

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

WEDNESDAY, OCTOBER 26, 2005

SESSION OF 2005 189TH OF THE GENERAL ASSEMBLY

No. 62

SENATE

WEDNESDAY, October 26, 2005

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

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

PRAYER

The Chaplain, Reverend DAVID D. BISER, of Colonial Park United Methodist Church, Harrisburg, offered the following prayer:

Let us join together in prayer.

Dear Heavenly Father, You are the God of all things, all people, all places. You are present here today, and we give You our thanks. Your gifts of life, love, health, and well-being are beyond words, and Your unending kindness is past our limited minds. It is our desire to be people who are worthy of all You give us. May our actions, our words, our thoughts, and our whole being represent all we believe about You today.

We ask for Your guidance for each Member of the Senate assembled here today, and we seek Your divine wisdom and guidance to rule over all the proceedings that take place in this Chamber. Be in our speaking, in our thoughts, and in our hearts, in ways that prove to the people of the Commonwealth of Pennsylvania that You are truly the leader of all life.

We bring to Your throne those who are in need today, not just in our State, but in those States ravaged by storms and continuing to deal with power outages, loss of food, and the basic needs of life. Be with our nation as we continue to rescue those who have been devastated, whether it is snow in the southeast of our own State, poverty in the downtown, insurance questions in our hometowns, floods in our city streets, or the loss of the 2,000th member of our military. Make us wise in how we deal with all of these issues, so that the people receive, through us, Your care in their lives.

Guide our President and the leaders of our nation. Bless and keep them in these days of war, struggle, and strife. Be present in the lives of our men and women who are serving in the many branches of the military at home and abroad, and we especially pray for those who are in harm's way. Bring Your peace and presence to our Governor, the Lieutenant Governor, and all the leaders of our Commonwealth. Watch over all we do and say.

Make us a great State and a great nation in Your eyes first, and then in the eyes of others. Bring Your peace to our hearts and to this land in these days. We pray in the name of Your son, Jesus Christ. Amen.

The PRESIDENT. The Chair thanks Reverend Biser, who is the guest today of Senator Piccola.

**SPECIAL ORDER OF BUSINESS
GUEST OF THE PRESIDENT
PRESENTED TO THE SENATE**

The PRESIDENT. I would like to introduce and invite Miss Preteen Pennsylvania, Taylor Rand, to come to the podium to sing the National Anthem.

(Whereupon, the Nation Anthem was sung.)

The PRESIDENT. The Chair thanks Taylor Rand, Miss Preteen Pennsylvania, for her rendering of the Star Spangled Banner.

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 October 25, 2005.

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

HOUSE MESSAGES

**HOUSE CONCURS IN SENATE AMENDMENTS
BY AMENDING SAID 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 by amending said amendments to **HB 761**, in which concurrence of the Senate is requested.

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

**HOUSE CONCURS IN SENATE AMENDMENTS
TO HOUSE AMENDMENTS TO SENATE BILL**

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 361**.

GENERAL COMMUNICATION**ANNUAL REPORT OF THE LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM**

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA
Department of Public Welfare
P.O. Box 2675
Harrisburg, Pennsylvania 17105-2675

October 24, 2005

Mr. Russell Faber
Chief Clerk
Senate of Pennsylvania
Harrisburg, Pennsylvania 17120

Dear Mr. Faber:

In accordance with The Energy Conservation and Assistance Act, 62 P.S. §§3011-3019, specifically, 62 P.S. §3015(c)(2)(ii), enclosed is the Annual Report on the Low-Income Home Energy Assistance Program for the period July 1, 2004 to June 30, 2005.

If you have any questions about the report, please do not hesitate to call Mr. Alan J. Cohn, Director, Office of Legislative Affairs, at 783-2554.

Sincerely,

ESTELLE B. RICHMAN
Secretary

The PRESIDENT. This report will be filed in the Library.

BILLS SIGNED

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

SB 361 and HB 1435.

LEGISLATIVE LEAVES

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

Senator PICCOLA. Madam President, I request legislative leaves for Senator Armstrong, Senator Madigan, and Senator Wonderling.

The PRESIDENT. Senator Piccola requests legislative leaves for Senator Armstrong, Senator Madigan, and Senator Wonderling.

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

Senator COSTA. Madam President, I request legislative leaves for Senator Fumo, Senator Kasunic, and Senator Stout.

