municipal Pension Plan Funding Standard and Recovery Act.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEA-49

Armstrong	Fontana	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	Wozniak
Erickson	McIlhinney	Scarnati	
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.

HB 1147 (Pr. No. 1396) -- The Senate proceeded to consideration of the bill, entitled:

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."

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-49

Armstrong	Fontana	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	Wozniak
Erickson	McIlhinney	Scarnati	
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 without amendments.

BILLS OVER IN ORDER

SB 1231 and SB 1455 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL OVER IN ORDER TEMPORARILY

HB 1511 -- Without objection, the bill was passed over in its order temporarily at the request of Senator PILEGGI.

BILLS OVER IN ORDER

SB 1564 and SB 1584 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 1634 (Pr. No. 4003) -- The Senate proceeded to consideration of the bill, entitled:

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.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-49

Armstrong	Fontana	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	Wozniak
Erickson	McIlhinney	Scarnati	
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 without amendments.

BILLS OVER IN ORDER TEMPORARILY

HB 1664 and HB 2188 -- Without objection, the bills were passed over in their order temporarily at the request of Senator PILEGGI.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 2233 (Pr. No. 3498) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-49

Armstrong	Fontana	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	Wozniak
Erickson	McIlhinney	Scarnati	
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 without amendments.

BILL AMENDED

HB 2629 (Pr. No. 3939) -- The Senate proceeded to consideration of the bill, entitled:

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.

On the question,

Will the Senate agree to the bill on third consideration?

Senator VANCE offered the following amendment No. A9645:

Amend Sec. 1 (Sec. 806), page 3, line 8, by inserting after "Code":
and other applicable codes

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 OVER IN ORDER

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

SECOND CONSIDERATION CALENDAR RESUMED

**BILLS REREPORTED FROM COMMITTEE AS
AMENDED ON SECOND CONSIDERATION**

SB 1413 (Pr. No. 2476) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for revocation of habitual offender's license, for driving while operating privilege is suspended or revoked, for permitting violation of title, for homicide by vehicle and for habitual offenders.

Considered the second time and agreed to,

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

HB 2034 (Pr. No. 3198) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the second time and agreed to,

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

HB 2098 (Pr. No. 4511) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 291, HB 1086 and SB 1236 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

HB 1257 (Pr. No. 4344) -- The Senate proceeded to consideration of the bill, entitled:

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

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

BILLS OVER IN ORDER

SB 1290 and SB 1440 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

HB 1543 (Pr. No. 4489) -- 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 expungement of criminal history record.

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

BILLS OVER IN ORDER

SB 1576 and HB 2113 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION, AMENDED

HB 2289 (Pr. No. 4338) -- 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 desecration, theft or sale of venerated objects.

On the question,
Will the Senate agree to the bill on second consideration?
Senator BAKER offered the following amendment No. A9732:

Amend Sec. 1 (Sec. 5509), page 2, line 26, by striking out the bracket before "A"

Amend Sec. 1 (Sec. 5509), page 2, line 27, by striking out "] AN OFFENSE"

Amend Sec. 1 (Sec. 5509), page 3, line 14, by striking out the bracket before "A"

Amend Sec. 1 (Sec. 5509), page 3, line 14, by striking out "] AN OFFENSE"

Amend Sec. 1 (Sec. 5509), page 4, lines 2 through 22, by striking out all of said lines

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

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

It was agreed to.
Ordered, To be printed on the Calendar for third consideration.

BILLS OVER IN ORDER

HB 2343 and HB 2483 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

HB 2722 (Pr. No. 4224) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating the bridges on State Route 830 over Interstate 80 in Washington Township, Jefferson County, as the SFC Michael J. Tully Memorial Bridges.

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

HB 2294 TAKEN FROM THE TABLE

Senator PILEGGI. Mr. President, I move that House Bill No. 2294, Printer's No. 4066, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

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

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to add House Bill No. 1096 to its agenda for the off-the-floor meeting.

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 of a Republican caucus to be held in the Majority Caucus Room. I expect the caucus to last approximately 30 minutes.

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

Senator O'PAKE. Mr. President, in lieu of a caucus, I ask the Democratic Members to gather around the podium here briefly.

The PRESIDENT pro tempore. For the purpose of a Republican caucus, 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.

SPECIAL ORDER OF BUSINESS GUEST OF SENATOR LeANNA WASHINGTON PRESENTED TO THE SENATE

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

Senator WASHINGTON. Mr. President, it is my honor, today, to introduce to my colleagues Ms. Joyce Eubanks, Esquire,

who is up for nomination for the Court of Common Pleas of Philadelphia. She is in the balcony. I ask that we give her a warm welcome.

The PRESIDENT pro tempore. Would the guest of Senator Washington please rise for a Senate welcome.

(Applause.)

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to add Senate Bills No. 740 and 1308 to the agenda for today's meeting.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

HB 647 CALLED UP

HB 647 (Pr. No. 2449) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator PILEGGI.

BILL AMENDED

HB 647 (Pr. No. 2449) -- The Senate proceeded to consideration of the bill, entitled:

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.

On the question,

Will the Senate agree to the bill on third consideration?

Senator WAUGH offered the following amendment No. A9745:

Amend Sec. 506, page 12, line 27, by removing the semicolon after "502(a)(3)" and inserting: and the requirements set forth in either paragraph (2) or (3) of this subsection;

Amend Sec. 506, page 12, line 30, by striking out "and" and inserting: or

On the question,

Will the Senate agree to the amendment?

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

Senator WAUGH. Mr. President, this amendment is a product of negotiation between the individuals who were responsible for promoting this bill. I would like to express my appreciation to, first of all, Representative Civera, whose bill the amendment deals with, and also to our very own Senator Erickson, who was sort of the point person here in the Senate on the bill.

Crane safety is certainly on everyone's mind. It is not unusual, as weeks go by, to see some sort of an accident at a construction site or somewhere on the news, so there is no doubt this is a bill whose time, I am sure, has come. One of the concerns that I have

had all along--and this has been a long process for both Representative Civera and Senator Erickson--has been how crane operation licensure might affect some of our smaller and, in particular, long-operating family crane operations that, maybe, are not necessarily part of some of the larger construction sites but do things like set trusses and do day-to-day jobs for smaller contractors and homeowners around our communities.

This amendment sort of locks in and really locks down a grandfathering clause for some of those more experienced small operators. Again, I express my appreciation to the prime sponsor and Senator Erickson for their consideration in this regard. The amendment is agreed-to, and I ask for the Members' support. Thank you.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

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

HB 1511 CALLED UP

HB 1511 (Pr. No. 4439) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 4 of the Third Consideration Calendar, by Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1511 (Pr. No. 4439) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in juvenile matters, adding definitions; further providing for notice and hearing, for other basic rights and for adjudications of juveniles.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEA-49

Armstrong	Fontana	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	Wozniak
Erickson	McIlhinney	Scarnati	
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.

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 of a meeting of the Committee on Consumer Protection and Professional Licensure to be held in the Rules room.

The PRESIDENT pro tempore. For the purpose of a meeting of the Committee on Consumer Protection and Professional Licensure to be held in the Rules room, 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.

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 Punt, and a legislative leave for Senator Piccola.

The PRESIDENT pro tempore. Senator Pileggi requests a temporary Capitol leave for Senator Punt, and a legislative leave for Senator Piccola.

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

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

The PRESIDENT pro tempore. Senator O'Pake requests a legislative leave for Senator Mellow.

Without objection, the leaves will be granted.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

HB 1664 CALLED UP

HB 1664 (Pr. No. 4341) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 4 of the Third Consideration Calendar, by Senator PILEGGI.

BILL AMENDED

HB 1664 (Pr. No. 4341) -- 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 theft of leased property.

On the question,

Will the Senate agree to the bill on third consideration?

Senator RAFFERTY offered the following amendment No. A9678:

Amend Title, page 1, line 3, by removing the period after "property" and inserting: ; and, in wiretapping and electronic surveillance, further providing for disclosure of contents and for expiration of chapter.

Amend Bill, page 2, by inserting between lines 10 and 11:

Section 2. Section 5742 heading and (a) introductory paragraph of Title 18 are amended, subsection (a) is amended by adding a paragraph and the section is amended by adding subsections to read:

§ 5742. Disclosure of contents and records.

(a) Prohibitions.—Except as provided in subsection (b) and (c):

(3) A person or entity providing an electronic communication service or remote computing service to the public shall not knowingly divulge a record or other information pertaining to a subscriber to, or customer of, the service.

(c) Exceptions for disclosure of records or other information.—A person or entity may divulge a record or other information pertaining to a subscriber to, or customer of, the service if any of the following paragraphs apply:

(1) A record or other information may be divulged incident to any service or other business operation or to the protection of the rights or property of the provider.

(2) A record or other information may be divulged to any of the following:

(i) An investigative or law enforcement official as authorized in section 5743.

(ii) The subscriber or customer upon request.

(iii) A third party, upon receipt from the requester of adequate proof of lawful consent from the subscriber to, or customer of, the service to release the information to the third party.

(iv) A party to a legal proceeding, upon receipt from the party of a court order entered under subsection (c.1). This subparagraph does not apply to an investigative or law enforcement official authorized under section 5743.

(3) Notwithstanding paragraph (2), a record or other information may be divulged as authorized by a Commonwealth statute or as authorized by a Commonwealth regulatory agency with oversight over the person or entity.

(4) Subject to paragraph (2), a record or other information may be divulged as authorized by Federal law or as authorized by a Federal regulatory agency having oversight over the person or entity.

