

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

FRIDAY, NOVEMBER 19, 2004

SESSION OF 2004 188TH OF THE GENERAL ASSEMBLY

No. 65

**SENATE**

FRIDAY, November 19, 2004

The Senate met at 2 p.m., Eastern Standard Time.

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

**PRAYER**

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

Let us pray.

Heavenly Father, we thank You for the faithful care that has brought us safely to the light of a new day. As we convene in silence for this rare Friday Session, we invoke Your blessing and pray that Your spirit would move in our midst during the long hours ahead. We are confident that with Your abiding guidance and care, we may succeed in working together and bring this 188th Regular Session of the Senate of Pennsylvania to a productive and fruitful conclusion. Amen.

**PLEDGE OF ALLEGIANCE**

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

**JOURNAL APPROVED**

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of November 18, 2004.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator BRIGHTBILL, and agreed to by voice vote, further reading was dispensed with and the Journal was approved.

**HOUSE MESSAGES**

**HOUSE CONCURS IN SENATE BILL**

The Clerk of the House of Representatives returned to the Senate SB 895, with the information the House has passed the same without amendments.

**SENATE BILLS RETURNED WITH AMENDMENTS**

The Clerk of the House of Representatives returned to the Senate SB 356, 779 and 1099, with the information the House

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

The PRESIDENT. Pursuant to Senate Rule XIV, section 5, these 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:

November 19, 2004

**HB 2137** -- Committee on Transportation.

**HB 2678** -- Committee on Finance.

**HB 2917** -- Committee on Local Government.

**APPOINTMENT BY THE  
PRESIDENT PRO TEMPORE**

The PRESIDENT. The Chair wishes to announce the President pro tempore has made the following appointment:

Brian J. Clark, Esquire, as a member of the Environmental Hearing Board Rules Committee.

**ANNOUNCEMENT BY MAJORITY LEADER**

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

Senator BRIGHTBILL. Madam President, for the information of the Members, we left here about 2 a.m. this morning, and Senator Greenleaf was involved in what I gather was a one-car accident and is in the University of Pennsylvania Hospital. He is doing just fine.

I have a son who is in the movie business, and they have the same problem. They have it perhaps more often than we do with very, very long days and then trips home. Our thoughts and prayers are with Senator Greenleaf.

The PRESIDENT. We are all concerned that he get through this.

**LEGISLATIVE LEAVES**

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

Senator BRIGHTBILL. Madam President, I request legislative leaves for Senator Tomlinson and Senator Conti.

The PRESIDENT. Senator Brightbill requests legislative leaves for Senator Tomlinson and Senator Conti. Without objection, those leave will be granted.

LEAVES OF ABSENCE

Senator BRIGHTBILL asked and obtained leaves of absence for Senator GREENLEAF and Senator DENT, for today's Session, for personal reasons.

Senator COSTA asked and obtained leaves of absence for Senator O'PAKE and Senator SCHWARTZ, for today's Session, for personal reasons.

CALENDAR

HB 2406 CALLED UP OUT OF ORDER

HB 2406 (Pr. No. 4771) -- Without objection, the bill was called up out of order, from page 9 of the Third Consideration Calendar, by Senator BRIGHTBILL, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2406 (Pr. No. 4771) -- The Senate proceeded to consideration of the bill, entitled:

An Act redesignating the bridge on State Route 3021 which passes over Wolf Run in Cranberry Township, Butler County, as the Steven M. Krochta Memorial Bridge.

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-46

Table with 4 columns of names: Armstrong, Boscola, Brightbill, Conti, Corman, Costa, Earl, Erickson, Ferlo, Fumo, Gordner, Hughes, Jubelirer, Kasunic, Kitchen, Kukovich, LaValle, Lemmond, Logan, Madigan, Mellow, Mowery, Musto, Orié, Piccola, Pileggi, Pippy, Punt, Rafferty, Rhoades, Robbins, Scarnati, Stack, Stout, Tartaglione, Thompson, Tomlinson, Wagner, Waugh, Wenger, White, Donald, White, Mary Jo, Williams, Anthony H., Williams, Constance, Wonderling, Wozniak

NAY-0

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

Ordered, That the Secretary of the Senate 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.

SENATE AT EASE

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

Senator BRIGHTBILL. Madam President, I request a brief caucus at the sidebar for the Republicans.

The PRESIDENT. The Senate will be at ease. (The Senate was at ease.)

CONSIDERATION OF CALENDAR RESUMED

HB 2021 CALLED UP OUT OF ORDER

HB 2021 (Pr. No. 4782) -- Without objection, the bill was called up out of order, from page 8 of the Third Consideration Calendar, by Senator BRIGHTBILL, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2021 (Pr. No. 4782) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for unlawful acts relative to malt or brewed beverages and licensees.

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. The Chair recognizes the gentleman from Allegheny, Senator Logan.

Senator LOGAN. Madam President, during the past week, the Majority Leader has made several promises to me and my leader on Sunday beer sales. This is not what we agreed to. This is not what we agreed to in a room full of about 100 people in the Committee on Rules and Executive Nominations or Committee on Appropriations, I forget which one, several nights ago. This is not what was agreed to by myself and Senator Conti, the Majority chairman of the Committee on Law and Justice, just last night, and it is really disheartening when you cannot take your colleagues at their word. So, I respectfully request my Members to vote "no," and for the dry Members on that side of the aisle who realize that Sunday sales is not good to vote "no" also.

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-6

Table with 4 columns of names: Conti, Earl, Piccola, Punt, Rafferty, Thompson

NAY-40

Armstrong	Jubelirer	Musto	Tomlinson
Boscola	Kasunic	Orie	Wagner
Brightbill	Kitchen	Pileggi	Waugh
Corman	Kukovich	Pippy	Wenger
Costa	LaValle	Rhoades	White, Donald
Erickson	Lemmond	Robbins	White, Mary Jo
Ferlo	Logan	Scarnati	Williams, Anthony H.
Fumo	Madigan	Stack	Williams, Constance
Gordner	Mellow	Stout	Wonderling
Hughes	Mowery	Tartaglione	Wozniak

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

RECESS

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

Senator BRIGHTBILL. Madam President, at this time I ask for a recess for a Republican caucus. We will begin immediately, and I expect it to last about an hour.

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

Senator MELLOW. Madam President, I ask that the Democratic Members report to the caucus room at the rear of the Chamber immediately.

The PRESIDENT. For purposes of Republican and Democratic caucuses, without objection, the Senate stands in recess.

AFTER RECESS

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

CONSIDERATION OF CALENDAR RESUMED

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS AS AMENDED

SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED

SB 133 (Pr. No. 1982) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for jurisdiction and venue, for chemical testing to determine amount of alcohol or controlled substance, for Accelerated Rehabilitative Disposition, for grading, for penalties, for prior offenses, for illegally operating a motor vehicle not equipped with ignition interlock, for mandatory sentencing and for rights and liabilities of minors.

On the question, Will the Senate concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 133?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 133.

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

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

YEA-46

Armstrong	Jubelirer	Piccola	Tomlinson
Boscola	Kasunic	Pileggi	Wagner
Brightbill	Kitchen	Pippy	Waugh
Conti	Kukovich	Punt	Wenger
Corman	LaValle	Rafferty	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fumo	Mowery	Stout	Wozniak
Gordner	Musto	Tartaglione	
Hughes	Orie	Thompson	

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.

SB 304 (Pr. No. 1983) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for payments to family and funeral directors, for allowable family exemption and for classification and order or payment of claims against the estate of a decedent.

On the question, Will the Senate concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 304?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 304.

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

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

YEA-44

Armstrong	Jubelirer	Orie	Tartaglione
Boscola	Kasunic	Piccola	Thompson
Brightbill	Kitchen	Pileggi	Tomlinson
Conti	Kukovich	Pippy	Wagner
Corman	LaValle	Punt	Waugh
Costa	Lemmond	Rafferty	Wenger
Earll	Logan	Rhoades	White, Donald
Erickson	Madigan	Robbins	White, Mary Jo
Fumo	Mellow	Scarnati	Williams, Anthony H.
Gordner	Mowery	Stack	Wonderling
Hughes	Musto	Stout	Wozniak

NAY-2

Ferlo Williams, Constance

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

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

**SB 938 (Pr. No. 1984)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "multipurpose agricultural vehicle" and "special mobile equipment"; further providing for accidents involving death or personal injury while not properly licensed, for reports by police, for ignition interlock, for width of certain vehicles and for length of vehicles; and adding a road in Wilkes-Barre Township to the State Highway System.

On the question,  
Will the Senate concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 938?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 938.

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

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

YEA-46

Armstrong	Jubelirer	Piccola	Tomlinson
Boscola	Kasunic	Pileggi	Wagner
Brightbill	Kitchen	Pippy	Waugh
Conti	Kukovich	Punt	Wenger
Corman	LaValle	Rafferty	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fumo	Mowery	Stout	Wozniak
Gordner	Musto	Tartaglione	
Hughes	Orie	Thompson	

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.

BILL OVER IN ORDER TEMPORARILY

**SB 1209** -- Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

**SB 1096 (Pr. No. 1970)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for use of surplus notes, for lending of securities, repurchase agreements and reverse repurchase agreements, for nonforfeiture law for individual deferred annuities and for eligible investments; deleting provisions relating to loans to companies; further defining "long-term care insurance" and "prepaid home health or personal care service policy"; providing for exempt prepaid home health or personal care service policies; and further providing for disclosure and performance standards for long-term care insurance.

On the question,  
Will the Senate concur in the amendments made by the House to Senate Bill No. 1096?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1096.

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

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

YEA-46

Armstrong	Jubelirer	Piccola	Tomlinson
Boscola	Kasunic	Pileggi	Wagner
Brightbill	Kitchen	Pippy	Waugh
Conti	Kukovich	Punt	Wenger
Corman	LaValle	Rafferty	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fumo	Mowery	Stout	Wozniak
Gordner	Musto	Tartaglione	
Hughes	Orie	Thompson	

NAY-0

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

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

THIRD CONSIDERATION CALENDAR

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

**HB 176 (Pr. No. 4784)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing, in sales and use tax, for alternate imposition and for credits; further providing, in personal income tax, for definitions; providing, in personal income tax, for operational provisions relating to contributions of refunds by checkoff; further providing, in realty transfer tax, for determination and review; providing, in realty transfer tax, for sharing information; further providing, in local real estate transfer tax, for imposition and for administration; providing, in local real estate transfer tax, for regulations, for documentary stamps, for collection agents, for disbursements, for judicial sale proceeds, for stamps, for determination and review, for liens, for refunds, for civil penalties, for violations and for information; further providing, in research and development tax credit, for definitions, for carryover, carryback, refund and assignment of credit and for Pennsylvania S corporation shareholder pass-through; further providing, in film production tax credit, for the definitions of "film," "Pennsylvania production expense" and "production expense"; providing, in film production tax credit, for the definition of "start date"; further providing in film production tax credit, for credit for qualified film production expenses; providing for film production tax credits; further providing, in film production tax credit, for carryover and refund of credits, for limitations on credits; imposing penalties; providing for findings and declarations; and making repeals.

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-46

Armstrong	Jubelirer	Piccola	Tomlinson
Boscola	Kasunic	Pileggi	Wagner
Brightbill	Kitchen	Pippy	Waugh
Conti	Kukovich	Punt	Wenger
Corman	LaValle	Rafferty	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earl	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fumo	Mowery	Stout	Wozniak
Gordner	Musto	Tartaglione	
Hughes	Orie	Thompson	

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 835 (Pr. No. 4783)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 44 (Law and Justice) of the Pennsylvania Consolidated Statutes, further providing for genetic identification evidence; recodifying provisions on DNA data and testing; further providing for scope, for policy, for the

definitions of "DNA record" and "other specified offense," for required DNA samples and for expungement, and providing for good faith.

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-46

Armstrong	Jubelirer	Piccola	Tomlinson
Boscola	Kasunic	Pileggi	Wagner
Brightbill	Kitchen	Pippy	Waugh
Conti	Kukovich	Punt	Wenger
Corman	LaValle	Rafferty	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earl	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fumo	Mowery	Stout	Wozniak
Gordner	Musto	Tartaglione	
Hughes	Orie	Thompson	

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 2749 CALLED UP OUT OF ORDER**

**HB 2749 (Pr. No. 4223)** -- Without objection, the bill was called up out of order, from page 10 of the Third Consideration Calendar, by Senator BRIGHTBILL, as a Special Order of Business.

**BILL AMENDED**

**HB 2749 (Pr. No. 4223)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for referenced standards; and abrogating regulations.

On the question,  
Will the Senate agree to the bill on third consideration?  
Senator SCARNATI offered the following amendment No. A5163:

Amend Bill, page 2, by inserting between lines 16 and 17:  
Section 2. The act is amended by adding a section to read:  
Section 305. Existing municipal authority standards.  
(a) General rule.--Municipal authority standards for lateral connec-

tions located on private property and connecting to public infrastructure owned by a municipal authority that were in effect on January 1, 2005, and contain provisions that equal or exceed the requirements of the regulations promulgated under this act, the Internal Residential Code or under the International Plumbing Code shall remain in effect until such time as any such provisions fail to equal or exceed the minimum requirements of the regulations promulgated under this act, at which time the standards shall be amended to equal or exceed the minimum requirements of the regulations promulgated under this act.

(b) Filing requirement.—Municipal authority standards qualifying under subsection (a) shall be filed with the department and any local governments served by the municipal authority with such standards.

Amend Sec. 2, page 2, line 17, by striking out "2" and inserting: 3  
Amend Sec. 3, page 2, line 26, by striking out "3" and inserting: 4

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 BRIGHTBILL.

**BILLS REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER TEMPORARILY**

**HB 873, 2066 and HB 2105** -- Without objection, the bills were passed over in their order temporarily at the request of Senator BRIGHTBILL.

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

**HB 2326 (Pr. No. 3247)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for tagging and reporting big game kills.

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-46**

Armstrong	Jubelirer	Piccola	Tomlinson
Boscola	Kasunic	Pileggi	Wagner
Brightbill	Kitchen	Pippy	Waugh
Conti	Kukovich	Punt	Wenger
Corman	LaValle	Rafferty	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fumo	Mowery	Stout	Wozniak
Gordner	Musto	Tartaglione	
Hughes	Orie	Thompson	

**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 2358** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

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

**HB 2482 (Pr. No. 4769)** -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing the State Railroad Infrastructure Bank and the State Railroad Infrastructure Bank Fund; and providing for the powers and duties of the Department of Transportation.

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-46**

Armstrong	Jubelirer	Piccola	Tomlinson
Boscola	Kasunic	Pileggi	Wagner
Brightbill	Kitchen	Pippy	Waugh
Conti	Kukovich	Punt	Wenger
Corman	LaValle	Rafferty	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fumo	Mowery	Stout	Wozniak
Gordner	Musto	Tartaglione	
Hughes	Orie	Thompson	

**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 AND RECOMMITTED**

**SB 1 (Pr. No. 1850)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for lobbying registration, regulation and disclosure; conferring powers and imposing duties on the Department of State, the Office of Attorney General and the State Ethics Commission; imposing penalties; establishing the Lobbying Accountability Fund; and making a related repeal.

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

Pursuant to Senate Rule X, the bill was recommitted to the Committee on Appropriations.

