

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

THURSDAY, JUNE 22, 2006

SESSION OF 2006 190TH OF THE GENERAL ASSEMBLY

No. 44

**SENATE**

THURSDAY, June 22, 2006

The Senate met at 10 a.m., Eastern Daylight Saving Time.

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

**PRAYER**

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

Let us pray.

Our Heavenly Father, in this morning moment of prayer, when there is silence in the Senate Chamber, may our hearts be still and peaceful, that we may know that You are God. Bless us with a measure of Your spirit of wisdom, power, and grace to successfully meet all the challenges that face us this day, in the service of Your people. Amen.

The PRESIDENT. The Chair thanks Mark Corrigan for the beautiful prayer.

**PLEDGE OF ALLEGIANCE**

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

**JOURNAL APPROVAL POSTPONED**

The PRESIDENT. Without objection, approval of the Journal of the Session of Wednesday, June 21, 2006, will be postponed until the Journal is in print.

**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 153, 1580 and 2468.**

**HOUSE CONCURS IN SENATE BILL**

The Clerk of the House of Representatives returned to the Senate **SB 235**, with the information the House has passed the same without amendments.

**HOUSE RESOLUTION RETURNED  
WITH AMENDMENTS**

The Clerk of the House of Representatives returned to the Senate **HCR 354**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

**SENATE BILL RETURNED WITH AMENDMENTS**

The Clerk of the House of Representatives returned to the Senate **SB 874**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

**HOUSE BILLS FOR CONCURRENCE**

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

June 21, 2006

**HB 698, 1944, 2399, 2401, 2402 and 2403** -- Committee on Judiciary.

**HB 1526** -- Committee on Banking and Insurance.

**HB 2055** -- Committee on Education.

**HB 2096** -- Committee on Finance.

**HB 2318** -- Committee on Transportation.

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**HB 529 and 1880** -- Committee on Finance.

**HB 1746, 2330 and 2467** -- Committee on Judiciary.

**LEGISLATIVE LEAVES**

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

Senator PICCOLA. Madam President, I request legislative leaves for Senator Robbins, Senator Madigan, and Senator Wonderling, and temporary Capitol leaves for Senator Brightbill, Senator Lemmond, and Senator Punt.

The PRESIDENT. Senator Piccola requests legislative leaves for Senator Robbins, Senator Madigan, and Senator Wonderling, and temporary Capitol leaves for Senator Brightbill, Senator Lemmond, and Senator Punt.

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

Senator O'PAKE. Madam President, I request a legislative leave for Senator Kasunic, and temporary Capitol leaves for Senator Fumo, Senator Mellow, Senator Stout, and Senator Washington.

The PRESIDENT. Senator O'Pake requests a legislative leave for Senator Kasunic, and temporary Capitol leaves for Senator Fumo, Senator Mellow, Senator Stout, and Senator Washington.

Without objection, the leaves will be granted.

**CALENDAR**

**HB 2026 CALLED UP OUT OF ORDER**

**HB 2026 (Pr. No. 2803)** -- Without objection, the bill was called up out of order, from page 5 of the Third Consideration Calendar, by Senator PICCOLA, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**HB 2026 (Pr. No. 2803)** -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a bridge in Coudersport Borough, Potter County, as the Specialist Mike Franklin Memorial 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-50**

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

**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.

**RECESS**

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

Senator PICCOLA. Madam President, I request a recess of the Senate for the purpose of a Republican caucus, to be held immediately in the Majority Caucus Room on the first floor.

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 what hopefully will be a brief caucus.

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

**AFTER RECESS**

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

**CONSIDERATION OF CALENDAR RESUMED**

**BILL VETOED BY THE GOVERNOR**

**BILL OVER IN ORDER**

**SB 997** -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

**BILLS ON CONCURRENCE  
IN HOUSE AMENDMENTS**

**BILL OVER IN ORDER**

**SB 243** -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

**SENATE CONCURS IN HOUSE AMENDMENTS**

**SB 1150 (Pr. No. 1835)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for offense of demonstrating at a commemorative service and for commemorative service demonstration action.

On the question,  
Will the Senate concur in the amendments made by the House to Senate Bill No. 1150?

Senator PICCOLA. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1150.

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

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

Senator PIPPY. Madam President, I will be brief, but I did not want Senate Bill No. 1150 to pass without saying thank you to some important people. In the legislature, we try to work together on issues that touch our hearts. In this case, Senate Bill No. 1150 deals with funerals and protesting at funerals. As many of you may be aware, our men and women who are killed in action have been coming home and their families have had to deal with protesters at their funerals. While we all believe in the First Amendment, we also believe in a family's ability and right to bury their loved ones in peace.

Senate Bill No. 1150 is a bipartisan and bicameral effort. Both the House and Senate have worked on this, and particularly in the Senate, I thank my colleagues, Senator Regola, Senator Don White, and Senator Greenleaf for moving it out of committee. In the House, Representatives Mann and Pyle shepherded the bill and amended it to make it better. For those who have been following this issue of funeral protests, we will now have a bill that prohibits protesting before, during, and after the funeral. This will also be part of a package at the Federal level dealing with funeral protests in national cemeteries.

So, I believe we are doing a very good thing, and we look forward to having the Governor sign the bill, and I want to thank the Chair for allowing me to speak on this bill.

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

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

YEA-50

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

NAY-0

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

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

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Washington has returned, and her temporary Capitol leave will be cancelled.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 248 (Pr. No. 4277) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for legislative review of State highway transfers and for allocation of proceeds from taxes for highway maintenance and construction.

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

NAY-0

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

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

BILLS OVER IN ORDER

SB 439, HB 456, SB 506, SB 655, SB 691, SB 772, HB 801, SB 816, SB 838, SB 1000 and SB 1046 -- Without objection, the bills were passed over in their order at the request of Senator PICCOLA.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator Stout, Senator Lemmond, and Senator Punt have returned, and their temporary Capitol leaves will be cancelled.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

## BILL OVER IN ORDER TEMPORARILY

**SB 1090** -- Without objection, the bill was passed over in its order temporarily at the request of Senator PICCOLA.

## BILL AMENDED

**SB 1104 (Pr. No. 1801)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 10, 1974 (P.L.852, No.287), referred to as the Underground Utility Line Protection Law, further providing for 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 payment dispute resolution process, for best efforts, for removal or tampering with a marking, for determination of position and type of lines and for impairment of rights and immunities; further providing for expiration; 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; and making an editorial change.

On the question,

Will the Senate agree to the bill on third consideration?

Senator TOMLINSON offered the following amendment No. A8374:

Amend Sec. 2 (Sec. 1), page 4, line 18, by striking out the bracket before the comma

Amend Sec. 2 (Sec. 1), page 4, lines 18 and 19, by striking out "] or the Department of Transportation and"

Amend Sec. 2 (Sec. 1) page 4, line 26, by striking out the bracket before "roads" and inserting: public

Amend Sec. 2 (Sec. 1), page 4, line 30, by striking out the bracket after "highway."

Amend Sec. 2 (Sec. 1), page 5, line 1, by striking out all of said line

Amend Sec. 2 (Sec. 1), page 5, lines 7 and 8, by striking out the bracket before "The" in line 7 and after "way." in line 8

Amend Sec. 3 (Sec. 2), page 11, line 10, by inserting after "PRAC-TICES:" Facility owners shall make reasonable efforts during the excavation phase to locate or notify excavators of the existence and type of abandoned lines that remain on the continuing property records of the facility owners.

Amend Sec. 12 (Sec. 11), page 34, lines 8 through 30; page 35, lines 1 through 16, by striking out all of said lines on said pages

Amend Sec. 12 (Sec. 12), page 35, line 17, by striking out "12" and inserting: 11

Amend Sec. 13, page 35, line 23, by striking out "13" and inserting: 12

Amend Sec. 16, page 36, line 9, by striking out "in 180 days." and inserting:  
as follows:

- (1) The following provisions shall take effect immediately:
  - (i) The amendment of section 7.7 of the act.
  - (ii) This section.
- (2) The remainder of the act shall take effect in 120 days.

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 PICCOLA, on behalf of Senator BRIGHTBILL, offered the following amendment No. A8368:

Amend Sec. 8 (Sec. 6.1), page 26, lines 27 through 30, by striking out all of said lines and inserting:

(1) To utilize sufficient quality levels of subsurface utility engineering or other similar techniques to properly determine the existence and positions of underground facilities when designing known complex projects or when designing projects having an estimated cost of five hundred thousand dollars (\$500,000) or more.

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.