(c.1) Order for release of records.—

(1) An order to divulge a record or other information pertaining to a subscriber or customer under subsection (c)(2)(iv) must be approved by a court presiding over the proceeding in which a party seeks the record or other information.

(2) The order may be issued only after the subscriber or customer received notice from the party seeking the record or other information and was given an opportunity to be heard.

(3) The court may issue a preliminary order directing the provider to furnish the court with the identity of or contact information for the subscriber or customer if the party does not possess this information.

(4) An order for disclosure of a record or other information shall be issued only if the party seeking disclosure demonstrates specific and articulable facts to show that there are reasonable grounds to believe that the record or other information sought is relevant and material to the proceeding. In making its determination, the court shall consider the totality of the circumstances, including input of the subscriber or customer, if any, and the likely impact of the provider.

Section 3. Sections 5743(c)(1), 5746(a), 5761(b) and 5781 of Title 18 are amended to read:

§ 5743. Requirements for governmental access.

(c) Records concerning electronic communication service or remote computing service.—

[(1) Except as provided in paragraph (2), a provider of electronic communication service or remote computing service may disclose a record or other information pertaining to a subscriber to or customer of the service, not including the contents of communication covered by subsection (a) or (b), to any person other than an investigative or law enforcement officer.]

§ 5746. Cost reimbursement.

(a) Payment.—Except as otherwise provided in subsection (c), an investigative or law enforcement officer obtaining the contents of communications, records or other information under section 5742 (relating to disclosure of contents and records), 5743 (relating to requirements for governmental access) or 5744 (relating to backup preservation) shall reimburse the person or entity assembling or providing the information for such costs as are reasonably necessary and which have been directly incurred in searching for, assembling, reproducing and otherwise providing the information. Reimbursable costs shall include any costs due to necessary disruption of normal operations of any electronic communication service or remote computing service in which the information may be stored.

§ 5761. Mobile tracking devices.

(b) Jurisdiction.—Orders permitted by this section may authorize the use of mobile tracking devices within the jurisdiction of the court of common pleas, and outside that jurisdiction [but within this Commonwealth], if the device is installed within the jurisdiction of the court of common pleas.

§ 5781. Expiration of chapter.

This chapter expires December 31, [2008] 2013, unless extended by statute.

Amend Sec. 2, page 2, line 11, by striking out all of said line and inserting:

Section 4. This act shall take effect as follows:

(1) This section shall take effect immediately.

(2) The amendment of 18 Pa.C.S. § 5781 shall take effect immediately.

(3) The remainder of this act shall take effect in 60 days.

On the question,

Will the Senate agree to the amendment?

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

YEA-48

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

NAY-1

Fumo

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

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

LEGISLATIVE LEAVE CANCELLED

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

HB 2188 CALLED UP

HB 2188 (Pr. No. 4431) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 4 of the Third Consideration Calendar, by Senator PILEGGI.

BILL AMENDED

HB 2188 (Pr. No. 4431) -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,

Will the Senate agree to the bill on third consideration?

Senator O'PAKE, on behalf of Senator A.H. WILLIAMS, offered the following amendment No. A9750:

Amend Sec. 3, page 4, lines 28 through 30, by striking out all of said lines and inserting:

(4) A nonprofit corporation, including a redevelopment authority, which:

(i) except as set forth in subparagraph (ii), is located in the municipality where the building is located; and

(ii) for a building located in a city of the first class, is located in the city and has participated in a project within a one-mile radius of the location of the building.

Amend Sec. 5, page 10, line 6, by inserting after "entity.":

If the property is located in a city of the first class, the nonprofit corporation or entity must be located in the city and must have participated in a project within a one-mile radius of the location of the property.

On the question,

Will the Senate agree to the amendment?

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

YEA-33

Armstrong	Hughes	Orie	Tartaglione
Boscola	Kasunic	Piccola	Tomlinson
Corman	Kitchen	Pileggi	Washington
Costa	LaValle	Pippy	Williams, Anthony H.
Dinniman	Logan	Punt	Williams, Constance
Erickson	Mellhinney	Rafferty	Wozniak
Ferlo	Mellow	Regola	
Fontana	Musto	Stack	
Fumo	O'Pake	Stout	

NAY-16

Baker	Eichelberger	Madigan	Vance
Browne	Folmer	Rhoades	Waugh

Brubaker
Earll

Gordner
Greenleaf

Robbins
Scarnati

White, Donald
White, Mary Jo

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

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

HOUSE MESSAGES

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 263, SB 1028, SB 1107 and SB 1114**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT pro tempore. Pursuant to Senate Rule XIV, section 6, the bills will be referred to the Committee on Rules and Executive Nominations.

HOUSE CONCURS IN SENATE BILLS

The Clerk of the House of Representatives returned to the Senate **SB 884 and SB 1093**, with the information the House has passed the same without amendments.

HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bill for concurrence, which was referred to the committee indicated:

October 7, 2008

HB 2043 -- Committee on Transportation.

BILLS REPORTED FROM COMMITTEE

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

HB 1845 (Pr. No. 4522) (Amended) (Rereported)

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for false reports to law enforcement authorities; in firearms, further providing for ineligibility for possession or dealing, for required licensure, for emergency prohibitions, for licenses, for possession with altered manufacturer's number, for sale or transfer, for Pennsylvania State Police, for altering or obliterating marks of identification, for firearm tracing and for procedure; establishing the Straw Purchase Prevention Education Program and the Straw Purchase Prevention Education Fund; further providing for limitation of actions; and abrogating a regulation.

HB 2499 (Pr. No. 4523) (Amended) (Rereported)

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

HB 2525 (Pr. No. 4524) (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.

SENATE RESOLUTIONS ADOPTED

Senators FONTANA, HUGHES, EARLL, WAUGH, WASHINGTON, BOSCOLA, ERICKSON, M. WHITE, C. WILLIAMS, A. WILLIAMS, DINNIMAN, FERLO, ORIE, STACK, WONDERLING, COSTA, KASUNIC, TARTAGLIONE, BRUBAKER, O'PAKE, GREENLEAF, PILEGGI, RHOADES, FUMO, LAVALLE, MELLOW, MUSTO, RAFFERTY and LOGAN, by unanimous consent, offered **Senate Resolution No. 404**, entitled:

A Resolution recognizing October 16, 2008, as "ONE Campaign Day" in Pennsylvania, in order to raise awareness of the societal impact of poverty.

On the question,
Will the Senate adopt the resolution?

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

Senator FONTANA. Mr. President, the ONE Campaign effort was brought to my attention by the Lieutenant Governor's Office. Catherine Baker Knoll was the first statewide elected official to recognize the ONE Campaign, and she is a strong advocate for its mission. Yesterday, Mr. President, Governor Rendell joined in that advocacy by proclaiming Pennsylvania as a ONE Campaign State, joining five other States in the United States.

Poverty and disease are issues that impact every one of us, particularly in the economy. That is why I am happy to be here to bring some added awareness and focus to an issue that should be at the top of the priority list for all of us in our governments. As a people and a government of the richest people in the world, should we not all be pushing and encouraging all the people in all governments around the world for solutions and remedies to eliminate poverty, hunger, and disease? Should this issue not be part of governments' budgets and government elections? I really think so. That is what the ONE Campaign is all about - heightening everyone's awareness of the millions of people around the world who suffer from poverty, disease, and hunger, and helping to change priorities.

This past week, Mr. President, I received hundreds of e-mails about important issues, but none concerning disease or poverty. I have seen numerous articles and listened to TV broadcasts about the war and the bailout and the trillions of dollars being spent on these things. But when asked, we hear there is not

enough money to feed the hungry, not enough money to prevent and cure disease, and not enough money for healthcare for everyone. It seems to me that something is wrong. It seems to me that we do not have our priorities straight. Should we not be caring for our fellow man's basic needs first, medicine and food?

Obviously, it is going to take a lot of hard work and commitment to change the priorities of some people and many governments. The ONE Campaign is working hard, and it is committed and dedicated to its mission. Congratulations to all the donors, supporters, and volunteers. You are truly hope and inspiration to the sick, the hungry, and the poverty-stricken around the world, and I thank you for what you do.

I was pleased to be able to recognize, Mr. President, the ONE Campaign at a press event earlier today, and through this Senate resolution. It is even more important that I have been joined in this effort by my colleagues, both Republican and Democratic, in the Senate and in the House. I would like to specifically thank Senator Hughes and Senator Earll, as well as Representative Thomas, Representative Kortz, and Speaker O'Brien, for working with me to make this recognition possible.

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.

Senators ROBBINS, BAKER, COSTA, DINNIMAN, EARLL, ERICKSON, FERLO, FONTANA, GORDNER, GREENLEAF, KASUNIC, LAVALLE, LOGAN, O'PAKE, ORIE, PILEGGI, PIPPY, RAFFERTY, STOUT, TOMLINSON and WAUGH, by unanimous consent, offered **Senate Resolution No. 405**, entitled:

A Resolution recognizing the 50th anniversary of the Pennsylvania State Tax Collectors' Association, Inc.

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

Senators C. WILLIAMS, WAUGH, PILEGGI, COSTA, FONTANA, PIPPY, STACK, BOSCOLA, STOUT, BAKER, TARTAGLIONE, ERICKSON, EARLL, KASUNIC, HUGHES, RAFFERTY, BROWNE, MUSTO, LAVALLE, RHOADES, FERLO, FUMO, BRUBAKER, O'PAKE and GREENLEAF, by unanimous consent, offered **Senate Resolution No. 406**, entitled:

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

On the question,

Will the Senate adopt the resolution?

The PRESIDENT pro tempore. The Chair recognizes the gentlewoman from Montgomery, Senator Connie Williams.

