

COMMONWEALTH OF PENNSYLVANIA
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TUESDAY, FEBRUARY 14, 2006

SESSION OF 2006 190TH OF THE GENERAL ASSEMBLY

No. 13

SENATE

TUESDAY, February 14, 2006

The Senate met at 10:45 a.m., Eastern Standard Time.

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

PRAYER

The Chaplain, Reverend Father THOMAS LOGAN, representing Cheyney University of Pennsylvania, offered the following prayer:

May we look to the Lord in prayer.

Almighty God, in whom we live, we move, and we have our being, look down upon our land in these troubled times, the land of the free and the home of the brave, that we may do Your duty for all the inhabitants of the great Commonwealth of Pennsylvania, and especially of the United States of America.

Bless our Senate, give it wise counsel and deliberation for all people. In Thy name we pray. Amen.

The PRESIDENT. The Chair thanks Father Logan, who is the guest today of Senator Hughes.

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 February 13, 2006.

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.

**SPECIAL ORDER OF BUSINESS
SENATE RESOLUTION ADOPTED**

Senators HUGHES, WONDERLING, BOSCOLA, MUSTO, TARTAGLIONE, ERICKSON, MELLOW, O'PAKE, LEMMOND, RHOADES, STOUT, WASHINGTON, KITCHEN, FONTANA, WENGER, ORIE, LOGAN, PIPPY, FERLO, C. WILLIAMS, RAFFERTY, BRIGHTBILL, BROWNE, ARMSTRONG and PICCOLA, by unanimous consent, offered **Senate Resolution No. 228**, entitled:

A Resolution congratulating Cheyney University of Pennsylvania on its unique historical value to the Commonwealth as the oldest historically black college and university in the Pennsylvania State System of Higher Education and designating the month of February 2006 as "Cheyney University/Leslie Pinckney Hill Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator HUGHES. Madam President, I have a resolution here honoring Cheyney University, which is recognized in many quarters as being the oldest historically black university in the country. We do recognize the fact that some of our friends from Lincoln University would dispute that, but be that as it may, this resolution recognizes the month of February 2006 as Cheyney University/Leslie Pinckney Hill Month in Pennsylvania. We have done this in years past. It is a great testimony to a fine institution which has produced a tremendous amount of great graduates and folks who have made tremendous contributions to the history of the State of Pennsylvania, this country, and the world.

We had with us, of course, Father Thomas Logan, who is historical in his presence in the Episcopal Church, especially the African American wing. We had Professor Marietta Dantonio Fryer, Nashay Jones, who is planning to go to graduate school, and I might add, she is looking to Yale University to accept her for graduate school, Zilpa Odela, Anton Andrew, Milton Colston, and William Hegemin. They were here with us, and I ask for unanimous support of this resolution.

Senator Wonderling and myself, as members of the Council of Trustees at Cheyney University, hope that we would have all Members of the Senate sign on as cosponsors of the resolution.

Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Montgomery, Senator Wonderling.

Senator WONDERLING. Madam President, I just want to briefly echo my colleague, Senator Hughes, and encourage unanimous support of this resolution. I have had the great honor and privilege to serve on the Council of Trustees of Cheyney University for almost a decade now.

For the benefit of the Members, almost 10 years ago there was a commitment made by the executive branch, and that commitment remains today, to provide significant capital resources for essentially the rehabilitation and rebirth of the physical infrastructure at Cheyney, which is historic and was a primary stop along the underground railroad, and it is exciting today to have so many alumni, students, and leaders from Cheyney visiting the State Capitol.

Madam President, again, I encourage the unanimous adoption of the resolution.

Thank you.

LEAVES OF ABSENCE

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

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

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

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

YEA-47

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

NAY-0

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

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 459, 599 and 1525**.

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 509**, with the information the House has passed the same without amendments.

HOUSE INSISTS UPON ITS AMENDMENTS NONCONCURRED IN BY THE SENATE TO HB 1318

The Clerk of the House of Representatives informed the Senate that the House insists upon its amendments nonconcurring in by the Senate to **HB 1318**.