## BILLS OVER IN ORDER

**SB 1115, SB 1117, SB 1118, SB 1119 and SB 1120** -- Without objection, the bills were passed over in their order at the request of Senator PICCOLA.

## LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Robbins has returned, and his legislative leave is cancelled.

## CONSIDERATION OF CALENDAR RESUMED

## THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 1205 (Pr. No. 1869)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for insurance proceeds intercept; and further providing for State disbursement unit.

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	Gordner	Orie	Tomlinson
Boscola	Greenleaf	Piccola	Vance
Brightbill	Hughes	Pileggi	Washington
Browne	Jubelirer	Pippy	Waugh
Conti	Kasunic	Punt	Wenger

Corman	Kitchen	Rafferty	White, Donald
Costa	LaValle	Regola	White, Mary Jo
Dinniman	Lemmond	Rhoades	Williams, Anthony H.
Earll	Logan	Robbins	Williams, Constance
Erickson	Madigan	Scarnati	Wonderling
Ferlo	Mellow	Stack	Wozniak
Fontana	Musto	Stout	
Fumo	O'Pake	Tartaglione	

NAY-0

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

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

BILLS OVER IN ORDER

**HB 1725 and HB 2003** -- Without objection, the bills were passed over in their order at the request of Senator PICCOLA.

BILLS LAID ON THE TABLE

**HB 2185 (Pr. No. 3041)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for required financial reporting.

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

**HB 2186 (Pr. No. 3042)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing for required financial reporting; and making editorial changes.

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

BILL AMENDED AND OVER IN ORDER TEMPORARILY

**HB 2317 (Pr. No. 4311)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the capital budget for the fiscal year 2005-2006; itemizing public improvement projects, furniture and equipment projects, transportation assistance projects, redevelopment assistance capital projects, flood control projects, Keystone Recreation, Park and Conservation Fund projects, Environmental Stewardship Fund projects, Motor License Fund projects, State forestry bridge projects, Pennsylvania Fish and Boat Commission projects, Manufacturing Fund projects and federally funded projects to be constructed or acquired or assisted by the Department of General Services, the Department of Community and Economic Development, the Department of Conservation and Natural Resources, the Department of Environmental Protection, the Pennsylvania Fish and Boat Commission, the Pennsylvania Game Commission and the Department of Transportation, together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed, acquired or assisted by the Department of General Services, the Department of Community and Economic Development, the Depart-

ment of Conservation and Natural Resources, the Department of Environmental Protection, the Department of Transportation, the Pennsylvania Fish and Boat Commission or the Pennsylvania Game Commission; stating the estimated useful life of the projects; providing an exemption; providing for limitation on certain capital projects and for special provisions for certain redevelopment assistance capital projects; and making appropriations.

On the question,

Will the Senate agree to the bill on third consideration?

Senator PICCOLA, on behalf of Senator MADIGAN, offered the following amendment No. A8415:

Amend Sec. 3, page 96, lines 7 through 12, by striking out all of said lines

Amend Sec. 5, page 114, lines 19 through 25, by striking out all of lines 19 through 24 and "(IV)" in line 25 and inserting: (ii)

Amend Sec. 6, page 203, by inserting between lines 20 and 21:

(ii) Athens Borough

(A) Main elementary building adaptive reuse project, acquisition, construction, related infrastructure and other related costs . . . . . 1,500,000

Amend Sec. 6, page 203, line 21, by striking out "(ii)" and inserting: (iii)

Amend Sec. 6, page 203, by inserting between lines 23 and 24:

(iv) Towanda Borough

(A) 400 block of Main Street Acquisition, fire damage, restoration redevelopment, acquisition, construction, related infrastructure requirements and other related costs . . . . . 1,000,000

Amend Sec. 6, page 230, by inserting between lines 17 and 18:

(iv.2) Folcroft Borough

(A) Construction of a government and community center . . . . . 3,000,000

(B) Delmar Drive, street scape enhancements . . . . . 1,200,000

(C) Rasmussen Square improvements . . . . . 750,000

Amend Sec. 6, page 230, line 18, by striking out "(IV.2)" and inserting: (iv.3)

Amend Sec. 6, page 230, line 23, by striking out "(IV.3)" and inserting: (iv.4)

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?

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

Senator PICCOLA. Madam President, can we go over House Bill No. 2317 temporarily.

The PRESIDENT. Without objection, the bill will go over temporarily, as amended.

BILLS OVER IN ORDER

**HB 2376, HB 2383, HB 2425 and HB 2457** -- Without objection, the bills were passed over in their order at the request of Senator PICCOLA.

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

**HB 10, HB 11 and HB 30** -- Without objection, the bills were passed over in their order at the request of Senator PICCOLA.

**LEGISLATIVE LEAVE CANCELLED**

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

**CONSIDERATION OF CALENDAR RESUMED****SECOND CONSIDERATION CALENDAR RESUMED****BILL REREFERRED**

**SB 180 (Pr. No. 1886)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for protection from identity theft, for security alerts and freezes, for procedures for access after imposition and removal of security freezes and for related matters.

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

**BILL ON SECOND CONSIDERATION**

**HB 804 (Pr. No. 4160)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for unattended children in motor vehicles and for fleeing or attempting to elude police officer.

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

**BILL OVER IN ORDER**

**SB 808** -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

**BILL ON SECOND CONSIDERATION**

**SB 865 (Pr. No. 1242)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, further providing for definitions; and providing for registration of premises upon which domestic animals are kept.

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

**BILL OVER IN ORDER**

**SB 896** -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

**BILL ON SECOND CONSIDERATION**

**HB 901 (Pr. No. 3978)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for lighting on motorcycles.

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

**BILLS OVER IN ORDER**

**SB 924, SB 1052 and SB 1093** -- Without objection, the bills were passed over in their order at the request of Senator PICCOLA.

**BILL ON SECOND CONSIDERATION**

**SB 1116 (Pr. No. 1890)** -- The Senate proceeded to consideration of the bill, 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 prohibited acts and penalties; and providing for reporting, for confidentiality and for false statements or misrepresentation.

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

**BILLS OVER IN ORDER**

**SB 1140, SB 1147, SB 1148, SB 1158 and SB 1207** -- Without objection, the bills were passed over in their order at the request of Senator PICCOLA.

**BILLS ON SECOND CONSIDERATION**

**SB 1230 (Pr. No. 1819)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, deleting provisions relating to supplier licenses.

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

**SB 1237 (Pr. No. 1842)** -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to the County of Lackawanna Transit System Authority (COLTS), certain lands situate in the City of Scranton, Lackawanna County, in exchange for a certain tract of land from COLTS situate in the City of Scranton, Lackawanna County.

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

**BILLS OVER IN ORDER**

**SB 1244, SB 1245, SB 1262, HB 1320 and HB 1632** -- Without objection, the bills were passed over in their order at the request of Senator PICCOLA.

**BILL REREFERRED**

**HB 1641 (Pr. No. 4312)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 30 (Fish) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for boat and marine forfeiture, for the powers and duties of the Pennsylvania Fish and Boat Commission, for boat, marine equipment and watercraft trailer forfeiture and for the powers and duties of the Department of Transportation.

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

**BILLS OVER IN ORDER**

**HB 1928, HB 2090, HB 2205 and HB 2303** -- Without objection, the bills were passed over in their order at the request of Senator PICCOLA.

**HB 2317 CALLED UP**

**HB 2317 (Pr. No. 4311)** -- Without objection, the bill, which previously went over in its order temporarily, as amended, was called up, from page 5 of the Third Consideration Calendar, by Senator PICCOLA.

**BILL AMENDED**

**HB 2317 (Pr. No. 4311)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the capital budget for the fiscal year 2005-2006; itemizing public improvement projects, furniture and equipment projects, transportation assistance projects, redevelopment assistance capital projects, flood control projects, Keystone Recreation, Park and Conservation Fund projects, Environmental Stewardship Fund projects, Motor License Fund projects, State forestry bridge projects, Pennsylvania Fish and Boat Commission projects, Manufacturing Fund projects and federally funded projects to be constructed or acquired or assisted by the Department of General Services, the Department of Community and Economic Development, the Department of Conservation and Natu-

ral Resources, the Department of Environmental Protection, the Pennsylvania Fish and Boat Commission, the Pennsylvania Game Commission and the Department of Transportation, together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed, acquired or assisted by the Department of General Services, the Department of Community and Economic Development, the Department of Conservation and Natural Resources, the Department of Environmental Protection, the Department of Transportation, the Pennsylvania Fish and Boat Commission or the Pennsylvania Game Commission; stating the estimated useful life of the projects; providing an exemption; providing for limitation on certain capital projects and for special provisions for certain redevelopment assistance capital projects; and making appropriations.