Senator C. WILLIAMS. Mr. President, I have some remarks for the record.

The PRESIDENT pro tempore. The remarks will be spread upon the record.

(The following prepared remarks were made part of the record at the request of the gentlewoman from Montgomery, Senator CONNIE WILLIAMS:)

I rise to ask for your support in declaring the month of November as "Hydrocephalus Awareness Month" in Pennsylvania. This is a serious neurological condition that affects an estimated one million Americans, from newborns to senior citizens; 1.5 of every 1,000 newborns; and over 375,000 older Americans, although it often goes undetected for years or is misdiagnosed as dementia, Alzheimer's, or Parkinson's. The majority of cases have an unknown cause, and there is no known cure. The good news is that with appropriate diagnosis and treatment, many patients with this condition can live normal lives.

Why is it critical that we draw attention to this condition? Well, for one, the current standard of treatment was designed in 1952 and involves inserting a shunt into the brain. The treatment carries serious risks of shunt failure, infection, and over-drainage. With more research, diagnosis and treatment will improve vastly, allowing people with this chronic condition to lead better lives.

And the question recurring,

Will the Senate adopt the resolution?

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

Senators GREENLEAF, COSTA, PILEGGI, FERLO, TOMLINSON, ORIE, KASUNIC, O'PAKE, ERICKSON, WASHINGTON, EARLL, BRUBAKER, FONTANA, RHOADES, DINNIMAN, BROWNE, PIPPY, MUSTO, RAFFERTY, LAVALLE and BOSCOLA, by unanimous consent, offered **Senate Resolution No. 407**, entitled:

A Resolution declaring October 26 through November 1, 2008, as "Juvenile Detention Centers Week" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator GREENLEAF. Mr. President, Pennsylvania has 21 secure juvenile detention centers, serving all 67 counties, and these facilities provide 862 beds statewide for over 21,000 admissions. The detention centers provide a stable environment for at-risk youth, both pre-adjudication and post-adjudication. The facilities provide education and programming and insure sufficient opportunities for the growth and development of Pennsylvania's youth.

Hundreds of men and women are dedicated to insuring the proper care and supervision of the youth in these detention centers and are committed to the protection of Pennsylvania's communities. The Juvenile Detention Centers Association of Pennsylvania acts as the sole resource for these facilities, offering education, representation, and support for all of the important services that juvenile detention centers provide Pennsylvania's youth and communities.

I ask that the Senate adopt this resolution declaring October 26 through November 1, 2008, as "Juvenile Detention Centers Week."

And the question recurring,

Will the Senate adopt the resolution?

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

Senators WONDERLING, PILEGGI, RAFFERTY, COSTA, PUNT, TARTAGLIONE, STOUT, BOSCOLA, A. WILLIAMS, C. WILLIAMS, FONTANA, STACK, FERLO, LOGAN, BAKER, KASUNIC, WAUGH, O'PAKE, M. WHITE, ERICKSON, ORIE, PIPPY, DINNIMAN, TOMLINSON, BRUBAKER, GREENLEAF, WASHINGTON and RHOADES, by unanimous consent, offered **Senate Resolution No. 408**, entitled:

A Resolution recognizing the week of October 20 through 24, 2008, as "National Business Women's Week" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator RAFFERTY. Mr. President, I am pleased that my friend and colleague, Senator Wonderling, asked me to introduce a resolution on his behalf. Women-owned businesses throughout the United States account for 28 percent of all the businesses within our country, generating some \$1.15 trillion in sales. And whereas, the women constitute 66 million of the nation's workforce and strive to serve their communities, their States, and their nation in professional, civic, and cultural capacities. President Hoover himself recognized this in 1928 and designated the third week in October as "National Business Women's Week," and I am pleased to offer the resolution here before the Senate and ask for its consideration and adoption.

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.

Senators GREENLEAF, PILEGGI, FERLO, ERICKSON, A. WILLIAMS, RAFFERTY, C. WILLIAMS, PIPPY, FONTANA, DINNIMAN, BOSCOLA, KITCHEN, MUSTO, COSTA, O'PAKE, TARTAGLIONE, TOMLINSON, WONDERLING, KASUNIC, LOGAN, BRUBAKER, EARLL, STACK, M. WHITE, WASHINGTON and LAVALLE, by unanimous consent, offered **Senate Resolution No. 409**, entitled:

A Resolution recognizing October 21, 2008, as "Biomedical Research Day" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator GREENLEAF. Mr. President, the biomedical research community in the United States, especially in this Com-

monwealth and, in particular, my senatorial district, is recognized as the world leader in discovering knowledge that promotes health and the treatment of diseases. Biomedical research has helped increase the lifespan of people in the United States through the development of vaccines, antibiotics, and anti-infective drugs. Biomedical research has contributed to the elimination of many epidemic diseases.

In the United States, biomedical research has helped to prevent numerous childhood killers. Biomedical researchers are working diligently toward cures for diseases such as Alzheimer's disease, arthritis, AIDS, cancer, diabetes, epilepsy, heart and lung diseases, mental illnesses, multiple sclerosis, and countless other diseases that affect millions of people throughout the United States. This research is contributing to the health and well-being of animals through vaccines and has helped the prospects of endangered species by reducing diseases and promoting reproduction. Biomedical research offers the best hope for new breakthroughs in detecting and treating diseases in the future.

I ask the Senate to adopt this resolution recognizing October 21, 2008, as "Biomedical Research Day" in Pennsylvania.

And the question recurring,

Will the Senate adopt the resolution?

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

Senators GREENLEAF, COSTA, PILEGGI, ERICKSON, WASHINGTON, A. WILLIAMS, FONTANA, EARLL, BROWNE, PIPPY, RAFFERTY, FERLO and KITCHEN, by unanimous consent, offered **Senate Resolution No. 410**, entitled:

A Resolution recognizing the Community Partners Center for Health and Human Services as the first nonprofit center in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator GREENLEAF. Mr. President, in October of 2001, the North Penn Community Health Foundation was established with a mission to identify and invest in programs and agencies that will improve the health, welfare, and quality of life of its community. The foundation established the Community Partner Center for Health and Human Services as the first nonprofit center in Pennsylvania to provide professional office space for nonprofit agencies that provide health and human services to local residents.

The building meets the platinum-rating standard for green buildings defined by the Leadership in Energy and Environmental Design (LEED) Green Building Rating System. Through the use of green technology, the foundation created an efficient space for tenants and other community nonprofits, who are encouraged to work together to provide high-quality programs and services in a cost-effective manner.

The Community Partner Center for Health and Human Services provides a comfortable, safe working environment that

fosters collaboration among local nonprofit organizations that offer services in an environment that is respectful of the individuals served.

Mr. President, I ask that the Senate adopt this resolution recognizing this important and first-time leader in this area.

And the question recurring,

Will the Senate adopt the resolution?

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

Senators DINNIMAN, STOUT, WASHINGTON, STACK, BOSCOLA, FERLO, RAFFERTY, LAVALLE, KASUNIC, O'PAKE, FONTANA and WAUGH, by unanimous consent, offered **Senate Resolution No. 411**, entitled:

A Resolution designating the week of October 13 through 19, 2008, as "Free and Accepted Masons Week" and designating October 18, 2008, as "West Chester Lodge No. 322 Day" in Pennsylvania.

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

Senator RHOADES, by unanimous consent, offered **Senate Resolution No. 412**, entitled:

A Resolution designating October 16, 2008, as "Lights on Afterschool! Day" in Pennsylvania.

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 1

BILL AMENDED

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

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

On the question,

Will the Senate agree to the bill on third consideration?

Senator FERLO offered the following amendment No. A9753:

Amend Sec. 2, page 2, by inserting between lines 8 and 9:

"Payday loan." A short-term cash advance of \$3,000 or less that is secured or facilitated by a consumer's personal check that is held for future deposit or by electronic access to the consumer's bank account. The term includes any form of this lending, notwithstanding the presence of some other element introduced to disguise the true nature of the transaction, such as the sale or provision of a good, service or commodity incidental to the advance of funds and notwithstanding the fact that the transaction is conducted in person, by mail, Internet or telephone, or through any other means.

Amend Bill, page 9, by inserting between lines 10 and 11: Section 10.1. Payday loans.

The department shall deny a license under this act to an applicant that offers payday loans.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

Senator COSTA offered the following amendment No. A9563:

Amend Sec. 2, page 1, by inserting between lines 14 and 15:

"Applicant." A person who applies for a license under this act.

"Banking institution." A State-chartered bank, bank and trust company, savings bank or private bank, a national bank, a federally chartered or State-chartered savings association or a subsidiary of any of the foregoing.

Amend Sec. 2, page 1, lines 16 through 18; page 2, lines 1 through 3, by striking out "The term" in line 16 and all of lines 17 and 18, page 1 and all of lines 1 through 3, page 2 and inserting:

"Consumer education program." A detailed and customized education program that:

(1) Is provided to a consumer prior to offering a consumer a debt management services agreement.

(2) Is designed to improve a consumer's ability to manage the consumer's personal and household finances and to otherwise improve the financial literacy of the consumer.

(3) Includes the following, tailored to the needs of the consumer: budgeting, saving, investing, managing debt and maintaining credit-worthiness.

(4) Is not limited to determining whether a consumer will benefit from debt management services, but includes various options and strategies for addressing the consumer's debt problems and may include the provision of services for the purpose of improving a consumer's credit record, credit history or credit rating, but only to the extent that such services are incidental to providing the other elements of the consumer education program.

"Credit counseling agency." A person that provides debt management plan services to consumers, for a fee, contribution or other consideration.