BILLS SIGNED

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

SB 509, HB 459, HB 599 and HB 1525.

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:

February 14, 2006

Senators TOMLINSON, RHOADES, LEMMOND, VANCE, PILEGGI, KITCHEN, COSTA, EARLL, PIPPY, RAFFERTY, FONTANA, KASUNIC, ORIE, WAUGH, BROWNE, WONDERLING, O'PAKE, LOGAN and FERLO presented to the Chair **SB 1104**, 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 the title of the act, for definitions, for duties of facility owners and for the duties of the One Call System; providing for liability, fees and governance of the One Call System; further providing for applicability; providing for the duties of project owners and for rights of the Auditor General; further providing for the governing board of the One Call System, for fines and penalties and for applicability to certain pipeline systems and facilities; providing for a voluntary dispute resolution process, for best efforts and for removal or tampering with a marking; further providing for expiration; and repealing provisions of the act of June 19, 2002 (P.L.421, No.61), known as the Propane and Liquefied Petroleum Gas Act, concerning the prohibition of certain liquefied petroleum gas facilities or distributors from being subject to the Underground Utility Line Protection Law.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, February 14, 2006.

SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR VINCENT J. HUGHES, SENATOR LEANNA M. WASHINGTON, SENATOR SHIRLEY M. KITCHEN, AND SENATOR ANTHONY H. WILLIAMS PRESENTED TO THE SENATE

The PRESIDENT. There are a number of students here from Cheyney University who are here as guests of Senator Hughes, Senator Washington, Senator Kitchen, and Senator Anthony Williams. Please stand so the Senate may give you a warm welcome.

(Applause.)

RECESS

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

Senator BRIGHTBILL. Madam President, for the information of the Members, we will break for a Republican caucus, which will begin in approximately 5 minutes in the caucus room downstairs. We have a planning session scheduled, which will be delayed for about an hour. After caucus, we will return to the floor to do today's business.

So at this point in time, I ask for a recess for the purpose of a Republican caucus.

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

Senator O'PAKE. Madam President, I ask the Democrats to report to our caucus room immediately for a very brief caucus.

The PRESIDENT. There will be a recess for Republican and Democratic caucuses. For those purposes, without objection, the Senate stands in recess.

AFTER RECESS

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

CALENDAR

THIRD CONSIDERATION CALENDAR

BILLS REREPORTED FROM COMMITTEE AS AMENDED, AMENDED

HB 893 (Pr. No. 3557) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, requiring State and local approval for terminations or transfers by municipal authorities; and consolidating the act of April 14, 1949 (P.L.482, No.98), entitled, as amended, "An act authorizing and requiring cities, boroughs, townships, municipal authorities and public utility companies engaged in the supplying of water, to shut off the supply of water for nonpayment of sewer, sewerage, or sewage treatment rentals, rates, or charges imposed by municipal authorities organized by counties of the second class, by cities of the second class, by cities of the second class A, by cities of the third class, by boroughs or by townships of the first or second class; authorizing and requiring them to supply to such authorities lists of metered water readings and flat-rate water bills and other data; authorizing them to act as billing and collecting agents for such authorities; and conferring certain powers upon the Pennsylvania Public Utility Commission in connection therewith," further providing for shutting off water if sewer charge not paid, for notice and for statement of defense; requiring certain procedures to be followed in residential buildings; and making a related repeal.

On the question,

Will the Senate agree to the bill on third consideration?