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

Senator CORMAN offered the following amendment No. A8428:

Amend Sec. 5, page 160, by inserting between lines 11 and 12:  
(v) Mifflin County Industrial Park East  
Railroad and related facilities, new  
facilities to serve the proposed 316-acre  
Mifflin County Industrial Park East . . . . . 1,400,000

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.

**LEGISLATIVE LEAVES**

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

Senator PICCOLA. Madam President, I request temporary Capitol leaves for Senator Scarnati and Senator Wenger, and a legislative leave for Senator Don White.

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

**RECESS**

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

Senator COSTA. Madam President, I request a brief recess of the Senate for a Democratic caucus.

The PRESIDENT. For the purpose of a Democratic Caucus, without objection, the Senate stands in recess.

**AFTER RECESS**

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

**LEGISLATIVE LEAVES CANCELLED**

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

Senator PICCOLA. Madam President, Senator Brightbill, Senator Scarnati, and Senator Wenger have returned, and I ask that their temporary Capitol leaves be cancelled.

The PRESIDENT. Senator Brightbill, Senator Scarnati, and Senator Wenger have returned, and their temporary Capitol leaves will be cancelled.

Senator Mellow and Senator Fumo have also returned, and their temporary Capitol leaves will be cancelled.

### LEGISLATIVE LEAVES

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

Senator PICCOLA. Madam President, I request a legislative leave for Senator Punt.

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

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Madam President, I request legislative leaves for Senator Costa and Senator Logan, and a temporary Capitol leave for Senator Fumo, who is in a budget meeting.

The PRESIDENT. Senator Mellow requests legislative leaves for Senator Costa and Senator Logan, and a temporary Capitol leave for Senator Fumo. Without objection, the leaves will be granted.

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

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 2317 (Pr. No. 4338)** — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the capital budget for the fiscal year 2005-2006; itemizing public improvement projects, furniture and equipment projects, transportation assistance projects, redevelopment assistance capital projects, flood control projects, Keystone Recreation, Park and Conservation Fund projects, Environmental Stewardship Fund projects, Motor License Fund projects, State forestry bridge projects, Pennsylvania Fish and Boat Commission projects, Manufacturing Fund projects and federally funded projects to be constructed or acquired or assisted by the Department of General Services, the Department of Community and Economic Development, the Department of Conservation and Natural Resources, the Department of Environmental Protection, the Pennsylvania Fish and Boat Commission, the Pennsylvania Game Commission and the Department of Transportation, together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed, acquired or assisted by the Department of General Services, the Department of Community and Economic Development, the Department of Conservation and Natural Resources, the Department of Environmental Protection, the Department of Transportation, the Pennsylvania Fish and Boat Commission or the Pennsylvania Game Commission; stating the estimated useful life of the projects; providing an exemption; providing for limitation on certain capital projects and for special provisions for certain redevelopment assistance capital projects; and making appropriations.

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

#### NAY-0

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

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

### RECESS

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

Senator PICCOLA. Madam President, I request a brief recess of the Senate for the purpose of a Republican caucus to be held immediately in the Rules room.

The PRESIDENT. For the purpose of a Republican caucus to be held immediately in the Rules room, without objection, the Senate will stand in recess.

### AFTER RECESS

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

### LEGISLATIVE LEAVES

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

Senator PICCOLA. Madam President, I request legislative leaves for Senator Orie and Senator Lemmond.

The PRESIDENT. Senator Piccola requests legislative leaves for Senator Orie and Senator Lemmond. Without objection, the leaves will be granted.

### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Fumo has returned, and his temporary Capitol leave is cancelled.

### RECESS

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

Senator HUGHES. Madam President, I request a recess for a brief caucus for the Democrats.

The PRESIDENT. Senator Hughes requests a recess of the Senate for a brief Democratic caucus. Without objection, the Senate will stand in recess.

### AFTER RECESS

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

### LEGISLATIVE LEAVES

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

Senator O'PAKE. Madam President, I request legislative leaves for Senator LaValle, Senator Mellow, Senator Musto, Senator Stout, Senator Washington, Senator Anthony Williams, and Senator Wozniak.

The PRESIDENT. Senator O'Pake requests legislative leaves for Senator LaValle, Senator Musto, Senator Mellow, Senator Stout, Senator Washington, Senator Anthony Williams, and Senator Wozniak. Without objection, the leaves will be granted.

### CONSIDERATION OF CALENDAR RESUMED

#### SB 1090 CALLED UP

**SB 1090 (Pr. No. 1887)** -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 3 of the Third Consideration Calendar, by Senator PICCOLA.

#### BILL AMENDED

**SB 1090 (Pr. No. 1887)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of January 17, 1968 (P.L.11, No.5), known as The Minimum Wage Act of 1968, giving effect to Federal changes in wage rates; providing for preemption; and making editorial changes.

On the question,

Will the Senate agree to the bill on third consideration?

Senator TARTAGLIONE offered the following amendment No. A8400:

Amend Sec. 2 (Sec. 4), page 4, lines 22 through 25, by striking out all of said lines and inserting:

(7) Six dollars twenty-five cents (\$6.25) an hour beginning thirty days after the effective date of this paragraph.

(8) Seven dollars fifteen cents (\$7.15) an hour beginning July 1, 2007.

Amend Sec. 2 (Sec. 4), page 6, lines 15 through 20, by striking out all of said lines and inserting:

(e) In lieu of the minimum wage prescribed in subsection (a) and notwithstanding subsections (b) and (d), an employer may, during the first sixty calendar days when an employe under the age of twenty years is initially employed, pay the employe training wages at a rate of not less than the minimum wage set forth in section 6(a) of the Fair Labor Standards Act (29 U.S.C. § 206(a)). A person employed at the training wage under this subsection shall be informed of the amount of the training wage and the right to receive the full minimum wage, or a higher wage, upon completion of the training period. No employer may take any action to displace existing employes, including partial displace-

ments such as reduction in the hours, wages or employment benefits of existing employes, for purposes of hiring individuals at the training wage authorized by this subsection.

Amend Sec. 3 (Sec. 5), page 9, lines 18 through 22, by striking out all of said lines

Amend Bill, page 14, line 12, by striking out all of said line and inserting:

Section 7. All acts and parts of acts are repealed insofar as they are inconsistent with the addition of section 14.1 of the act.

Section 8. This act shall apply as follows:

(1) The addition of section 14.1 of the act shall not invalidate any ordinance, charter provision, resolution, rule or regulation in effect on the effective date of this section.

(2) The following provisions shall apply to contracts entered into or renewed on or after the effective date of this section:

(i) The addition of section 14.1 of the act.

(ii) Section 7 of this act.

Section 9. This act shall take effect immediately.

On the question,

Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentlewoman from Philadelphia, Senator Tartaglione.

Senator TARTAGLIONE. Madam President, this amendment would replace language currently in Senate Bill No. 1090 and would raise Pennsylvania's minimum wage to \$6.25 an hour for 30 days after the bill becomes law, and then to \$7.15 an hour on July 1, 2007. It also establishes a training wage, which allows an employer to pay a new employee, who is under the age of 20, a wage less than the minimum wage for a period of 60 days. The amendment effectively removes the language of Senate Bill No. 1090 that was amended into the bill in the Committee on Labor and Industry and replaces it with the language of House Bill No. 257, which already passed the House of Representatives.

Madam President, this amendment represents a compromise. It is not the language I introduced in Senate Bill No. 926, and it is not the language that Senator Scarnati had in the amendment in the Committee on Labor and Industry. Low-wage workers are struggling in Pennsylvania, and earning \$5.15 an hour leaves them in poverty. Raising the minimum wage to \$7.15 an hour will help over 400,000 Pennsylvanians in their struggle to survive. It is the right thing to do, Madam President, and it is the humane thing to do.

I urge my colleagues to support amendment A8400 so we can pass Senate Bill No. 1090, send it to the House for its consideration, and then put it before the Governor so that we can raise Pennsylvania's minimum wage to \$7.15 an hour. I ask for an affirmative vote, Madam President.

Thank you.

And the question recurring,

Will the Senate agree to the amendment?

