

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

MONDAY, JUNE 25, 2007

SESSION OF 2007 191ST OF THE GENERAL ASSEMBLY

No. 46

SENATE

MONDAY, June 25, 2007

The Senate met at 1 p.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, Bishop HOWARD A. JONES, Bishop of the True Fellowship Church of Philadelphia, Inc., Philadelphia, offered the following prayer:

Heavenly Father, You are wise in all Your ways, we praise Your name. For Your merciful kindness towards us, be gracious to us. Give us Your infinite wisdom and divine understanding, that we will be directed by Your spirit in the decisions that are made in this Assembly. We ask that Your perfect knowledge be upon all as we endeavor to articulate the will and the needs of the people of Pennsylvania.

We thank You, and in Your name we pray. Amen.

The PRESIDENT. The Chair thanks Bishop Jones, who is the guest of Senator Kitchen.

PLEDGE OF ALLEGIANCE

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

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:

MAGISTERIAL DISTRICT JUDGE

June 20, 2007

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, Jay R. Rose, HC Box 55 D, Paupack 18451, Pike County, Twentieth Senatorial District, for appointment as Magisterial District Judge, in and for the County of Pike, Magisterial District 60-3-02, to serve until the first Monday of January 2010, vice William N. Sanquilly, deceased.

EDWARD G. RENDELL
Governor

**MEMBER OF THE STATE HARNESS
RACING COMMISSION**

June 21, 2007

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Richard Welsh, 281 Winthrop Lane, Wayne 19087, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the State Harness Racing Commission, to serve for a term of three years and until his successor is appointed and qualified, vice Richard J. Bolte, Sr., Philadelphia, resigned.

EDWARD G. RENDELL
Governor

**MEMBER OF THE COUNCIL OF TRUSTEES OF
LOCK HAVEN UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION**

June 25, 2007

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, Chris Dwyer, R.D. 2, Box 119, 604 Lusk Run Road, Mill Hall 17751, Clinton County, Thirty-fifth Senatorial District, for reappointment as a member of the Council of Trustees of Lock Haven University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF
NORRISTOWN STATE HOSPITAL**

June 25, 2007

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, Penny Dunyan, 1012 Forrest Avenue, Norristown 19401, Montgomery County, Seventeenth Senatorial District, for reappointment as a member of the Board of Trustees of Norristown State Hospital, to serve until the third Tuesday of January 2013, and until her successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES OF
NORRISTOWN STATE HOSPITAL

June 25, 2007

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, Geoffrey G. Jordan, 535 Stanbridge Street, Norristown 19401, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the Board of Trustees of Norristown State Hospital, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified, vice Mark Ostrander, Norristown, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD
OF PODIATRY

June 25, 2007

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, R.R.2, Box 397, Millerstown 17062, Juniata County, Thirty-fourth Senatorial District, for appointment as a member of the State Board of Podiatry, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF WARREN STATE HOSPITAL

June 25, 2007

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, Kathy Glarner, 167 Follett Run Road, North Warren 16365, Warren County, Twenty-first Senatorial District, for reappointment as a member of the Board of Trustees of Warren State Hospital, to serve until the third Tuesday of January 2011, and until her successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF WARREN STATE HOSPITAL

June 25, 2007

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, Mary Kushner, P. O. Box 255, Pittsfield 16340, Warren County, Twenty-first Senatorial District, for

reappointment as a member of the Board of Trustees of Warren State Hospital, to serve until the third Tuesday of January 2011, and until her successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MEMBER OF THE BLAIR COUNTY
BOARD OF ASSISTANCE

June 25, 2007

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, B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, for appointment as a member of the Blair County Board of Assistance, to serve until December 31, 2007, and until his successor is appointed and qualified, vice Thomas Healy, Altoona, resigned.