Senator BRIGHTBILL offered the following amendment No. A6000:

Amend Sec. 1 (Sec. 1601), page 5, lines 26 through 30, by striking out all of lines 26 through 29, "SERVICES AND" in line 30 and inserting:

(2) Provides water and sewer services, either by agreements with a municipality or directly, to a municipality which has a total number of residents outside the boundaries of the municipality that exceeds by at least 50% of the number of residents who

Amend Sec. 1 (Sec. 1601), page 6, line 1, by striking out "ONE OR ALL OF THE FOLLOWING"

Amend Sec. 1 (Sec. 1601), page 6, line 2, by striking out "A" and inserting: a

Amend Sec. 1 (Sec. 1601), page 6, lines 3 and 4, by striking out "INCLUDING WORKS" in line 3 and all of line 4 and inserting: ; and

Amend Sec. 1 (Sec. 1601), page 6, line 5, by striking out "A" and inserting: a

Amend Sec. 1 (Sec. 1602), page 6, line 13, by striking out "OR" and inserting: and

Amend Sec. 1 (Sec. 1602), page 6, line 27, by inserting after "RECEIVED": water and sewer

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 1467 (Pr. No. 3558) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for dispute resolution procedures relating to residential construction defects between contractors and homeowners or members of associations.

On the question,

Will the Senate agree to the bill on third consideration?

Senator GORDNER offered the following amendment No. A5983:

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

Amend Sec. 2, page 3, line 12, by striking out "unit" and inserting: structure

Amend Sec. 2, page 3, line 13, by striking out "unit" and inserting: structure

Amend Sec. 2, page 4, line 6, by striking out "registered"

Amend Sec. 3, page 4, line 19, by inserting after "and": if known

Amend Sec. 3, page 4, lines 29 and 30; page 5, lines 1 through 3, by striking out all of said lines on said pages and inserting: videotapes. If evidence of the claimant is discovered, disclosed or produced after a contractor's offer, the contractor may make a new offer under section 5 which shall be the basis of the determination of its reasonableness under section 5(h) and(i).

Amend Sec. 5, page 6, line 14, by inserting after "the" where it appears the first time: claimant shall be notified of testing and shall be provided the opportunity to be present during testing. The

Amend Sec. 5, page 6, line 29, by inserting after "response": including copies of all test reports, expert reports, photographs and video tapes

Amend Sec. 5, page 7, lines 11 and 12, by striking out "and include the specific reasons for the claimant's rejection"

Amend Sec. 5, page 8, line 23, by inserting after "defenses.": A claimant may, without giving notice to the contractor, employ a contractor and such other persons as are necessary to make such immediate repairs to a dwelling as are required to protect the health, safety and welfare of the occupants.

Amend Sec. 5, page 9, line 18, by striking out "this section" and inserting: the contractor's offer

Amend Sec. 5, page 10, line 3, by inserting after "to": reasonably
Amend Sec. 8, page 10, lines 18 through 22, by striking out all of said lines

Amend Sec. 9, page 10, line 23, by striking out "9" and inserting: 8

Amend Sec. 10, page 10, line 26, by striking out "10" and inserting: 9

Amend Sec. 10, page 10, line 29, by striking out all of said line and inserting: buyer as the case may be, notice of the contractor's rights to offer to cure construction defects or pay to settle a claim against the contractor for construction defects under this act before a claimant may commence an action for the construction defects. The notice shall be in 10-point bold type or greater, shall be included as part of the contract and shall be in substantially the following form:

Amend Sec. 10, page 11, line 2, by striking out "any" and inserting: a legal

Amend Sec. 10, page 11, lines 5 and 6, by striking out "you to deliver to the contractor a" and inserting: that you provide the contractor with

Amend Sec. 10, page 11, lines 7 through 15, by striking out "that you believe are defective" in line 7 and all of lines 8 through 15 and inserting: you allege are defective, with any evidence in your possession that described the alleged defect so that the contractor has the opportunity to make an offer to repair or pay for the alleged construction defects.

Amend Sec. 10, page 11, line 20, by striking out "State" and inserting: Pennsylvania

Amend Sec. 10, page 11, line 21, by striking out "or impair"

Amend Sec. 10, page 11, lines 21 and 22, by striking out "an action or to seek recovery for any" and inserting: a legal action to seek recovery for the

Amend Sec. 10, page 11, line 25, by inserting a period after "choosing"

Amend Sec. 10, page 11, lines 25 through 30; page 12, line 1, by striking out "before entering into any" in line 25 and all of lines 26 through 30, page 11 and "(c)" in line 1, page 12 and inserting: if you have any questions about your rights and obligations under the law.