The PRESIDENT. Senator Costa requests legislative leaves for Senator Fumo, Senator Kasunic, and Senator Stout.

Without objection, the leaves will be granted.

CALENDAR

**SENATE RESOLUTION No. 187
CALLED UP OUT OF ORDER, ADOPTED**

Senator PICCOLA, without objection, called up from page 6 of the Calendar, as a Special Order of Business, **Senate Resolution No. 187**, entitled:

A Resolution designating the month of November 2005 as "Reflex Sympathetic Dystrophy Syndrome Awareness Month" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

YEA-50

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

NAY-0

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

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR MICHAEL J. STACK
PRESENTED TO THE SENATE**

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

Senator STACK. Madam President, I would like to take this opportunity to introduce one of my constituents, Miss Taylor Rand, an exceptional young lady, who, in August 2005, won the distinction as serving as Miss Preteen Pennsylvania, and we already heard how great she sang our National Anthem. Taylor is the daughter of Craig and Cheryl Rand, and is accompanied today by her mother. This 12-year-old attends Russell H. Conwell Middle School in Philadelphia. She is an outstanding role model for her peers and an excellent representative of our Commonwealth. Her selection as Miss Preteen Pennsylvania is a testimony to her values, work ethic, leadership abilities, commitment to others, integrity, determination, and incredible drive to be the best person she can be. She participates in community service with the American Cancer Society and Camelot House, a support center in Allentown for children with disabilities and life-threatening diseases. Taylor is also a member of her local gun club and enjoys sharpshooting. She has participated in gun safety programs and Drug Abuse Resistance Education.

In addition to her achievements in community service, Taylor, of course as we have heard, is an accomplished vocalist. On September 11, 2001, Taylor was singing the National Anthem at her elementary school in the fateful minutes when the first plane

struck the twin towers. She returns to her elementary school every year on September 11 to sing the National Anthem and celebrate our country's courage in the face of that terrible tragedy. She will be attending the National Miss Preteen competition this November, where she will display her skills in singing, cheerleading, and acting.

Madam President, I ask that the Senate join me in extending a warm welcome to Taylor and wishing her the best of luck in representing our fine State in the National Miss Preteen competition.

The PRESIDENT. Would Taylor Rand and her mother please stand so we can give you a round of applause.

(Applause.)

RECESS

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

Senator PICCOLA. Madam President, I ask for a brief recess of the Senate for the purpose of a Republican caucus in the Rules room. It should be very short.

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

Senator COSTA. Madam President, we respectfully request a caucus of the Senate Democrats in their caucus room. It will also be a brief caucus.

The PRESIDENT. There will be a brief recess of the Senate for 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

THIRD CONSIDERATION CALENDAR

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

SB 4 (Pr. No. 1263) – The Senate proceeded to consideration of the bill, entitled:

An Act establishing spending limitations on the Commonwealth; providing for the disposition of surplus funds; and making a repeal.

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 Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Madam President, Senate Bill No. 4, the Taxpayer Fairness Act, and Senate Bill No. 884, its compan-

ion constitutional amendment, mark a sea change in the way Pennsylvania does business. Whatever the reason, and plenty of commentators will rush to point fingers, government spending in Pennsylvania has been growing too fast. I am not here today to point fingers. We are simply here to advocate for legislation that will impose strong but fair fiscal discipline by establishing reasonable standards to manage the growth of State government.

Senate Bill No. 4 and Senate Bill No. 884 were crafted carefully in order to avoid some of the problems confronted by other States with spending and revenue controls. For example, the ability to exceed our spending cap with a supermajority vote means that Pennsylvania will have some flexibility to respond when dramatic needs arise. In other words, we are developing commonsense restraints on government spending. The primary goal of these bills is to protect taxpayers, and the ultimate beneficiaries will be taxpayers across the State who will have palpable benefits. When we have a surplus, the Taxpayer Fairness Act fund will grow, and the taxpayers will benefit by seeing their tax bills go down.

On January 21, 2003, during his inaugural speech, the Governor said, quote, "Like working families across the State, we must find a way to make government live within its means," unquote. We believe he meant it, and we believe that our vote today on Senate Bill No. 4 and Senate Bill No. 884 will signal that we mean it, too.

Thank you, Madam President.