Amend Sec. 2, page 2, lines 5 and 6, by striking out "under a debt management services agreement"

Amend Sec. 2, page 2, line 7, by inserting after "consumer's": personal

Amend Sec. 2, page 2, line 8, by striking out all of said line and inserting:

"Debt settlement services." An action or negotiation made on behalf of a consumer with that consumer's creditors for the purpose of the creditor forgiving part or all of the principal of the debt incurred or credit extended to that consumer. The term shall not include any action taken to convince a creditor to waive any fees or charges.

"Department." The Department of Banking of the Commonwealth.

"Licensee." A person licensed under the provisions of this act.

Amend Sec. 2, page 2, line 11, by striking out "that provides debt management services"

Amend Sec. 3, page 2, lines 14 and 15, by striking out all of said lines and inserting:

(a) Debt management services.—No person may advertise, solicit, state or represent that it can offer, obtain or procure debt management services to or for a consumer or provide debt management services to a consumer unless the person is licensed by the department under this act.

(b) Debt settlement services.—No person may advertise, solicit, state or represent that it can offer, obtain or procure debt settlement services to or for a consumer or provide debt settlement services to a consumer for a fee unless the person is licensed by the department under this act and is operating in accordance with regulations promulgated by the department regarding the conduct of debt settlement services.

Amend Sec. 4, page 2, lines 17 through 30; page 3, lines 1 through 7, by striking out all of said lines on said pages and inserting:

(a) Exemption from act.—This act does not apply to the following

persons:

(1) A banking institution or a federally chartered or State-chartered credit union, if the primary regulator of the banking institution of federally chartered or State-chartered credit union supervises the banking institution or federally chartered or State-chartered credit union.

(2) Judicial officers or persons acting under court order.

(3) Agencies or instrumentalities of Federal, State or local government.

(4) Employees of licensees or exempt persons under this act.

(5) Attorneys who are admitted to the bar of this Commonwealth and provide legal services within an attorney-client relationship who engage in debt management services or debt settlement services within the normal course of legal practice.

(b) Exemption from licensing.—The following persons are not required to be licensed under this act, but must comply with the provisions of this act if they offer, obtain or provide debt management services or debt settlement services:

(1) Certified public accountants who are licensed by the Commonwealth and provide accounting services within an accountant-client relationship.

(2) Title insurance companies licensed under the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, or their agents.

(3) Mortgage lenders, mortgage brokers and mortgage loan correspondents licensed under the provisions of 7 Pa.C.S. Ch. 61 (relating to mortgage loan industry licensing and consumer protection).

Amend Sec. 5, page 4, line 2, by inserting after "The": audited

Amend Sec. 5, page 4, lines 15 through 21, by striking out all of said lines and inserting:

(11) Information regarding the number of the applicant's credit counselors and supervisors or managers with direct supervisory duties of credit counselors who perform the consumer education program who are certified by an independent certifying organization acceptable to the department and a plan to ensure that any of the credit counselors and supervisors or managers with direct supervisory duties of credit counselors who perform the consumer education program who are not certified become certified within six months of the issuance date of the license. A licensee shall notify the department of any change in status regarding the licensee's certified credit counselors, supervisor or managers with direct supervisory duties of credit counselors within ten days of the change.

Amend Sec. 5, page 4, line 28, by striking out all of said line and inserting:

(15) A description of the consumer education program that the applicant provides or intends to provide to consumers along with copies of any written materials used or to be used in the program.

(16) Any other information that the department requires.

Amend Sec. 6, page 5, line 6, by striking out "REGISTRATION" and inserting: license

Amend Sec. 7, page 5, line 11, by striking out "the amount of \$100,000" and inserting: an amount greater than the total amount of Pennsylvania consumer funds that the licensee will hold directly or in trust at any time

Amend Sec. 7, page 6, line 13, by striking out "advance"

Amend Sec. 8, page 7, line 14, by removing the period after "year" and inserting:

on a schedule determined by the department, provided that if a license is issued prior to the beginning of a licensing year, the license shall only be valid until the end of that licensing year, at which time it may be renewed subject to the provisions of this act. In the event that a license is denied, canceled, surrendered, revoked or suspended, no part of the license fee or license renewal fee is subject to rebate.

Amend Sec. 8, page 7, line 20, by striking out "location" and inserting: locations

Amend Sec. 8, page 7, by inserting between lines 22 and 23:

(h) Conditional licenses.—The department may impose conditions on the issuance of any license under this act. If the department determines that conditions imposed upon a license have not been fulfilled, the department may take any action authorized under this act against the licensee that the department deems necessary. In the case of applicants, the department may issue licenses effective immediately upon receipt of an application, which licenses shall be conditional licenses issued under

this subsection.

Amend Sec. 9, page 8, line 8, by inserting after "regulation.": The department shall delineate the requirements for such continuing education by regulation within three years after the effective date of this act.

Amend Sec. 10, page 9, by inserting between lines 10 and 11:

(11) Has failed to maintain the bond required under section 7.

(12) Becomes insolvent, meaning that the liabilities of the applicant or licensee exceed the assets of the applicant or licensee or that the applicant or licensee cannot meet the obligations of the applicant or licensee as they mature or is in such financial condition that the applicant or licensee cannot continue in business with safety to the customers of the applicant or licensee.

(13) Has failed to disburse a consumer's payments to creditors in a timely manner as agreed to under a debt management services agreement for any reason other than the consumer's failure to make the agreed-to payments to the licensee or because such disbursement would constitute a violation of applicable law or an order issued by a court or administrative body of competent jurisdiction.

Amend Sec. 12, page 10, by inserting between lines 2 and 3:

(c) Consumer funds.—A licensee may not hold money from Pennsylvania consumers, either directly or in any trust, in an amount in excess of the bond required under section 7.

Amend Sec. 13, page 10, lines 3 through 13, by striking out all of said lines and inserting:

Section 13. Reports to department.

(a) Annual report.—A licensee shall file an annual report with the department on a date determined by the department setting forth such information as the department shall require concerning the debt management services business conducted by the licensee during the preceding calendar year. The report shall be on a form provided by the department.

(b) Report of enforcement action.—A licensee shall report to the department any enforcement action taken against the licensee by any Federal or State agency. The report shall be filed no later than seven days after the licensee becomes aware of the enforcement action. The licensee shall provide updates to the department as to the status of any enforcement action as required by the department.

(c) Report of failure to remit payments.—In the event that a licensee believes that it may not be able to remit a consumer's payment to a creditor for any reason other than the consumer's failure to provide funds to the licensee, the licensee shall notify the department. The notification shall be filed within one business day of the licensee becoming aware of its inability to make the payment. The notification shall contain any pertinent facts including the reason the licensee believes it may not be able to make the payment and what steps the licensee will take to resolve the situation. The licensee shall provide updates to the department as to the status of the reported matter as required by the department.

(d) Penalty for noncompliance.—A licensee who fails to file an annual report with the department as required by subsection (a) may be subject to a penalty of \$100 for each day after the date that the annual report was required to be filed.

Amend Sec. 14, page 10, lines 20 and 21, by striking out "a consumer who enters into a debt management services agreement" and inserting: the consumer

Amend Sec. 14, page 10, line 22, by inserting after "(i)":

A licensee may only provide debt management services in accordance with a written debt management services agreement entered into between the licensee and the consumer.

Amend Sec. 14, page 10, lines 26 and 27, by striking out all of said lines and inserting:

a good faith determination whether the consumer will benefit from debt management services and an explanation of that benefit. If the analysis determines that the consumer will not benefit from debt management services, the licensee shall not offer debt management services to the consumer.

Amend Sec. 14, page 10, line 30, by inserting after "unless": a certified credit counselor employed by

Amend Sec. 14, page 11, lines 26 through 28, by striking out "The schedule of payments shall include the" in line 26 and all of lines 27 and 28

Amend Sec. 14, page 12, line 30, by inserting after "with": at least

Amend Sec. 14, page 13, lines 4 through 7, by striking out all of

said lines and inserting:

(5) Within two business days of receiving any payment, the licensee shall deposit all payments received from consumers under debt management services agreements into a trust account established for the benefit of the consumers to whom the licensee is furnishing debt management services. All money paid to a licensee by or on behalf of a consumer for distribution to creditors pursuant to a debt management services agreement is held in trust. Any interest earned from money held in trust on behalf of a consumer shall be used for the benefit of the consumer. The trust account shall be in a federally insured depository institution and is subject to the following:

(i) Except as provided in subparagraph (iii), money held in trust by a licensee is not property of the licensee or any designee. The money shall not be available to creditors of the licensee, except for a consumer from whom or on whose behalf the licensee received the money, to the extent the money has not been disbursed to creditors on behalf of the consumer.

(ii) In connection with the trust account, a licensee shall:

(A) maintain separate records of account for each individual to whom the provider is furnishing debt management services; and

(B) disburse money paid by or on behalf of the individual to creditors of the individual as disclosed in the debt management services agreement, except that:

(I) The licensee may delay payment to the extent that a payment by the consumer does not comply with the terms of the debt management services agreement because it is not sufficient to pay designated creditors.

(II) If the debt management services agreement provides for regular periodic payments to creditors, the licensee shall make payments to comply with the due dates established by each creditor.

(III) The licensee may promptly correct any payments that are not made or that are misdirected as result of an error by the licensee or any person in control of the trust account and reimburse the consumer for any costs or fees imposed by a creditor as a result of the licensee's failure to pay a creditor in a timely manner.