EDWARD G. RENDELL
Governor

RECALL COMMUNICATIONS
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:

MAGISTERIAL DISTRICT JUDGE

June 20, 2007

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 27, 2007, for the appointment of Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, as Magisterial District Judge, in and for the County of Pike, Magisterial District 60-3-02, to serve until the first Monday of January 2010, vice William N. Sanquilly, deceased.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF
LOCK HAVEN UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION

June 25, 2007

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 27, 2007, for the appointment of Nathan P. Silcox, 1427 Inverness Drive, Mechanicsburg 17050, Cumberland County, Thirty-first

Senatorial District, as a member of the Council of Trustees of Lock Haven University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified, vice Donald Faulkner, Beech Creek, whose term expired.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES OF
NORRISTOWN STATE HOSPITAL

June 25, 2007

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 17, 2007, for the appointment of Penny Dunyan, 1012 Forrest Avenue, Norristown 19401, Montgomery County, Seventeenth Senatorial District, as a member of the Board of Trustees of Norristown State Hospital, to serve until the third Tuesday of January 2013, and until her successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES OF
NORRISTOWN STATE HOSPITAL

June 25, 2007

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 17, 2007, for the appointment of Geoffrey G. Jordan, 535 Stanbridge Street, Norristown 19401, Montgomery County, Seventeenth Senatorial District, as a member of the Board of Trustees of Norristown State Hospital, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified, vice Mark Ostrander, Norristown, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF WARREN STATE HOSPITAL

June 25, 2007

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 19, 2007, for the appointment of Kathy Glarner, 167 Follett Run Road, North Warren 16365, Warren County, Twenty-first Senatorial District, as a member of the Board of Trustees of Warren State Hospital, to serve until the third Tuesday of January 2011, and until her successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF WARREN STATE HOSPITAL

June 25, 2007

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 19, 2007, for the appointment of Mary Kushner, P. O. Box 255, Pittsfield 16340, Warren County, Twenty-first Senatorial District, as a member of the Board of Trustees of Warren State Hospital, to serve until the third Tuesday of January 2011, and until her successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BERKS COUNTY
BOARD OF ASSISTANCE

June 25, 2007

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 25, 2007, for the appointment of Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, as a member of the Berks County Board of Assistance, to serve until December 31, 2008, and until his successor is appointed and qualified, vice John Gilmore, Wernersville, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE FULTON COUNTY
BOARD OF ASSISTANCE

June 25, 2007

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 25, 2007, for the appointment of Nina Tinari, 6401 Church Road, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, as a member of the Fulton County Board of Assistance, to serve until December 31, 2009, and until her successor is appointed and qualified, vice Katie Anderton, McConnellsburg, resigned.

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

EDWARD G. RENDELL
Governor

**CORRECTION TO NOMINATION
REFERRED TO COMMITTEE**

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

MEMBER OF THE COUNCIL OF TRUSTEES OF
LOCK HAVEN UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION

June 25, 2007

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

Please note the nomination dated March 27, 2007, for the appointment of Margery Krevsky, 4790 W. Maple Road, Bloomfield Hills, Michigan 48301, for appointment as a member of the Council of Trustees of Lock Haven University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2013, and until her successor is appointed and qualified, vice Chris Dwyer, Mill Hall, whose term expired, should be corrected to read:

Margery Krevsky, 4790 W. Maple Road, Bloomfield Hills, Michigan 48301, for appointment as a member of the Council of Trustees of Lock Haven University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2013, and until her successor is appointed and qualified, vice Donald Faulkner, Beech Creek, whose term expired.

HOUSE MESSAGES

**HOUSE CONCURS IN SENATE AMENDMENTS
BY AMENDING SAID AMENDMENTS
TO HOUSE BILL**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate by amending said amendments to **HB 906**, in which concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule XIV, section 6, 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, 2007

- HB 10** -- Committee on Judiciary.
- HB 441** -- Committee on Communications and Technology.
- HB 795** -- Committee on Education.
- HB 810** -- Committee on Urban Affairs and Housing.
- HB 917** -- Committee on Local Government.
- HB 1000** -- Committee on Banking and Insurance.
- HB 1200** and **HB 1202** -- Committee on Environmental Resources and Energy.

HOUSE RESOLUTION FOR CONCURRENCE

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

June 25, 2007

HR 296 -- Committee on Veterans Affairs and Emergency Preparedness.

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 21, 2007

Senators RAFFERTY, REGOLA, RHOADES, PICCOLA, M. WHITE, WAUGH, ORIE, EARLL and BRUBAKER presented to the Chair **SB 982**, entitled:

An Act amending the act of September 30, 1983 (P.L.160, No.39), known as the Public Official Compensation Law, further providing for compensation of the Liquor Control Board.

Which was committed to the Committee on LAW AND JUSTICE, June 21, 2007.