**BILL OVER IN ORDER**

**HB 56** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

**BILL OVER IN ORDER TEMPORARILY**

**HB 197** -- Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

**BILLS OVER IN ORDER**

**HB 248** and **HB 250** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

**BILL OVER IN ORDER TEMPORARILY**

**HB 447** -- Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

**BILL OVER IN ORDER**

**SB 667** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

**BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE**

**SB 669 (Pr. No. 1904)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 2 (Administrative Law and Procedure) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for court and administrative proceeding interpreters; and repealing related provisions.

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-46**

Armstrong	Jubelirer	Piccola	Tomlinson
Boscola	Kasunic	Pileggi	Wagner
Brightbill	Kitchen	Pippy	Waugh
Conti	Kukovich	Punt	Wenger
Corman	LaValle	Rafferty	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fumo	Mowery	Stout	Wozniak
Gordner	Musto	Tartaglione	
Hughes	Orie	Thompson	

**NAY-0**

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

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

**SB 703 (Pr. No. 1949)** -- The Senate proceeded to consideration of the bill, entitled:

An Act relating to confidentiality of Social Security numbers.

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-46**

Armstrong	Jubelirer	Piccola	Tomlinson
Boscola	Kasunic	Pileggi	Wagner
Brightbill	Kitchen	Pippy	Waugh
Conti	Kukovich	Punt	Wenger
Corman	LaValle	Rafferty	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fumo	Mowery	Stout	Wozniak
Gordner	Musto	Tartaglione	
Hughes	Orie	Thompson	

**NAY-0**

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

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

BILLS OVER IN ORDER TEMPORARILY

HB 850 and HB 851 -- Without objection, the bills were passed over in their order temporarily at the request of Senator BRIGHTBILL.

BILLS OVER IN ORDER

SB 963 and SB 1230 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL REREFERRED

SB 1254 (Pr. No. 1892) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for definitions and for administrative duties of board.

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

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1262 (Pr. No. 4078) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 23 (Domestic Relations) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for application for license; establishing a system to create and maintain confidentiality of the addresses of victims of domestic violence, sexual assault and stalking; providing for the powers and duties of the Office of Victim Advocate; providing for application for certificate of title, for perfection of a security interest in a vehicle, for application for registration and for issuance and content of driver's license; and prescribing penalties.

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-46

Table listing names of senators in support (YEA-46): Armstrong, Jubelirer, Piccola, Tomlinson, Boscola, Kasunic, Pileggi, Wagner, Brightbill, Kitchen, Pippy, Waugh, Conti, Kukovich, Punt, Wenger, Corman, LaValle, Rafferty, White, Donald, Costa, Lemmond, Rhoades, White, Mary Jo, Earl, Logan, Robbins, Williams, Anthony H., Erickson, Madigan, Scarnati, Williams, Constance, Ferlo, Mellow, Stack, Wonderling, Fumo, Mowery, Stout, Wozniak, Gordner, Musto, Tartaglione, Hughes, Oric, Thompson.

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.

HB 1329 (Pr. No. 4773) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, amending provisions relating to planned communities.

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-46

Table listing names of senators in support (YEA-46): Armstrong, Jubelirer, Piccola, Tomlinson, Boscola, Kasunic, Pileggi, Wagner, Brightbill, Kitchen, Pippy, Waugh, Conti, Kukovich, Punt, Wenger, Corman, LaValle, Rafferty, White, Donald, Costa, Lemmond, Rhoades, White, Mary Jo, Earl, Logan, Robbins, Williams, Anthony H., Erickson, Madigan, Scarnati, Williams, Constance, Ferlo, Mellow, Stack, Wonderling, Fumo, Mowery, Stout, Wozniak, Gordner, Musto, Tartaglione, Hughes, Oric, Thompson.

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 1330 (Pr. No. 4774) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, further providing for real estate cooperatives.

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-46

Armstrong	Jubelirer	Piccola	Tomlinson
Boscola	Kasunic	Pileggi	Wagner
Brightbill	Kitchen	Pippy	Waugh
Conti	Kukovich	Punt	Wenger
Corman	LaValle	Rafferty	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fumo	Mowery	Stout	Wozniak
Gordner	Musto	Tartaglione	
Hughes	Orie	Thompson	

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 1331 (Pr. No. 4775) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, further providing for condominiums.

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-46

Armstrong	Jubelirer	Piccola	Tomlinson
Boscola	Kasunic	Pileggi	Wagner
Brightbill	Kitchen	Pippy	Waugh
Conti	Kukovich	Punt	Wenger
Corman	LaValle	Rafferty	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fumo	Mowery	Stout	Wozniak
Gordner	Musto	Tartaglione	
Hughes	Orie	Thompson	

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 TEMPORARILY

HB 1861 -- Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1867 (Pr. No. 2433) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1842 (P.L.262, No.91), entitled "A supplement to an act, entitled 'An act authorizing the Governor to incorporate the Tioga Navigation Company,' passed the twenty-six day of February, one thousand eight hundred and twenty-six; and for other purposes," repealing provisions relating to fees for measuring grain in Philadelphia.

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-46

Armstrong	Jubelirer	Piccola	Tomlinson
Boscola	Kasunic	Pileggi	Wagner
Brightbill	Kitchen	Pippy	Waugh
Conti	Kukovich	Punt	Wenger
Corman	LaValle	Rafferty	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fumo	Mowery	Stout	Wozniak
Gordner	Musto	Tartaglione	
Hughes	Orie	Thompson	

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.

HB 1868 (Pr. No. 2434) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 26, 1850 (P.L.618, No.364), entitled "An act to vest in Barbara Griffith and Polly Conrad certain supposed escheated personal estate; to incorporate the Delaware and Schuylkill plank road company; and relative to market stalls in the city of Philadelphia," repealing provisions relating to farmers who lease stalls or stands in Philadelphia to sublet them.

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-46

Armstrong	Jubelirer	Piccola	Tomlinson
Boscola	Kasunic	Pileggi	Wagner
Brightbill	Kitchen	Pippy	Waugh
Conti	Kukovich	Punt	Wenger
Corman	LaValle	Rafferty	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fumo	Mowery	Stout	Wozniak
Gordner	Musto	Tartaglione	
Hughes	Orie	Thompson	

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.

**HB 2036 (Pr. No. 4723)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, providing for mental health care declarations and powers of attorney; further providing for the prudent investor rule; and repealing provisions relating to the applicability of requirements for charitable trusts with controlling interests in certain corporations.

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-46

Armstrong	Jubelirer	Piccola	Tomlinson
Boscola	Kasunic	Pileggi	Wagner
Brightbill	Kitchen	Pippy	Waugh
Conti	Kukovich	Punt	Wenger
Corman	LaValle	Rafferty	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fumo	Mowery	Stout	Wozniak
Gordner	Musto	Tartaglione	
Hughes	Orie	Thompson	

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 2055 (Pr. No. 3423)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further defining "soldier."

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-46

Armstrong	Jubelirer	Piccola	Tomlinson
Boscola	Kasunic	Pileggi	Wagner
Brightbill	Kitchen	Pippy	Waugh
Conti	Kukovich	Punt	Wenger
Corman	LaValle	Rafferty	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fumo	Mowery	Stout	Wozniak
Gordner	Musto	Tartaglione	
Hughes	Orie	Thompson	

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.

**HB 2090 (Pr. No. 4075)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade Practices and Consumer Protection Law, further providing for rescission of contracts.

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

On the question,  
Shall the bill pass finally?

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

YEA-46

Armstrong	Jubelirer	Piccola	Tomlinson
Boscola	Kasunic	Pileggi	Wagner
Brightbill	Kitchen	Pippy	Waugh
Conti	Kukovich	Punt	Wenger
Corman	LaValle	Rafferty	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fumo	Mowery	Stout	Wozniak
Gordner	Musto	Tartaglione	
Hughes	Orie	Thompson	

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 2262 (Pr. No. 4781) --** The Senate proceeded to consideration of the bill, entitled:

An Act providing for protection of children from obscene material, child pornography and other material that is harmful to minors on the Internet in public schools and public libraries; and providing for the duties of the Secretary of Education.

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-43

Armstrong	Jubelirer	Piccola	Thompson
Boscola	Kasunic	Pileggi	Tomlinson
Brightbill	Kitchen	Pippy	Wagner
Conti	LaValle	Punt	Waugh
Corman	Lemmond	Rafferty	Wenger
Costa	Logan	Rhoades	White, Donald
Earll	Madigan	Robbins	White, Mary Jo
Erickson	Mellow	Scarnati	Williams, Anthony H.
Ferlo	Mowery	Stack	Wonderling
Gordner	Musto	Stout	Wozniak
Hughes	Orie	Tartaglione	

NAY-3

Fumo	Kukovich	Williams, Constance
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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 2270 (Pr. No. 3121) --** The Senate proceeded to consideration of the bill, entitled:

An Act providing for the development and implementation of pilot projects with the goal of establishing a Statewide system of family support services program for families of persons with disabilities; and providing for the powers and duties of the Department of Public Welfare.

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-46

Armstrong	Jubelirer	Piccola	Tomlinson
Boscola	Kasunic	Pileggi	Wagner
Brightbill	Kitchen	Pippy	Waugh
Conti	Kukovich	Punt	Wenger
Corman	LaValle	Rafferty	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fumo	Mowery	Stout	Wozniak
Gordner	Musto	Tartaglione	
Hughes	Orie	Thompson	

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.

**HB 2384 (Pr. No. 4644) --** The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 10, 1974 (P.L.852, No.287), referred to as the Underground Utility Line Protection Law, further providing for definitions, for duties of facility owners, for duties of a One Call System, for duties of contractors and for fines and penalties.

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-46

Armstrong	Jubelirer	Piccola	Tomlinson
Boscola	Kasunic	Pileggi	Wagner
Brightbill	Kitchen	Pippy	Waugh
Conti	Kukovich	Punt	Wenger
Corman	LaValle	Rafferty	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fumo	Mowery	Stout	Wozniak
Gordner	Musto	Tartaglione	
Hughes	Orie	Thompson	

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 TEMPORARILY

**HB 2385** -- Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 2387 (Pr. No. 3768)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, adding provisions relating to the labeling, sale and distribution of seed; creating a licensing requirement for all seed distributors; adding civil penalty provisions and specifying the appeal process; providing for the powers and duties of the Department of Agriculture; placing revenue into the Agronomic Regulatory Account; prescribing penalties; and making related repeals.

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-46

Armstrong	Jubelirer	Piccola	Tomlinson
Boscola	Kasunic	Pileggi	Wagner
Brightbill	Kitchen	Pippy	Waugh
Conti	Kukovich	Punt	Wenger
Corman	LaValle	Rafferty	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling

Fumo	Mowery	Stout	Wozniak
Gordner	Musto	Tartaglione	
Hughes	Orie	Thompson	

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 OVER IN ORDER TEMPORARILY

**HB 2398, HB 2442, HB 2528, HB 2664, HB 2666, HB 2775 and HB 2821** -- Without objection, the bills were passed over in their order temporarily at the request of Senator BRIGHTBILL.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 2865 (Pr. No. 4716)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 18, 1984 (P.L.1005, No.205), known as the Municipal Pension Plan Funding Standard and Recovery Act, providing authorization for alternate amortization schedules to accommodate extraordinary events.

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-46

Armstrong	Jubelirer	Piccola	Tomlinson
Boscola	Kasunic	Pileggi	Wagner
Brightbill	Kitchen	Pippy	Waugh
Conti	Kukovich	Punt	Wenger
Corman	LaValle	Rafferty	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fumo	Mowery	Stout	Wozniak
Gordner	Musto	Tartaglione	
Hughes	Orie	Thompson	

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.

**HB 2980 (Pr. No. 4689)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 24, 1951 (P.L.1304, No.315), known as the Local Health Administration Law, further defining "mu-

nicipality"; further providing for authorization of county departments of health, for dissolution of and withdrawal from county departments of health and for establishment of county departments of health; and providing for municipalities with intergovernmental cooperation agreements.

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-46

Armstrong	Jubelirer	Piccola	Tomlinson
Boscola	Kasunic	Pileggi	Wagner
Brightbill	Kitchen	Pippy	Waugh
Conti	Kukovich	Punt	Wenger
Corman	LaValle	Rafferty	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fumo	Mowery	Stout	Wozniak
Gordner	Musto	Tartaglione	
Hughes	Orie	Thompson	

#### 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.

### COMMUNICATIONS FROM THE GOVERNOR

#### APPROVAL OF SENATE BILLS

The PRESIDENT laid before the Senate communications in writing from His Excellency, the Governor of the Commonwealth, advising that the following Senate Bills had been approved and signed by the Governor:

**SB 217, SB 1073, SB 1149, SB 1186, SB 1190 and SB 1208.**

#### RECALL COMMUNICATION REFERRED TO COMMITTEE

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

#### MEMBER OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

November 19, 2004

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 28, 2004, for the appointment of Adrian R. King, Jr., Esquire, 8833 Norwood Avenue, Philadelphia, 19118 Philadelphia County, Fourth Senatorial District, as a member of the Pennsylvania Public Utility Commission, to serve until April 1, 2009, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Terrance J. Fitzpatrick, Esquire, Hummelstown, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

EDWARD G. RENDELL  
Governor

### HOUSE MESSAGES

#### SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 844** and **856**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule XIV, section 5, these bills will be referred to the Committee on Rules and Executive Nominations.

#### 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 30, 1211, 1535, 2308, 2561, 2638, 2745 and 2798.**

#### BILL INTRODUCED AND REFERRED

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

November 19, 2004

Senators HUGHES, CONTI and KASUNIC presented to the Chair **SB 1271**, entitled:

An Act limiting contributions to candidates for Statewide office and offices of cities of the first and second class and counties of the first class; and imposing penalties.

Which was committed to the Committee on STATE GOVERNMENT, November 19, 2004.

#### CONDOLENCE RESOLUTION ADOPTED

Senators ORIE, KUKOVICH, STOUT, PUNT, KITCHEN, STACK, TARTAGLIONE, CONTI, EARLL, SCHWARTZ, WAGNER, COSTA, TOMLINSON, GREENLEAF, LOGAN, D. WHITE, ARMSTRONG, M.J. WHITE, BRIGHTBILL, O'PAKE, LEMMOND, PIPPY, LOGAN, FUMO, FERLO, RAFFERTY and WAUGH, by unanimous consent, offered the following resolution:

Expressing condolences on the passing of John A. Brenckle of the Ross Township Fire Police, Allegheny County, who lost his life assisting others during the floods caused by remnants of Hurricane Ivan.

On the question,  
Will the Senate adopt the resolution?

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

Senator ORIE. Madam President, I offer this resolution today to express the Senate's condolences on the death of John Brenckle, 57 years old, a member of the Ross Township Fire Police in Allegheny County. He lost his life this past September as a direct result of his volunteer work with the fire police during the floods caused by Hurricane Ivan. This resolution also acknowledges his distinguished volunteer service of 36 years with the Ross Township Fire Police and the Berkeley Hills Volunteer Fire Department.

And the question recurring,  
Will the Senate adopt the resolution?