(b)

Amend Sec. 11, page 12, line 5, by striking out "11" and inserting: 10

Amend Sec. 11, page 12, lines 11 through 14, by striking out all of lines 11 through 13 and "(3)" in line 14 and inserting: (2)

Amend Sec. 11, page 12, line 17, by striking out "(4)" and inserting: (3)

Amend Sec. 12, page 12, line 23, by striking out "12" and inserting: 20

On the question,

Will the Senate agree to the amendment?

LEGISLATIVE LEAVE

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

Senator O'PAKE. Madam President, I request a temporary Capitol leave for Senator Connie Williams.

The PRESIDENT. Senator O'Pake requests a temporary Capitol leave for Senator Connie Williams. Without objection, the leave will be granted.

And the question recurring,

Will the Senate agree to the amendment?

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

YEA-46

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

NAY-1

Williams, Constance

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

The PRESIDENT. The bill will go over as amended.

BILL OVER IN ORDER

SB 563 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL AMENDED

SB 733 (Pr. No. 1497) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 21, 1939 (P.L.566, No.284), known as The Pennsylvania Occupational Disease Act, providing further benefits; and making an appropriation.

On the question,

Will the Senate agree to the bill on third consideration?

Senator GORDNER offered the following amendment No. A5975:

Amend Title, page 1, lines 15 and 16, by inserting a period after "benefits"

Amend Title, page 1, lines 15 and 16, by striking out "and making an appropriation."

Amend Bill, page 2, lines 8 through 14, by striking out all of said lines and inserting:

Section 2. This act shall take effect July 1, 2006.

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 OVER IN ORDER

HB 750, SB 780, SB 935 and SB 1003 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL AMENDED

SB 1025 (Pr. No. 1415) -- The Senate proceeded to consideration of the bill, entitled:

An Act limiting the authority of the Environmental Quality Board over the Pennsylvania Clean Cars Program; and abrogating a regulation.

On the question,

Will the Senate agree to the bill on third consideration?

Senator MADIGAN offered the following amendment No. A5830:

Amend Title, page 1, line 2, by inserting after "Program;": establishing the Pennsylvania Clean Vehicles Program; imposing duties and responsibilities on the Department of Transportation and the Department of Environmental Protection;

Amend Sec. 2, page 1, by inserting between lines 13 and 14:

"CA-LEV II." The California Low Emission Vehicle Program, Title 13, Division 3, Chapters 1 and 2 of the California Code of Regulations.

Amend Bill, page 1, lines 16 and 17; page 2, line 1, by striking out all of said lines on said pages and inserting:

"Light-duty truck." A motor vehicle, rated at 8,500 pounds gross vehicle weight or less which is designed primarily for purposes of transportation of property or is a derivative of such a vehicle, or is available with special features enabling off-street or off-highway operation and use.

"Light-duty vehicle." A passenger car or light-duty truck.

"Passenger car." A motor vehicle designed primarily for transportation of persons and having a design capacity of 12 persons or fewer.

Section 3. Manufacturers and persons affected.

This act shall apply to all covered motor vehicle manufacturers as defined in 40 CFR 86.1702 (relating to definitions) and to any person which seeks to sell, lease, offer for sale or lease, import, deliver, purchase, rent, acquire, receive or register a light-duty vehicle after the effective date of this act.

Section 4. Establishment of the Pennsylvania Clean Vehicles Program.

(a) Establishment of primary vehicle standard.—The Commonwealth hereby establishes a low-emission vehicle program standard which is consistent with the standards established by the California Air Resource Board, known publicly as CA-LEV II. In adopting this vehicle standard the adoption of the Zero Emissions Vehicle requirement or the emissions control system warranty statement contained in Title 13, Chapter 1, Section 2039 of the California Code of Regulations or to any specific requirements as they pertain to fuel requirements mandated in the state of California shall be prohibited.