Senators MELLOW, WONDERLING, MADIGAN, MUSTO, BOSCOLA, TARTAGLIONE, FONTANA, O'PAKE, LOGAN, COSTA, STOUT, STACK, PIPPY, CORMAN, EARLL, WOZNIAK, VANCE and WASHINGTON presented to the Chair **SB 991**, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for additional investment authority for subsidiaries.

Which was committed to the Committee on BANKING AND INSURANCE, June 21, 2007.

Senators McILHINNEY, WASHINGTON, ERICKSON, FOLMER, WAUGH and WOZNIAK presented to the Chair **SB 992**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for killing game or wildlife to protect property.

Which was committed to the Committee on GAME AND FISHERIES, June 21, 2007.

June 25, 2007

Senators LOGAN, ORIE, COSTA, LAVALLE, FONTANA, BOSCOLA, O'PAKE and FERLO presented to the Chair **SB 717**, entitled:

A Joint Resolution proposing integrated amendments to the Constitution of the Commonwealth of Pennsylvania, further providing for uniformity of taxation and for tax exemptions and special tax provisions.

Which was committed to the Committee on FINANCE, June 25, 2007.

Senators LOGAN, ORIE, COSTA, LAVALLE, FONTANA, BOSCOLA, O'PAKE and FERLO presented to the Chair **SB 718**, entitled:

An Act providing for prohibition of levy or collection of tax on homestead property, for the Homestead Property Tax Elimination Fund, for imposition of sales and use tax, for increase in personal income tax and for the Property Tax Relief Fund; and making a related repeal.

Which was committed to the Committee on FINANCE, June 25, 2007.

Senators ORIE, BAKER, BOSCOLA, BROWNE, BRUBAKER, COSTA, ERICKSON, FOLMER, FONTANA, GORDNER, GREENLEAF, LAVALLE, LOGAN, MADIGAN, MUSTO, PUNT, RAFFERTY, RHOADES, STOUT, TOMLINSON, WAUGH, SCARNATI and STACK presented to the Chair **SB 848**, entitled:

An Act establishing One Pennsylvania, a program to consolidate and unify procedures and requirements for the administration of all Commonwealth-funded, Commonwealth-administered and Commonwealth-supported drug programs and for reimbursement for pharmacy services.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 25, 2007.

Senators RAFFERTY, FONTANA, BOSCOLA, BROWNE, WONDERLING, REGOLA and RHOADES presented to the Chair **SB 979**, entitled:

An Act prohibiting employment of illegal aliens; requiring participation in the Basic Pilot Program as a condition for Commonwealth contracts or grants; prohibiting business tax deductions for certain compensation; requiring suspension of licenses, registrations and certificates of incorporation under certain circumstances; and authorizing a private cause of action.

Which was committed to the Committee on LABOR AND INDUSTRY, June 25, 2007.

Senators RAFFERTY, PUNT, FONTANA, MUSTO, LOGAN, ERICKSON, ROBBINS, O'PAKE, M. WHITE, FUMO, BOSCOLA, BROWNE, PIPPY, WONDERLING and RHOADES presented to the Chair **SB 980**, entitled:

An Act providing for a memorandum of understanding between the Commonwealth and the United States Department of Justice or Department of Homeland Security.

Which was committed to the Committee on LAW AND JUSTICE, June 25, 2007.

Senator FERLO presented to the Chair **SB 984**, entitled:

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for payroll tax and for second class city parking tax rates.

Which was committed to the Committee on FINANCE, June 25, 2007.

Senators WONDERLING, ORIE, CORMAN, BROWNE and PIPPY presented to the Chair **SB 993**, entitled:

An Act amending the act of June 26, 2001 (P.L.755, No.77), known as the Tobacco Settlement Act, further providing for definitions, for membership on the advisory committee and for department responsibilities; providing for the Small Business Innovation Research Commercialization Peer Review Committee; and further providing for the use of funds.

Which was committed to the Committee on FINANCE, June 25, 2007.

Senators WONDERLING, BRUBAKER, BAKER, WAUGH, BOSCOLA, RAFFERTY, FUMO, ORIE, RHOADES, McILHINNEY, BROWNE and KASUNIC presented to the Chair **SB 994**, entitled:

An Act amending Title 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes, in Commonwealth Financing Authority, further providing for First Industries Program.

Which was committed to the Committee on COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT, June 25, 2007.

Senators McILHINNEY, O'PAKE, WASHINGTON, RAFFERTY and RHOADES presented to the Chair **SB 998**, entitled:

An Act requiring health insurance policies issued by insurance companies to reimburse for mental health services provided by licensed clinical social workers.