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

### CONSIDERATION OF CALENDAR RESUMED

#### SENATE RESOLUTION No. 326 CALLED UP, ADOPTED

Senator BRIGHTBILL, without objection, called up from page 12 of the Calendar, as a Special Order of Business, **Senate Resolution No. 326**, entitled:

A Resolution proclaiming the week of January 16 through 22, 2005, as "Snowmobile Safety Awareness Week" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

#### SENATE RESOLUTION ADOPTED

Senators EARLL, ORIE, KUKOVICH and HUGHES, by unanimous consent, offered **Senate Resolution No. 329**, entitled:

A Resolution urging formal acknowledgment from the United States Department of Housing and Urban Development that Pennsylvania law precludes Pennsylvania domestic violence counselors/advocates from providing identifying information about victims of domestic violence to any person, institution, organization or government entity and that the confidentiality requirements of Pennsylvania statutory law should supersede rules promulgated by HUD requiring disclosure of personally identifying information about victims of domestic violence to HUD's Homeless Management Information System.

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

#### BILLS SIGNED

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

**SB 895, HB 30, HB 798, HB 1211, HB 1535, HB 1929, HB 2155, HB 2308, HB 2315, HB 2336, HB 2561, HB 2638, HB 2745, HB 2748, HB 2798 and HB 2804.**

### RECESS

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

Senator BRIGHTBILL. Madam President, I ask that the Senate recess until approximately 8:30 p.m.

The PRESIDENT. Without objection, the Senate stands in recess until 8:30 p.m.

### AFTER RECESS

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

### HOUSE MESSAGES

#### SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 93, 255 and 305**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule XIV, section 5, these 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 492 and 798**, with the information the House has passed the same without amendments.

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

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 2406**.

#### BILLS REPORTED FROM COMMITTEE

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

#### **SB 72 (Pr. No. 1994) (Amended) (Rereported) (Concurrence)**

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for aggravated assault and for expiration of chapter relating to wiretapping and electronic surveillance; further defining "criminal justice agency"; and further providing for expungement.

#### **SB 79 (Pr. No. 1978) (Rereported) (Concurrence)**

An Act amending the act of July 6, 1995 (P.L.255, No.34), known as the Dual Party Relay Service and Telecommunication Device Distribution Program Act, expanding the scope of the act; further providing for definitions; providing for establishment of the Print Media Access System Program; further providing for establishment of dual party relay service; and making editorial changes.

**SB 92 (Pr. No. 1995) (Amended) (Rereported) (Concurrence)**

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, defining the offense of failure to comply with registration of sexual offenders requirements; imposing penalties; further providing for six months limitation and for two-year limitation; providing for limitation and application for asbestos claim; further providing for deficiency judgments, for definitions, for registration, for registration procedures and applicability and for assessments; providing for exemption from certain notifications; further providing for verification of residence and for other notification; providing for information made available on the Internet and for certain administration; further providing for immunity for good faith conduct, for duties of Pennsylvania State Police and for exemption from notification for certain licensees and their employees; and providing for annual performance audit and for photographs and fingerprinting.

**SB 356 (Pr. No. 1980) (Rereported) (Concurrence)**

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for criminal history record information.

**SB 432 (Pr. No. 1901) (Rereported) (Concurrence)**

An Act amending the act of July 9, 1990 (P.L.340, No.78), known as the Public Safety Emergency Telephone Act, further providing for the Wireless E-911 Emergency Services Fund.

**SB 673 (Pr. No. 1902) (Rereported) (Concurrence)**

An Act amending the act of June 26, 1992 (P.L.322, No.64), known as the Agriculture Education Loan Forgiveness Act, amending the title; and further providing for definitions, for the Agriculture Education Loan Forgiveness Program and for funding.

**SB 844 (Pr. No. 1975) (Rereported) (Concurrence)**

An Act providing for the highway capital budget project itemization for the fiscal year 2003-2004 and for the additional capital budget transportation assistance project itemization for the fiscal year 2003-2004; providing for limited waiver of local requirements; further providing for the location of a crime laboratory facility; and making a repeal.

**SB 931 (Pr. No. 1950) (Rereported) (Concurrence)**

An Act amending the act of December 16, 1998 (P.L.980, No.129), known as the Police Officer, Firefighter, Correction Employee and National Guard Member Child Beneficiary Education Act, extending the Postsecondary Educational Gratuity Program to certain children of sheriffs and deputy sheriffs; and further providing for National Guard eligibility.

**SB 1102 (Pr. No. 1991) (Amended) (Rereported) (Concurrence)**

An Act amending Titles 12 (Commerce and Trade) and 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes, further providing, in infrastructure and facilities improvement, for definitions, for application, for review and for approval; providing for water supply and wastewater infrastructure capitalization; further providing, in the Commonwealth Financing Authority, for definitions, for indebtedness and for the First Industries Program; and providing for the Water Supply and Wastewater

Infrastructure Program and for the incurring of debt in order to facilitate the financing by PENNVEST of the repair of existing water and wastewater projects.

**SB 1167 (Pr. No. 1955) (Rereported) (Concurrence)**

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, defining "less expensive"; and further providing for generic drugs and for amount of rebate for certain prescription drugs.

**HB 623 (Pr. No. 4793) (Amended) (Rereported) (Concurrence)**

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for deceptive or fraudulent business practices.

**LEGISLATIVE LEAVE CANCELLED**

The PRESIDENT. Senator Brightbill notes that Senator Conti is on the floor, and his legislative leave will be cancelled.

**CONSIDERATION OF CALENDAR RESUMED****HB 2105 CALLED UP**

**HB 2105 (Pr. No. 4756)** -- 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 BRIGHTBILL, as a Special Order of Business.

**BILL REREPORTED FROM COMMITTEE AS AMENDED, AMENDED**

**HB 2105 (Pr. No. 4756)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, adding definitions; further defining "public venue"; further providing for general powers of the Pennsylvania Liquor Control Board, for when sales may be made by Pennsylvania Liquor Stores, for continuing care retirement community retail licenses, for repackaging by manufacturers, for renewal of licenses, for privately owned golf courses located in more than one county; providing for a point system for certain licensees, for unlawful acts relative to liquor, malt and brewed beverages and licensees and for limited wineries; and providing for distilleries.

On the question,

Will the Senate agree to the bill on third consideration?

**CONTI AMENDMENT A5370**

Senator CONTI offered the following amendment No. A5370:

Amend Sec. 2 (Sec. 207), page 4, line 19, by striking out "GIFT CARDS, GIFT CERTIFICATES,"

Amend Sec. 4 (Sec. 305), page 6, line 14, by striking out "AND GIFT CARDS"

Amend Sec. 9, page 17, line 2, by striking out ", (2) AND (24)" and inserting: and (2)

Amend Sec. 9 (Sec. 493), page 19, lines 14 through 30; page 20, lines 1 through 16, by striking out all of said lines on said pages

Amend Sec. 13, page 26, line 2, by striking out "493(24)" and inserting: 472.5,

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

#### LEGISLATIVE LEAVES

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

Senator BRIGHTBILL. Madam President, I ask that Senator Don White be placed on temporary Capitol leave.

The PRESIDENT. Senator Brightbill requests Senator Don White be placed on temporary Capitol leave.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Madam President, I would like to place Senator Tartaglione on temporary Capitol leave.

The PRESIDENT. Senator Mellow requests that Senator Tartaglione be placed on temporary Capitol leave.

Without objection, the leaves will be granted.

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 third consideration, as amended?

#### LOGAN AMENDMENT A5253

Senator LOGAN offered the following amendment No. A5253:

Amend Title, page 1, line 23, by inserting after "LICENSESEES,": for unlawful acts relative to malt or brewed beverages and licensees,

Amend Bill, page 17, by inserting between lines 1 and 2:

Section 8.1. Section 492(4) of the act, amended December 20, 1996 (P.L. 1513, No. 196), is amended to read:

Section 492. Unlawful Acts Relative to Malt or Brewed Beverages and Licensees.—

It shall be unlawful—

\*\*\*

(4) Activities of Manufacturers, Importing Distributors or Distributors on Sunday. For any manufacturer of malt or brewed beverages, importing distributor or distributor, or the servants, agents or employees of the same, to sell malt or brewed beverages between the hours of twelve o'clock midnight of any Saturday and two o'clock in the forenoon of the following Monday. Upon purchase of a permit from the board at an annual fee of one hundred dollars (\$100), manufacturers, importing distributors and distributors, or the servants, agents or employees of the same, may sell malt or brewed beverages to anyone not licensed under this act or to a holder of a special occasion permit on Sunday between the hours of noon and five o'clock postmeridian. Notwithstanding any other provision of this section, delivery or receiving of malt or brewed beverages shall be permissible on Sunday after prior arrangement as follows:

(i) A manufacturer may deliver to any importing distributor or distributor to which the manufacturer has granted wholesale distribution rights for the manufacturer's product.

(ii) An importing distributor or distributor may deliver to any organization to which a special occasion permit has been issued between the hours of nine o'clock antemeridian and five o'clock postmeridian.

(iii) An importing distributor or distributor may deliver to anyone not licensed under this act between the hours of nine o'clock

antemeridian and five o'clock postmeridian.

The term "prior arrangement" shall mean that malt or brewed beverages having a total sale price, excluding any deposits or credits, exceeding two hundred fifty dollars (\$250) have been ordered, invoiced and paid in full at the seller's licensed premises before the Sunday of delivery.

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

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

Senator LOGAN. Madam President, this is the much-awaited, much-lobbied, much-emotional Sunday beer sales amendment for our distributors. For the Members' information, this particular amendment was in an omnibus bill that passed the Committee on Law and Justice 8 to 2 and also passed the subsequent Committee on Appropriations 18 to 6.

I just want to explain to the Members real quickly what it actually does, because there has been a little bit of misinformation about the amendment. The amendment would allow the roughly 1,000 beer distributors in the Commonwealth of Pennsylvania to be open, if they choose, on Sundays noon to 5. The beer distributor would pay a \$100 fee to get a Sunday sales permit. Currently, our restaurants and taverns and other establishments are allowed to be open on Sunday. Restaurants and taverns would pay a \$300 fee, that would not change. Beer distributors, if they choose to open, would pay a \$100 fee. After paying that fee, they would receive their Sunday sales permit. They could be open one Sunday or 52 Sundays, whichever they choose, whatever they think they can generate in revenue, if they think it is profitable for their small business. For the Members, there is no package reform in this bill, which means the beer distributors cannot sell a six-pack, they cannot sell two six-packs, they still have to sell a case of beer.

Madam President, we hear so many times in this Chamber, in the other Chamber, in the newspapers, that State government should be more pro-business or business-friendly. I am not quite sure what is pro-business or business-friendly about the State mandating small businesses, and in this case beer distributors, to be closed on Sundays, or to be closed 4 days out of the month, when a small business is trying to pay their utilities and their rent and hire people and get inventory in. There is nothing really business-friendly or pro-business about being closed on Sundays. It is outdated, it is unfair, and it is very, very anti-business.

Madam President, take restaurants and taverns, and if you go to the airport you can have a beer on Sunday, at some retirement communities you can have a beer on Sunday, golf courses, hotels, there are roughly about 16,000 of those establishments. There are just a little over 1,000 beer distributors. So the critics in opposition to this legislation would tell you that this move would put restaurants and taverns out of business, and that is not true, Madam President. Again, there are 16,000 or so restaurants and taverns and only 1,092 beer distributors. They coexist, restaurants, taverns, and beer distributors, for 6 days a week, and 5 hours more a week would not kill or put restaurants and taverns out of business.

I know we in this Chamber should not let our editorial pages dictate how we govern, but a few have praised this move, and I



just want to mention a few. From the Pittsburgh Post-Gazette just this past week, "It's time to end an outdated ban on beer sales," from The Beaver County Times, "The bottom line is that distributorships are selling a retail product that should be available for purchase seven days a week," from The Patriot-News, "There are signs that Pennsylvania's archaic alcoholic-beverage system may be moving toward another modern reform - Sunday sales of beer at distributors," The Express-Times says, "Move to liberalize Sunday beer sales will save Pennsylvanians time and money," and from the Times Leader, "Sunday beer sales rules long in need of change." So, I respectfully ask the Members to look at this in a pro-business or a business-friendly mind and vote "yes" for this amendment to allow our beer distributors the option of opening on Sundays.

Thank you, Madam President.

The PRESIDENT. The Chair recognizes the gentleman from Bucks, Senator Conti.

Senator CONTI. Madam President, I rise in support of the amendment that my friend and colleague from Allegheny County just spoke about, and I ask for an affirmative vote from my colleagues on this side of the aisle who can do that.

Thank you.

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

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

YEA-29

Boscola	Kitchen	Punt	White, Mary Jo
Conti	Kukovich	Rafferty	Williams, Anthony H.
Costa	LaValle	Scarnati	Williams, Constance
Earl	Logan	Stack	Wonderling
Ferlo	Mellow	Stout	Wozniak
Fumo	Orie	Tartaglione	
Hughes	Piccola	Thompson	
Kasunic	Pippy	Wagner	

NAY-17

Armstrong	Jubelirer	Pileggi	Wenger
Brightbill	Lemmond	Rhoades	White, Donald
Corman	Madigan	Robbins	
Erickson	Mowery	Tomlinson	
Gordner	Musto	Waugh	

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

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

A.H. WILLIAMS AMENDMENT A5353

Senator A.H. WILLIAMS offered the following amendment No. A5353:

Amend Sec. 8 (Sec. 481), page 16, line 2, by striking out "WHEN" and inserting: Except as provided for in subsection (c), when

Amend Sec. 8 (Sec. 481), page 16, line 21, by striking out "TWENTY POINTS OR MORE" and inserting: two enhanced penalty

violations under section 479(b) within a two-year period or accumulates two or more points within two years after an initial accumulation of ten points

Amend Sec. 8 (Sec. 481), page 16, line 22, by removing the period after "LICENSE" and inserting: and the license may be immediately confiscated by the board, Pennsylvania State Police or local law enforcement. This shall be followed by a hearing before the administrative law judge within fifteen days following seizure.

Amend Sec. 8 (Sec. 481), page 16, line 24, by striking out "A" and inserting: an automatic

Amend Sec. 8 (Sec. 481), page 16, line 24, by inserting after "ORDER.":

The licensee has the right to seek a supersedeas under the Pennsylvania Rules of Procedure. The application for the appellate supersedeas would be submitted to the reviewing authority and would have to demonstrate how the administrative law judge abused his authority, committed an error of law, or failed to base his findings of fact upon substantial evidence.

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

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Anthony Williams.

Senator A.H. WILLIAMS. Madam President, before I start, I would like to thank my dear friend, Senator Conti, certainly the Members of my own Caucus, and certainly Senator Brightbill and Representative Ron Raymond, who is the chairman of the liquor committee in the House. The issue that I am confronting tonight is one that is pretty parochial in nature, Philadelphia. There are those of us who grew up with delis in our communities and look fondly upon those times when we could trot down to the neighborhood store and enjoy a burger, fries, a ham sandwich, or a soda. Unfortunately, in too many sections of Philadelphia County, that is no longer the case. These places which used to be delis are now called stop-n-go's. They have fortified beer, an ungodly amount of drug paraphernalia, and consequently have become harboring places of criminal elements that strike fear all too frequently in homes all across Philadelphia County. For those who have not read my memo, I hope you will. There are a number of newspaper articles which describe innocent families being held hostage by these havens of crime, and frankly, all too often indifferent business owners who put this kind of paraphernalia and fortified beer and alcohol in front of them.