#### SCARNATI AMENDMENT A8462 TO A8400

Senator SCARNATI offered the following amendment No. A8462 to amendment No. A8400:

Amend Amendments, page 1, line 4, by striking out "thirty days after the effective date of this paragraph" and inserting: January 1, 2007

Amend Amendments, page 1, line 24, by inserting after "lines": and inserting:

Amend Amendments, page 1, by inserting between lines 24 and 25:  
(c) (1) Notwithstanding the provisions of subsection (a)(7) and (8), an employer unless otherwise exempt from the minimum wage provisions of section 4(a)(6) whose employe complement is composed of the equivalent of ten full-time employes to be calculated on a forty-hour workweek shall pay:

(i) Five dollars sixty-five cents (\$5.65) an hour beginning January 1, 2007.

(ii) Six dollars sixty-five cents (\$6.65) an hour beginning July 1, 2007.

(2) Such employer shall pay the full amount of the minimum wage under section 4(a)(8) beginning July 1, 2008.

On the question,

Will the Senate agree to amendment No. 8462 to amendment No. 8400?

The PRESIDENT. The Chair recognizes the gentleman from Jefferson, Senator Scarnati.

Senator SCARNATI. Madam President, my amendment basically gives small businesses an opportunity to wait until January 1, 2007, to implement this increase in the minimum wage. As a small businessman myself and I work with small businesses, basically mom-and-pop businesses in the Commonwealth, I think it is very important that we extend the implementation of the minimum wage until January 1, 2007. My amendment also provides for an exemption for small businesses, and that exemption is one that will allow small mom-and-pop businesses, the backbone, the heart of our communities, the heart of this Commonwealth, to have a minimum wage that would be incrementally less than the minimum wage addressed in Senator Tartaglione's bill. This is a matter of fairness, this is a matter of helping those job creators, and I ask for the support of this amendment.

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

Senator HUGHES. Madam President, I think everybody needs to understand exactly what we are dealing with here. First of all, the reason to move Senator Tartaglione's amendment without it being touched pushes down the process for us to get this issue addressed by next week, because although it is not exactly 100 percent the same, it is essentially 99.9 percent the same as House Bill No. 257, which was passed overwhelmingly by the House of Representatives. That is what Senator Tartaglione offered. By moving her amendment without an amendment, we are greatly down the process, and in many respects it becomes just a technicality before we can get it to the Governor's desk for him to sign it into law, which essentially means without it being messed around with or disturbed or reamended by the gentleman's amendment now, which essentially means that within 60 days at best, Pennsylvania's low-wage working people could see an increase in their wages. They have been waiting for us to act for a long time, and they were promised that we would act on it in January, but that did not happen. We are in sight, close to, and that is the reason to support Senator Tartaglione's amendment without it being amended is so important. After the shell game of moving bills around here and there, there and here, amendments here, changes there, negotiations here, negotiations there, we finally have sight of something almost exactly the same as what was passed by the House. Then we would be greatly down the road, and with probably about, hopefully, no more than 5 days of

Session next week, hopefully no more than 5 days of Session next week, we could get this thing done, and we finally could provide a reward to Pennsylvania's people.

However, however, by moving the gentleman's amendment, by accepting the gentleman's amendment to Senator Tartaglione's amendment, we are playing an incredible, devastating shell game with Pennsylvania's working poor, because what happens in the gentleman's amendment is you have essentially employers, and we do not want to make this too complicated, we want to try to make it as simple as possible, who see the gentleman's amendment would then lay off or eliminate, terminate, fire, whichever one you want to use, full-time employees, rehire them as part-time employees, pay them a lesser wage scale, probably eliminate the benefits package that they get, to achieve what the gentleman has said is fairness. Fairness for whom? Fairness for whom? We have already compromised dramatically on this issue. There is no COLA. Nothing like that exists for Pennsylvania's low-wage workers, who in fact deserve it. We have compromised already, and now we are asked to accept an amendment to Senator Tartaglione's amendment to change the substance of what she has worked so hard to do, to play a shell game with Pennsylvania's working poor. You will have employers who will lay off, fire, terminate, eliminate, full-time paid workers with benefits, make them part-time wage earners, take away their benefits, reduce their pay scale so they can fit in this mark right here. That is what is going to happen. That is exactly what is going to happen, and everybody listening to my voice here on the floor, in the building, watching on TV, watching on PCN, watching on the stream on their computers need to understand that. Unfortunately, the people who will be devastated by this the most are out there working someplace, trying to make ends meet. But that is what you have here.

If the Majority were serious about this, they would see the opportunity provided to us from the House of Representatives and just move this process along, supporting Senator Tartaglione's amendment without any change. But here we go again. Here we go again, fooling or attempting to fool Pennsylvania's working poor, those individuals struggling the most, trying to make ends meet, trying to keep up with increases in inflation all around them, trying to keep up with transportation costs going up, trying to keep up with heating costs going up, trying to keep up with food costs going up, trying to keep up with mortgage and rent costs going up, and everything else going up, here we are again, just when we have an opportunity to help them, we are taking an opportunity to stab them in their backs and take money out of their pockets. That is what would happen. Money would be taken out of the pockets of the working poor, benefits would be taken away from them, opportunity would be taken away from them, and we need to be crystal clear about what is being proposed with this amendment right here.

Senator Tartaglione's amendment needs to be voted on unattached, unamended, and sent forward. We can get this thing done finally by the end of next week. But with this, somebody said once, you have been fooled, you have been misled, and that is what is happening here. That is what is happening here. Pennsylvania's working people, Pennsylvania's working poor, those low-wage workers who are trying to work their way out of the poverty they are already in, trying to work themselves out of that,

and they are getting jammed and jerked once more by this amendment. Leave Senator Tartaglione's amendment alone. Do not touch it, do not violate it, do not amend it with this trickery, this foolishness. Leave it alone. How much do we have to do to Pennsylvania's working poor? What do we have to do to them? Why is it so hard to help them? Every study out there indicates that when you raise the minimum wage, there is no job loss; in fact, an increased minimum wage adds to the economic vitality in the community where those workers work and live, because they spend those extra dollars in those neighborhoods, and those neighborhoods desperately need that money spent in their area.

So I say, Madam President, leave Senator Tartaglione's amendment alone. We have already compromised on this issue to try to make things happen. The bill has already, for all intents and purposes, passed out of the House of Representatives in substance. We can do it here, work out the last little link, which is all technical stuff, get it to the Governor, and get things done, and we can have a good summer, a great summer, a summer where we think we can say to our people that we have done something to help their economic reality. Unfortunately, if this amendment goes in, we have played another shell game on the pockets of Pennsylvania's working people. They are low-wage workers who need our help the most, and we are about to do serious harm to them if this amendment becomes law.

Thank you, Madam President.

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

Senator PICCOLA. Madam President, I cannot help but reflect that the gentleman's statements are really making a mountain out of a molehill. I have spoken at length on why I do not think raising the minimum wage is a good idea, and I am not going to repeat those arguments here today. They are already on the record in prior Sessions of the Senate in past Journals, but I am going to tell you that it is important that we pass the Scarnati amendment to the Tartaglione amendment if we are going to go down this road of raising the minimum wage, because the gentleman who spoke previously has not recognized that there are two parties involved in raising the minimum wage. There is the employee, but there is also the employer, and the Scarnati amendment is recognizing that when we raise the minimum wage, we are imposing a hardship on the employer, the people who create these jobs, particularly the small employer, the small businessperson.

The first part of the amendment simply extends the effective date to allow all businesses in Pennsylvania who will be paying the minimum wage to make the appropriate plans in the next 6 months to do that, January 1, 2007.

The second part of the amendment, Madam President, simply recognizes that there are probably thousands of small businesspeople around this Commonwealth who operate on the edge, who do not have great profit margins, and if they are forced to pay that minimum wage increase, they are going to have to lay off workers, and we do not want to see that happen, we do not want to see these people go out of business and lay off all their workers. We want to recognize that there is a small business community in Pennsylvania that needs to be protected from the more egregious effects of raising the minimum wage.

So it is important that we recognize both sides of this com-

pact, not just the employee, but the employer as well, particularly the small businessperson. I urge adoption of the Scarnati amendment.

The PRESIDENT. The Chair recognizes the gentleman from Schuylkill, Senator Rhoades.

Senator RHOADES. Madam President, would Senator Scarnati submit to brief interrogation?

The PRESIDENT. He indicates he will.

Senator RHOADES. Madam President, would the gentleman tell us about the bill that came out of his committee, reported out with a majority vote, and the amendment that has been proposed by Senator Tartaglione, what in essence does the gentleman's amendment do to the original amendment that came out of committee?