(b) Establishment of compliance alternative.—Motor vehicle manufacturers may comply with the new vehicle emission standards established by the

Amend Sec. 3, page 2, line 2, by striking out "standard"

Amend Bill, page 2, lines 8 and 9, by striking out all of said lines and inserting: new and in-use highway vehicles and engines) as an alternative to complying with the standards established in subsection (a).

(c) Expiration.—Unless further affirmative action is taken by the General Assembly, this section shall expire December 31, 2014.

Section 5. Exemptions.

(a) General rule.—The following new motor vehicles are exempt from the Pennsylvania Clean Vehicles Program requirements of this act:

(1) An emergency vehicle.

(2) A light-duty vehicle transferred by a dealer to another dealer for ultimate sale outside of this Commonwealth.

(3) A light-duty vehicle transferred for use exclusively off-highway.

(4) A light-duty vehicle transferred for registration out-of-State.

(5) A light-duty vehicle granted a national security or testing exemption under section 203(b)(1) of the Clean Air Act (69 Stat. 322, 42 U.S.C. § 7522(b)(1)).

(6) A light-duty vehicle held for daily lease or rental to the general public which is registered and principally operated outside this Commonwealth.

(7) A light-duty vehicle engaged in interstate commerce which is registered and principally operated outside this Commonwealth.

(8) A light-duty vehicle acquired by a resident of this Commonwealth for the purpose of replacing a vehicle registered to the resident which was damaged, or became inoperative, beyond reasonable repair or was stolen while out of this Commonwealth, if the replacement vehicle is acquired out of this Commonwealth at the time the previously owned vehicle was either damaged or became inoperative or was stolen.

(9) A light-duty vehicle transferred by inheritance or court decree.

(10) A light-duty vehicle defined as a military tactical vehicle or engines used in military tactical vehicles including a vehicle or engine excluded from regulation under 40 CFR 85.1703 (relating to application of section 216(2)).

(11) A light-duty vehicle if the vehicle was registered in this Commonwealth before the effective date of this act.

(12) A light-duty vehicle having a certificate of conformity issued under the Clean Air Act and originally registered in another state by a resident of that state who subsequently establishes residence in this Commonwealth and upon registration of the vehicle provides satisfactory evidence to the Department of Transportation of the previous residence and registration.

(13) A vehicle transferred for the purpose of salvage.

(14) A light-duty vehicle purchased or leased from an out-of-

State dealer by a resident of this Commonwealth for the personal use of the resident and not for immediate resale.

(b) Registration.—To register an exempted vehicle, the person seeking registration shall provide satisfactory evidence, as determined by the Department of Transportation, demonstrating that the exemption is applicable.

Amend Sec. 4, page 2, line 11, by inserting after "California": except as provided in section 3

Amend Bill, page 2, by inserting between lines 12 and 13: Section 6. Department responsibilities.

(a) Report.—No later than June 30, 2010, the department shall report to the General Assembly on the ozone attainment status of Pennsylvania's counties and regions as required under the Clean Air Act (69 Stat. 322, 42 U.S.C. § 7401 et seq.). The report shall contain the department's recommendations to attain and maintain compliance with Clean Air Act air quality ozone standards.

(b) Stakeholder process.—To assist in the department's recommendations, the department shall convene a stakeholder process for each geographic area or region listed as nonattainment by the Environmental Protection Agency, and not anticipated to meet attainment by June 30, 2010. Each stakeholder group shall be organized and convened no later than June 30, 2008. The department shall use an outside neutral facilitator to conduct each stakeholder group's deliberations.

(c) Composition.—Each stakeholder group shall be comprised of fair representation consisting of motorist, public health and environmental organizations, public utility, automotive manufacturers, business and industry organizations as well as Federal, State and local officials.

(d) Waiver petitions.—The department shall submit, if necessary, any petitions for waivers to the Environmental Protection Agency to effectuate any provision of this act.

Section 7. Department of Transportation responsibilities.