And the question recurring,
Shall the bill pass finally?

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

YEA-42

Armstrong	Greenleaf	Pileggi	Tomlinson
Boscola	Jubelirer	Pippy	Vance
Brightbill	Kasunic	Punt	Waugh
Browne	LaValle	Rafferty	Wenger
Conti	Lemmond	Regola	White, Donald
Corman	Logan	Rhoades	White, Mary Jo
Earl	Madigan	Robbins	Williams, Constance
Erickson	Musto	Scarnati	Wonderling
Fontana	O'Pake	Stack	Wozniak
Fumo	Orie	Stout	
Gordner	Piccola	Thompson	

NAY-8

Costa	Hughes	Mellow	Washington
Ferlò	Kitchen	Tartaglione	Williams, Anthony H.

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

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

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 869 -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

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

SB 884 (Pr. No. 1264) -- The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for spending limitations on the State and for disposition of surplus funds.

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 Dauphin, Senator Piccola.

Senator PICCOLA. Madam President, Senate Bill No. 884 is the companion bill to Senate Bill No. 4, as Senator Brightbill indicated. Senate Bill No. 884, I think, for the long-term welfare of Pennsylvania and Pennsylvania's budget and Pennsylvania's economic advancement, is the more important of the two bills. Senate Bill No. 4 is a statute which, as good as it is, could be amended at any time by the legislature, and obviously the purpose for which it is being enacted now would be defeated. Senate Bill No. 884, however, contains almost identical language that will put that language into our State Constitution.

This is important for a couple of reasons. All of the reasons that Senator Brightbill outlined for keeping a handle on State government spending are obvious, but we need to give the people of Pennsylvania the opportunity to speak on this issue. We do not have initiative and referendum in Pennsylvania, and one of the few times that we give the people of Pennsylvania the opportunity to voice their direct opinion on language is when we offer them a constitutional amendment, and I, for one, Madam President, would be anxious to hear the debate, to hear the input from our citizens with respect to limiting the growth of State government spending in the way that we are suggesting.

All of the things that are contained in the bill are important. We talk about cutting taxes. The people of Pennsylvania ask us to keep our spending down so that we can cut taxes, but because we have a provision in our Constitution that requires us to balance our budget every year, and that is a good thing, because we have that provision, we cannot cut those taxes unless we keep control of State government spending. This constitutional amendment, if passed today, passed by the House, passed again in a subsequent Session of the General Assembly, and submitted to the people for a vote, if it passes and becomes part of our Constitution, it will ingrain into our whole fabric of State government a spending discipline that is absolutely essential.

Madam President, for all of these reasons and the reasons that Senator Brightbill enunciated with regard to Senate Bill No. 4, I urge that the Senate pass Senate Bill No. 884.

Thank you, Madam President.

And the question recurring,
Shall the bill pass finally?

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

YEA-50

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

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Wonderling has returned, and his legislative leave will be cancelled.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 193 (Pr. No. 1271) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for the meeting of election officers on election day.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEA-50

Armstrong	Greenleaf	Piccola	Tomlinson
Boscola	Hughes	Pileggi	Vance
Brightbill	Jubelirer	Pippy	Washington
Browne	Kasunic	Punt	Waugh
Conti	Kitchen	Rafferty	Wenger
Corman	LaValle	Regola	White, Donald
Costa	Lemmond	Rhoades	White, Mary Jo
Earl	Logan	Robbins	Williams, Anthony H.

Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fontana	Musto	Stout	Wozniak
Fumo	O'Pake	Tartaglione	
Gordner	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.

BILL AMENDED

SB 384 (Pr. No. 1244) -- 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.

On the question,
Will the Senate agree to the bill on third consideration?
Senator RHOADES offered the following amendment No. A3285:

Amend Sec. 2 (Sec. 8502), page 3, by inserting between lines 17 and 18:

(2) Within 30 days of the effective date of this subsection, the board shall provide to all members written notice of the disclosure and an opportunity to refuse to allow the disclosure. Members shall have 90 days to respond to this notice, and no information shall be transmitted to an active employee or annuitant association until the conclusion of that period. With their application for entry into the system, all new members shall be given notice of the disclosure and an opportunity to refuse to allow disclosure. The board shall establish a procedure for timely processing the requests of members who wish to change the protected status of their information. If any member refuses to allow disclosure, the member's information shall not be subject to disclosure under this subsection.