Senator SCARNATI. Madam President, the original amendment that came out of committee was based upon an exemption for small businesses based upon payroll. The amount of the payroll was \$500,000 or less. Those small businesses would have received an exemption from the total increase in the minimum wage. It would not have been exempted from an increase in the minimum wage, and I want to make that clear. They would have been exempted from the total increase, and they would have been paying 85 percent of the new minimum wage, any business with a payroll of \$500,000 or less.

Senator RHOADES. Madam President, in an effort not to be conciliatory but to compromise and find an answer, where did the gentleman's amendment come from?

Senator SCARNATI. Madam President, the amendment came from discussions and meetings that we have had yesterday and today with our Caucus and the Senate Democratic Caucus.

Senator RHOADES. Madam President, so in essence, the amendment was agreed to, at least originally, by the primary players?

Senator SCARNATI. Madam President, yes. Originally, we had an agreement on this language earlier today.

Senator RHOADES. Okay, Madam President, so it took even away from what was originally agreed to so that we could all move on this particular bill?

Senator SCARNATI. Madam President, that is correct. The only thing in my amendment today that is different from what we had agreed to earlier is actually moving out the increase in minimum wage from 30 days from the date of the passage of the bill to January 1, 2007. We felt that it was important, very important to give small business, all business, an opportunity to put this increase, an almost \$500 million increase, into their budgets, and give them until January 1, 2007, to do that.

Senator RHOADES. Madam President, there has been a point made that this is going to affect all minimum wage earners. Senator Piccola brought it out from the standpoint that we are only going to be dealing with small businesses of 10 employees or less. Of the total minimum wage group, how many does the gentleman's amendment affect?

Senator SCARNATI. Madam President, we wish we had firm numbers. The Pennsylvania Department of Labor and Industry does not provide actual numbers of how many minimum wage earners we have in Pennsylvania, whether it be by county, the industry, or whatever. Those numbers are not available. I would

not be able to give a full number, but it would be a small percentage of the total wage earners.

Senator RHOADES. Madam President, would the gentleman say 10 percent or less?

Senator SCARNATI. Madam President, I think that would be accurate.

Senator RHOADES. Madam President, when the gentleman said he could not get the numbers, whom did he ask for the numbers?

Senator SCARNATI. Madam President, we asked the Department of Labor and Industry on multiple occasions, through letter and verbal requests.

Senator RHOADES. Madam President, and they never responded?

Senator SCARNATI. Madam President, they could not give us a number on how many people in Pennsylvania are at minimum wage.

Senator RHOADES. Thank you, Madam President.

The PRESIDENT. The Chair recognizes the gentlewoman from Philadelphia, Senator Tartaglione.

Senator TARTAGLIONE. Madam President, just to make sure the record is clear, we never agreed to the January 1, 2007, starting date. We also never agreed to section 4(a)6, where it says "whose employee complement is composed of the equivalent of ten full-time employees to be calculated on a 40-hour work week," and then they shall pay. Other than that, we had agreement for me to take their proposal back to the Caucus and discuss it with the Caucus. This was never an agreed-to amendment. I just want to clarify that on the record, Madam President.

The PRESIDENT. The Chair recognizes the gentleman from Jefferson, Senator Scarnati.

Senator SCARNATI. Madam President, I just want to point out something as a matter of clarification here. I was at the Governor's budget meeting, I was at the Governor's Budget Address, and he asked for minimum wage by January 1, 2007. That is what this amendment does.

Thank you, Madam President.

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

Senator HUGHES. Madam President, just to close, we have some information here from the Center for Workforce Information and Analysis that indicates that approximately 76 percent of Pennsylvania's small businesses have less than 10 employees in Pennsylvania. I would be more than willing to share this with the Majority, if they would like. But I think the salient point here is, the point to remember, and Senator Tartaglione just referred to this in her comments, obviously, there was no agreement. First of all, she did not agree to this. But equally as important, if not more so, is look at the language and clearly understand the language that is in the amendment, because we have kind of a new term that has come up here. "Notwithstanding the provisions of subsection, an employer, unless otherwise exempt from the minimum wage provisions of section 4(a)6, whose employee complement is composed of the equivalent of 10 full-time employees to be calculated on a 40-hour work week shall pay less." Full-time employees, the equivalent of 10 full-time employees. So theoretically, you could have 10 people working part time to come up to the equivalent of 10 full-time employees, calculated on a 40-hour

work week. That is what is in the legislation. Part-time employees are massed together to come up with 10 full-time employees.

Now, that is the substance of this, and that is what we have to understand, and that is what we have to be clear on. It is right here in the language. It is not fake, it is not in the air, it is right here on paper. So an employer could look at this language and say, wait a minute now, I can reshape my workforce to meet these numbers. I can reshape my workforce to meet this situation and make out real good. I can change my full-time employee status with benefits to part-time workers and get the equivalent. You think about that. You think about that. The good Senator from Philadelphia and Montgomery County is not making this stuff up. It is right here on paper. That is the proposal. The problem with some of this stuff is that you wind up in this process almost negotiating against yourself, and you always have to be careful about that.

We really should be talking about Senator Tartaglione's original bill. That is what we should be talking about, to really empower Pennsylvania's low-wage workers. She backed off, she compromised, she worked it out, trying to bring everybody together, using her skills and talents, trying to pull everybody together, realizing that there was a measure that came out of the House, and since we had momentum on that measure, move it through the Senate and maybe get it to the Governor's Office by Friday of next week when we all want to finish our responsibilities and finish our work. Now we throw a hiccup in the process by changing that around. We gut what it was that she wanted to get done by creating this new scenario here, full-time equivalent employees, create situations where employers can change their workforce to meet this equivalent, put more money in their pockets, more money in their bottom line, and that is what we have right here. And who gets messed up the most? Who gets jerked the most, who gets jammed the most, who loses the most in this process? The people who need us the most, the low-wage workers. They need us, but they lose, and they continue to lose. They continue to lose.

Well, I will tell you what, in New York, they make a lot more money. In New Jersey, they make a lot more money. In Maryland, they make a lot more money, in States all around us. We just watched the Federal government drop the ball again on this issue. States all around us, States all across the country are moving on this issue. Are the workers in Pennsylvania not equal to the workers around the rest of the country? Are they not? The mother who has to work to make ends meet, is she not just as equal and just as important as the mother in New Jersey? Or the teenager who is working and not studying because she has to work to contribute to the household, is she not just as important and does she not matter just as much as the teenager in Maryland or in New York? Are they not just as vital? Are they not? The senior citizen who is getting jammed up and has to return to the workforce, and all that is available to them is a minimum wage job, are they not just as important as the people in New Jersey and New York and the States around us and the States all across the country, are they not just as important? Are they not just as vital?

Senator Tartaglione thinks so. Eighty-four percent of Pennsylvania's people think so, the majority of the country thinks so, the House of Representatives thinks so, and the Governor thinks so,

but for some reason, in this Chamber, we want to take money out of these people's pockets, and we want to take benefits from them also. Madam President, this is not right. As my mom would say, this is as wrong as two left feet. This is not right, you know it, the body knows it, and Pennsylvania's people will know it and understand it also.

Madam President, I urge a strong "no" vote for Senator Scarnati's amendment, and leave Senator Tartaglione's amendment alone.

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

Senator M.J. WHITE. Madam President, the previous speaker was right on one point: the minimum wage should be a Federal rule, not a State rule. We should not be putting our employers at a disadvantage with regard to competitors from other States, and that is why it really should not be a State issue, but since it has become one, we really have to do something to help our small businesses, our mom-and-pops.

First of all, we need to give them a little more time because we are increasing their payroll costs, something they did not anticipate, and give them time to prepare for this.

Secondly, we have heard from a lot of them who said, if you do this, I will have to lay people off. Now, I want to tell you, when you are laid off, your minimum wage is 0. Let us do something for the small businesses in Pennsylvania. This is the right thing to do.

Thank you.

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

Senator O'PAKE. Madam President, we all want to help the mom-and-pop businesses. I do not see that defined in here. Our concern is that the language talking about the employee complement, which is composed of the equivalent of 10 full-time employees to be calculated on a 40-hour work week, creates a giant loophole that some people will use to make sure that more and more Pennsylvanians do not benefit from whatever minimum wage increase that we are able to legislate here today. You know, mom and pops are very important. We want to preserve the mom and pops, but we also do not want to create or carve out a loophole so that other businesses can take advantage of this to avoid paying what is really a very minimal minimum wage amount.