Prior to December 31, 2006, and each year thereafter, the Department of Transportation shall provide to the chairmen and minority chairmen of the Transportation Committee and the Environmental Resources and Energy Committee of the Senate and the chairmen and minority chairmen of the Transportation Committee and the Environmental Resources and Energy Committee of the House of Representatives a report listing the following:

(1) The approximate number of vehicles registered in Pennsylvania which are certified by the California Air Resource Board as CA-LEV II compliant, listed by county.

(2) The approximate number of vehicles of each model year subsequent to 1970 currently registered in each county of this Commonwealth.

Amend Sec. 5, page 2, line 12, by striking out "5" and inserting: 8

Amend Sec. 6, page 2, line 16, by striking out "6" and inserting: 9

Amend Sec. 10, page 2, line 28, by striking out "5" and inserting: 8

Amend Sec. 10, page 3, line 1, by striking out "6" and inserting: 9

On the question,

Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentleman from Bradford, Senator Madigan.

Senator MADIGAN. Madam President, this amendment will establish CA-LEV II as a primary vehicle standard for the Pennsylvania Clean Vehicles program. It authorizes the continued use of Federal tier-2 vehicle emission standards as a compliance alternative. It would require DEP to report to the General Assembly no later than June 30, 2010, on the ozone standard attainment status under the Clean Air Act of Pennsylvania counties and regions, and would require stakeholders' groups in areas not anticipated to reach attainment by June 30, 2010, to convene no later than June 30, 2008. It would also require PennDOT to keep a record of the number of

CA-LEV II vehicles in the Commonwealth and report to the General Assembly.

Madam President, I ask for the adoption of this amendment.

LEGISLATIVE LEAVE

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

Senator PICCOLA. Madam President, I request a temporary Capitol leave for Senator Rhoades.

The PRESIDENT. Without objection, the leave will be granted.

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

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

YEA-34

Armstrong	Jubelirer	Piccola	Stout
Brightbill	Kasunic	Pileggi	Tomlinson
Browne	LaValle	Pippy	Waugh
Conti	Lemmond	Punt	Wenger
Corman	Logan	Rafferty	White, Donald
Earll	Madigan	Regola	White, Mary Jo
Erickson	Mellow	Rhoades	Wonderling
Gordner	Musto	Robbins	
Greenleaf	Orie	Scarnati	

NAY-13

Boscola	Hughes	Tartaglione	Wozniak
Costa	Kitchen	Washington	
Ferlo	O'Pake	Williams, Anthony H.	
Fontana	Stack	Williams, Constance	

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

The PRESIDENT. The bill will go over as amended.

BILL OVER IN ORDER

SB 1062 -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1955 (Pr. No. 2669) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating the bridge carrying State Route 66 over Garrett's Run and the J. Franklin Graff Bridge in Manor Township, Armstrong County, as the 1/112th Infantry Alpha Company Bridge.

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-47

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

NAY-0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

HB 200, HB 213, SB 243, HB 247, SB 845, SB 922, SB 957, SB 1000 and SB 1033 -- Without objection, the bills were passed over in their order at the request of Senator PICCOLA.

BILL ON SECOND CONSIDERATION

SB 1050 (Pr. No. 1441) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring manufacturers to disclose information relating to vehicles equipped with event data recorders or sensing and diagnostic modules.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

HB 1285 and HB 2054 -- Without objection, the bills were passed over in their order at the request of Senator PICCOLA.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 1

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

HB 1467 (Pr. No. 3577) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for dispute resolution procedures relating to residential construction defects between contractors and homeowners or members of associations.

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-45

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

NAY-2

Williams, Anthony H.

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 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.

UNFINISHED BUSINESS

BILLS REPORTED FROM COMMITTEES

Senator PUNT, from the Committee on Community and Economic Development, reported the following bills:

SB 659 (Pr. No. 753)

An Act providing for grants to the performing arts; and conferring functions on the Department of Community and Economic Development, the Department of Revenue and the Office of the Budget.

SB 816 (Pr. No.1031)

An Act amending Title 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes, further providing for the definitions of "commercial lending activities" and "commercial lending institutions."