Amend Sec. 2 (Sec. 8502), page 3, line 18, by striking out "(2)" and inserting: (3)

Amend Sec. 2 (Sec. 8502), page 3, line 26, by striking out "(3)" and inserting: (4)

Amend Sec. 2 (Sec. 8502), page 4, line 8, by striking out "(4)" and inserting: (5)

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

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

Senator O'PAKE, on behalf of Senator MELLOW, offered the following amendment No. A3268:

Amend Sec. 2 (Sec. 8502), page 4, line 8, by striking out "NOTHING" and inserting: Except as otherwise set forth in this subsection, nothing

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 PICCOLA

BILL LAID ON THE TABLE

SB 629 (Pr. No. 1245) -- 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.

Upon motion of Senator PICCOLA, and agreed to by voice vote, the bill was laid on the table.

BILL OVER IN ORDER

SB 665 -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 693 (Pr. No. 830) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for affidavit of circulator.

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-50

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

HB 746 (Pr. No. 2136) -- 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 the offense of luring a child into a motor vehicle or structure.

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-50

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

BILL AMENDED

SB 875 (Pr. No. 1130) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, providing for the prohibition of emergency procurement.

On the question,
Will the Senate agree to the bill on third consideration?
Senator RAFFERTY offered the following amendment No. A3127:

Amend Sec. 2, page 1, line 13, by striking out "in 60 days" and inserting: immediately

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 PICCOLA.

SECOND CONSIDERATION CALENDAR

BILLS REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

HB 127 (Pr. No. 2951) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for certain rights of resource parents; and further providing for duties of county agencies and private agencies.

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

SB 235 (Pr. No. 1261) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law, providing for continuing nursing education.

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

HB 1579 (Pr. No. 2952) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for certain responsibilities of county and private agencies regarding resource families.

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

BILL OVER IN ORDER

HB 87 -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

BILL REREFERRED

SB 166 (Pr. No. 158) -- 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 defining "taxable income" for purposes of corporate net income tax.

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

BILL OVER IN ORDER

SB 178 -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

BILL REREFERRED

HB 218 (Pr. No. 2104) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 22, 2000 (P.L.318, No.32), known as the Downtown Location Law, further providing for definitions and for powers and duties of Department of General Services.

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

BILL ON SECOND CONSIDERATION
AND REREFERRED

SB 380 (Pr. No. 382) -- 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, providing for apportionment of business income.

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

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

BILL REREFERRED

SB 414 (Pr. No. 1267) -- 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, establishing the Science Technology Partnership Program; and providing for State grants.

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

BILL ON SECOND CONSIDERATION
AND REREFERRED

HB 515 (Pr. No. 1950) -- 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 the definition of "manufacture"; and further providing for the apportionment of business income for corporate net income tax purposes.

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

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

BILLS OVER IN ORDER

SB 583 and **SB 595** -- Without objection, the bills were passed over in their order at the request of Senator PICCOLA.

BILL REREFERRED

HB 650 (Pr. No. 1458) -- 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 corporate net income tax, for the definition of "taxable income."

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

BILLS OVER IN ORDER

SB 656, 660, SB 676, SB 759 and **SB 775** -- Without objection, the bills were passed over in their order at the request of Senator PICCOLA

BILL REREFERRED

SB 802 (Pr. No. 995) -- 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 for the rate of the corporate net income tax.

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

BILL OVER IN ORDER

SB 895 -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

BILL REREFERRED

SB 925 (Pr. No. 1216) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 18, 1980 (P.L.1241, No.224), known as the Pennsylvania Cancer Control, Prevention and Research Act, further providing for sunset provisions.

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

BILL OVER IN ORDER

HB 1049 -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

BILL REREFERRED

HB 1057 (Pr. No. 2948) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the issuance of identification cards for retired law enforcement officers; and providing for the powers and duties of law enforcement agencies and the Municipal Police Officers' Education and Training Commission.

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

BILL OVER IN ORDER

HB 1400 -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

BILL REREFERRED

HB 1606 (Pr. No. 2949) -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing a program for breast and cervical cancer screening services for certain eligible women; and providing for the powers and duties of the Department of Health.