If we were serious, there is a bill in committee right now that is half-way home. It is House Bill No. 257, and it has the support of the House of Representatives. It is embodied in the Tartaglione amendment, and I respectfully suggest if we want to get this job done, the thing to do is to reject the Scarnati amendment, pass the Tartaglione amendment, and we will have sent back to the House a version of minimum wage that they have already indicated they can accept. So I oppose the Scarnati amendment, and contrary to the assertions, there was no agreement by our Caucus to the language about the 10 full-time employees to be calculated on a 40-hour work week. That, we fear, is a way to avoid compliance, a way to create by manipulating and using a loophole that will avoid payment of minimum wage to many thousands of Pennsylvanians. We have never addressed that. How many thousands of Pennsylvanians will not get the benefit of a minimum wage increase with this loophole if the Scarnati amendment is adopted?

And the question recurring,  
Will the Senate agree to amendment No. 8462 to amendment No. 8400?

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

YEA-28

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

NAY-22

Boscola	Greenleaf	Mellow	Washington
Costa	Hughes	Musto	Williams, Anthony H.
Dinniman	Kasunic	O'Pake	Williams, Constance
Ferlo	Kitchen	Stack	Wozniak
Fontana	LaValle	Stout	
Fumo	Logan	Tartaglione	

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

On the question,  
Will the Senate agree to amendment No. 8400, as amended?

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

Senator HUGHES. Madam President, my comments on the amended amendment really do not differ much to my prior comments, so I intend to vote "no" on the amended amendment.

And the question recurring,  
Will the Senate agree to amendment No. 8400, as amended?

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

YEA-42

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

NAY-8

Earll	Hughes	Orie	Regola
Ferlo	Madigan	Pippy	White, Donald

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

The PRESIDENT. Senate Bill No. 1090 will go over as amended.

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

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**SB 1090 (Pr. No. 1913)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of January 17, 1968 (P.L.11, No.5), known as The Minimum Wage Act of 1968, giving effect to Federal changes in wage rates; providing for preemption; and making editorial changes.

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 gentlewoman from Philadelphia, Senator Tartaglione.

Senator TARTAGLIONE. Madam President, today we have an opportunity to do what many of us have tried to do for a long time. Today we have the opportunity to raise Pennsylvania's minimum wage to help a lot of hardworking Pennsylvanians. Today, by passing Senate Bill No. 1090, we can help the hundreds of thousands of low-wage workers trying to make ends meet. Passing Senate Bill No. 1090 will not cause businesses to close their doors, it will not create massive layoffs, and it will not hurt those who will see more spending money in their paycheck. However, with Senate Bill No. 1090, we have taken an extra step to help those small businesses that may have difficulty initially adjusting to this new rate. Senate Bill No. 1090 is not perfect. Some might think that the bill should do more for the business community, and some think the bill does not raise minimum wage high enough. Senate Bill No. 1090 will do what Senator Scarnati and I started out to do almost a year ago. It represents a compromise, Madam President, and nobody received everything they wanted, but we have a bill that helps workers and helps some business.

I need to thank Senator Scarnati and his staff, and all those who worked so hard to get us to this point. I also want to thank Don Kockler, my chief of staff, for his hard work. Several times hundreds of people came to Harrisburg to support our efforts, and I want to thank them, Madam President, as well. I would also like to thank my colleagues for their support and patience throughout the process.

Madam President, 21 States have already taken action. Today, Delaware raised their minimum wage from \$6.15 to \$7.15. It is time for Pennsylvania to step up to the plate. I urge my colleagues to vote "yes" on Senate Bill No. 1090.

Thank you, Madam President.

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

Senator FERLO. Madam President, I would like to ask that my comments be entered into the record.

The PRESIDENT. Without objection, the remarks will be spread upon the record.

*(The following prepared statement was made a part of the record at the request of the gentleman from Allegheny, Senator FERLO:)*

This final Republican crafted and crafty bill, full of loopholes, is a placebo and a cruel hoax shoved down the throats of those who toil in our Commonwealth each and every day, at all hours of the day and night, at a bare minimum wage rate that has not seen an increase in a decade, folks doing the hardest work with the most difficult working conditions, with few protections and workplace safeguards. The bill was drafted by those who have substantial salaries, personal incomes, full health care benefits, and lasting guaranteed pensions. It is a bill that should be rejected, and should it eventually pass, I call on Governor Rendell to veto it, we should live to fight another day.

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

Senator STACK. Madam President, I may be booed because I am not offering my comments for the record, but thank you for recognizing me.

I rise today to speak in support of Senate Bill No. 1090, and I agree with my colleague, Senator Tartaglione, that it is not perfect, but it is a step forward. I believe it is our moral duty to take action today to raise the minimum wage. It has been 9 years since our low-wage workers received the raise. It has been 9 years of skyrocketing gas prices, spiraling housing costs, and escalating electric bills. It has been 9 years, and now is the time to act.

Madam President, my grandfather immigrated to America from his birthplace in Ireland. He worked hard in his adopted homeland, and because America is such a great country, eventually, he reached the hallowed halls of Congress. In his years as a Congressman from Philadelphia, one of his proudest accomplishments was to be an original cosponsor of the first minimum wage bill, and also one of his proudest accomplishments was to work for the passage of that bill.

At that time, Madam President, at the height of the Great Depression, 25 cents was set as the minimum wage. It was not a lot of money, but the new law demonstrated this country's commitment to working people, and I am deeply honored to be here today helping to carry on a family tradition of supporting working Americans. Somewhere I know that my grandfather is smiling down and not just smiling down on me, Madam President, but on this State legislature, and he is proud that we are helping thousands of Pennsylvania workers to be lifted out of poverty.

Madam President, I think we all know we cannot wait for Federal action on this issue. If I were standing on the shore watching a person drown, I would not wait for Congress to throw a lifeline. I would step up to the plate and act, just as this State legislature has on issue after issue. So I cannot stand aside as I hear from people working with food banks across the State tell me that they are seeing more and more families using their services, and I cannot stand aside as I hear from religious leaders about the economic crisis facing so many of their parishioners.

That is not the America I know and love, that is not the Pennsylvania I know and love. This is not just an economic issue, this is a moral issue, and it demands our immediate action.

So, I also want to go on record as applauding Senator Tartaglione for working so tirelessly and also all the Members in the Majority, and for Senator Scarnati for allowing this bill to come up for a vote so that we can actually walk the walk and talk the talk. If we have an argument, let bygones be bygones and vote on this. I know that more times than not, when it comes to the issue of justice, this body responds and responds admirably so. I hope it will do so today, and I ask my colleagues to do so for the working people of the State who have waited long enough.

Thank you, Madam President.

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

Senator WONDERLING. Madam President, I rise in support of Senate Bill No. 1090 and also offer my congratulations to Senator Tartaglione and Senator Scarnati, and in particular, I am delighted to support this bill because it is democracy in action. We have reached consensus and compromise, and with all due respect to individuals who have suggested that I needed to take a position on this issue months ago, I felt very strongly that the interest of entrepreneurs across this Commonwealth needed to be included in this discussion, part of that compact. Indeed, this bill does include those folks who are entrepreneurs, providing some relief to them as we deal with workers' wages.

Therefore, Madam President, in the spirit of compromise and consensus, I support Senate Bill No. 1090.

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

Senator TOMLINSON. Madam President, I want to congratulate Senator Tartaglione and Senator Scarnati. As many people alluded to here, this is a compromise. This is a very vast State with a diverse population and diverse communities, and I think Senator Tartaglione and Senator Scarnati worked very, very hard to bring all aspects of this State together to come up with this legislation, and I ask for its adoption.

Thank you, Madam President.

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

Senator DINNIMAN. Madam President, as a new Member of this body, I am proud to support this bill. Ultimately, the greatness of our nation and of this Commonwealth is that we make sure that no one is totally left behind. This bill assures that every resident, every citizen of this Commonwealth has a chance, has an opportunity, can still believe in the American dream. It also protects small businesses, the mom-and-pop operations, so they, too, have a chance.

You know, in America people make money. We want to protect the entrepreneur, but at the same time we need to have the decency, the respect, and the ability to make sure that every citizen of this Commonwealth has a chance, has an opportunity, and together, Republicans and Democrats, we have provided that by allowing the minimum wage to be passed here, and I am proud to have been able to join this body in this vote.

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

Senator RAFFERTY. Madam President, I rise to voice my support for this bill, and I especially want to thank Senator Scarnati, who did a lot of behind-the-scenes negotiating, representing the interests well of the business community, and I especially want to thank Senator Tartaglione, who was a real firebrand on this piece of legislation, making sure that the interest of the workers in Pennsylvania were well represented. All of us today in the Senate of Pennsylvania, Republican and Democrat, can be proud of the legislation that is proposed here tonight, put together by the hard work of Senator Tartaglione and Senator Scarnati, and make sure it passes and is put into effect for the workers of Pennsylvania.