SB 1063 (Pr. No. 1520) (Amended)

An Act providing funding for the creation of additional centers within the system of university-based and college-based entrepreneurial centers known as the Pennsylvania Small Business Development Centers.

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

SB 773 (Pr. No. 952)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of greyhound race simulcasting; and prescribing a penalty.

SB 866 (Pr. No. 1124)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of firearms not to be carried without a license and for license to carry firearm.

SB 1069 (Pr. No. 1519) (Amended)

An Act establishing the Innocence Commission of Pennsylvania; providing for its duties; and providing for the powers and duties of the Joint State Government Commission.

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 H. Frank Gilbert by Senators Corman and Gordner.

Congratulations of the Senate were extended to Mr. and Mrs. Francis Zielinski and to Jerry Straub by Senator Gordner.

Congratulations of the Senate were extended to Mr. and Mrs. Paul Brumbaugh by Senator Jubelirer.

Congratulations of the Senate were extended to John W. Schmucker by Senator Kasunic.

Congratulations of the Senate were extended to Mary Hoehn by Senator Orie.

Congratulations of the Senate were extended to the Central Pennsylvania Coalition United to Fight Cancer (CATALYST) by Senator Piccola.

Congratulations of the Senate were extended to James W. Beach by Senator Rhoades.

Congratulations of the Senate were extended to Cleatus Wentz, Jr., Shirley Markle and to Desiree Mummert by Senator Waugh.

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 Steven Lee Phillips by Senator Stout.

Condolences of the Senate were extended to the family of the late John W. Thompson by Senator Waugh and others.

BILLS ON FIRST CONSIDERATION

Senator FERLO. Madam President, I move that the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to by voice vote.

The bills were as follows:

SB 659, SB 773, SB 816, SB 866, SB 1063 and SB 1069.

And said bills having been considered for the first time, Ordered, To be printed on the Calendar for second consideration.

PETITIONS AND REMONSTRANCES

The PRESIDENT. The Chair recognizes the gentleman from Montgomery, Senator Wonderling.

Senator WONDERLING. Madam President, I will be brief. I just wanted to take a moment to applaud the chairs of the Committee on Transportation and the Committee on Environmental Resources and Energy, Senator Madigan and Senator Mary Jo White, and the Democratic chairs of those committees, Senator Stout and Senator Musto, on the near unanimous support of the amendments to Senate Bill No. 1025 that we passed a few moments ago. I believe that this amendment really hits the perfect sweet spot in engaging a broad group of stakeholders who care about our environment, who care about air quality, particularly in southeastern Pennsylvania, where I represent the 24th Senatorial District. I think the leadership shown on both sides of the aisle is an excellent result, and I just wanted to take a moment to applaud their efforts today.

Thank you, Madam President.

**COMMITTEE OF CONFERENCE
APPOINTED ON HB 1318**

The PRESIDENT. The Chair announces, on behalf of the President pro tempore, the appointment of Senators BRIGHTBILL, LEMMOND and A.H. WILLIAMS as a Committee of Conference on the part of the Senate to confer with a similar committee of the House if the House shall appoint such committee to consider the differences existing between the two Houses in relation to House Bill No. 1318.

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

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, FEBRUARY 15, 2006

Off the Floor	BANKING AND INSURANCE (to consider House Bill No. 1478)	Rules Com. Conf. Rm.
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Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Resolutions No. 222, 223 and 224; and certain executive nominations)	Rules Com. Conf. Rm.
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MONDAY, FEBRUARY 27, 2006

9:30 A.M.	APPROPRIATIONS (Budget Hearing - Department of General Services)	Senate Maj. Caucus Rm.
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10:45 A.M.	APPROPRIATIONS (Budget Hearing - Department of Banking)	Senate Maj. Caucus Rm.
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1:15 P.M.	APPROPRIATIONS (Budget Hearing - PA Emergency Management Agency)	Senate Maj. Caucus Rm.
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2:45 P.M.	APPROPRIATIONS (Budget Hearing - Budget Secretary)	Senate Maj. Caucus Rm.
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TUESDAY, FEBRUARY 28, 2006