Which was committed to the Committee on BANKING AND INSURANCE, June 25, 2007.

Senator CORMAN presented to the Chair **SB 999**, entitled:

An Act designating a portion of State Route 26 in Centre County as the Marine Sergeant David "DJ" Emery, Jr. Highway.

Which was committed to the Committee on TRANSPORTATION, June 25, 2007.

Senators LAVALLE, FONTANA, TARTAGLIONE, LOGAN, MUSTO, O'PAKE, KITCHEN, STOUT, FUMO, RAFFERTY, COSTA, ROBBINS and FERLO presented to the Chair **SB 1001**, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, further providing for additional provisions respecting certain institutions.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 25, 2007.

Senators BRUBAKER, FERLO, ERICKSON, LOGAN, RHOADES, BAKER, ROBBINS, BROWNE, RAFFERTY, FOLMER, MADIGAN and ARMSTRONG presented to the Chair **SB 1002**, entitled:

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for intergovernmental cooperation, joint ownership and maintenance.

Which was committed to the Committee on LOCAL GOVERNMENT, June 25, 2007.

Senators BRUBAKER, FERLO, ERICKSON, LOGAN, RHOADES, BAKER, ROBBINS, BROWNE, RAFFERTY, FOLMER, MADIGAN and ARMSTRONG presented to the Chair **SB 1003**, entitled:

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further providing for intergovernmental cooperation, joint ownership and maintenance.

Which was committed to the Committee on LOCAL GOVERNMENT, June 25, 2007.

Senators BRUBAKER, FERLO, ERICKSON, LOGAN, RHOADES, BAKER, ROBBINS, BROWNE, RAFFERTY, FOLMER, MADIGAN and ARMSTRONG presented to the Chair **SB 1004**, entitled:

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for intergovernmental cooperation, joint ownership and maintenance.

Which was committed to the Committee on LOCAL GOVERNMENT, June 25, 2007.

Senators TOMLINSON, LOGAN, MUSTO, ERICKSON, PUNT, BOSCOLA, RHOADES, BROWNE, ORIE, RAFFERTY, FOLMER, STACK and REGOLA presented to the Chair **SB 1005**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of aggravated assault by a person in custody.

Which was committed to the Committee on JUDICIARY, June 25, 2007.

Senator EARLL presented to the Chair **SB 1006**, entitled:

An Act making appropriations from the restricted revenue accounts within the State Gaming Fund and from the State Gaming Fund to the Pennsylvania Gaming Control Board, the Department of Revenue, the Pennsylvania State Police and the Attorney General for the fiscal year beginning July 1, 2007, to June 30, 2008, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2007.

Which was committed to the Committee on APPROPRIATIONS, June 25, 2007.

Senators FERLO, COSTA, ORIE, LAVALLE, FONTANA, RAFFERTY, MUSTO, TARTAGLIONE, STACK, KITCHEN, WASHINGTON, LOGAN, WONDERLING, O'PAKE, BROWNE, PIPPY and C. WILLIAMS presented to the Chair **SB 1007**, entitled:

An Act amending Title 12 (Commerce and Trade) of the Pennsylvania Consolidated Statutes, further providing for film production grants.

Which was committed to the Committee on COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT, June 25, 2007.

RESOLUTIONS INTRODUCED AND REFERRED

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

June 25, 2007

Senators BRUBAKER, FERLO, FONTANA, KASUNIC, COSTA, PUNT, O'PAKE, LAVALLE, PIPPY, DINNIMAN, BOSCOLA, ROBBINS, MADIGAN, TOMLINSON, ERICKSON, WAUGH, RAFFERTY, BAKER, McILHINNEY, EARLL, PILEGGI, WONDERLING, GREENLEAF, ARMSTRONG and ORIE presented to the Chair **SR 139**, entitled:

A Resolution designating the month of August 2007 as "Pennsylvania Produce Month."

Which was committed to the Committee on AGRICULTURE AND RURAL AFFAIRS, June 25, 2007.

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The PRESIDENT. The President pro tempore has made the following appointments:

Ms. Barbara A. McNees as a member of the Intergovernmental Cooperation Authority for Cities of the Second Class.

Dr. Tina M. Serafini as a member of the Cleanup Standards Scientific Advisory Board.