I have one final thing to say: to make sure this bill goes into effect, we need to vote, so I suggest we vote.

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-36

Boscola	Greenleaf	O'Pake	Tartaglione
Browne	Jubelirer	Pileggi	Tomlinson
Conti	Kasunic	Punt	Vance
Corman	Kitchen	Rafferty	Washington
Costa	LaValle	Rhoades	Waugh
Dinniman	Lemmond	Robbins	Williams, Anthony H.
Erickson	Logan	Scarnati	Williams, Constance
Fontana	Mellow	Stack	Wonderling
Fumo	Musto	Stout	Wozniak

#### NAY-14

Armstrong	Gordner	Piccola	White, Donald
Brightbill	Hughes	Pippy	White, Mary Jo
Earll	Madigan	Regola	
Ferlo	Orie	Wenger	

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.

### UNFINISHED BUSINESS 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 May Schaeffer by Senator Brightbill.

Congratulations of the Senate were extended to Mr. and Mrs. Louis Ver by Senator Browne.

Congratulations of the Senate were extended to Raymond F. Suhocki by Senator Browne and others.

Congratulations of the Senate were extended to Michael Stiebel by Senator Costa.

Congratulations of the Senate were extended to Robert M. Holland by Senator Dinniman.

Congratulations of the Senate were extended to Michael S. Tongel by Senator Fontana.

Congratulations of the Senate were extended to the Right Worshipful Grand Lodge of Free and Accepted Masons of Pennsylvania by Senator Fumo.

Congratulations of the Senate were extended to Mr. and Mrs. Carl Worthington by Senator Gordner.

Congratulations of the Senate were extended to ACT/Technico of Warminster by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. John D. Helminiak and to Mr. and Mrs. Kurt Hausammann by Senator Madigan.

Congratulations of the Senate were extended to Jeffrey Karl Robinson, Jr., by Senator Mellow.

Congratulations of the Senate were extended to the Reverend Joseph Adonizio by Senator Musto.

Congratulations of the Senate were extended to Renee Rogers and to Heather Hammond by Senator Scarnati.

Congratulations of the Senate were extended to the members of the 12th Armored Division of the United States Army by Senator Stack.

Congratulations of the Senate were extended to Mr. and Mrs. Donald J. Zenner, Mr. and Mrs. Earl Dhanse, Mr. and Mrs. William Flynn, Mr. and Mrs. William Mull, Aldo Margoni, Clarence E. Dudley and to the citizens of the Borough of Burgettstown by Senator Stout.

Congratulations of the Senate were extended to Tim and Nancy Shorter by Senator Wenger.

Congratulations of the Senate were extended to Mr. and Mrs. Ronald Bowser, Mr. and Mrs. Bud Smith, Mr. and Mrs. Gerald Zuck, Darren D. Weaver, Ann Margaret Bartman and to Daniel J. Uber by Senator M.J. White.

Congratulations of the Senate were extended to Reverend Dr. R.T. Jones, Jr., Page R. West, Jr., Joe H. Knight, Douglass Howell, William A. Hartwell, Wesley Carter, Wallace O. Callis, Marron Cato, Louise B. Snowden and to Sacaree Rhodes by Senator A.H. Williams.

Congratulations of the Senate were extended to Friendship Community Library of Beech Creek by Senator Wozniak.

### CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late Martin Berger by Senator C. Williams and others.

### PETITIONS AND REMONSTRANCES

The PRESIDENT. The Chair recognizes the gentleman from Schuylkill, Senator Rhoades.

Senator RHOADES. Madam President, I want to be quick, and I did not want to bring it up during the debate because I wanted to see us pass it without consternation. One of the things I wanted to propose in this was raising the minimum wage by 25 cents an hour for anyone who had a high school diploma or a GED.

As chairman of the Committee on Education, we spend billions of dollars a year on education at our basic level, stressing

to people that when you get a diploma, get a GED, you are going to make more money, and I had an amendment which would have raised it above the rate of 25 cents. It received mixed emotions on both sides of the aisle, and that is not the best of circumstances under which to offer it, but I think it is something we should think about. There is merit in a high school diploma. We do not want our boys and girls dropping out of school. Putting something in here as an incentive would encourage them to stay in school, take advantage, get the knowledge and the skills, because that is going to lead to better paying jobs. They will not have to worry about minimum wage.

Thank you, Madam President.

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

Senator DINNIMAN. Madam President, I agree with Senator Rhoades. What we need to do in our future debates is really figure out these kinds of incentives, because the competition in the world today is not between industrial systems or ideologies, the competition is between education and learning systems. We need to strengthen schooling and try to encourage our students in any way possible.

## COMMUNICATIONS FROM THE GOVERNOR

### NOMINATIONS REFERRED TO COMMITTEE

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

#### MEMBER OF THE STATE BOARD OF LANDSCAPE ARCHITECTS

June 22, 2006

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William D. Mullin, 656 Pinefrost Drive, Monroeville 15146, Allegheny County, Forty-fifth Senatorial District, for appointment as a member of the State Board of Landscape Architects, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Daniel Dahlkemper, Erie, whose term expired.

EDWARD G. RENDELL  
Governor

#### MEMBER OF THE BOARD OF TRUSTEES OF LINCOLN UNIVERSITY

June 22, 2006

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as a member of the Board of Trustees of Lincoln University, to serve until August 31, 2006, and until her successor

is appointed and qualified, vice Christopher R. Booth, Jr., Wyncote, resigned.

EDWARD G. RENDELL  
Governor

MEMBER OF THE BEAVER COUNTY  
BOARD OF ASSISTANCE

June 22, 2006

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as a member of the Beaver County Board of Assistance, to serve until December 31, 2006, and until her successor is appointed and qualified, vice Jill Marsilio-Colonna, Beaver Falls, resigned.

EDWARD G. RENDELL  
Governor

MEMBER OF THE LAWRENCE COUNTY  
BOARD OF ASSISTANCE

June 22, 2006

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Fifteenth Senatorial District, for appointment as a member of the Lawrence County Board of Assistance, to serve until December 31, 2006, and until her successor is appointed and qualified, vice Jean L. Rogan, New Castle, resigned.

EDWARD G. RENDELL  
Governor

MEMBER OF THE TIOGA COUNTY  
BOARD OF ASSISTANCE

June 22, 2006

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the Tioga County Board of Assistance, to serve until December 31, 2008, and until his successor is appointed and qualified, vice Virginia Serine, Mansfield, resigned.

EDWARD G. RENDELL  
Governor

**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:

June 22, 2006

Senators ORIE, CORMAN, O'PAKE, C. WILLIAMS, REGOLA, FONTANA, BROWNE and EARLL presented to the Chair **SB 1231**, entitled:

An Act establishing and evaluating an administrative medical liability system to restore fairness and reliability to the medical justice system; and promoting patient safety by fostering alternatives to current medical tort litigation.

Which was committed to the Committee on JUDICIARY, June 22, 2006.

Senators LOGAN, BROWNE, ERICKSON, ORIE, TARTAGLIONE, FONTANA, RAFFERTY, COSTA, MUSTO, PILEGGI, O'PAKE, WASHINGTON, LAVALLE, BOSCOLA, RHOADES, FUMO and STACK presented to the Chair **SB 1234**, 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 personal income tax, for estates and trusts.

Which was committed to the Committee on FINANCE, June 22, 2006.

Senators RHOADES, BOSCOLA, ERICKSON, WONDERLING, C. WILLIAMS, WASHINGTON, O'PAKE and COSTA presented to the Chair **SB 1235**, entitled:

An Act amending the act of February 14, 1986 (P.L.2, No.2), known as the Acupuncture Registration Act, further providing for regulation of the practice of acupuncture; and providing for medical diagnosis.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, June 22, 2006.

Senators FERLO and PIPPY presented to the Chair **SB 1242**, entitled:

An Act amending the act of December 14, 1992 (P.L.818, No.133), known as the Port of Pittsburgh Commission Act, further providing for the definition of "port district."

Which was committed to the Committee on COMMUNITY AND ECONOMIC DEVELOPMENT, June 22, 2006.

Senators WASHINGTON, BOSCOLA, LOGAN, COSTA, FONTANA, MELLOW, BROWNE, LAVALLE and HUGHES presented to the Chair **SB 1249**, entitled:

An Act amending the act of November 25, 1970 (P.L.769, No.254), entitled "An act authorizing the use of identification devices by persons with certain afflictions or conditions; imposing duties on law enforcement officers and prescribing penalties," providing for medical identification tags.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 22, 2006.