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

BILL OVER IN ORDER

HB 1743 -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

SB 629 TAKEN FROM THE TABLE

Senator PICCOLA. Madam President, I move that Senate Bill No. 629, Printer's No. 1245, be taken from the table and placed on the Calendar.

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

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 1

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 875 (Pr. No. 1284) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, providing for the prohibition of emergency procurement.

Considered the third time and agreed to,

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

On the question, Shall the bill pass finally?

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

YEA-50

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

SPECIAL ORDER OF BUSINESS GUESTS OF THE PRESIDENT PRO TEMPORE PRESENTED TO THE SENATE

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

The PRESIDENT pro tempore. Madam President, we have some special guests who are seated on the floor that I am certainly honored to introduce. We have the newly-elected President of the Senate of New Hampshire, Ted Gatsas, and a member of the Senate of New Hampshire, Senator Maggie Hassan, and I want to welcome them here. They are here to talk about health care for small businesses in a meeting with Senator Wonderling and some other Members of the Senate, but we are certainly honored to have them here. We know that skiing season is probably already in effect in New Hampshire with the weather we are getting, but if the Senate would give our colleagues from New Hampshire our warm welcome, I am sure they would appreciate it.

The PRESIDENT. Will Senator Ted Gatsas and Senator Maggie Hassan please stand. Welcome.

(Applause.)

UNFINISHED BUSINESS SENATE RESOLUTIONS ADOPTED

Senators FERLO, MELLOW, COSTA, FONTANA, LaVALLE, LOGAN, ORIE, STOUT, ARMSTRONG, BOSCOLA, BRIGHTBILL, BROWNE, CONTI, CORMAN, EARLL, ERICKSON, FUMO, GORDNER, GREENLEAF, HUGHES, JUBELIRER, KASUNIC, KITCHEN, LEMMOND, MADIGAN, MUSTO, O'PAKE, PICCOLA, PILEGGI, PIPPY, PUNT, RAFFERTY, REGOLA, RHOADES, ROBBINS, SCARNATI, STACK, TARTAGLIONE, THOMPSON, TOMLINSON, VANCE, WASHINGTON, WAUGH, WENGER, D. WHITE, M.J. WHITE, A. WILLIAMS, C. WILLIAMS, WONDERLING and WOZNIAK, by unanimous consent, offered Senate Resolution No. 196, entitled:

A Resolution designating October 31, 2005, as "Myron Cope Day" in Pennsylvania.

On the question, Will the Senate adopt the resolution?

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

Senator FERLO. Madam President, I would appreciate it if I might be allowed just a few minutes.

Madam President, the city of Pittsburgh is the proud birthplace on January 23, 1929, of Myron Sidney Kopelman, better known to local and national sports enthusiasts and the field of journalism as the one and only Myron Cope. Graduating from Taylor Alderdice High School and the University of Pittsburgh,

he started out his career as a journalist with the Erie Daily Times and would later freelance for Sports Illustrated. He started as an announcer for the legendary Pittsburgh Steelers in 1970, during which he only missed five games going into the 2004 season, and has recently officially retired as their color commentator.

Myron Cope is not only a unique and linguistically challenging announcer, he is also a prolific writer and reporter. His profile of Howard Cosell was selected by Sports Illustrated for its 50th anniversary issue, and Mr. Cope is now working on his sixth book, having recently published his autobiography, "Double Yoi!"

Every Pittsburgher recognizes Myron Cope's coined names and phrases. Time does not permit me to name all of them, but certainly the Terrible Towel, and the fact that Myron Cope can be credited with giving Jerome Bettis his name, "the Bus," everything is Cope-aesthetic, examining a team's strength and weakness with his Cope-roscope, his "yoi," and even his "double and triple yoi," his aptly named "Cincinnati Bungles" and the Minnesota Vikings, or better termed the "Mini-Vikes," just to name a few.

During his 34 years as the Steelers color commentator, most Steelers fans were proud and anxious to mute their television sets and tune into the radio broadcast just to listen to Myron. Every Steelers fan knows there is nothing like watching a game called by Myron Cope. He made the bad games bearable, and made the great games even better. Myron Cope was good at his craft because nobody outworked him. He was thorough, diligent, and God knows, he was entertaining, and because he was all of these, he was often right.