(iii) A licensee may commingle money in a trust account established for the benefit of the consumers who have a debt management services agreement or debt settlement services agreement with the licensee and to whom the licensee is furnishing debt management services or debt settlement services. In the event a licensee deposits a consumer's entire payment to the licensee, including both money for disbursement to creditors and fees owed to the licensee, the licensee may accept payment of fees owed to it from the trust. All money in the trust account established for the benefit of consumers however, shall be accounted for separately including an accounting for fees owed to the licensee. No other money shall be deposited into the trust account and the money in the account may only be used for the purposes expressed in this subparagraph.

(iv) A trust account shall at all times have a cash balance equal to the total amount held in all consumer accounts.

(v) The licensee shall reconcile the trust account at least once a month, which shall include reconciling the cash balance in the trust account with the sum of the balances in each consumer account. If the licensee has more than one trust account, each trust account must be individually reconciled.

(vi) If a licensee discovers, or has reasonable suspicion of, embezzlement or other unlawful appropriation of money held in trust, the licensee shall immediately notify the department.

(vii) If a consumer terminates a debt management services agreement with a licensee, the licensee shall promptly refund to the consumer all money paid by or on behalf of the consumer which has not been paid to creditors and interest accrued thereon, less fees that are payable to the licensee as authorized by this act.

Amend Sec. 14, page 13, line 9, by inserting after "manner": based on the availability of the funds

Amend Sec. 14, page 13, line 10, by inserting after "agreement.": In the event that a consumer makes only a partial payment as required by a debt management services agreement, the licensee shall disburse the available funds to creditors prior to the licensee collecting its own fees from the consumer's partial payment. In the event that a consumer fails to resolve any scheduled payment deficiency within 45 days of the deficiency occurring, a licensee may terminate the debt management

services agreement in accordance with the agreement.

Amend Sec. 14, page 13, lines 11 through 18, by striking out all of said lines and inserting:

(7) The licensee or any business entity in which any director, owner, officer, employee or principal of the licensee, or any member of such person's immediate family as defined in 65 Pa.C.S. § 1102 (relating to definitions), has an equitable, beneficial or other ownership interest shall not purchase any debt or obligation of a consumer.

(8) The licensee or any business entity in which any director, owner, officer, employee or principal of the licensee, or any member of such person's immediate family as defined in 65 Pa.C.S. § 1102, has an equitable, beneficial or other ownership interest shall not lend money or provide credit to a consumer.

(9) The licensee or any business entity in which any director, owner, officer, employee or principal of the licensee, or any member of such person's immediate family as defined in 65 Pa.C.S. § 1102, has an equitable, beneficial or other ownership interest shall not offer or provide credit insurance to a consumer.

(10) The licensee or any business entity in which any director, owner, officer, employee or principal of the licensee, or any member of such person's immediate family as that term is defined in 65 Pa.C.S. § 1102, has an equitable, beneficial or other ownership interest shall not obtain a mortgage or other security interest in the property of a consumer.

Amend Sec. 14, page 14, line 3, by inserting after "licensee": or any business entity in which any director, owner, officer, employee or principal of the licensee, or any member of such person's immediate family as defined in 65 Pa.C.S. § 1102, has an equitable, beneficial or other ownership interest,

Amend Sec. 14, page 14, lines 6 through 8, by striking out all of said lines and inserting:

(17) The licensee shall not directly or indirectly accept, offer, pay, provide, give or receive any gift, bonus, premium, reward or any other compensation to or from any person, including, but not limited to, any for-profit parent, subsidiary or the affiliate of any licensee and any entity whether or not legally recognized by the Commonwealth for business purposes that provide debt management services for referring a consumer to the licensee or to another licensee or person.

Amend Sec. 14, page 14, line 9, by inserting after "licensee": , or any business entity in which any director, owner, officer, employee or principal of the licensee, or any member of such person's immediate family as that term is defined in 65 Pa.C.S. § 1102, has an equitable, beneficial or other ownership interest,

Amend Sec. 14, page 14, lines 13 through 19, by striking out all of said lines and inserting:

(19) A licensee shall not, except as provided in this section, initiate a transfer to or from an individual's account at a financial institution or with another person unless the transfer is one of the following:

(i) a return of money to the individual's account; or

(ii) before termination of debt management services, properly authorized by the debt management services agreement and this section and for either of the following:

(A) payment to one or more creditors pursuant to a debt management services agreement; or

(B) payment of a fee permitted by this act and as part of a debt management services agreement.

Amend Sec. 14, page 15, line 7, by striking out "an independent contractor" and inserting: any person who is not licensed pursuant to this act and to whom this act is applicable

Amend Sec. 14, page 15, line 14, by removing the period after "agreements" and inserting:

or the amount of debt included in a debt management services agreement.

(25) A licensee shall maintain a communications system, staffed at a level that reasonably permits inquiring persons and clients to individually speak and discuss with counselors or a customer services representative of the licensee during regular business hours.

Amend Sec. 15, page 15, line 17, by inserting after "consumer": , provided that the consultation includes a consumer education program

Amend Sec. 15, page 15, line 21, by striking out "remaining" and inserting: initially included

Amend Sec. 15, page 15, line 22, by striking out "for that month"

Amend Sec. 15, page 15, lines 24 through 30; page 16, lines 1 through 8, by striking out all of said lines on said pages and inserting:

(c) Insufficient funds fee.—A licensee may collect a fee for a subsequent dishonored check or instrument taken in payment, not to exceed the service charge permitted to be imposed under 18 Pa.C.S. § 4105 (relating to bad checks).

(d) Actual costs.—A licensee may charge a consumer for the actual cost in requesting the consumer's credit report.

(e) Contributions prohibited.—A licensee shall not require or accept any contribution from a consumer on a debt management plan for services regulated pursuant to this act unless otherwise restricted by regulations promulgated by the department pursuant to this act.

(f) Education or counseling fee.—A licensee may not charge a consumer who enters into a debt management services agreement any fee for providing education or counseling. In the event that a consumer receives education or counseling from a licensee subject to a fee or charge without entering into a debt management services agreement and subsequently enters into a debt management services agreement with the licensee within four months of beginning the education or counseling, the licensee shall refund the fee charged for the education or counseling.

(g) Fees subject to debt management plan agreement.—A licensee may not impose charges or receive payment for debt management services until the licensee and the consumer have signed a debt management services agreement.

(h) No other fees permitted.—A licensee shall not charge a consumer any fees other than those described in this section or by regulation promulgated by the department for services regulated pursuant to this act.

(i) Fee limits.—For the 12-month period beginning with the effective date of this act, and annually thereafter, the fee limits provided in this section shall be increased by the percentage of change, if any, in the Consumer Price Index for All Urban Consumers for the Pennsylvania, New Jersey, Delaware and Maryland area for the most recent 12-month period for which figures are officially reported by the United States Department of Labor, Bureau of Labor Statistics, immediately prior to the date the adjustment is due to take effect, but in no event shall deflation result in a negative cost-of-living adjustment.

Amend Sec. 16, page 16, by inserting between lines 17 and 18:

(c) Unfair trade practices.—A person who engages in the business of offering, soliciting or providing debt management services or debt settlement services without being licensed under or exempt from the licensing provisions of this act, or is otherwise in violation of this act in any way, shall be in violation of the act of December 17, 1968 (P.L. 1224, No. 387), known as the Unfair Trade Practices and Consumer Protection Law.

Amend Sec. 17, page 16, line 19, by inserting after "shall": have the authority to

Amend Sec. 17, page 16, lines 20 through 28, by striking out all of said lines and inserting:

(1) Examine any instrument, document, account, book, record or file of a licensee or any person having a connection to the licensee or make other investigation as may be necessary to administer the provisions of this act. The examination may include documents, accounts, books or records that relate to the operation of the licensee that are in the possession of an affiliate, subsidiary or other business entity. Pursuant to this authority, the department may remove any instrument, document, account, book, record or file of a licensee or person to a location outside of the licensee's or person's office location. The examination may be conducted without prior notice to the licensee or person and the costs of the examination shall be borne by the licensee or person subject to the examination.

Amend Sec. 17, page 17, line 17, by inserting after "act": and the proper conduct of licensees under this act

Amend Sec. 17, page 17, line 18, by inserting after "person": or licensee

Amend Sec. 17, page 17, line 21, by inserting after "person": or licensee

Amend Sec. 17, page 17, line 22, by inserting after "act": or to refund fees collected in violation of this act

Amend Sec. 17, page 17, by inserting between lines 28 and 29:

(9) Provide the following on its Internet website:

(i) Information for licensees on the provisions of this act.

(ii) Information for consumers regarding the protections of this act.
(iii) Information on filing consumer complaints, including a toll-free telephone number.

(iv) A list of current licensees.

(10) Except for the information specified in section 5(7), make the information collected under section 5 available to the public upon request to the department pursuant to the act of February 14, 2008 (P.L. 6, No. 3), known as the Right-to-Know Law.

Amend Sec. 20, page 18, line 22, by striking out "and" and inserting: , who is not then acting in violation of 18 Pa.C.S. § 7312 (relating to debt pooling) and who

Amend Bill, page 18, by inserting between lines 27 and 28: Section 21. Exemption from other statutes.

A licensee under this act shall not be subject to the provisions of the act of September 2, 1965 (P.L. 490, No. 249), referred to as the Money Transmission Business Licensing Law, to the extent that the licensee transmits money pursuant to the terms of a debt management services or debt settlement services agreement.

Section 48. Applicability.

The provisions of this act shall apply to:

(1) Any debt management services agreement or debt settlement services agreement which is:

(i) negotiated, offered or otherwise transacted within this Commonwealth, in whole or in part, whether by the licensee or any other person;

(ii) made or executed within this Commonwealth after the effective date of this act; or

(iii) notwithstanding the place of execution, entered into with a resident of this Commonwealth.