BILLS REPORTED FROM COMMITTEE

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

SB 97 (Pr. No. 1217) (Amended) (Rereported)

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.

SB 468 (Pr. No. 513) (Rereported)

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for a limitation on the length of session.

SB 638 (Pr. No. 1218) (Amended) (Rereported)

An Act establishing the Cancer Drug Repository Program for accepting donated cancer drugs and dispensing cancer drugs; and providing for the powers and duties of the State Board of Pharmacy.

SB 763 (Pr. No. 1219) (Amended) (Rereported)

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for delegation of taxing powers and restrictions.

SB 857 (Pr. No. 1249) (Amended) (Rereported)

An Act amending the act of April 6, 1956 (1955 P.L.1414, No.465), known as the Second Class County Port Authority Act, further providing for audit requirements and for board members.

LEGISLATIVE LEAVES

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

Senator PILEGGI. Madam President, I request temporary Capitol leaves for Senator Punt, Senator Rhoades, and Senator Wonderling, and legislative leaves for Senator Madigan and Senator Pippy.

The PRESIDENT. Senator Pileggi requests temporary Capitol leaves for Senator Punt, Senator Rhoades, and Senator Wonderling, and legislative leaves for Senator Madigan and Senator Pippy. Without objection, the leaves will be granted.

LEAVE OF ABSENCE

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

CALENDAR

SB 728 CALLED UP OUT OF ORDER

SB 728 (Pr. No. 1185) -- Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator PILEGGI, as a Special Order of Business.

BILL RECOMMENDED

SB 728 (Pr. No. 1185) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing, in budget implementation, for the State System of Higher Education.

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

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

Senator PILEGGI. Madam President, I move that Senate Bill No. 728 be recommitted to the Committee on Appropriations.

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

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

YEA-49

Armstrong	Fontana	Orie	Tomlinson
Baker	Gordner	Piccola	Vance
Boscola	Greenleaf	Pileggi	Washington
Browne	Hughes	Pippy	Waugh

Brubaker	Kasunic	Punt	White, Donald
Corman	Kitchen	Rafferty	White, Mary Jo
Costa	LaValle	Regola	Williams, Anthony H.
Dinniman	Logan	Rhoades	Williams, Constance
Earll	Madigan	Robbins	Wonderling
Eichelberger	Mellhinney	Scarnati	Wozniak
Erickson	Mellow	Stack	
Ferlo	Musto	Stout	
Folmer	O'Pake	Tartaglione	

NAY-0

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

The PRESIDENT. Senate Bill No. 728 will be recommitted.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator Wonderling and Senator Pippy have returned, and their respective leaves are cancelled.

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR LEANNA M.
WASHINGTON PRESENTED TO THE SENATE**

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

Senator WASHINGTON. Madam President, this afternoon I am so honored and delighted to have three young men with me.

On April 19 there was a fire in the Fourth Senatorial District, and these young men were out playing basketball, when they heard someone cry for help. They said because of the way they were brought up, they went over and rescued the woman. Actually, took their shirts off to give her.

I would like to introduce Jerome Plant, a 16-year-old residing in the Germantown section of Philadelphia, and a senior at Germantown High School. His hobbies are track, football, and baseball. At the time of the fire rescue, it was Jerome's first year on the track team. He plans to study automotive technology when he graduates from Germantown next year.

Dwyne Hall, 17 years old, is a senior at Germantown High School, and his hobbies are track, football, and baseball. When he graduates in 2008, he plans to attend college at Shippensburg University, studying either computer science or criminal justice.

Kyle Young, who attends West Philadelphia High School, is in tenth grade, and he plans to attend college.

I ask my colleagues to give them a warm Senate welcome. (Applause.)

Madam President, there is always a lot of negative press about Philadelphia, but these young men are what Philadelphia is really all about.

The PRESIDENT. This is good press. Thank you very much, Jerome, Dwyne, and Kyle.

Senator WASHINGTON. Madam President, I also have two other guests with me today. Last week when we were in Session, I heard a lot of my colleagues talk about their summer interns, and I am delighted to have two of my interns for the summer here today.

Natassia Rodriguez has volunteered with me since I have been elected to the Senate. She is 17 years old, a 2007 graduate from Masterman High School, and she has been a volunteer in my

office for 2 years. She is currently serving as an intern in our Wadsworth office. She is active in the Hispanic Heritage Foundation and was elected the national representative for the Hispanic Foundation, she is involved with the Hugh O'Brian Youth Leadership Foundation, and enjoys working with young children. She will be attending the University of North Carolina at Chapel Hill majoring in sociology and mathematics, and she resides in Mount Airy.