This amendment begins that process of righting the ship, putting the power back in the hands of the community, and fortifying the Liquor Control Board, along with the State Police, allowing them to create a point system that will define and monitor. If you are a good proprietor, you have nothing to fear, and frankly the majority of those who have taverns and restaurants and operate fairly in our community have nothing to fear by this process. Those who sell the drug paraphernalia, there is a point system. If you exceed that point system, you will be cited. If you are cited too many points, you will be thrown in front of a judge who will render a finding of fact upon you and decide whether you continue with your license. It is that simple. There is nothing other than that in front of us tonight, and I hope that all Members of the Senate would provide what I describe as a law and order, a true law and order type of legislation in front of us tonight to allow those of us in Philadelphia 2 years, only 2 years to have this pilot program in Philadelphia, to decide how

it works, and I hope we will be able to allow the citizens of Philadelphia to move forward in that process.

The PRESIDENT. The Chair recognizes the gentleman from Bucks, Senator Conti.

Senator CONTI. Madam President, for the last time, it was my pleasure to work with my friend and colleague from Philadelphia on this issue. We began a debate a few months ago on this, and I pledged to him I would support him when we could on some of the issues that he has in Philadelphia. This is a very good amendment, one I am proud to rise and ask for support.

Thank you very much.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

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

#### A.H. WILLIAMS AMENDMENT A5356

Senator A.H. WILLIAMS offered the following amendment No. A5356:

Amend Sec. 8 (Sec. 479), page 14, line 23, by striking out "NO" and inserting: Two

Amend Sec. 8 (Sec. 479), page 15, line 7, by striking out "OR"

Amend Sec. 8 (Sec. 479), page 15, line 11, by removing the period after "COILS" and inserting a semicolon

Amend Sec. 8 (Sec. 479), page 15, by inserting between lines 11 and 12:

(9) a violation of any requirement of the board or the city to obtain or maintain the license issued by the board; or

(10) a violation of section 13(32) or (33) of the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," by any person in a licensed premises.

On the question,

Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Anthony Williams.

Senator A.H. WILLIAMS. Madam President, I will not go into detail because I am doing pretty well, but it does support the second part. It defines the categories and further allows the empowerment to proceed.

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 BRIGHTBILL.

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

##### BILL AMENDED

**HB 2749 (Pr. No. 4792)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for referenced standards; and abrogating regulations.

On the question,

Will the Senate agree to the bill on third consideration?

Senator BRIGHTBILL offered the following amendment No. A5502:

Amend Sec. 2 (Sec. 305), page 2, line 17, by inserting after "EXISTING": municipality or

Amend Sec. 2 (Sec. 305), page 2, line 17, by inserting after "STANDARDS": for lateral connections

Amend Sec. 2 (Sec. 305), page 2, line 18, by striking out "MUNICIPAL" and inserting: Municipality or municipal

Amend Sec. 2 (Sec. 305), page 2, line 20, by inserting after "A": municipality or

Amend Sec. 2 (Sec. 305), page 2, line 30, by striking out "MUNICIPAL" and inserting: Municipality or municipal

Amend Sec. 2 (Sec. 305), page 3, line 2, by inserting after "THE": municipality or

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 BRIGHTBILL.

#### RECESS

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

Senator BRIGHTBILL. Madam President, at this time I ask for a recess of the Senate for the purpose of a Republican caucus. Our hope is to be back yet today.

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

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

The PRESIDENT. Without objection, there will be a recess of the Senate for purposes of Republican and Democratic caucuses.

#### AFTER RECESS

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

#### HOUSE MESSAGES

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

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to House amendments to **SB 133, 304 and 938**.

##### HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 927**, with the information the House has passed the same without amendments.

**SENATE BILLS RETURNED WITH AMENDMENTS**

The Clerk of the House of Representatives returned to the Senate **SB 95, 668, 912 and 1041**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule XIV, section 5, these bills will be referred to the Committee on Rules and Executive Nominations.

**BILLS REPORTED FROM COMMITTEE**

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

**HB 1113 (Pr. No. 4796) (Amended) (Rereported)**

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for remittance of taxes as compensation for municipal services provided by a city of the second class; and directing school districts to establish policies regarding student possession and self-administration of certain asthma medications.

**HB 1954 (Pr. No. 4797) (Amended) (Rereported)**

An Act amending the act of April 21, 1949 (P.L.665, No.155), known as the First Class City Home Rule Act, further providing for the general grant of power and authority; and providing for specific powers.

**HB 2029 (Pr. No. 4639) (Rereported)**

An Act authorizing cities of the first class that have adopted a home rule charter to enforce ordinances, rules and regulations prohibiting dumping or disposal of waste, trash or debris.

**SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR No. 3**

**SENATE CONCURS IN HOUSE AMENDMENTS**

**SB 79 (Pr. No. 1978)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 6, 1995 (P.L.255, No.34), known as the Dual Party Relay Service and Telecommunication Device Distribution Program Act, expanding the scope of the act; further providing for definitions; providing for establishment of the Print Media Access System Program; further providing for establishment of dual party relay service; and making editorial changes.

On the question,  
Will the Senate concur in the amendments made by the House to Senate Bill No. 79?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 79.

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

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

**YEA-46**

Armstrong	Jubelirer	Piccola	Tomlinson
Boscola	Kasunic	Pileggi	Wagner
Brightbill	Kitchen	Pippy	Waugh
Conti	Kukovich	Punt	Wenger
Corman	LaValle	Rafferty	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fumo	Mowery	Stout	Wozniak
Gordner	Musto	Tartaglione	
Hughes	Orie	Thompson	

**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 356 (Pr. No. 1980)** -- 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 criminal history record information.

On the question,  
Will the Senate concur in the amendments made by the House to Senate Bill No. 356?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 356.

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

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

**YEA-46**

Armstrong	Jubelirer	Piccola	Tomlinson
Boscola	Kasunic	Pileggi	Wagner
Brightbill	Kitchen	Pippy	Waugh
Conti	Kukovich	Punt	Wenger
Corman	LaValle	Rafferty	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fumo	Mowery	Stout	Wozniak
Gordner	Musto	Tartaglione	
Hughes	Orie	Thompson	

**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 432 (Pr. No. 1901)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 9, 1990 (P.L.340, No.78), known as the Public Safety Emergency Telephone Act, further providing for the Wireless E-911 Emergency Services Fund.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 432?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 432.

On the question,

Will the Senate agree to the motion?

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

#### YEA-46

Armstrong	Jubelirer	Piccola	Tomlinson
Boscola	Kasunic	Pileggi	Wagner
Brightbill	Kitchen	Pippy	Waugh
Conti	Kukovich	Punt	Wenger
Corman	LaValle	Rafferty	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fumo	Mowery	Stout	Wozniak
Gordner	Musto	Tartaglione	
Hughes	Orie	Thompson	

#### 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.

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

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

#### SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED

**SB 1102 (Pr. No. 1991)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 12 (Commerce and Trade) and 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes, further providing, in infrastructure and facilities improvement, for definitions, for application, for review and for approval; providing for water supply and wastewater infrastructure capitalization; further providing, in the Commonwealth Financing Authority, for definitions, for indebtedness and for the First Industries Program; and providing for the Water Supply and Wastewater Infrastructure Program and for the incurring of debt in order to facilitate the financing by PENNVEST of the repair of existing water and wastewater projects.

On the question,

Will the Senate concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 1102?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 1102.

On the question,

Will the Senate agree to the motion?

The PRESIDENT. The Chair recognizes the gentleman from Blair, Senator Jubelirer.

The PRESIDENT pro tempore. Madam President, for the information of the Members, this is a very significant piece of legislation. It is the water and sewage bill, and the long-awaited action on this measure is incredibly important to the job hopes in a lot of corners in this Commonwealth. On infrastructure generally, and on water and sewer specifically, there is increasingly tough competition for whatever amount of money becomes available.

Madam President, many communities are looking to repair aging or antiquated systems. Others are looking to make improvements to lift development bans that preclude new homes or new businesses, and others are looking to expand plants or extend lines to accommodate growth. The problem is, when the need is measured in tens of billions of dollars, it is impossible to make a quarter of a billion dollars stretch to all places for all purposes. That the bulk of this money is targeted to a specific set of projects is neither opportunity lost nor an understanding breached. The reality is that money is needed now or vital projects could slip away. Pick a project, industrial or commercial, and you will invariably find water and sewer as pivotal concerns on the prospect shopping list. Still, in many instances, an economic development project is going to have a residential component to it. It does not automatically involve laying water and sewer lines to a virgin site. It is often a case of upgrading facilities to make job additions possible.

In the array of economic stimulus programs and incentives that Pennsylvania is using in the competition for jobs, this is a key ingredient. However, we have incorporated changes that respond to concerns raised during negotiations. We have added job retention as an eligible purpose, a step that will likely direct more of this money to municipal systems. We compel the use of at least \$50 million in already authorized bond capacity to deepen the pool of funding available through PENNVEST, and a point lost in the arguments over the money is this: paying for projects from this new money frees up PENNVEST money for

more community and municipal projects. No one is contending that this comes anywhere close to addressing all the pressing needs for water and sewer. We will have to be back at the issue again and again, because the problems are so large and the dual imperatives of economic development and environmental protection are so consequential.

Madam President, in this bill we give an important tool to the professionals, local and State, who daily strive to keep jobs here, to attract jobs, and to encourage existing enterprises to expand. Jobs are a public priority, whether in urban, suburban, or rural areas, and this bill is a necessary part of the answer.

Madam President, I urge the passage of this very important and significant piece of legislation.

Thank you.

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

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

YEA-46

Armstrong	Jubelirer	Piccola	Tomlinson
Boscola	Kasunic	Pileggi	Wagner
Brightbill	Kitchen	Pippy	Waugh
Conti	Kukovich	Punt	Wenger
Corman	LaValle	Rafferty	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fumo	Mowery	Stout	Wozniak
Gordner	Musto	Tartaglione	
Hughes	Orie	Thompson	

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.

**SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR No. 3 RESUMED**

**SENATE CONCURS IN HOUSE AMENDMENTS**

SB 673 (Pr. No. 1902) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 26, 1992 (P.L.322, No.64), known as the Agriculture Education Loan Forgiveness Act, amending the title; and further providing for definitions, for the Agriculture Education Loan Forgiveness Program and for funding.

On the question,  
Will the Senate concur in the amendments made by the House to Senate Bill No. 673?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 673.

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

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

YEA-46

Armstrong	Jubelirer	Piccola	Tomlinson
Boscola	Kasunic	Pileggi	Wagner
Brightbill	Kitchen	Pippy	Waugh
Conti	Kukovich	Punt	Wenger
Corman	LaValle	Rafferty	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fumo	Mowery	Stout	Wozniak
Gordner	Musto	Tartaglione	
Hughes	Orie	Thompson	

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 844 (Pr. No. 1975) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the highway capital budget project itemization for the fiscal year 2003-2004 and for the additional capital budget transportation assistance project itemization for the fiscal year 2003-2004; providing for limited waiver of local requirements; further providing for the location of a crime laboratory facility; and making a repeal.

On the question,  
Will the Senate concur in the amendments made by the House to Senate Bill No. 844?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 844.

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

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

YEA-46

Armstrong	Jubelirer	Piccola	Tomlinson
Boscola	Kasunic	Pileggi	Wagner
Brightbill	Kitchen	Pippy	Waugh
Conti	Kukovich	Punt	Wenger
Corman	LaValle	Rafferty	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance

Ferlo	Mellow	Stack	Wonderling
Fumo	Mowery	Stout	Wozniak
Gordner	Musto	Tartaglione	
Hughes	Orie	Thompson	

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 931 (Pr. No. 1950)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 16, 1998 (P.L.980, No.129), known as the Police Officer, Firefighter, Correction Employee and National Guard Member Child Beneficiary Education Act, extending the Postsecondary Educational Gratuity Program to certain children of sheriffs and deputy sheriffs; and further providing for National Guard eligibility.

On the question,  
Will the Senate concur in the amendments made by the House to Senate Bill No. 931?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 931.

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

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

YEA-46

Armstrong	Jubelirer	Piccola	Tomlinson
Boscola	Kasunic	Pileggi	Wagner
Brightbill	Kitchen	Pippy	Waugh
Conti	Kukovich	Punt	Wenger
Corman	LaValle	Rafferty	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earl	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fumo	Mowery	Stout	Wozniak
Gordner	Musto	Tartaglione	
Hughes	Orie	Thompson	

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 1167 (Pr. No. 1955)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, defining "less expensive"; and further providing for generic drugs and for amount of rebate for certain prescription drugs.

On the question,  
Will the Senate concur in the amendments made by the House to Senate Bill No. 1167?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1167.

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

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

YEA-46

Armstrong	Jubelirer	Piccola	Tomlinson
Boscola	Kasunic	Pileggi	Wagner
Brightbill	Kitchen	Pippy	Waugh
Conti	Kukovich	Punt	Wenger
Corman	LaValle	Rafferty	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earl	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fumo	Mowery	Stout	Wozniak
Gordner	Musto	Tartaglione	
Hughes	Orie	Thompson	

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.

**SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR No. 5**

SENATE CONCURS IN HOUSE AMENDMENTS  
AS AMENDED

**HB 623 (Pr. No. 4793)** -- 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 deceptive or fraudulent business practices.

On the question,  
Will the Senate concur in the amendments made by the House, as further amended by the Senate, to House Bill No. 623?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House, as further amended by the Senate, to House Bill No. 623.

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

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

YEA-46

Armstrong	Jubelirer	Piccola	Tomlinson
Boscola	Kasunic	Pileggi	Wagner
Brightbill	Kitchen	Pippy	Waugh
Conti	Kukovich	Punt	Wenger
Corman	LaValle	Rafferty	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fumo	Mowery	Stout	Wozniak
Gordner	Musto	Tartaglione	
Hughes	Orie	Thompson	

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.

**SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR No. 6**

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**HB 2749 (Pr. No. 4795)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for referenced standards; and abrogating regulations.

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

On the question,  
Shall the bill pass finally?

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

YEA-46

Armstrong	Jubelirer	Piccola	Tomlinson
Boscola	Kasunic	Pileggi	Wagner
Brightbill	Kitchen	Pippy	Waugh
Conti	Kukovich	Punt	Wenger
Corman	LaValle	Rafferty	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fumo	Mowery	Stout	Wozniak
Gordner	Musto	Tartaglione	
Hughes	Orie	Thompson	

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.

**CONSIDERATION OF CALENDAR RESUMED**

**HB 447 CALLED UP**

**HB 447 (Pr. No. 4734)** -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 5 of the Third Consideration Calendar, by Senator BRIGHTBILL.

**BILL AMENDED**

**HB 447 (Pr. No. 4734)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for certain immunity for persons who donate vehicles and equipment to volunteer fire companies.

On the question,  
Will the Senate agree to the bill on third consideration?  
Senator PICCOLA offered the following amendment No. A5329:

Amend Title, page 1, line 4, by removing the period after "companies" and inserting: and for sentences for certain drug offenses committed with firearms.

Amend Sec. 1, page 1, line 8, by striking out "a section" and inserting: sections

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

§ 9712.1. Sentences for certain drug offenses committed with firearms.