9:00 A.M.	APPROPRIATIONS (Budget Hearing - Liquor Control Board)	Senate Maj. Caucus Rm.
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10:30 A.M.	APPROPRIATIONS (Budget Hearing - Department of State)	Senate Maj. Caucus Rm.
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1:15 P.M.	APPROPRIATIONS (Budget Hearing - Department of Revenue)	Senate Maj. Caucus Rm.
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3:00 P.M.	APPROPRIATIONS (Budget Hearing - State Related Universities)	Senate Maj. Caucus Rm.
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WEDNESDAY, MARCH 1, 2006

9:00 A.M.	APPROPRIATIONS (Budget Hearing - State Gaming Control Board)	Senate Maj. Caucus Rm.
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10:30 A.M.	APPROPRIATIONS (Budget Hearing - Insurance Department)	Senate Maj. Caucus Rm.
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1:15 P.M.	APPROPRIATIONS (Budget Hearing - Department of Agriculture)	Senate Maj. Caucus Rm.
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2:45 P.M.	APPROPRIATIONS (Budget Hearing - State System of Higher Education)	Senate Maj. Caucus Rm.
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THURSDAY, MARCH 2, 2006

9:00 A.M.	APPROPRIATIONS (Budget Hearing - Department of Labor and Industry)	Senate Maj. Caucus Rm.
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10:30 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Conservation and Natural Resources)	Senate Maj. Caucus Rm.
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1:15 P.M.	APPROPRIATIONS (Budget Hearing - Department of Health)	Senate Maj. Caucus Rm.
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2:45 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Environmental Protection)	Senate Maj. Caucus Rm.
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MONDAY, MARCH 6, 2006

9:30 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Military and Veterans Affairs)	Senate Maj. Caucus Rm.
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10:30 A.M.	APPROPRIATIONS (Budget Hearing - Public Utilities Commission)	Senate Maj. Caucus Rm.
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1:15 P.M.	APPROPRIATIONS (Budget Hearing - Department of Education)	Senate Maj. Caucus Rm.
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TUESDAY, MARCH 7, 2006

9:00 A.M.	APPROPRIATIONS (Budget Hearing - Department of Transportation)	Senate Maj. Caucus Rm.
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1:15 P.M.	APPROPRIATIONS (Budget Hearing - PA School Employees' Retirement System and State Employees Retirement System)	Senate Maj. Caucus Rm.
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2:45 P.M. APPROPRIATIONS (Budget Hearing -
Department of Corrections) Senate Maj.
Caucus Rm.

WEDNESDAY, MARCH 8, 2006

9:00 A.M. APPROPRIATIONS (Budget Hearing -
Department of Public Welfare) Senate Maj.
Caucus Rm.

1:15 P.M. APPROPRIATIONS (Budget Hearing -
Judiciary) Senate Maj.
Caucus Rm.

2:45 P.M. APPROPRIATIONS (Budget Hearing -
State Police) Senate Maj.
Caucus Rm.

THURSDAY, MARCH 9, 2006

9:00 A.M. APPROPRIATIONS (Budget Hearing -
Department of Aging) Senate Maj.
Caucus Rm.

10:30 A.M. APPROPRIATIONS (Budget Hearing -
Board of Probation and Parole) Senate Maj.
Caucus Rm.

1:15 P.M. APPROPRIATIONS (Budget Hearing -
Dept. of Community & Economic
Development) Senate Maj.
Caucus Rm.

FRIDAY, MARCH 10, 2006

10:00 A.M. URBAN AFFAIRS AND HOUSING (to
consider the availability of affordable
housing for working families) Kennett Sq.
Boro. Hall,
120 Marshall
St., Kennett
Sq., Pa.

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 Wednesday, February 15, 2006, at 11 a.m., Eastern Standard Time.

The motion was agreed to by voice vote.

The Senate recessed at 2:15 p.m., Eastern Standard Time.