(2) Any person who engages in debt management services or debt settlement services in this Commonwealth.

Amend Sec. 50, page 19, line 3, by striking out "60" and inserting: 120

On the question,

Will the Senate agree to the amendment?

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

Senator COSTA. Mr. President, I offer and speak in support of amendment No. 9563, and ask my colleagues to join me in adopting this measure.

Mr. President, this amendment is the product of significant discussions between my office and the offices of Senator Browne as well as Senator Greenleaf, Senator Stack, and Senator Fumo. The amendment is also a product of our collective work with the nonprofit consumer credit counseling agencies in this Commonwealth and with the Department of Banking. The amendment provides significant consumer protections by establishing a regulatory framework administered by the Department of Banking over agencies, both nonprofit and for-profit, that will provide these services to consumers.

Mr. President, currently, there is no requirement to be licensed to offer debt management services or debt settlement services in Pennsylvania. The legislation will require that those offering these types of services be licensed, bonded, and certified. Further, the bill offers significant enforcement powers to the Department of Banking as well as remedies for aggrieved persons. The bill also sets limitations on fees a consumer may be charged. This, Mr. President, is a very important consumer protection change to the law, as there are currently no limitations on fees that a consumer may be charged by these agencies. I ask my colleagues to join me in supporting this amendment.

Thank you, Mr. President.

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

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

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 of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room.

The PRESIDENT pro tempore. For the purpose of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room, 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 COMMITTEES

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

HB 2200 (Pr. No. 4526) (Amended) (Rereported)

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for director of operations, secretary, employees and consultants; repealing provisions relating to office of trial staff; further providing for bureaus and offices; providing for other bureaus, offices and positions; further providing for electric utility definitions; providing for energy efficiency and conservation program and for energy efficiency and conservation; further providing for duties of electric distribution companies and for market power remediation; and providing for procurement, for additional alternative energy sources and for carbon dioxide sequestration network.

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

SB 684 (Pr. No. 2475) (Rereported) (Concurrence)

An Act providing for child death review.

SB 740 (Pr. No. 2488) (Amended) (Rereported) (Concurrence)

An Act authorizing certain lands in Centre County to be conveyed; authorizing the Borough of Old Forge, Lackawanna County, to transfer, sell and convey certain Project 70 lands free of restrictions imposed by the Project 70 Land Acquisition and Borrowing Act; authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the Philadelphia Regional Port Authority certain lands situate in the 39th Ward of the City of Philadelphia; and providing for Commonwealth ownership of submerged lands; and 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.

SB 1114 (Pr. No. 2489) (Amended) (Rereported) (Concurrence)

An Act designating the scenic view adjacent to State Route 40 in Wharton Township, Fayette County, as the "Blue Star Point Lookout"; designating the portion of US Route 20, known as West 26th Street, in Millcreek Township, Erie County, from Peninsula Drive to Powell Avenue as the John W. Groters Memorial Highway; designating a portion of Cottman Avenue (Route 73), Burholme Section, City of Philadelphia, as the Police Sergeant Stephen Liczbinski Memorial Highway; designating the bridge on State Route 259 dividing Bolivar Borough and Fairfield Township, Westmoreland County, as the Glenn McMaster Memorial Bridge.

SB 1225 (Pr. No. 2413) (Rereported) (Concurrence)

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, providing for mutual aid.

SB 1308 (Pr. No. 2416) (Rereported) (Concurrence)

An Act authorizing the Pennsylvania Fish and Boat Commission to grant and convey to Solebury Township, certain lands situate in Solebury Township, Bucks County; and authorizing the Department of General Services, with the approval of the Governor, to convey a certain easement in the City of Philadelphia.

SB 1503 (Pr. No. 2474) (Rereported) (Concurrence)

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.

HB 1096 (Pr. No. 4527) (Amended) (Rereported) (Concurrence)

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for definitions; establishing the Uniform Construction Code Review and Advisory Council; and further providing for revised or successor codes, and for training of inspectors.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 3

SENATE CONCURS IN HOUSE AMENDMENTS

SB 684 (Pr. No. 2475) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for child death review.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 684?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 684.

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-49

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	Wozniak
Erickson	McIlhinney	Scarnati	
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

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

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

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1225 (Pr. No. 2413) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, providing for mutual aid.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1225?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1225.

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-49

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	Wozniak
Erickson	McIlhinney	Scarnati	
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

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

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

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1308 (Pr. No. 2416) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Pennsylvania Fish and Boat Commission to grant and convey to Solebury Township, certain lands situate in Solebury Township, Bucks County; and authorizing the Department of General Services, with the approval of the Governor, to convey a certain easement in the City of Philadelphia.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1308?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1308.

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-49

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	Wozniak
Erickson	McIlhinney	Scarnati	
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

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

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

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1503 (Pr. No. 2474) -- 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.

On the question,
Will the Senate concur in the amendments made by the House to Senate Bill No. 1503?

Senator PILEGGI. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1503.

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-49

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	Wozniak
Erickson	McIlhinney	Scarnati	
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

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

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

REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

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

JUDGE, COURT OF COMMON PLEAS, ALLEGHENY COUNTY

September 24, 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, Judith Ference Olson, Esquire, 2507 Birchwood Court, Wexford 15090, Allegheny County, Fortieth Senatorial District, for appointment as Judge, Court of Common Pleas, Allegheny County, to serve until the first Monday of January 2010, vice The Honorable Eugene F. Scanlon, Jr., resigned.

EDWARD G. RENDELL
Governor

JUDGE, COURT OF COMMON PLEAS, ALLEGHENY COUNTY

June 29, 2008

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph K. Williams III, Esquire, 6453 Cloverleaf Road, Verona 15147, Allegheny County, Forty-third Senatorial District, for appointment as Judge, Court of Common Pleas, Allegheny County, to serve until the first Monday of January 2010, vice The Honorable Cheryl L. Allen, resigned.

EDWARD G. RENDELL
Governor

JUDGE, COURT OF COMMON PLEAS, BRADFORD COUNTY

June 29, 2008

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Maureen T. Beirne, Esquire, R.R. 2, Moore Road, Athens 18810, Bradford County, Twenty-third Senatorial District, for appointment as Judge, Court of Common Pleas, Bradford County, to serve until the first Monday of January 2010, vice The Honorable John C. Mott, lost retention.

EDWARD G. RENDELL
Governor

JUDGE, COURT OF COMMON PLEAS, BUCKS COUNTY

June 29, 2008

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Wallace H. Bateman, Jr., Esquire, 521 Clover Lane, Perkasio 18944, Bucks County, Tenth Senatorial District, for appointment as Judge of the Court of Common Pleas of Bucks County, to serve until the first Monday of January 2010, vice The Honorable Kenneth G. Biehn, resigned.

EDWARD G. RENDELL
Governor

JUDGE, COURT OF COMMON PLEAS, LUZERNE COUNTY

June 29, 2008

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph J. Musto, Esquire, 26 Blackberry Lane, Durysa 18642, Luzerne County, Twenty-second Senatorial

District, for appointment as Judge of the Court of Common Pleas of Luzerne County, to serve until the first Monday of January 2010, vice The Honorable Michael T. Conahan, resigned.

EDWARD G. RENDELL
Governor

JUDGE, COURT OF COMMON PLEAS,
NORTHAMPTON COUNTY

September 24, 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, The Honorable Leonard N. Zito, 451 Creek Road, Bangor 18013, Northampton County, Eighteenth Senatorial District, for appointment as Judge, Court of Common Pleas, Northampton County, to serve until the first Monday of January 2010, vice The Honorable Robert A. Freedberg, appointed to Superior Court.

EDWARD G. RENDELL
Governor

JUDGE, COURT OF COMMON PLEAS,
PHILADELPHIA COUNTY

September 24, 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, Joyce Eubanks, Esquire, 5701 Virginian Road, Philadelphia 19141, Philadelphia County, Fourth Senatorial District, for appointment as Judge, Court of Common Pleas, Philadelphia County, to serve until the first Monday of January 2010, vice The Honorable Kathryn S. Lewis, resigned.

EDWARD G. RENDELL
Governor

JUDGE, COURT OF COMMON PLEAS,
PHILADELPHIA COUNTY

September 24, 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, Angeles Roca, Esquire, 511 West Girard Avenue, Philadelphia 19123, Philadelphia County, Third Senatorial District, for appointment as Judge, Court of Common Pleas, Philadelphia County, to serve until the first Monday of January 2010, vice The Honorable Jane C. Greenspan, appointed to Supreme Court.

EDWARD G. RENDELL
Governor

COMMISSIONER OF THE
PENNSYLVANIA STATE POLICE

September 17, 2008

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Lt. Col. Frank Pawlowski, 1800 Elmerton Avenue, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for appointment as Commissioner of the Pennsylvania State Police, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified, vice Col. Jeffrey B. Miller, Harrisburg, resigned.

EDWARD G. RENDELL
Governor

NOMINATIONS LAID ON THE TABLE

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

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

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

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

Which was agreed to by voice vote.

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:

JUDGE, COURT OF COMMON PLEAS,
LUZERNE COUNTY

June 29, 2008

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph J. Musto, Esquire, 26 Blackberry Lane, Duryea 18642, Luzerne County, Twenty-second Senatorial District, for appointment as Judge of the Court of Common Pleas of Luzerne County, to serve until the first Monday of January 2010, vice The Honorable Michael T. Conahan, resigned.

EDWARD G. RENDELL
Governor

On the question,

Will the Senate advise and consent to the nomination?