(a) Mandatory sentence.—Any person who is convicted of a violation of section 13(a)(30) of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, when at the time of the offense, the person or the person's accomplice is in physical possession or control of a firearm, whether visible, concealed about the person or the person's accomplice or within the actor's or accomplice's reach or in close proximity to the controlled substance, shall likewise be sentenced to a minimum sentence of at least five years of total confinement.

(b) Limitation on aggregate sentences.—Where a defendant is subject to a mandatory minimum sentence under 18 Pa.C.S. § 7508(a) (relating to drug trafficking sentencing and penalties) and is also subject to an additional penalty under subsection (a), and where the court elects to aggregate these penalties, the combined minimum sentence may not exceed the statutory maximum sentence of imprisonment allowable under The Controlled Substance, Drug, Device and Cosmetic Act.

(c) Proof at sentencing.—Provisions of this section shall not be an element of the crime and notice thereof to the defendant shall not be required prior to conviction, but reasonable notice of the Commonwealth's intention to proceed under this section shall be provided after conviction and before sentencing. The applicability of this section shall be determined at sentencing. The court shall consider any evidence presented at trial and shall afford the Commonwealth and the defendant an opportunity to present any necessary additional evidence and shall determine, by a preponderance of the evidence, if this section is applicable.

(d) 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.

(e) 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.

(f) Definition.—As used in this section, the term "firearm" shall have the same meaning as that given to it in section 9712 (relating to sentences for offenses committed with firearms).

Section 2. The Pennsylvania Commission on Crime and Delinquency is directed to establish a public information campaign aimed at high drug trafficking areas informing the public of the five-year mandatory sentence established by 42 Pa.C.S. § 9712.1. The commission shall seek all available funding, including Federal funding or funding available from nonprofit corporations and shall seek to engage pro bono services from public relations and advertising firms and other entities.

Amend Sec. 2, page 3, line 5, by striking out "2" and inserting: 3

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?

#### RECONSIDERATION OF A5329

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

Senator FUMO. Madam President, I move to reconsider the vote by which amendment A5329 was agreed to.

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

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

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

Senator FUMO. Madam President, would the gentleman from Dauphin, Senator Piccola, explain the amendment in detail? We seem to have some kind of a conflict. I think we resolved it, but for the benefit of the Members, I think it is important to let them know specifically what this entails.

The PRESIDENT. The Chair recognizes the gentleman from Dauphin, Senator Piccola.

Senator PICCOLA. Madam President, amendment A5329 would provide for a mandatory minimum 5-year sentence for anyone who is convicted specifically of a violation of Section 13(a)30 of The Controlled Substance, Drug, Device and Cosmetic Act when they are in possession or control of a firearm. Section 13(a)30 of The Controlled Substance Drug, Device and Cosmetic Act is that section that deals with the dealing of drugs, that is the transaction of a drug dealer selling drugs.

The purpose of this amendment is to provide a deterrent for those who are dealing in drugs and using firearms. It is a severe problem particularly in the cities of the Commonwealth, and it will act as a deterrent for those who deal in drugs and use firearms. It does not, and I repeat this, it does not provide for the mandatory minimum if the individual is only possessing drugs. It requires that they be dealing in drugs and in possession of a firearm before the mandatory minimum would apply.

The PRESIDENT. The Chair recognizes the gentlewoman from Venango, Senator Mary Jo White.

Senator M.J. WHITE. Madam President, I rise to oppose this amendment. I think most States are moving away from mandatory minimums. They have not been proven to be effective in many cases, and they take away judicial discretion. Prison overcrowding is a serious problem, and I think we should leave the discretion on criminal sentencing to the judiciary, where that duty truly belongs.

Thank you, Madam President.

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Anthony Williams.

Senator A.H. WILLIAMS. Madam President, I would appreciate a brief period of interrogation of the gentleman who is the maker of the particular amendment.

The PRESIDENT. Senator Piccola, will you stand for interrogation?

Senator PICCOLA. Yes, Madam President.

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Anthony Williams.

Senator A.H. WILLIAMS. Madam President, while I appreciate the spirit and the assistance, I come from one of those cities that is plagued with this particular problem. But we happen to have a conference of judges here today, and they have given us a lot of direction and input when it comes to mandatory minimums.

I would like to know if there was an opportunity to talk to anyone from the bench from Philadelphia County or Pittsburgh to get their advice or direction when it comes to this issue of mandatory minimums?

Senator PICCOLA. Madam President, if I understand the question, the question is whether or not we spoke to anyone who is a member of the Philadelphia judiciary. Is that accurate?

Senator A.H. WILLIAMS. Madam President, I will take Philadelphia, Pittsburgh, York, any of the major cities.

Senator PICCOLA. Madam President, well, we spoke to the Philadelphia district attorney, and we spoke to district attorneys throughout the Commonwealth who have found that it is difficult to prosecute these kinds of cases and get the kinds of sentences that are required to keep these individuals locked up for longer periods of time. A similar law was proposed in 1982, and we enacted those mandatory minimum sentences for those who commit violent crimes. In 1986, a study by the Pennsylvania Commission on Crime and Delinquency showed that, for example, robberies with firearms, after the enactment of this new law, dropped by 40 percent in the 3 years following the enactment. It is a fact that mandatory minimums for the possession of firearms for specific and designated crimes that you want to target, and in this case we are targeting drug dealing, do effectuate a reduction in those offenses.



Senator A.H. WILLIAMS. Madam President, while I am certainly sure that our DA would be quite pleased to have another law on the books or amendment that relates to prosecution, and I certainly would not want to disarm her, but the question really is to the administration of justice. Mandatory minimums cost a lot of money, and judges spend a lot of time reflecting upon the processes, so my specific question was to those who have to impose that process in the judiciary, because as I heard the gentleman earlier, the comments related to deterrents, a lot of judges see recidivism within the process. They actually know the court system, they actually know the consequence and whether it works, so I was really reflecting upon what their view was on this.

Senator PICCOLA. Well, Madam President, before the judges see these individuals that recidivate, the ones the gentleman is referring to, our police officers on the street see them first and our district attorneys see them because they have to prosecute them, so, we went to the front line of defense, the police officers, we went to the front line of defense, the district attorneys. The judiciary, as a general rule, does not have an overall view of the problem. They may see certain people who come into their courtroom, they may have a limited view, a narrow view of those who happen to be in their courtroom, they do not see the big picture. The district attorneys see the picture in their entire counties. The police officers see the picture in their entire cities, so they are the people who have the expertise to determine what the problem is and the best remedy for it. I do not think the judiciary has that overview that would give us any indication as to the severity of the problem, and they would not even, I doubt, comment on whether or not such an act should be proposed.

Senator A.H. WILLIAMS. Madam President, so listening to the gentleman's answer, did he actually talk to Sylvester Johnson in Philadelphia County?

Senator PICCOLA. Madam President, I do not believe we specifically talked to that particular gentleman, at least I did not. I do not know if his advice was--

Senator A.H. WILLIAMS. Madam President, Lynne Abraham is the DA from Philadelphia County. Did the gentleman speak to her?

Senator PICCOLA. Yes, Madam President.

Senator A.H. WILLIAMS. Madam President, Sylvester Johnson is the head of the police department in Philadelphia County, and he is not a fan of mandatory minimums, so I would like to know what police officer the gentleman spoke to from Philadelphia County if he did not speak to the guy who runs the whole operation?

Senator PICCOLA. Madam President, I have spoken to police officers from around the Commonwealth, not specifically Philadelphia County, who have indicated both directly and indirectly through district attorneys that the use of firearms in drug dealing situations is on the rise and is a difficult offense to prosecute with severe penalties because of the lack of mandatory minimums in the law. They have recommended that we enact this statute.

Senator A.H. WILLIAMS. Madam President, the front-line guy, Sylvester Johnson, even before the DA, even before the judge, is a cop. The gentleman would agree with that, right?

Senator PICCOLA. I would agree with what, Madam

President.

Senator A.H. WILLIAMS. Madam President, the front-line guys, the people on the ground, the folks whom the gentleman said know better than anybody else, tend to be the police officers. They are the first.

Senator PICCOLA. Madam President, they are certainly on the front line, no question.

Senator A.H. WILLIAMS. Madam President, and the largest city in the State of Pennsylvania by far is in Philadelphia County, is it not?

Senator PICCOLA. That is correct, Madam President.

Senator A.H. WILLIAMS. Therefore, Madam President, we are basing this upon their wants and desires. As a matter of fact, I spent a lot of time talking to Sylvester Johnson about this issue. While we appreciate all the assistance the gentleman would like to provide tonight, if we are going to start with the guys on the ground, they tell me their biggest concern is assault weapons, their biggest concern is removing assault weapons from that drug dealer. So, if we are going to talk about helping those guys, if the gentleman would be so inclined, we can talk about the assault weapons ban tonight.

Senator PICCOLA. I do not know if that is a question, Madam President, but this will specifically deal with that situation, because no matter whether it is an assault weapon or any kind of weapon, the drug dealers who are using these weapons will have the opportunity for a longer sentence under this proposal.

Senator A.H. WILLIAMS. Madam President, I am not going to belabor this tonight, but I think with the line of questioning, and I appreciate the gentleman being so kind to stand and yield to the level of interrogation, I could go on for a long time. Many of us who come from Philadelphia County need a lot of help from this place when it comes to laws, when it comes to enforcement, when it comes to policy, when it comes to direction. But frankly, what we would like to have is people really listening to what we are suggesting, take seriously our considerations, take seriously our advice. Mandatory minimums, frankly, I have been here for 16 years, and I started with mandatory minimums, which I introduced. I actually had them passed. I voted for them, so I understand them. But I also listened to the people in my communities who lived with mandatory minimums on guns, 5-year mandatory minimums on guns, and still have the same problems. The problem is not simply what the sentence is. I mean, with all due respect to the DA and her wisdom about the process, I still live in one of those neighborhoods. I grew up in one of those neighborhoods. I know the element in those neighborhoods. The issue is they do not respect the law, and so to suggest that they are going to be deterred by law is frankly simplistic and is not well-informed, let alone well-advised.

What is well-advised is if we want to take up this serious issue, let us start to talk about how we are going to remove the instrument of crime, the method which they use to intimidate these communities. If we are going to do serious work on this serious issue, then let us get down to the serious work. I am just of the mind that we are really not serious about this. I am more of the mind that we are going to stand up and say we were tough on crime. Words are not what these folks need. They need action. They need Sylvester Johnson's advice. He is one of the best, not

only in Philadelphia County, he is one of the best in the nation, and if we are going to say we talk to police officers, then talk to Sylvester. If you are going to say you are coming to Philadelphia to help, then talk to those who are asking for help. They will tell you what their list of wants and desires are. This is not on their list of wants and desires. That is not an opinion, that is not an emotion, that is just a fact, and so to represent it as a tool of aid is also factually incorrect. It is disingenuous, it is frankly stretching the truth, to be kind. Sylvester Johnson will tell you that we can start with the assault weapons ban, then we can back into all the other la-la-lands that we want to talk about.

Because of that, I am suggesting that we do not talk about this, that we do not vote for this, that we force ourselves to the table and talk about public policy in its most stringent form and how we protect those citizens who cannot protect themselves.

The PRESIDENT. The Chair recognizes the gentleman from Dauphin, Senator Piccola.

Senator PICCOLA. Madam President, I will be very brief. Recently a number of officials, and since Philadelphia has been singled out for consideration here, a number of city of Philadelphia officials issued a "Blueprint for a Safer Philadelphia," and endorsing that blueprint were Mayor Street, Chief Johnson, to whom the gentleman has been referring, the U.S. Attorney, Mr. Meehan, and a variety of victims groups from the city of Philadelphia. Included in the "Blueprint for a Safer Philadelphia" were precisely the provisions of this amendment. I urge its adoption.

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Anthony Williams.

Senator A.H. WILLIAMS. Madam President, one, I did not bring up the issue of cities, it was brought up earlier, and I was minding my own business and I happened to hear that this was a tool to help those cities. Now we are talking about the blueprint, of which I am a participant, and Senator Fumo, and Representative Evans. By the way, to take that one item out and to suggest that we are addressing the blueprint is to suggest that you can build a building with one brick. That is what we are talking about. They laid out a blueprint. This is one item, not the foundation, not the middle. It might be an interior wall someplace in somebody's bedroom. This is not the blueprint, and so let us reflect upon it for what it is. If people want to vote for it, so be it, but it is not, in the context of what we are talking about, it is not that.

Now, I am not here tonight to debate whether you are for mandatory minimums or not; some are, some are not. We may lose that conversation, but I am not going to stand here tonight and suggest that it is what we asked for in Philadelphia County. It certainly is not what Sylvester Johnson has asked for in Philadelphia County, and when we signed that blueprint, he was the one sitting there saying, you know, it is a compromise, and I will go along with the compromise. I am not a fan of it. So let us deal with the truth. If you want to do mandatories, do mandatories. Do not talk about it as if it is something we are asking for, because we are not.

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

Senator FUMO. Madam President, I have to respectfully take a different position than some of my colleagues from

Philadelphia. This particular piece of legislation, as Senator Piccola says, is part of a blueprint that was developed for a reason. Back in early 2004 of this year, January or February, I do not have the exact date, a young child, a third grader, by the name of Faheem Thomas-Childs was killed while he was on the playground at Peirce Elementary School in Philadelphia. Nothing in my memory crystallized the Philadelphia community like that. In fact, I was one of at least, I will be conservative in my numbers, a thousand people who marched through the streets of north Philadelphia in protest over that insane, heinous act. After that, I introduced a bill which I called Faheem's Law which prohibited the possession of a firearm around any school in Pennsylvania. That is still somewhere in committee. That was one of my ideas. Dwight Evans, to his credit, convened a meeting and invited me, Senator Williams, Senator Hughes, I think, and most of the Senators from Philadelphia, the Governor, the U.S. attorney, the mayor, a number of Members of the House, and the district attorney. We met not only once, and you can imagine the scheduling conflicts of bringing together that many high profile people, but everybody dropped their schedules and went to that meeting and the subsequent meetings. And, yes, there were a number of things that were proposed, and this, in fact, was one of them. I am not going to debate assault weapons. I take a different view.

I chaired the joint committee of the House and Senate a number of years ago when we dealt with the issue of guns in Pennsylvania. We wrote, and this General Assembly adopted, probably the most far-reaching gun control legislation in America and probably the only piece of legislation concerning firearms that was endorsed by both the National Rifle Association and Sarah Brady's Handgun Control, Inc., and we put that into place. And one of the findings of that committee was that there was no such thing as a special weapon that is used in crime, assault weapons were used, at most, in 3 percent of the crimes. The problem was people illegally using, and in many cases illegally gotten, firearms. That is the problem of crime. We have to recognize in this Commonwealth that we have a Constitution that is even stronger than the United States Constitution when it comes to the right to bear arms in protection of ourselves and our families. The committee went about trying to structure something that recognized the constitutional rights involved, and Lynne Abraham was on that committee. Lynne Abraham refused to vote for me for chairman because she felt that I was going to be too pro-gun. In the end, she commended me and the other members for our work, and what we determined was that it was not guns in society, it was people illegally using guns in society, and it was not the kind of gun, and you could not ban a gun. We even drew upon the references of Vietnam where people were manufacturing guns, the Viet Cong were building guns. If you all go back to, those of us who are older now, I guess I am almost a senior citizen, but in my day when I was younger, it was called a zip gun and kids would break off an antenna from a car, take the base of an antenna, put it in a wood frame, put a .22 caliber bullet in, use rubber bands and shoot it. So, we are kidding ourselves when we talk about the types of guns, and I respectfully disagree with Senator Williams on that.