Cope was so respected that in 1983 he became the first member of the broadcast media to be appointed by the Pro Football Hall of Fame to its Board of Selectors. Myron Cope will go down in NFL history as the creator of the Terrible Towel, that magical piece of terry cloth, feared by even the most loyal Eagle fans, which over the last 30 years has generated millions of dollars for the Allegheny Valley School, an institution for the profoundly mentally and physically disabled. He is also a board member of the Autism Society of Pittsburgh, and the nationally recognized Pittsburgh Vintage Grand Prix race held at Pittsburgh's Schenley Park is a race that Myron started and raised over a million dollars to support both of these two critical care institutions. Myron Cope was selected as the 2005 recipient of the Pro Football Hall of Fame's Pete Rozelle Radio-Television Award, an award given annually by the Hall of Fame to recognize longtime exceptional contributions to radio, television, and professional football.

I am confident that all of my colleagues will join in saluting a distinguished Pittsburgher, a great humanitarian, a terrific sports legend, and a proud son of our Commonwealth, Myron Cope, and repay him with our collective wishes for good health and long life. I just want to say that he will be recognized during the half-time game televised Monday night, Pittsburgh versus the Baltimore Ravens. He wanted to attend this Senate Session, but unfortunately, he is a little under the weather, but we wish him all the best and we look forward to seeing him Monday night.

Thank you very much, Madam President.

The PRESIDENT. Thank you, Senator Ferlo, for your resolution on Myron Cope. I assure you, it is not just Pittsburgh and the

Steelers, it is the whole Commonwealth of Pennsylvania who adores Myron Cope, because he has indeed been a part of this great Commonwealth.

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

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

Senator C. WILLIAMS, by unanimous consent, offered **Senate Resolution No. 197**, entitled:

A Resolution recognizing the week of October 24 through 30, 2005, as "National Massage Therapy Awareness Week" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator O'PAKE. Madam President, I offer the following written comments submitted by Senator Connie Williams for the record.

The PRESIDENT. The remarks will be submitted for the record.

(The following prepared statement was made a part of the record at the request of the gentleman from Berks, Senator O'PAKE, on behalf of the gentlewoman from Montgomery, Senator CONNIE WILLIAMS:)

Madam President, I ask for unanimous consent for the immediate consideration of a resolution declaring the week of October 24 through 30 as National Massage Therapy Awareness Week in Pennsylvania.

Earlier today, I joined Representative Keith McCall to talk about legislation that would allow for licensure of massage therapists in Pennsylvania. This bill has been nearly 13 years in the making, and speaks to the desire of the American Massage Therapy Association and its 52,000 members to deliver quality health care and to fully participate in Pennsylvania's health-care delivery system.

Alternative medicine, like massage therapy, is important for whole body care. As the medical community's knowledge of health care and wellness advances, there is renewed emphasis on combining traditional and alternative medicines, in other words, a whole body approach.

Aside from the medical benefits of massage therapy, I have to admit that I love massage, and I am not alone. Around 46.9 million American adults had a massage in the past 12 months. That was 2.2 million more than the previous year.

If you have not already, give massage therapy a try. The American Massage Therapy Association regularly visits the Capitol and offers massages the third Wednesday of the month in the small Rotunda. It will be a relaxing 10-minute investment of your time.

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

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Wilbur E. Hoffert, Kevin Keretz and to Miriam R. Taylor by Senator Boscola.

Congratulations of the Senate were extended to Mr. and Mrs. Michael Dyabelko, Saint John's Reformed Congregation of the United Church of Christ of Lebanon, Saint Luke Lutheran Church of Schaefferstown and to the Lebanon Valley Chamber of Commerce Agriculture Committee by Senator Brightbill.

Congratulations of the Senate were extended to Air Products and Chemicals, Inc., of Allentown, by Senator Browne.

Congratulations of the Senate were extended to George M. Metzger and to Matthew P. Manes by Senator Conti.

Congratulations of the Senate were extended to William H. Isler and to Guy Costa by Senator Costa.

Congratulations of the Senate were extended to the Harvey C. Sabold Elementary School of Springfield by Senator Erickson.

Congratulations of the Senate were extended to Andrew Scott Bailey by Senator Gordner.

Congratulations of the Senate were extended to Mr. and Mrs. James C. Kellum by Senators Gordner and Lemmond.

Congratulations of the Senate were extended to Walter Paul Zimmerman and to Ann Sirianni by Senator Kasunic.