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

YEA-48

Armstrong	Folmer	Mellow	Stack
Baker	Fontana	O'Pake	Stout
Boscola	Fumo	Orie	Tartaglione
Browne	Gordner	Piccola	Tomlinson

Brubaker	Greenleaf	Pileggi	Vance
Corman	Hughes	Pippy	Washington
Costa	Kasunic	Punt	Waugh
Dinniman	Kitchen	Rafferty	White, Donald
Earll	LaValle	Regola	White, Mary Jo
Eichelberger	Logan	Rhoades	Williams, Anthony H.
Erickson	Madigan	Robbins	Williams, Constance
Ferlo	McIlhinney	Scarnati	Wozniak

NAY-0

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

Ordered, That the Governor be informed accordingly.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

JUDGE, COURT OF COMMON PLEAS, ALLEGHENY COUNTY

September 24, 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, Judith Ference Olson, Esquire, 2507 Birchwood Court, Wexford 15090, Allegheny County, Fortieth Senatorial District, for appointment as Judge, Court of Common Pleas, Allegheny County, to serve until the first Monday of January 2010, vice The Honorable Eugene F. Scanlon, Jr., resigned.

EDWARD G. RENDELL
Governor

JUDGE, COURT OF COMMON PLEAS, ALLEGHENY COUNTY

June 29, 2008

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph K. Williams III, Esquire, 6453 Cloverleaf Road, Verona 15147, Allegheny County, Forty-third Senatorial District, for appointment as Judge, Court of Common Pleas, Allegheny County, to serve until the first Monday of January 2010, vice The Honorable Cheryl L. Allen, resigned.

EDWARD G. RENDELL
Governor

JUDGE, COURT OF COMMON PLEAS, BRADFORD COUNTY

June 29, 2008

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Maureen T. Beirne, Esquire, R.R. 2, Moore Road, Athens 18810, Bradford County, Twenty-third Senatorial District, for appointment as Judge, Court of Common Pleas, Bradford County, to serve until the first Monday of January 2010, vice The Honorable John C. Mott, lost retention.

EDWARD G. RENDELL
Governor

JUDGE, COURT OF COMMON PLEAS, BUCKS COUNTY

June 29, 2008

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Wallace H. Bateman, Jr., Esquire, 521 Clover Lane, Perkasio 18944, Bucks County, Tenth Senatorial District, for appointment as Judge of the Court of Common Pleas of Bucks County, to serve until the first Monday of January 2010, vice The Honorable Kenneth G. Biehn, resigned.

EDWARD G. RENDELL
Governor

JUDGE, COURT OF COMMON PLEAS, NORTHAMPTON COUNTY

September 24, 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, The Honorable Leonard N. Zito, 451 Creek Road, Bangor 18013, Northampton County, Eighteenth Senatorial District, for appointment as Judge, Court of Common Pleas, Northampton County, to serve until the first Monday of January 2010, vice The Honorable Robert A. Freedberg, appointed to Superior Court.

EDWARD G. RENDELL
Governor

JUDGE, COURT OF COMMON PLEAS, PHILADELPHIA COUNTY

September 24, 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, Joyce Eubanks, Esquire, 5701 Virginian Road, Philadelphia 19141, Philadelphia County, Fourth Senatorial District, for appointment as Judge, Court of Common Pleas, Philadelphia County, to serve until the first Monday of January 2010, vice The Honorable Kathryn S. Lewis, resigned.

EDWARD G. RENDELL
Governor

JUDGE, COURT OF COMMON PLEAS,
PHILADELPHIA COUNTY

September 24, 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, Angeles Roca, Esquire, 511 West Girard Avenue, Philadelphia 19123, Philadelphia County, Third Senatorial District, for appointment as Judge, Court of Common Pleas, Philadelphia County, to serve until the first Monday of January 2010, vice The Honorable Jane C. Greenspan, appointed to Supreme Court.

EDWARD G. RENDELL
Governor

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

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

YEA-49

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	Wozniak
Erickson	McIlhinney	Scarnati	
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

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

Ordered, That the Governor be informed accordingly.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

MEMBER OF THE STATE BOARD
OF COSMETOLOGY

August 1, 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, Kris Cheung, 2001 Hamilton Street, Unit 2104, Philadelphia 19130, Philadelphia County, First Senatorial

District, for appointment as a member of the State Board of Cosmetology, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Carol Edwards, Moscow, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD
OF COSMETOLOGY

September 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, Sue Ann Stewart, 185 Hicks Road, Renfrew 16053, Butler County, Fortieth Senatorial District, for appointment as a member of the State Board of Cosmetology, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Susan Rineer, Conestoga, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE PENNSYLVANIA MINORITY
BUSINESS DEVELOPMENT AUTHORITY

August 18, 2008

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jairius S. McClendon, 191 E. Fariston Drive, Philadelphia 19120, Philadelphia County, Third Senatorial District, for appointment as a member of the Pennsylvania Minority Business Development Authority, to serve until June 2, 2009, and until his successor is appointed and qualified, vice Charles H. Simms, Jr., Lancaster, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES OF
SOUTH MOUNTAIN RESTORATION CENTER

June 12, 2008

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas J. White, 16 Greenway Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment [data missing] a member of the Board of Trustees of South Mountain Restoration Center, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified, vice Richard Wiscott, Shippensburg, resigned.

EDWARD G. RENDELL
Governor

COMMISSIONER OF THE
PENNSYLVANIA STATE POLICE

September 17, 2008

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Lt. Col. Frank Pawlowski, 1800 Elmerton Avenue, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for appointment as Commissioner of the Pennsylvania State Police, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified, vice Col. Jeffrey B. Miller, Harrisburg, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF TORRANCE STATE HOSPITAL

August 1, 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, Richard A. Stillwagon, 2939 Seminary Drive, Greensburg 15601, Westmoreland County, Thirty-ninth Senatorial District, for appointment as a member of the Board of Trustees of Torrance State Hospital, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified, vice Robert Ferguson, Blairsville, resigned.

EDWARD G. RENDELL
Governor

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

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

YEA-49

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	Wozniak
Erickson	Mellhinney	Scarnati	
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Senator ROBBINS. Mr. President, I move that the Executive Session do now rise.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 4**

BILL REREFERRED

HB 2200 (Pr. No. 4526) – The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for director of operations, secretary, employees and consultants; repealing provisions relating to office of trial staff; further providing for bureaus and offices; providing for other bureaus, offices and positions; further providing for electric utility definitions; providing for energy efficiency and conservation program and for energy efficiency and conservation; further providing for duties of electric distribution companies and for market power remediation; and providing for procurement, for additional alternative energy sources and for carbon dioxide sequestration network.

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

MOTION PURSUANT TO SENATE RULE XII

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

Senator PILEGGI. Mr. President, in accordance with Senate Rule XII.8(d), I move that the Senate continue in Session beyond 11 p.m. so that the Senate Committee on Appropriations can meet to consider House Bill No. 2200 and so that the Senate can consider three bills on Senate Supplemental Calendar No. 2.

The PRESIDENT pro tempore. Senator Pileggi moves that the Senate stay in Session beyond 11 p.m. for the purpose of a meeting of the Committee on Appropriations and so that the Senate may consider bills on the Senate Calendar.

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

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

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 of a meeting of the Committee on Appropriations.

The PRESIDENT pro tempore. For the purpose of a meeting of the Committee on Appropriations, the Senate stands in recess.

AFTER RECESS

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

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 2**

BILL OVER IN ORDER

HB 2525 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

**BILL ON SECOND CONSIDERATION
REREPORTED FROM COMMITTEE
AS AMENDED, AMENDED**

HB 1845 (Pr. No. 4522) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for false reports to law enforcement authorities; in firearms, further providing for ineligibility for possession or dealing, for required licensure, for emergency prohibitions, for licenses, for possession with altered manufacturer's number, for sale or transfer, for Pennsylvania State Police, for altering or obliterating marks of identification, for firearm tracing and for procedure; establishing the Straw Purchase Prevention Education Program and the Straw Purchase Prevention Education Fund; further providing for limitation of actions; and abrogating a regulation.

On the question,

Will the Senate agree to the bill on second consideration?

Senator STACK offered the following amendment No. A9782:

Amend Title, page 1, line 3, by inserting after "Statutes,": further providing for sentence for murder and murder of unborn child; providing for the offense of criminal homicide of law enforcement officer and for the offense of assault of law enforcement officer; imposing penalties;

Amend Title, page 1, line 14, by inserting after "actions,": prescribing sentences for offenses committed against law enforcement officer;

Amend Bill, page 1, lines 17 and 18, by striking out all of said lines and inserting:

Section 1. Section 1102(a), (b) and (c) of Title 18 of the Pennsylvania Consolidated Statutes are amended to read: § 1102. Sentence for murder [and], murder of [an] unborn child and murder of law enforcement officer.

(a) First degree.--

(1) A person who has been convicted of a murder of the first degree or of murder of a law enforcement officer of the first degree shall be sentenced to death or to a term of life imprisonment in accordance with 42 Pa.C.S. § 9711 (relating to sentencing procedure for murder of the first degree).

(2) The sentence for a person who has been convicted of first degree murder of an unborn child shall be the same as the sentence for murder of the first degree, except that the death penalty shall not be imposed. This paragraph shall not affect the determination of an aggravating circumstance under 42 Pa.C.S. § 9711(d)(17) for the killing of a pregnant woman.

(b) Second degree.--A person who has been convicted of murder of the second degree [or], of second degree murder of an unborn child or of second degree murder of a law enforcement officer shall be sentenced to a term of life imprisonment.