On this particular amendment, yes, I do have problems with mandatory sentencing, but out of frustration and out of just

outrage in our community, we have decided, most of us anyway, that this is one of the things we want to do. There are many other things that have to be done, many, many other things that have to be done, but this is at least one of them. I support this, and I urge my colleagues to support it. I recognize that there are some very strong philosophical differences on mandatory sentencing, differences which I probably share, and maybe I am just frustrated and throwing in the towel on some of those issues and have now decided to try something else. But this is something that I think we need, it is something important, and I hope it is something that is going to cut crime. If it saves, and I know this is trite but it is so true, if it saves another third grader from being killed in the school yard, it is worth it. I ask for an affirmative vote on the amendment.

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

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

YEA-40

Armstrong	Jubelirer	Piccola	Tartaglione
Boscola	Kasunic	Pileggi	Thompson
Brightbill	LaValle	Pippy	Tomlinson
Conti	Lemmond	Punt	Wagner
Corman	Logan	Rafferty	Waugh
Costa	Madigan	Rhoades	Wenger
Erickson	Mellow	Robbins	White, Donald
Ferlo	Mowery	Scarnati	Williams, Constance
Fumo	Musto	Stack	Wonderling
Gordner	Orie	Stout	Wozniak

NAY-6

Earll	Kitchen	White, Mary Jo	Williams, Anthony H.
Hughes	Kukovich		

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

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

Senator FUMO, on behalf of Senator MELLOW, offered the following amendment No. A5417:

Amend Sec. 1 (Sec. 8338.1), page 2, line 18, by striking out "nonprofit organization" and inserting: volunteer fire company

Amend Sec. 1 (Sec. 8338.1), page 2, line 19, by striking out "nonprofit organization" and inserting: volunteer fire company

Amend Sec. 1 (Sec. 8338.1), page 2, line 20, by striking out "organization"

Amend Sec. 1 (Sec. 8338.1), page 2, line 21, by striking out "organization"

Amend Sec. 1 (Sec. 8338.1), page 2, lines 23 through 27, by striking out all of said lines

Amend Sec. 1 (Sec. 8338.1), page 3, by inserting between lines 4 and 5:

"Volunteer ambulance service." Any nonprofit chartered corporation, association or organization, which is located in this Commonwealth and which is regularly engaged in the service of providing emergency medical care and transportation of patients.

"Volunteer fire company." Any nonprofit chartered corporation, association or organization, which is located in this Commonwealth and which provides fire protection services and other voluntary emergency services within this Commonwealth. Voluntary emergency services provided by a volunteer fire company may include voluntary ambulance and voluntary rescue services.

"Volunteer rescue service." Any nonprofit chartered corporation, association or organization, which is located in this Commonwealth and which provides rescue services in this Commonwealth.

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 BRIGHTBILL.

SB 1209 CALLED UP

SB 1209 (Pr. No. 1985) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Calendar under Bill on Concurrence in House Amendments as Amended, by Senator BRIGHTBILL.

SENATE RULE XIV SUSPENDED

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

Senator BRIGHTBILL. Madam President, I move that Senate Rule XIV be suspended for the purpose of consideration of amendment A5405 to Senate Bill No. 1209.

The PRESIDENT. Senator Brightbill moves that Senate Rule XIV be suspended to consider amendment A5405.

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

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

YEA-46

Armstrong	Jubelirer	Piccola	Tomlinson
Boscola	Kasunic	Pileggi	Wagner
Brightbill	Kitchen	Pippy	Waugh
Conti	Kukovich	Punt	Wenger
Corman	LaValle	Rafferty	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fumo	Mowery	Stout	Wozniak
Gordner	Musto	Tartaglione	
Hughes	Orie	Thompson	

NAY-0

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

BILL AMENDED

SB 1209 (Pr. No. 1985) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 4 (Amusements) and 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for definitions and for the Pennsylvania Gaming Control Board established; providing for applicability of other statutes and for review of deeds, leases and contracts; further providing for general and specific powers, for temporary regulations, for board minutes and records, for slot machine licensee financial fitness and for supplier and manufacturer licenses application; providing for manufacturer licenses; further providing for occupation permit application, for establishment of State Gaming Fund and net slot machine revenue distribution, for transfers from State Gaming Fund, for multiple slot machine license prohibition, for local land use preemption, for public official financial interest, for enforcement, for penalties, for background checks, for fingerprints and for corrupt organizations; and making related repeals.

On the question,

Will the Senate concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 1209?

Senator BRIGHTBILL offered the following amendment No. A5405:

Amend Sec. 2 (Sec. 1201), page 6, lines 17 through 19, by striking out "The term shall have the same" in line 17, all of lines 18 and 19 and inserting: A parent, spouse, minor child, unemancipated child, brother or sister.

Amend Sec. 2 (Sec. 1201), page 8, lines 4 through 6, by striking out "The term shall have the same" in line 4, all of lines 5 and 6 and inserting: A parent, spouse, minor child, unemancipated child, brother or sister.

On the question,

Will the Senate agree to the amendment?

FUMO AMENDMENT A5491  
TO AMENDMENT A5405

Senator FUMO offered the following amendment No. A5491 to amendment No. A5405:

Amend Amendments, page 1, line 4, by striking out "minor child, unemancipated"

Amend Amendments, page 1, line 8, by striking out "minor child, unemancipated"

Amend Amendments, page 1, by inserting after line 10:

Amend Sec. 6 (Sec. 1512), page 49, line 15, by inserting a bracket before "Immediate"

Amend Sec. 6 (Sec. 1512), page 49, line 15, by striking out the brackets before and after "parent,"

Amend Sec. 6 (Sec. 1512), page 49, line 15, by striking out "child"

Amend Sec. 6 (Sec. 1512), page 49, line 16, by striking out the bracket before ", brother"

Amend Sec. 6 (Sec. 1512), page 49, line 16, by striking out the bracket after "sister" and inserting immediately thereafter

] "Immediate family." A parent, spouse, child, brother or sister.

On the question,

Will the Senate agree to amendment A5491 to amendment A5405?

QUESTION DIVIDED

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

Senator BRIGHTBILL. Madam President, I request a division of the amendment, the division occurring after line 4, so that

lines 1 through 4 would be the first half and the second half would be lines 5 through 17, and lines 1 through 4 are agreed to.

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

Senator FUMO. Madam President, I guess they gave me part of it, so now we will discuss lines 5 through 17, I assume.

The PRESIDENT. The Chair rules the amendment is divisible.

On the question,

Will the Senate agree to part I of amendment A5491?

It was agreed to.

On the question,

Will the Senate agree to part II of amendment A5491?

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

Senator FUMO. Madam President, if I may explain this to the Members, usually I talk to the people of Pennsylvania, but I am sure even if the Members read this amendment, they would be lost in the desert, so let me tell you what we are trying to do this evening. The bill, as it now stands, if the Majority Leader's amendment goes in with my amendment, would say in essence the following. As to the prohibition, and this is about the 1-percent prohibition, as to the prohibition of anybody owning any piece of a gambling entity and getting money from a gambling entity or working for a gambling entity, and I use that word broadly, that could actually be a casino or racino, it could be a distributor, it could be a manufacturer, it could be a supplier of goods and services, or anything like that, that now applies to the following people: as to Members of the General Assembly, it applies to us, to our spouses, and to our minor children. As to gambling board employees and members of the gambling board, it applies to those people, their spouses, their minor children, their parents, their brothers, their sisters, and their adult children. Now that is the standard that we agreed to and that is the one that you just agreed to, and that is the same standard that appears in our Pennsylvania Ethics Act in 65 Purdon's 1102 with the definition of "immediate family."

What we are now saying in lines 5 through 17 is that we want to take the same standard that we all agreed should apply to the gaming board members and their families and apply it to us, apply it to elected officials, apply it to the Attorney General, apply it to mayors throughout the Commonwealth, to elected officials throughout the Commonwealth. What we want to say is that we want the same ethical standard that we adopted in the ethics bill to apply to us.

Now, I want to assure everybody once and for all, because there has been a lot of media coverage about this, this is not aimed at any particular Member or any particular group. All it is saying is that the same standard of protection that we require from the brother of the janitor who works in the new gaming commission, we want to apply to our own brothers. It is inconceivable to me that we would say that our families would be allowed to own stock in companies, that our families would be allowed to make money from gaming, but the janitor who cleans the floor in the gaming commission, his brother cannot own 1

share of publicly traded Penn National stock, for example. I do not understand that. If we are really about saying to the public that we want the General Assembly out of gaming to protect from corruption, then we ought to adopt this standard to us. We have all agreed that we do it to the gaming board, we appoint the gaming board. You are saying that our appointees and the employees of our appointees should have a higher standard than us? I do not think that is the way it should be.

Now we talk about corruption, believe me, and I talk to the people of Pennsylvania, when we put the original 1 percent in here, people thought that we actually got 1 percent each. They did not understand it. All we said was that you could own up to 1 percent if you wanted to buy it, and on the market today, probably to own 1 percent of one of these companies would cost \$3 million to \$5 million. The real corruption that could potentially exist does not exist in us or anybody else buying that stock. The potential for corruption exists when a powerful political figure goes to a licensee and says, hire my brother, hire my son, hire a relative of mine. Or better yet, and this we have already seen, where they go and say, look, I am not putting up \$3 million for a percent of a casino, but I have a brother over here who wants to sell you Coca-Cola, and I have a guy over here who wants to do the laundry for you, and I have a guy who wants to supply the silverware and the glasses. That is where the corruption comes into play. Senator Wozniak brought out in caucus, and he will go into greater lengths on what occurred I believe in the State of Arizona regarding members of their General Assembly.

So, all we are saying tonight is we want us to have the same standard that we are imposing on the janitor who works in the gaming commission. That is not an unfair playing field, and believe me, the janitor who works in that gaming commission is not going to be able to go to a licensee, even if he had the standard, and say buy the Coca-Cola from my brother. He is not going to listen to the janitor, but he is going to listen to a Senator, he is going to listen to a House Member, he is going to listen to an elected mayor, he is going to listen to elected county commissioners, he is going to listen to the chairman of the Republican or Democratic Party. They are the people he is going to listen to. Why can we not have the same standard for ourselves that we want to apply to everybody else? And again, I tell you and I tell the people of Pennsylvania, if you look at the history of corruption in gaming, if you look at the Mafia and at where Atlantic City was so concerned about organized crime influence, they were not concerned about the people coming in, the multinational companies, the Trumps of the world, the Ballys of the world, the Caesars of the world, coming in and opening casinos as much as they were concerned about who would be doing the laundry and who would be picking up the trash. We have seen that in New Jersey, we have seen it in New York where the Mafia controls trash collection, where they control distribution of goods. We at one time even saw it where they were selling cheese. That is the history of where the corruption lies. It does not lie in this, and it does not lie in distributors, and it does not lie anywhere else because they are licensed. It lies in this kind of stuff. What we are saying tonight if we do not adopt lines 5 through 17 is that we can do that. We are allowed to do that. The janitor over in the gaming board cannot do that. That is

a big mistake, and that is going to be a big temptation for a lot of elected officials. We can even say to ourselves we are beyond reproach and we would never do that, but I do not know that I could say that for some mayor, some guy who needs some zoning, somebody who has to change a parking lot. That is where corruption lies throughout history in this country.

All I am saying is, let us apply that same standard to ourselves and every other elected official in this Commonwealth. I do not want the Attorney General's brother to be able to sell Coca-Cola to a licensed operator, if he has a brother. I only use that for an example. I do not want the Secretary of Revenue's brother to be able to sell something to a casino, and I only use that as an example, I do not know if he has a brother or a sister or a son, or somebody like that. I want the same standard across the board, and I urge an affirmative vote on the balance of my amendment to the amendment, and then I urge an affirmative vote on the amendment, even though I do not completely agree with the whole bill, but I think if anything we have to, once and for all, address this hypocritical issue about 1 percent. That is not where the corruption lies, and that is not where you are going to find it.

I ask, Madam President, that you recognize Senator Wozniak so he can tell you of his research in this area.

Thank you, Madam President.

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

Senator WOZNIAK. Madam President, the proof is in the pudding. I had the opportunity to pick up a book a number of years ago somebody gave to me, in the State of Arizona it was called Azscam. There was a Mafia gentleman by the name of Joseph Stedino who was trying to clean his slate a little bit by helping out the Phoenix police in researching illegal gambling in the local bars, and it turned out that was not big enough for him. So he said, I will do something even more for you. How about if you let me have a sting operation on the General Assembly of Arizona, and they did, and a lot of people were taken down. The temptress, folks, is money.

Senator Fumo talked about the 1 percent, and we are trying to get that cleaned up, but along the way, we missed something. The original language that was signed by Governor Rendell to create the gaming concept here in Pennsylvania is one of the most stringent in the nation. The legislators and their families; State chairmen, their families; county chairmen, their families; basically all elected officials who have the ability to peddle influence were taken care of in that bill so that they would not have a financial opportunity to enrich themselves through gaming. The 1-percent concept was thrown in there, and all four Caucuses thought what they were doing was correct because they did not have anything to do with the direct purchase of the stock, but rather we all have pension funds, and we do not know where those pension funds go. I cannot control every nuance of the mutual funds and where they invest those, but we agree that we want to correct it to make sure that there is no tainted legislator in either the House or the Senate.

But along the way, the language in the amendment that we are amending does go back and removes many of the very people who were in the original language. We think, oh, it cannot happen here. Well, I am sure that these people in this book thought it could not happen to them, or they thought the eyes

were not looking at them. This gentleman created his own alter ego, set up an office, had a one-way mirror set up where the FBI and the Phoenix police set up their video cameras and everything else. Senator Fumo talked about the Coca-Cola vendors. Well, here is my favorite guy, Senator Jesus Chuy Higuera, who wanted a shrimp concession in the phantom casino hotels. It really did happen, folks, and it could happen in Pennsylvania.

This young lady, Senate Majority Whip Carolyn Walker, at the Azscam arraignment wanted \$750,000 from Tony Vincent, the alter ego of the person upon whom this book is actually based, to start a record company. Oh, and there is more. It is about sex and it is about money, and here is our girl, Shiree Foster, the Chamber of Commerce representative whose mug shot could pass as a pin-up photo. She once joked to Tony, I am coming over right now, and I am undressing along the way. I am sure this book is in paperback at many different places, but if we remove temptation, we remove the opportunity for one of our other elected officials or somebody from our family. That would certainly embarrass us, and what we want to make sure of is that in this fine State of Pennsylvania, the goal of our casino gambling, the goal of the slot machines is to raise revenues for Pennsylvania to give back to the citizens of Pennsylvania as rebates for their property taxes, not to line the pockets of politicians, not to line the pockets of their relatives. Let us be clear about what we are trying to do. We are trying to make this State lily white, lily clean. Let us support the Fumo amendment. Let us take care of the 1 percent, let us move forward and clean up the language in this bill so that we can move forward with the gaming issue in Pennsylvania, get it started, create hundreds of thousands of jobs in this State and the billions of dollars in revenues that we can generate to take care of Pennsylvanians.