Congratulations of the Senate were extended to the New Castle Public Library by Senator LaValle.

Congratulations of the Senate were extended to Christopher Leslie Taylor by Senator Lemmond.

Congratulations of the Senate were extended to The Good Shepherd Lutheran Church of Monroeville and to Monroeville Fire Department No. 6 by Senator Logan.

Congratulations of the Senate were extended to Mr. and Mrs. Earl Geiger by Senator Madigan.

Congratulations of the Senate were extended to the Dupont Veterans of Foreign Wars Post 4909 by Senator Mellow.

Congratulations of the Senate were extended to Dr. Michael D. Perilstein and to the Rajah Shrine Chanters of West Reading by Senator O'Pake.

Congratulations of the Senate were extended to Mr. and Mrs. Edward Vogel and to Ethel Tagg by Senator Orie.

Congratulations of the Senate were extended to Agnes Wise Yohn by Senator Piccola.

Congratulations of the Senate were extended to Mr. and Mrs. William J. Borsari and to Tia Tomasic by Senator Regola.

Congratulations of the Senate were extended to Justin B. Quinter, Troy A. Williamson and to Earl E. Kennedy, Jr., by Senator Rhoades.

Congratulations of the Senate were extended to James R. Halloran by Senator Stack.

Congratulations of the Senate were extended to Mr. and Mrs. Raymond Inks and to Mr. and Mrs. James Fowkes by Senator Stout.

Congratulations of the Senate were extended to Honorable Jannie L. Blackwell, Honorable Lynne Abraham, Honorable Anna C. Verna, Honorable Marian B. Tasco, Honorable Blondell Reynolds Brown, Honorable Joan L. Krajewski, Honorable Vivian T. Miller, Honorable Margaret M. Tartaglione and to the Honorable Donna Reed Miller by Senator Tartaglione.

Congratulations of the Senate were extended to Thomas Santarsiero by Senator Tomlinson.

Congratulations of the Senate were extended to the Bucks County Housing Group by Senator Tomlinson and others.

Congratulations of the Senate were extended to Mr. and Mrs. Jack Pittenger, Mr. and Mrs. Paul Kuhn, Mr. and Mrs. Dick Cook, Joseph M. Bream, James D. McNatt, Aaron J. McMahan and to Wayne Pecht by Senator Vance.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Hittie, Ryan M. Mundis, Cliff Smith and to Katie Shumway by Senator Waugh.

Congratulations of the Senate were extended to Jeremy Michael Garrard by Senator D. White.

Congratulations of the Senate were extended to the Valley Forge Presbyterian Church of King of Prussia by Senator C. Williams.

Congratulations of the Senate were extended to Mr. and Mrs. Gerald Diehl, Mr. and Mrs. Reuben Myers, Mr. and Mrs. Lou Schodle, Erik Hummel, Randy W. Granger and to Quaker Cleaners of Quakertown by Senator Wonderling.

Congratulations of the Senate were extended to The Express-Times of Easton by Senators Wonderling, Browne, and Boscola.

Congratulations of the Senate were extended to Scott V. Fainor by Senator Wonderling and others.

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 Robert G. Gallardy by Senator Jubelirer.

Condolences of the Senate were extended to the family of the late James Clarence Waller by Senator Kitchen.

Condolences of the Senate were extended to the family of the late Harry J. Mitchell by Senator Orie.

POSTHUMOUS CITATIONS

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

A posthumous citation honoring the late K-9 Uke was extended to Lester Smith by Senator Boscola.

A posthumous citation honoring the late Charles C. Dent was extended to Leonardo da Vinci's Horse, Inc., by Senator Browne.

A posthumous citation honoring the late Giovanni Palatucci was extended to Biagio Gene DeSimone by Senator Stack.

BILLS INTRODUCED AND REFERRED

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

October 26, 2005

Senators CORMAN, COSTA, KITCHEN, SCARNATI, WONDERLING, WAUGH, TOMLINSON and C. WILLIAMS presented to the Chair **SB 936**, entitled:

An Act amending the act of July 9, 1990 (P.L.340, No.78), known as the Public Safety Emergency Telephone Act, providing for interconnected Voice over Internet Protocol service; and establishing the VoIP Emergency Services Fund.