Senators WONDERLING, PILEGGI, VANCE, GREENLEAF, ERICKSON, PIPPY and RAFFERTY presented to the Chair **SB 1251**, entitled:

An Act amending the act of July 8, 1986 (P.L.408, No.89), known as the Health Care Cost Containment Act, further providing for data submission and collection.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 22, 2006.

Senators GREENLEAF, WENGER, FONTANA, WONDERLING, RAFFERTY, COSTA, PILEGGI, LOGAN, PUNT, ERICKSON, BOSCOLA and C. WILLIAMS presented to the Chair **SB 1252**, entitled:

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

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, June 22, 2006.

Senators GREENLEAF, ERICKSON, O'PAKE, RAFFERTY, FONTANA, WONDERLING, WOZNIAK, REGOLA and BOSCOLA presented to the Chair **SB 1253**, entitled:

An Act exempting continuing care retirement communities from the medical assistance bed approval process and allowing nursing facilities operated by continuing care retirement communities to obtain medical assistance certified beds under limited terms and conditions.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 22, 2006.

Senators A. WILLIAMS, HUGHES, WASHINGTON, FONTANA and KITCHEN presented to the Chair **SB 1254**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for exceptions to sovereign immunity.

Which was committed to the Committee on TRANSPORTATION, June 22, 2006.

Senators A. WILLIAMS, HUGHES, WASHINGTON, FONTANA, COSTA and KITCHEN presented to the Chair **SB 1255**, entitled:

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, providing for liability of metropolitan transit authorities.

Which was committed to the Committee on TRANSPORTATION, June 22, 2006.

Senators BROWNE, FERLO, ERICKSON, ORIE, BOSCOLA, COSTA, PILEGGI and WOZNIAK presented to the Chair **SB 1256**, entitled:

An Act amending the act of January 30, 1974 (P.L.13, No.6), referred to as the Loan Interest and Protection Law, defining "department"; and further providing for the definition of "residential mortgage" and for the duties of the Department of Banking.

Which was committed to the Committee on BANKING AND INSURANCE, June 22, 2006.

Senators BROWNE, FERLO, ERICKSON, ORIE, BOSCOLA, RHOADES, COSTA, PILEGGI and WOZNIAK presented to the Chair **SB 1257**, entitled:

An Act amending the act of May 15, 1933 (P.L.565, No.111), known as the Department of Banking Code, further prohibiting disclosure of certain information.

Which was committed to the Committee on BANKING AND INSURANCE, June 22, 2006.

Senators BROWNE, FERLO, ERICKSON, ORIE, RHOADES, BOSCOLA, COSTA and PILEGGI presented to the Chair **SB 1258**, entitled:

An Act amending the act of July 10, 1990 (P.L.404, No.98), known as the Real Estate Appraisers Certification Act, further providing for State Board of Certified Real Estate Appraisers, for disciplinary and corrective measures and for penalties.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, June 22, 2006.

Senators BROWNE, FERLO, ERICKSON, ORIE, RHOADES, BOSCOLA, COSTA and PILEGGI presented to the Chair **SB 1259**, entitled:

An Act amending the act of December 3, 1959 (P.L.1688, No.621), known as the Housing Finance Agency Law, further providing for the Homeowner's Emergency Assistance Program, for notice and institution of foreclosure proceedings, for notice requirements, for assistance payments and for repayment; and providing for an ongoing foreclosure study.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, June 22, 2006.

Senators BROWNE, FERLO, ERICKSON, ORIE, RHOADES, BOSCOLA, COSTA and PILEGGI presented to the Chair **SB 1260**, entitled:

An Act amending the act of December 22, 1989 (P.L.687, No.90), entitled "An act providing for the regulation and licensing of mortgage bankers and mortgage brokers; imposing additional powers and duties on the Department of Banking and the State Real Estate Commission; and providing penalties," further providing for definitions, for license requirements and exemptions, for application for license, for annual license fee, for issuance of license, for licensee duration, for licensee requirements, for licensee limitations, for authority of department or commission, for fees, for suspension, revocation or refusal, for penalties, for referral fees and for Real Estate Recovery Fund.

Which was committed to the Committee on BANKING AND INSURANCE, June 22, 2006.

Senators BROWNE, FERLO, ERICKSON, ORIE, RHOADES, BOSCOLA, COSTA and PILEGGI presented to the Chair **SB 1261**, entitled:

An Act amending the act of December 12, 1980 (P.L.1179, No.219), known as the Secondary Mortgage Loan Act, further providing for definitions, for license requirements and exemptions, for application for license, for annual license fee, for issuance of license, for license duration, for transfer of license, for powers conferred on licensees, for licensee requirements, for licensee limitations, for prepayment, for open-end loans, for authority of Secretary of Banking, for surrender of license, for suspension, for scope of act, for foreclosure, for penalties, for preservation of existing powers and for exclusions from act.

Which was committed to the Committee on BANKING AND INSURANCE, June 22, 2006.

Senators JUBELIRER, D. WHITE, WENGER, CORMAN, GREENLEAF, BOSCOLA, ERICKSON, PILEGGI, M. WHITE, EARLL, REGOLA, TARTAGLIONE, PICCOLA, PIPPY, SCARNATI, KASUNIC, WOZNIAK, LEMMOND, PUNT, ROBBINS and WONDERLING presented to the Chair **SB 1263**, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing, in abandoned and unclaimed property, for property subject to custody and control of Commonwealth.

Which was committed to the Committee on FINANCE, June 22, 2006.

Senators WONDERLING, ERICKSON, PIPPY, RAFFERTY, PILEGGI, M. WHITE, ORIE, C. WILLIAMS, O'PAKE and REGOLA presented to the Chair **SB 1264**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing for disposition of useless records, for microfilming records and for filing and recording systems.

Which was committed to the Committee on STATE GOVERNMENT, June 22, 2006.

Senators A. WILLIAMS, COSTA, STACK, ERICKSON, RAFFERTY, FONTANA, C. WILLIAMS, RHOADES and TARTAGLIONE presented to the Chair **SB 1265**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for definitions and for ignition interlock; providing for duties of the Secretary of Transportation, for ignition interlock service providers and for ignition interlock system violations; further providing for illegally operating a motor vehicle not equipped with ignition interlock; and providing for an ignition interlock system fund.

Which was committed to the Committee on TRANSPORTATION, June 22, 2006.

Senators CORMAN, D. WHITE, FONTANA, FUMO, PUNT, LEMMOND, BOSCOLA, MADIGAN, TARTAGLIONE, WENGER, ARMSTRONG, PICCOLA, GORDNER, PIPPY, ERICKSON, PILEGGI, M. WHITE, GREENLEAF, EARLL, REGOLA, WONDERLING and WASHINGTON presented to the Chair **SB 1266**, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for certain leaves of absence.

Which was committed to the Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, June 22, 2006.

Senator D. WHITE presented to the Chair **SB 1267**, entitled:

An Act authorizing leave of absence from employment for veterans on Veterans Day.

Which was committed to the Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, June 22, 2006.

Senators STACK, O'PAKE, LOGAN, RAFFERTY, WASHINGTON and FONTANA presented to the Chair **SB 1268**, entitled:

An Act amending the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921, further defining "company action level event" for purposes of risk-based capital reporting requirements.

Which was committed to the Committee on BANKING AND INSURANCE, June 22, 2006.

Senators D. WHITE, WOZNIAK, PUNT, SCARNATI, BROWNE, CORMAN, LEMMOND, STACK and PIPPY presented to the Chair **SB 1269**, 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 bank and trust company shares tax, for ascertainment of taxable amount and exclusion of United States obligations.

Which was committed to the Committee on FINANCE, June 22, 2006.

Senators BOSCOLA, FONTANA, PIPPY and WAUGH presented to the Chair **SB 1271**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, authorizing the use of the indirect initiative and referendum as powers reserved to the people.

Which was committed to the Committee on STATE GOVERNMENT, June 22, 2006.

Senators BOSCOLA, LOGAN, PICCOLA, TARTAGLIONE, PIPPY, COSTA, RAFFERTY, FONTANA, PUNT, REGOLA, LEMMOND and WONDERLING presented to the Chair **SB 1272**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of impersonating a public servant.

Which was committed to the Committee on JUDICIARY, June 22, 2006.

### BILLS SIGNED

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

**SB 235, SB 1150, HB 153, HB 1580 and HB 2468.**

### 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, June 26, 2006, at 2 p.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate recessed at 7:20 p.m., Eastern Daylight Saving Time.