The PRESIDENT. Natassia, please rise so we can welcome you.

(Applause.)

Senator WASHINGTON. I also have Jamila Hall with me today. She is a 17-year-old who graduated in June 2007 from Phil-Mont Christian Academy in Erdenheim, Pennsylvania, and is currently an intern in my Montgomery County office. Jamila will be attending Alabama A&M University, where she will be majoring in speech pathology. Her hobbies are tennis, reading, writing, and working with small children. She also resides in Mount Airy.

The PRESIDENT. Jamila Hall, please rise so we can welcome you.

(Applause.)

GUESTS OF SENATOR JEFFREY E. PICCOLA PRESENTED TO THE SENATE

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

Senator PICCOLA. Madam President, I am pleased to welcome David Kandole from Harrisburg, a young man who is serving as a guest Page today. He is 11 years old, and he is homeschooled. David's parents, Dr. and Mrs. David Kandole, are seated in the gallery. Dr. Kandole is the Pastor of Global Outreach Christian Center, and he has served as a guest Chaplain in the past. Madam President, please give David a warm welcome.

The PRESIDENT. Will David Kandole and his parents, Dr. and Mrs. Kandole, please rise.

(Applause.)

GUESTS OF SENATOR ELISABETH J. BAKER PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentlewoman from Luzerne, Senator Baker.

Senator BAKER. Madam President, it is my honor and privilege to welcome from Wayne County a very special visitor to the State Capitol, the Wayne County Treasurer, Mr. Bruce Mackle. He is a gentleman who has served his community for over 20 years, and he has done it with honor and distinction.

At the end of this year, Mr. Mackle will be retiring, but he will not be retiring from his commitment to good government and public service. So, I ask my colleagues to offer a warm Senate welcome to a very dear and special man, and a special friend, Mr. Bruce Mackle of Honesdale in Wayne County. Thank you.

The PRESIDENT. Will Mr. Mackle please rise so we can give you a warm welcome.

(Applause.)

GUESTS OF SENATOR MICHAEL L. WAUGH PRESENTED TO THE SENATE

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

Senator WAUGH. Madam President, the last several weeks when I was on my way to the Capitol each morning, there were signs along the interstate, at the intersections, that said, "Warriors softball rules." In fact, Warrior softball did rule, especially in the case of our lady Warriors from Susquehannock High School in the Southern York County School District where these young ladies recently won the 2007 PIAA State Class AAA Girls' Softball Championship.

Before winning the State championship, they finished their York-Adams Division Championship with a record of 24 wins and only 2 losses. Joining us today are the team members, the coaches, a few parents, some staff members from the school, and also the superintendent, Tom Hensley. I am so very proud. This is not just in the district that I represent, this is actually my home school district in southern York County. I would like the Senate to give them a warm and rousing round of applause for the PIAA State Class AAA Girls' Softball Championship team.

(Applause.)

The PRESIDENT. Welcome to the Pennsylvania Senate.

GUESTS OF SENATOR MICHAEL W. BRUBAKER AND SENATOR ANDREW E. DINNIMAN PRESENTED TO THE SENATE

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

Senator BRUBAKER. Madam President, it is a privilege for me to stand here on the Senate floor with my good friend Senator Dinniman to introduce two guests. They are from Senator Dinniman's district, but they have family who reside within my district. The guests are Jean and Hope Linton. I would like to introduce Hope, and Senator Dinniman will introduce Jean.

Hope is a homeschooled student who is currently in high school. She is a violinist and has performed twice at the Pennsylvania State Capitol. She also performed her musical talent at the White House, and she is here today to study how the Pennsylvania State Senate works and operates.

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

Senator DINNIMAN. Madam President, it is my pleasure to join my colleague and friend Senator Brubaker and introduce Jean Linton. She has a nursing degree from West Chester University, my home university. Not only is Jean a nursing student, but she is a musician, a flutist, and she is here today to observe how government works.

It is a pleasure to have the two sisters here. I know their grandmother is in Senator Brubaker's district. So welcome.

The PRESIDENT. Jean and Hope Linton, we welcome you to the Pennsylvania Senate.

(Applause.)