Which was committed to the Committee on COMMUNICATIONS AND TECHNOLOGY, October 26, 2005.

Senators C. WILLIAMS, COSTA, MUSTO, BOSCOLA, KITCHEN, WASHINGTON and WOZNIAK presented to the Chair **SB 951**, entitled:

An Act protecting the right of a mother to nurse her child in public; prohibiting a unit of local government from adopting an ordinance prohibiting breastfeeding in public; and providing that breastfeeding may not be considered a nuisance, indecent exposure, sexual conduct or obscenity.

Which was committed to the Committee on JUDICIARY, October 26, 2005.

Senators C. WILLIAMS, COSTA, MUSTO, BOSCOLA, KITCHEN, WASHINGTON and WOZNIAK presented to the Chair **SB 952**, entitled:

An Act amending the act of October 27, 1955 (P.L.744, No.222), known as the Pennsylvania Human Relations Act, defining "breastfeeding"; further providing for unlawful discriminatory practices; and providing for breastfeeding by employees.

Which was committed to the Committee on LABOR AND INDUSTRY, October 26, 2005.

Senators C. WILLIAMS, COSTA, MUSTO, KITCHEN, WASHINGTON and WOZNIAK presented to the Chair **SB 953**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for a tax credit for employer expenses related to employees who breastfeed.

Which was committed to the Committee on FINANCE, October 26, 2005.

Senators KASUNIC, COSTA, BOSCOLA, STOUT, FONTANA, TARTAGLIONE, WENGER, ORIE, WOZNIAK, RAFFERTY, RHOADES and STACK presented to the Chair **SB 955**, entitled:

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, further providing for schedules of controlled substances, for professional prescription administration and dispensing, for prohibited acts and penalties, for prohibitions relating to liquefied ammonia gas, precursors and chemicals and for effect on local ordinances.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, October 26, 2005.

Senators HUGHES, COSTA, A. WILLIAMS, MELLOW, C. WILLIAMS, STACK, WASHINGTON, TARTAGLIONE, LOGAN, RAFFERTY, M. WHITE, ORIE, ERICKSON, RHOADES, FONTANA, FUMO, MUSTO, WOZNIAK, FERLO, BOSCOLA, STOUT, KASUNIC, O'PAKE, PUNT, WAUGH and KITCHEN presented to the Chair **SB 956**, entitled:

An Act making an appropriation from the General Fund to the Department of Public Welfare for cash and crisis grants through the Low-Income Heating and Energy Assistance Program for the fiscal year beginning July 1, 2005.

Which was committed to the Committee on APPROPRIATIONS, October 26, 2005.

Senators RAFFERTY, STACK, ERICKSON, FONTANA, PUNT, KASUNIC, ORIE, WOZNIAK, RHOADES, BROWNE, REGOLA and C. WILLIAMS presented to the Chair **SB 960**, entitled:

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, providing for records of distribution of controlled substances.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, October 26, 2005.

Senators RAFFERTY, STACK, ERICKSON, PUNT, KASUNIC, ORIE, WOZNIAK, RHOADES, BROWNE, REGOLA and C. WILLIAMS presented to the Chair **SB 961**, entitled:

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, providing for the offense of tampering with package or receptacle; and prescribing a penalty.

Which was committed to the Committee on JUDICIARY, October 26, 2005.

Senators RAFFERTY, STACK, ERICKSON, PUNT, KASUNIC, ORIE, WOZNIAK, RHOADES, BROWNE, REGOLA and C. WILLIAMS presented to the Chair **SB 962**, entitled:

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, providing for records of distribution of controlled substances.

Which was committed to the Committee on JUDICIARY, October 26, 2005.

Senators RAFFERTY, STACK, ERICKSON, PUNT, KASUNIC, ORIE, WOZNIAK, RHOADES, BROWNE, REGOLA and C. WILLIAMS presented to the Chair **SB 963**, entitled:

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, providing for administration of the act by requiring notification regarding theft or loss of controlled substances.

Which was committed to the Committee on JUDICIARY, October 26, 2005.

RECESS

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

Senator PICCOLA. Madam President, I move that the Senate do now recess until Monday, October 31, 2005, Halloween, at 2 p.m., Eastern Standard Time.

The motion was agreed to by voice vote.

The Senate recessed at 12:56 p.m., Eastern Daylight Saving Time.