Anybody who is interested in reading the book, it is called "What's in it for me? How an ex-wise guy exposed the greed, jealousy, and lust that drives Arizona politics." Let it not happen to Pennsylvania.

Thank you, Madam President.

The PRESIDENT. The Chair recognizes the gentlewoman from Venango, Senator Mary Jo White.

Senator M.J. WHITE. Madam President, I think that is a book we all should have read before we did our gambling vote. I think we are hearing a recitation of why we should not have gone down that road in the first place, but of course, since you cannot put the toothpaste back in the tube, I will move on to my next point, which is that all of my adult brothers and sisters live in Chicago, Illinois. I have no control over whether they choose to invest in a company that happens to have a license in Pennsylvania. If I tell my brother he is not allowed to buy that stock, he is likely to tell me to go pound salt. What do I do? How do I enforce it? How does the State of Pennsylvania enforce it? I think we had better only put laws on the books that we can enforce. If people are out there shaking people down for contracts, there are laws against that sort of activity. Let us not go overboard here. I think we are going down a path that has no end.

Thank you.

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

Senator FUMO. Madam President, I just have one additional comment. I do not know that the janitor who cleans the floor at

the Gaming Commission has control over his brother either, but if his brother does it, he is guilty of a crime, and what you are trying to say is we get more freedom than they do. That is what this is about. Are we going to hold ourselves to the same standard that we are mandating for a file clerk over at the gaming board? And do not forget something else. Once these licenses are issued, they are huge, multihundreds of millions of dollar investments. Those licenses have to be renewed. This General Assembly appoints the board members. You cannot tell me that if a Senator or a House Member were to have a conversation with an executive who maybe had a problem and said, you know what, you ought to hire my brother's law firm to represent you, you ought to hire my cousin to be your chief financial operator, or maybe, as in the movie "Casino," the sheriff comes in and says, you better hire my brother to make sure the machines run right, and the guy was ripping everybody off. You are not going to tell me that operator is going to say no to that politician. He might say no to the janitor or the file clerk. He is not going to say no to us.

So while I sympathize, I did not head us down this path. The original bill that we passed, as Senator Wozniak pointed out, was the strongest in the nation, but people decided to tinker with it, and in the process of tinkering with it, they have really screwed it up. Now, what I am trying to do is bring it back to where it should be, and all I am saying is if we are going to apply a standard to a file clerk or an employee or a janitor over at the commission, that ought to be the same standard that we apply to ourselves. We should not be above the law. We should not be above the spirit of the law. One of the things that the public gets very irate about is the perception that politicians are above the law. Oh, if he did that he would not get in trouble, but because I did it, I did get in trouble. This, without this amendment, perpetuates that image. It says to the general public that we can help our relatives get employment, we can help our relatives deal with these people, but other people cannot. A \$20,000 file clerk has to worry whether their brother who lives in Chicago buys one share of Penn National stock. They have to worry about that. We do not? Something is wrong here. Something is wrong here.

I urge an affirmative vote if we are really about rooting out and preventing corruption, if we are really about instilling public integrity back into this process. We did not start this. When we drafted this bill and it went out of here, we all could have been proud of it, it was the strongest in the nation, but people who are against the bill now decided to kill it with kindness and play these kinds of games. All I am saying is if we are going to play these kinds of games, make the same law apply to us. It is unbelievably hypocritical to say we are going to apply it to other people, but we are going to grab immunity for ourselves. That in and of itself is reprehensible. I ask for an affirmative vote so that we can instill confidence in the public.

And the question recurring,

Will the Senate agree to part II of amendment A5491?

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

YEA-21

Boscola	Kitchen	Musto	Williams, Anthony H.
Costa	Kukovich	Stack	Williams, Constance
Ferlo	LaValle	Stout	Wozniak
Fumo	Logan	Tartaglione	
Hughes	Mellow	Tomlinson	
Kasunic	Mowery	Wagner	

NAY-25

Armstrong	Jubelirer	Punt	Wenger
Brightbill	Lemmond	Rafferty	White, Donald
Conti	Madigan	Rhoades	White, Mary Jo
Corman	Orie	Robbins	Wonderling
Earll	Piccola	Scarnati	
Erickson	Pileggi	Thompson	
Gordner	Pippy	Waugh	

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

On the question,  
Will the Senate agree to amendment A5405, as amended?

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

Senator FUMO. Madam President, we are now in a position where, if we vote for this amendment, we have set up two classes of individuals in this Commonwealth. We have set up the upper class, which is us, who are free to deal, free to deal, free to exercise our influence to get whatever political benefit we want for our families. We are okay. The lower class, who are some of our employees and appointees, are not free to deal. I cannot think of anything more unfair, more hypocritical, more blatantly wrong in the sense of a political power grab than us granting us immunity that we can deal. And that is not corruption? That is not corruption to say, you know, I think you ought to hire my brother? It is kind of eerie. Wait until you see, if you adopt this, the number of family relatives who are going to be selling things to these entities. The shrimp concession, that guy had to be pretty entrepreneurial. I think our people will be selling them napkins, it is a little less skilled, no waste, but our people are now saying it is totally okay. We now have two classes of society in Pennsylvania. We in this General Assembly are immune, we are the upper class, the lower class is not allowed to deal, we are.

Madam President, I cannot support this. I do not know how anybody with any sense of justice, fair play, or sense of honesty and decency can afford to support this. I ask for a "no" vote on this amendment because it is now in an outrageous position.

Thank you, Madam President.

The PRESIDENT. Senator Fumo requests we do not accept the amendment. The amendment is now back to Senator Brightbill's A5405. And Senator Fumo, you do not want your A5491 included?

Senator FUMO. Madam President, what I think we are voting on is Senator Brightbill's amendment with my lines 1 through 4. I did want lines 5 through 11, but I was not fortunate enough to get that, so I will take lines 1 through 4.

The PRESIDENT. Thank you.

And the question recurring,  
Will the Senate agree to amendment A5405, as amended?

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

YEA-26

Armstrong	Jubelirer	Pippy	Waugh
Brightbill	Lemmond	Punt	Wenger
Conti	Madigan	Rafferty	White, Donald
Corman	Mowery	Rhoades	White, Mary Jo
Earll	Orie	Robbins	Wonderling
Erickson	Piccola	Scarnati	
Gordner	Pileggi	Thompson	

NAY-20

Boscola	Kasunic	Mellow	Tomlinson
Costa	Kitchen	Musto	Wagner
Ferlo	Kukovich	Stack	Williams, Anthony H.
Fumo	LaValle	Stout	Williams, Constance
Hughes	Logan	Tartaglione	Wozniak

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

The PRESIDENT. The bill will go over as amended.

**ANNOUNCEMENT BY MAJORITY LEADER**

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

Senator BRIGHTBILL. Madam President, at this time I call up Senate Supplemental Calendar No. 7. That is House Bill No. 2105, which is the Liquor Code, and I would say that it is the last controversial item that we will be dealing with this evening, unless we have Senate Bill No. 1209 in a position to vote. Our intention is after we do House Bill No. 2105 to do several other Supplemental Calendars and then either adjourn or recess until approximately noon tomorrow.

**SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR No. 7**

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

**HB 2105 (Pr. No. 4794)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, adding definitions; further defining "public venue"; further providing for general powers of the Pennsylvania Liquor Control Board, for when sales may be made by Pennsylvania Liquor Stores, for continuing care retirement community retail licenses, for repackaging by manufacturers, for renewal of licenses, for privately owned golf courses located in more than one county; providing for a point system for certain licensees, for unlawful acts relative to liquor, malt and brewed beverages and licensees and for limited wineries; and providing for distilleries.

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-31

Boscola	Kitchen	Pileggi	Thompson
Conti	Kukovich	Pippy	Wagner
Costa	LaValle	Punt	White, Mary Jo
Earl	Logan	Rafferty	Williams, Anthony H.
Ferlo	Mellow	Scarnati	Williams, Constance
Fumo	Musto	Stack	Wonderling
Hughes	Orie	Stout	Wozniak
Kasunic	Piccola	Tartaglione	

NAY-15

Armstrong	Gordner	Mowery	Waugh
Brightbill	Jubelirer	Rhoades	Wenger
Corman	Lemmond	Robbins	White, Donald
Erickson	Madigan	Tomlinson	

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.

**SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR No. 8**

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

**HB 1113 (Pr. No. 4796)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for remittance of taxes as compensation for municipal services provided by a city of the second class; and directing school districts to establish policies regarding student possession and self-administration of certain asthma medications.

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-44

Armstrong	Jubelirer	Orie	Tartaglione
Brightbill	Kasunic	Piccola	Thompson
Conti	Kitchen	Pileggi	Tomlinson

Corman	Kukovich	Pippy	Waugh
Costa	LaValle	Punt	Wenger
Earll	Lemmond	Rafferty	White, Donald
Erickson	Logan	Rhoades	White, Mary Jo
Ferlo	Madigan	Robbins	Williams, Anthony H.
Fumo	Mellow	Scarnati	Williams, Constance
Gordner	Mowery	Stack	Wonderling
Hughes	Musto	Stout	Wozniak

NAY-2

Boscola                  Wagner

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.

**SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR No. 9**

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

**HB 1954 (Pr. No. 4797)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 21, 1949 (P.L.665, No.155), known as the First Class City Home Rule Act, further providing for the general grant of power and authority; and providing for specific powers.

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-46

Armstrong	Jubelirer	Piccola	Tomlinson
Boscola	Kasunic	Pileggi	Wagner
Brightbill	Kitchen	Pippy	Waugh
Conti	Kukovich	Punt	Wenger
Corman	LaValle	Rafferty	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fumo	Mowery	Stout	Wozniak
Gordner	Musto	Tartaglione	
Hughes	Orie	Thompson	

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 ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**HB 2029 (Pr. No. 4639)** -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing cities of the first class that have adopted a home rule charter to enforce ordinances, rules and regulations prohibiting dumping or disposal of waste, trash or debris.

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-46

Armstrong	Jubelirer	Piccola	Tomlinson
Boscola	Kasunic	Pileggi	Wagner
Brightbill	Kitchen	Pippy	Waugh
Conti	Kukovich	Punt	Wenger
Corman	LaValle	Rafferty	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fumo	Mowery	Stout	Wozniak
Gordner	Musto	Tartaglione	
Hughes	Orie	Thompson	

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.

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

BILL ON CONCURRENCE IN HOUSE  
AMENDMENTS AS AMENDED, RECOMMITTED

**SB 72 (Pr. No. 1994)** -- 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 aggravated assault and for expiration of chapter relating to wiretapping and electronic surveillance; further defining "criminal justice agency"; and further providing for expungement.

Upon motion of Senator BRIGHTBILL, and agreed to by voice vote, the bill was recommitted to the Committee on Rules and Executive Nominations.

SENATE CONCURS IN HOUSE AMENDMENTS  
AS AMENDED

**SB 92 (Pr. No. 1995)** -- 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, defining the offense of failure to comply with registration of sexual offenders requirements; imposing penalties; further providing for six months limitation and for two-year limitation; providing for limitation and application for asbestos claim; further providing for deficiency judgments, for definitions, for registration, for registration procedures and applicability and for assessments; providing for exemption from certain notifications; further providing for verification of residence and for other notification; providing for information made available on the Internet and for certain administration; further providing for immunity for good faith conduct, for duties of Pennsylvania State Police and for exemption from notification for certain licensees and their employees; and providing for annual performance audit and for photographs and fingerprinting.

On the question,

Will the Senate concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 92?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 92.

On the question,

Will the Senate agree to the motion?

The PRESIDENT. The Chair recognizes the gentleman from Dauphin, Senator Piccola.

Senator PICCOLA. Madam President, I would like to submit remarks for the record on the bill.

The PRESIDENT. Without objection, Senator Piccola submits remarks for the record.

*(The following prepared remarks were made a part of the record at the request of the gentleman from Dauphin, Senator PICCOLA:)*

On December 17, 2001, legislation was adopted by overwhelming majorities in both Houses of the Pennsylvania legislature that limited the asbestos-related liabilities that a Pennsylvania corporation would be exposed to because it was the successor in a merger with another corporation that had once been subject to asbestos liabilities. That law limited the cumulative liabilities of the successor to the inflation-adjusted fair market value of the assets of the merged company from which the asbestos-related liabilities were inherited.

On February 20, 2004, the Pennsylvania Supreme Court ruled in *Ieropoli v. Crown Cork & Seal* that, under the Pennsylvania Constitution, the successor liability statute could not retroactively extinguish asbestos-related claims that had "accrued" before the new law was enacted. Under Pennsylvania court rulings, a cause of action accrues when the statute of limitations begins to run; the statute of limitations for an asbestos claim begins to run when the person first knows or should know that he or she has an injury caused by asbestos exposure.

The proposed legislation conforms the effect of the December 17, 2001 successor liability statute to the *Ieropoli* decision by providing that the limitations on liability in the 2001 law apply only to asbestos-related claims with respect to which the statute of limitations began to run after the law was enacted, *i.e.*, to claims that had not accrued by December 17, 2001.

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

Senator STACK. Madam President, I would also like to submit remarks on Senate Bill No. 92.

The PRESIDENT. Without objection, Senator Stack submits remarks for the record.

(The following prepared remarks were made a part of the record at the request of the gentleman from Philadelphia, Senator STACK:)

Madam President, I rise in support of Senate Bill No. 92. This bill has many good provisions, including one that would address concerns of the Pennsylvania Supreme Court with Act 101 of 2001. The legislation received overwhelming support in both Houses of the General Assembly in December 2001. It is a technical fix, which would allow much of the law to finally take effect.

On December 17, 2001, we adopted legislation to provide a common sense remedy to a company and preserve jobs, pensions, and tax revenue for Pennsylvanians and Philadelphians.

Crown Cork & Seal has become the poster child for asbestos litigation that went too far. Three years ago when I learned of Crown Cork's problem, I was shocked to find that while this company never manufactured, sold, or installed a single product containing asbestos, it was still vulnerable to hundreds of thousands of claims, costing hundreds of millions of dollars, with no end in sight, all because outdated business laws held Crown Cork liable for the deeds of a company it purchased back in 1963 (Mundet Cork Company) and owned for only 93 days.

Crown Cork purchased a business for access to a division that would provide cork for bottle caps. The business was valued at \$7 million when purchased, but Crown Cork has already paid out \$350 million to settle 200,000 claims. Most of the claims have been paid to individuals in Mississippi and Texas.

The lawsuits continue to threaten the survival of Crown Cork. The bankruptcy of Crown Cork would have a devastating impact on the economy of Philadelphia and Pennsylvania. Saving Crown Cork means preserving thousands of pensions for retirees and saving 1,000 Pennsylvania jobs, including 450 in Philadelphia. Crown Cork contributes more than \$1 billion to the Pennsylvania economy and more than \$2 million to our tax coffers.

Many of us felt then, and I have no reason to think we would feel any different today, that it is fair and appropriate to protect companies that were never in the asbestos business from asbestos litigation. It remains equally important today at a time of a faltering economy to save pensions, jobs, economic opportunities, and tax revenue. This amendment does not protect Crown from all of its current liabilities, it merely allows Crown to cut its losses and gain protection and predictability going forward from December 17, 2001.