(c) Attempt, solicitation and conspiracy [to commit murder or murder of an unborn child].--Notwithstanding section 1103(1) (relating to sentence of imprisonment for felony), a person who has been convicted of attempt, solicitation or conspiracy to commit murder [or], murder of an unborn child or murder of a law enforcement officer where serious bodily injury results may be sentenced to a term of imprison-

ment which shall be fixed by the court at not more than 40 years. Where serious bodily injury does not result, the person may be sentenced to a term of imprisonment which shall be fixed by the court at not more than 20 years.

Section 1.1. Title 18 is amended by adding sections to read:
§ 2507. Criminal homicide of law enforcement officer.

(a) Murder of a law enforcement officer of the first degree.--A person commits murder of a law enforcement officer of the first degree who intentionally kills a law enforcement officer while in the performance of duty knowing the victim is a law enforcement officer.

(b) Murder of a law enforcement officer of the second degree.--A person commits murder of a law enforcement officer of the second degree who engages as a principal or an accomplice in the perpetration of a felony during which a law enforcement officer is killed while in the performance of duty.

(c) Manslaughter of a law enforcement officer in the first degree.--A person commits a felony in the first degree who does any of the following:

(1) Without lawful justification kills a law enforcement officer while in the performance of duty and with knowledge that the victim was a law enforcement officer, if at the time of the killing:

(i) the person is acting under a sudden and intense passion resulting from serious provocation by the victim killed; or

(ii) the person is acting under a sudden and intense passion resulting from serious provocation by another individual whom the actor endeavors to kill, but the person negligently or accidentally causes the death of the victim.

(2) Intentionally or knowingly kills a law enforcement officer while in the performance of duty and with knowledge that the victim was a law enforcement officer, if at the time of the killing the person believes the circumstances to be such that, if they existed, would justify the killing under Chapter 5 (relating to general principles of justification), but his belief is unreasonable.

(d) Manslaughter of a law enforcement officer in the second degree.--A person commits a felony of the second degree who, as a direct result of the doing of an unlawful or lawful act in a reckless or grossly negligent manner, causes the death of a law enforcement officer while in the performance of duty and the person knew or should have known the victim was a law enforcement officer.

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

"Law enforcement officer." This term shall have the same meaning as the term "peace officer" is given under section 501 (relating to definitions).

"Perpetration of a felony." As defined under section 2502(d) (relating to murder).

§ 2702.1. Assault of law enforcement officer.

(a) Assault of a law enforcement officer in the first degree.--A person commits a felony of the first degree who attempts to cause or intentionally or knowingly causes bodily injury to a law enforcement officer, while in the performance of duty and with knowledge that the victim is a law enforcement officer, by discharging a firearm.

(b) Penalties.--Notwithstanding section 1103(1) (relating to sentence of imprisonment for felony), a person convicted under subsection (a) shall be sentenced to a term of imprisonment fixed by the court at not more than 40 years.

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

"Law enforcement officer." The term shall have the same meaning as the term "peace officer" is given under section 501 (relating to definitions).

"Firearm." As defined under 42 Pa.C.S. § 9712(e) (relating to sentences for offenses committed with firearms).

Section 1.2. Sections 4906(c) and 6105(b) of Title 18 are amended to read:

Amend Bill, page 26, by inserting between lines 7 and 8:

Section 9.1. Title 42 is amended by adding a section to read: § 9719.1. Sentences for offenses committed against law enforcement officer.

(a) Mandatory sentence.--A person convicted of the following offense shall be sentenced to a mandatory term of imprisonment as

follows:

18 Pa.C.S. § 2702.1(a) (relating to assault of law enforcement officer) - not less than 20 years.

(b) Authority of court in sentencing.—There shall be no authority in any court to impose on an offender to which this section is applicable any lesser sentence than provided for in subsection (a) or to place such offender on probation or to suspend sentence. Nothing in this section shall prevent the sentencing court from imposing a sentence greater than that provided in this section. Sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersede the mandatory sentences provided in this section.

(c) Appeal by Commonwealth.—If a sentencing court refuses to apply this section where applicable, the Commonwealth shall have the right to appellate review of the action of the sentencing court. The appellate court shall vacate the sentence and remand the case to the sentencing court for imposition of a sentence in accordance with this section if it finds that the sentence was imposed in violation of this section.

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

"Law enforcement officer." The term shall have the same meaning as the term "peace officer" is given under 18 Pa.C.S. § 501 (relating to definitions).

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

It was agreed to.

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

BILL REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

HB 2499 (Pr. No. 4523) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the second time and agreed to,

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

UNFINISHED BUSINESS BILL REPORTED FROM COMMITTEE

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

HB 2200 (Pr. No. 4526) (Rereported)

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for director of operations, secretary, employees and consultants; repealing provisions relating to office of trial staff; further providing for bureaus and offices; providing for other bureaus, offices and positions; further providing for electric utility definitions; providing for energy efficiency and conservation program and for energy efficiency and conservation; further providing for duties of electric distribution companies and for market power remediation; and providing for procurement, for additional alternative energy sources and for carbon dioxide sequestration network.

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 Robert E. Gedney by Senator Browne.

Congratulations of the Senate were extended to Mr. and Mrs. Samuel J. Fulginiti and to the Lancaster County Career and Technology Center Practical Nursing Program by Senators Brubaker and Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. Harry Pyrah, John Featherman III, Margaret Anderson, West Chester University 2008 Relay for Life Student Committee, Berwyn Fire Company and to Herr Foods by Senator Dinniman.

Congratulations of the Senate were extended to Carol Ware Gates by Senators Dinniman and Brubaker.

Congratulations of the Senate were extended to SafeNet of Erie by Senator Earll.

Congratulations of the Senate were extended to Saint Vincent College Prevention Projects of Latrobe by Senator Ferlo.

Congratulations of the Senate were extended to Mr. and Mrs. Paul Dalious and to the Snyder County Historical Society by Senator Gordner.

Congratulations of the Senate were extended to Mr. and Mrs. Frederick Reed by Senator Greenleaf.

Congratulations of the Senate were extended to Billy Paul by Senator Kitchen.

Congratulations of the Senate were extended to the citizens of the City of Zhenjiang, Jiangsu Province, China, by Senator McIlhinney.

Congratulations of the Senate were extended to Sharon Katsock and to AMETEK, Inc., Chemical Products (Division) of Nesquehoning, by Senator Musto.

Congratulations of the Senate were extended to Jeanette Dooley and to Michael McCarrick by Senator Tartaglione.

Congratulations of the Senate were extended to Patricia O'Brien, Brown's Family ShopRite of Bensalem and to Friends of Silver Lake Nature Center of Bristol by Senator Tomlinson.

Congratulations of the Senate were extended to Edith D. Walsh by Senator Vance.

Congratulations of the Senate were extended to Aaron Michael Pyle, Tyler Troy Shaull, Cody Allan Runkle and to Joel Matthew Johnson by Senators Waugh and Armstrong.

Congratulations of the Senate were extended to Cody Breon, Colin Feeney and to Tyler Bittnr by Senator M.J. White.

Congratulations of the Senate were extended to Mr. and Mrs. Nicholas Buchan and to Mom's House, Inc., of Johnstown, by Senator Wozniak.

CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late John William Feldman by Senator Punt.

PETITIONS AND REMONSTRANCES

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

Senator FERLO. Mr. President, very briefly, I know the hour is late, but I want to join with all of our colleagues in the Senate who overwhelmingly gave support to a number of judicial appointments to Courts of Common Pleas across various counties.

Most notably, though, I would like to thank the Majority and all here today for their overwhelming endorsement and support for Joseph K. Williams III.

Joe Williams is a very distinguished criminal defense lawyer in Allegheny County. He initially received his juris doctorate degree from Duquesne University in 1982. In addition, he has a master's degree in clinical psychology from the University of Pittsburgh. He has distinguished himself as a criminal defense lawyer and, as well, as someone who has expertise and a very long track record representing individuals in everything from contract law to corporate law, a distinguished legal career for over 25 years.

He is very active in the community, most notably with the NAACP in the city of Pittsburgh, very active with the Negro Educational Emergency Drive, and numerous other community-based organizations. A distinguished career. He will make an outstanding jurist, and I just want to thank my colleagues for their overwhelming support for this very distinguished gentleman who will now be added to the Court of Common Pleas in Allegheny County.

Thank you, Mr. President.

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 1177** and **HB 1742**.

BILLS SIGNED

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

SB 884, SB 1093, HB 1177 and HB 1742.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, OCTOBER 7, 2008

Off the Floor	APPROPRIATIONS (to consider House Bills No. 1439, 1845, 2200, 2499 and 2525)	Rules Cmte. Conf. Rm.
Off the Floor	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider House Bill No. 2200)	Rules Cmte. Conf. Rm.
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bills No. 684, 740, 1114, 1225, 1308, 1503 and 1504; House Bill No. 1096; and certain executive nominations)	Rules Cmte. Conf. Rm.

WEDNESDAY, OCTOBER 8, 2008

9:00 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (Consideration of Final EQB Regulations: Triennial Review of Water Quality Standards, 7-421; Hazardous Waste Amendments,	Room 461 Main Capitol
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7-409; Diesel Vehicle Idling, 7-422; and Clean Air Interstate Rule - Repeal)

9:00 A.M.	STATE GOVERNMENT (public hearing on Lobbying Disclosure Regulations No. 16-40)	Room 8E-A East Wing
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TUESDAY, OCTOBER 14, 2008

11:00 A.M.	PUBLIC HEALTH AND WELFARE (public hearing on Senate Bill No. 1255)	Room 8E-A East Wing
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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 Wednesday, October 8, 2008, at 10 a.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate recessed at 11:47 p.m., Eastern Daylight Saving Time.