Madam President, I ask my colleagues, those who joined me in 2001 and those who can now understand the necessity for this relief, to support Senate Bill No. 92.

Thank you.

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

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

YEA-46

Armstrong	Jubelirer	Piccola	Tomlinson
Boscola	Kasunic	Pileggi	Wagner
Brightbill	Kitchen	Pippy	Waugh
Conti	Kukovich	Punt	Wenger
Corman	LaValle	Rafferty	White, Donald

Costa	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fumo	Mowery	Stout	Wozniak
Gordner	Musto	Tartaglione	
Hughes	Orie	Thompson	

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.

CONSIDERATION OF CALENDAR RESUMED

HB 850 CALLED UP

HB 850 (Pr. No. 3978) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 6 of the Third Consideration Calendar, by Senator BRIGHTBILL.

BILL AMENDED

HB 850 (Pr. No. 3978) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, providing for insurance and other employee benefits; further providing for authority of county commissioners to make contracts; amending provisions relating to acquisition, use, leasing and disposing of property for county and to construction or alteration of county buildings; further prohibiting disorderly conduct in and about courthouses and jails; further providing for joining with municipality in improving certain streets and highways and for parks and comfort houses; amending provisions relating to monuments and memorials; further providing for acquiring of property for certain purposes and for authority to provide for morgues; amending provisions relating to bridges, viaducts, culverts, roads and recreation places; and making editorial changes.

On the question,  
Will the Senate agree to the bill on third consideration?  
Senator ORIE offered the following amendment No. A5495:

Amend Title, page 1, line 17, by inserting after "places;": further providing for findings and declaration of policy and for tax relief; repealing provisions relating to reimbursement to school districts of the first class A;

Amend Bill, page 54, by inserting between lines 25 and 26:  
Section 41. Section 3101-B(b) of the act, added December 22, 1993 (P.L.529, No.77), is amended to read:

Section 3101-B. Findings and Declaration of Policy.--\* \* \*  
(b) It is hereby declared to be the policy of this Commonwealth to promote the health, welfare and quality of life of the citizens of southwestern Pennsylvania by ensuring the continued availability of the region's assets and thereby to enhance [economic development and] employment and tax relief in the region by authorizing the creation of the Allegheny Regional Asset District as a special purpose areawide unit of government.

Section 42. Section 3171-B of the act, amended or added December 22, 1993 (P.L.529, No.77) and October 30, 2000 (P.L.616, No. 85), is amended to read:

Section 3171-B. Tax Relief and Use of Disbursements.--(a) (1) The county and the city shall utilize the disbursements received from the

State Treasurer under section 3157-B(b) in the first full calendar year in which the disbursements are received for the reduction of local taxes.

(2) Effective January 1 of the first full calendar year in which disbursements are received pursuant to section 3157-B(b), the county and the city shall repeal any tax imposed upon personal property.

(3) Effective January 1 of the first full calendar year in which disbursements are received pursuant to section 3157-B(b), the city shall reduce to an amount not to exceed five per centum (5%) the tax on admissions to places of amusement, athletic events and the like and on motion picture theaters.

(3.1) Notwithstanding the provisions of any other act, the city shall use two-thirds of the nonresident sports facility usage fee collected pursuant to the act of December 31, 1965 (P.L.1257, No.511), known as "The Local Tax Enabling Act," to reduce the amount of tax on admissions to places of amusement that are involved with performing arts for which the net proceeds therefrom inure to the benefit of an institution of purely public charity. In reducing the rate of the tax pursuant to this provision, the city shall not establish a rate that exceeds two and one-half per centum (2.5%). If the city cannot impose and collect a nonresident sports facility usage fee pursuant to "The Local Tax Enabling Act," the city shall not establish a rate that exceeds five per centum (5%).

(4) The county and the city shall utilize all or a portion of revenues remaining from disbursements received pursuant to section 3157-B(b) after reducing taxes as provided by clauses (1) and (2) for the implementation of one of the following:

(i) programs under the act of December 13, 1988 (P.L.1190, No.146), known as the "First and Second Class County Property Tax Relief Act";

(ii) a program for property tax rebate or rent rebate in lieu of property taxes modeled by the county or city after the act of March 11, 1971 (P.L.104, No.3), known as the "Senior Citizens Rebate and Assistance Act," for longtime owner-occupants of personal residences. Property eligible for tax relief under this clause shall be limited to a primary personal residence owned by a single person age 62 or older or by married persons if either spouse is 62 years of age or older. Tax relief provided pursuant to this clause shall be limited to persons whose income as defined under the act of March 11, 1971 (P.L.104, No.3), known as the "Senior Citizens Rebate and Assistance Act," does not exceed twenty-five thousand dollars (\$25,000); or

(iii) a program for property tax rebate or rent rebate in lieu of property taxes modeled by the county or city after the "Senior Citizens Rebate and Assistance Act" for longtime owner-occupants of personal residences. Property eligible for tax relief under this clause shall be limited to a primary personal residence owned by a single person age 60 or older or by married persons if either spouse is 60 years of age or older. Tax relief provided pursuant to this clause shall be limited to persons whose income as defined under the "Senior Citizens Rebate and Assistance Act" does not exceed thirty thousand dollars (\$30,000).

For purposes of this clause, "longtime owner-occupant" shall mean any person who for at least ten continuous years has owned and has occupied a dwelling place within the county as a principal residence and domicile, or any person who for at least five years has owned and occupied a dwelling within the county as a principal residence and domicile if that person received assistance in the acquisition of the property as part of a government or nonprofit housing program.

(5) The county may establish installment payment programs for payment of the property taxes by taxpayers who participate in county programs pursuant to clause (4). of programs for real property tax relief as provided by subsection (a)(4).

(b) (1) Municipalities other than the county and the city shall utilize at least two-thirds of the disbursements received under section 3157-B(b) [in the first full calendar year in which the disbursements are received] for the reduction of local taxes.

(2) Municipalities other than the county and the city shall utilize all or a portion of disbursements received for the purpose of reducing local taxes for the implementation of programs for real property tax relief. Such programs may consist of a program as provided by subsection (a)(4)[.], a program for property tax rebate or rent rebate in lieu of property taxes modeled after the "Senior Citizens Rebate and Assistance Act," a reduction in the millage rate across all properties or a combination of the foregoing.

(3) Municipalities in counties of the second class, other than the county and the city, which do not impose a tax upon personal property on the effective date of this amendatory act are prohibited from imposing such a tax thereafter.

(c) No municipality or city may use disbursements received for the purpose of securing the bonds of a municipal authority or may allow disbursements received to be controlled or distributed by an entity other than the governing body of the municipality.

Section 43. Section 3173-B of the act is repealed.

Section 44. The addition of section 3171-B(a)(3.1) of the act shall apply to taxes levied for tax years commencing on or after January 1, 2006, upon enactment of a nonresident sports facility usage fee under the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act.

Amend Sec. 41, page 54, line 26, by striking out all of said line and inserting

Section 45. This act shall take effect in 60 days.

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 BRIGHTBILL.

#### HB 873 CALLED UP

**HB 873 (Pr. No. 4751)** -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 3 of the Third Consideration Calendar, by Senator BRIGHTBILL.

#### BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

**HB 873** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

#### HB 2066 CALLED UP

**HB 2066 (Pr. No. 4752)** -- 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 BRIGHTBILL.

#### BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

**HB 2066** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

#### SENATE RESOLUTION ADOPTED

Senators COSTA, ORIE, PIPPY, LOGAN, FERLO and WAGNER, by unanimous consent, offered Senate Resolution No. 331, entitled:

A Resolution directing the Legislative Budget and Finance Committee to investigate the administrative operations and expenditures of the Pittsburgh School District.

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

**CONSIDERATION OF CALENDAR RESUMED****HB 197 CALLED UP**

**HB 197 (Pr. No. 4780)** -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 5 of the Third Consideration Calendar, by Senator BRIGHTBILL.

**BILL OVER IN ORDER**

**HB 197** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

**HB 851 CALLED UP**

**HB 851 (Pr. No. 1809)** -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 6 of the Third Consideration Calendar, by Senator BRIGHTBILL.

**BILL OVER IN ORDER**

**HB 851** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

**HB 1861 CALLED UP**

**HB 1861 (Pr. No. 4129)** -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 7 of the Third Consideration Calendar, by Senator BRIGHTBILL.

**BILL OVER IN ORDER**

**HB 1861** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

**HB 2385 CALLED UP**

**HB 2385 (Pr. No. 4103)** -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 9 of the Third Consideration Calendar, by Senator BRIGHTBILL.

**BILL OVER IN ORDER**

**HB 2385** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

**HB 2398 CALLED UP**

**HB 2398 (Pr. No. 3735)** -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 9 of the Third Consideration Calendar, by Senator BRIGHTBILL.

**BILL OVER IN ORDER**

**HB 2398** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

**HB 2442 CALLED UP**

**HB 2442 (Pr. No. 3592)** -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 9 of the Third Consideration Calendar, by Senator BRIGHTBILL.

**BILL OVER IN ORDER**

**HB 2442** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

**HB 2528 CALLED UP**

**HB 2528 (Pr. No. 3671)** -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 10 of the Third Consideration Calendar, by Senator BRIGHTBILL.

**BILL OVER IN ORDER**

**HB 2528** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

**HB 2664 CALLED UP**

**HB 2664 (Pr. No. 4590)** -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 10 of the Third Consideration Calendar, by Senator BRIGHTBILL.

**BILL OVER IN ORDER**

**HB 2664** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

**HB 2666 CALLED UP**

**HB 2666 (Pr. No. 4591)** -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 10 of the Third Consideration Calendar, by Senator BRIGHTBILL.

**BILL OVER IN ORDER**

**HB 2666** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

**HB 2775 CALLED UP**

**HB 2775 (Pr. No. 4460)** -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 10 of the Third Consideration Calendar, by Senator BRIGHTBILL.

**BILL OVER IN ORDER**

**HB 2775** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

**HB 2821 CALLED UP**

**HB 2821 (Pr. No. 4349)** -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 10 of the Third Consideration Calendar, by Senator BRIGHTBILL.

**BILL OVER IN ORDER**

**HB 2821** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

**SECOND CONSIDERATION CALENDAR****BILLS OVER IN ORDER**

**SB 848, SB 1198, HB 2071, HB 2185, HB 2304 and HB 2412** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

**UNFINISHED BUSINESS**  
**CONDOLENCE RESOLUTIONS ADOPTED**

Senator STACK, by unanimous consent, offered the following resolution:

Expressing condolences on the loss of John D. Taylor, Captain of Engine 28 of the Philadelphia Fire Department who served with honor and distinction and passed away in the line of duty on August 20, 2004.

On the question,  
 Will the Senate adopt the resolution?

Senator STACK. Madam President, I have two resolutions I am submitting which are condolence resolutions, and I am standing to honor two Philadelphia heroes who served side by side fighting fires, protecting life and property across Philadelphia. I stand to remember how they died together, one man trapped while doing his duty and the other staying to the very end to try to save him. Captain John Taylor and Firefighter Rey Rubio answered the call on Friday, August 20, and ended up making the ultimate sacrifice. This is a great loss to Philadelphia firefighters and the fire department, their union, Local 22, and the citizens of Philadelphia and the cause they took up to save the fire company, Engine No. 22, from closing, as proposed by Philadelphia city officials.

I feel it is therefore fitting and proper to honor and recognize Captain John Taylor and Firefighter Rey Rubio. They made the ultimate sacrifice for our safety, and I want to point out that I think we should never forget the distinguished service of these two men.

Thank you, Madam President.

And the question recurring,  
 Will the Senate adopt the resolution?

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

Senator STACK, by unanimous consent, offered the following resolution:

Expressing condolences on the loss of Rey Rubio, a Firefighter who served the Philadelphia Fire Department with honor and distinction and passed away in the line of duty on August 20, 2004.

On the question,  
 Will the Senate adopt the resolution?

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

**CONGRATULATORY RESOLUTIONS**

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

Congratulations of the Senate were extended to Mr. and Mrs. Carl Rosh, Mr. and Mrs. John Helmer and to Mr. and Mrs. Charles Robie by Senator Armstrong.

Congratulations of the Senate were extended to John Salter and to the Notre Dame High School Girls' Volleyball Team of Easton by Senator Boscola.

Congratulations of the Senate were extended to Kenneth M. Lear, Jr., by Senator Conti.

Congratulations of the Senate were extended to Mr. and Mrs. Ronald R. Neidigh and to Mr. and Mrs. Howard E. Kerstetter by Senator Corman.

Congratulations of the Senate were extended to Douglas A. Bonsall by Senators Corman and Piccola.

Congratulations of the Senate were extended to Joel Shumar by Senator Kasunic.

Congratulations of the Senate were extended to Mr. and Mrs. Gene Sharer and to Steele C. G. Britton by Senator Madigan.

Congratulations of the Senate were extended to Donald B. Springer by Senators Mowery and Piccola.

Congratulations of the Senate were extended to Mr. and Mrs. Wyndle Watson by Senator Orie.

Congratulations of the Senate were extended to Mr. and Mrs. Thomas William Nale III by Senator Pileggi.

Congratulations of the Senate were extended to the White Win Hills Assembly, International Order of the Rainbow for Girls in Pennsylvania by Senator Pippy.

Congratulations of the Senate were extended to the Carbon County Economic Development Corporation by Senator Rhoades.

Congratulations of the Senate were extended to Adam J. Hicks and to Greg Basl by Senator Scarnati.

Congratulations of the Senate were extended to Barbara Cohen by Senator Thompson.

Congratulations of the Senate were extended to Mr. and Mrs. Daniel R. DeGruttola, Sr., Mr. and Mrs. Paul Airgood and to Mr. and Mrs. Thomas Allan Miller by Senator D. White.

Congratulations of the Senate were extended to Mr. and Mrs. Russell Beary, Mr. and Mrs. Joe Kaltenbach and to Mr. and Mrs. Richard C. Kline by Senator M.J. White.

Congratulations of the Senate were extended to Charles Stewart by Senator Wozniak.

### CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Emma Bubanovich, to the family of the late Calvin L. Ratzel and to the family of the late Grace Fay by Senator Orie.

### POSTHUMOUS CITATION

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

A posthumous citation honoring the late Nathaniel Ramsey Hamilton, Jr., was extended to the family by Senator Pippy.

### BILLS SIGNED

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

**SB 79, SB 133, SB 304, SB 356, SB 432, SB 492, SB 673, SB 798, SB 844, SB 927, SB 931, SB 938, SB 1096, SB 1167 and HB 2406.**

### ANNOUNCEMENT BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETING

SATURDAY, NOVEMBER 20, 2004

Off the  
Floor

RULES AND EXECUTIVE NOMINA-  
TIONS (to consider Senate Bills No. 72,  
95, 109, 255, 441, 677, 856, 892, 912,  
966, 997, 1030, 1040, 1041, 1042, 1097,  
1099; House Bills No. 994, 2978; and  
certain executive nominations)

Rules Com.  
Conf. Room

### ADJOURNMENT

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

Senator BRIGHTBILL. Madam President, I move that the Senate adjourn until Saturday, November 20, 2004, at high noon, Eastern Standard Time.

The motion was agreed to by voice vote.

The Senate adjourned at 11:59 p.m., Eastern Standard Time.