**GUESTS OF SENATOR JAY COSTA
PRESENTED TO THE SENATE**

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

Senator COSTA. Madam President, it is my honor this afternoon to introduce a number of guests who are here today.

As I stated last week, one of the policies that I like to do with our district office interns is allow them the opportunity to come here to Harrisburg and see exactly what it is that we do with respect to legislation on the Senate floor, with regard to hearings that take place in our committee, and the like. Today I am very happy they were able to join us not just because they can experience it firsthand, but they will be able to participate and observe potentially some historic legislation that may be addressed today with respect to the Clean Air Act.

Madam President, I would like to take a few moments to introduce some of the students here with me today. The first one is Tory Miller, a senior at Allegheny College and a third year intern. Tory is the daughter of Linda and William Miller. Tory is a theater and political science major, and oftentimes the two go together.

We also have Brianne Zelczak. Brianne is a senior at Marietta College majoring in political science. She is the daughter of Lori and Michael D'Ambrosio.

Sean Herrle, a first year intern, is a recent graduate of Woodland Hills High School. Sean is the son of Bob and Eve Herrle. He will be attending Georgetown University majoring in finance.

Blaine McClendon is the son of Frank and Teddi McClendon. He has just completed his senior year at Serra Catholic High School, a very successful baseball player, pitcher, and played other positions as well. He is also continuing to play baseball over the course of the summer. He will be attending Mercyhurst College this fall and will major in sports medicine.

Ben Gratsley is the son of Herbert and Marie Gratsly. Ben is a second year intern at our Forest Hills office. He is a sophomore at Grove City College and is majoring in accounting. Ben is member of the Junior Olympic Volleyball Team in western Pennsylvania, is also a member of the Grove City College Volleyball Team, and serves as the vice president of the team.

Madam President, we also have Nicholas Elias. Nicholas is the son of Michael and Suzanne Elias from Forest Hills. Nick will be a junior at Pittsburgh Central Catholic High School, and this is the first year that Nick joins us as an intern.

Last but not least is John P. Joyce. J.P. is the son of John and Anna Marie Joyce from Forest Hills. He will be a senior at Pittsburgh Central Catholic High School. This is the second year that J.P. has been able to join us.

I ask that my colleagues give each of these young men and women a warm welcome to the Pennsylvania Senate.

The PRESIDENT. Will Tory Miller, Brianne Zelczak, Sean Herrle, Benjamin Gratsley, Nicholas Elias, John Joyce, and Blaine McClendon, all rise.

(Applause.)

RECESS

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

Senator PILEGGI. Madam President, I request a recess of the Senate for the purpose of a meeting of the Republican caucus to be held in the Majority Caucus Room immediately. I expect that the caucus will take approximately 1 hour.

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

The PRESIDENT. For purposes of Republican and Democratic Caucuses to be held in their respective caucus rooms, 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

SB 961 CALLED UP OUT OF ORDER

SB 961 (Pr. No. 1168) -- Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator PILEGGI, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 961 (Pr. No. 1168) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for earned income tax.

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

On the question,
Shall the bill pass finally?

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

YEA-49

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

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator Madigan and Senator Rhoades have returned, and their respective leaves are cancelled.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILL OVER IN ORDER TEMPORARILY

SB 246 -- Without objection, the bill was passed over in its order temporarily at the request of Senator PILEGGI.

BILLS AMENDED

SB 455 (Pr. No. 1186) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 1, 1933 (P.L.216, No.76), known as The Dental Law, further providing for the definitions of "dental hygienist" and "board"; providing for the definition of "public health dental hygiene practitioner"; further providing for the general powers of the State Board of Dentistry and for radiologic procedures, education and training; and providing for the practice of public health dental hygienists.

On the question,

Will the Senate agree to the bill on third consideration?

Senator VANCE offered the following amendment No. A2126:

Amend Sec. 4 (Sec. 11.9), page 6, line 29, by striking out "hygienist" and inserting: hygiene practitioner

Amend Sec. 4 (Sec. 11.9), page 7, line 3, by striking out "hygienist" and inserting: hygiene practitioner

Amend Sec. 4 (Sec. 11.9), page 7, line 5, by striking out "hygienist" and inserting: hygiene practitioner

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

SB 466 (Pr. No. 1093) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for application and for exemptions.

On the question,

Will the Senate agree to the bill on third consideration?

Senator ROBBINS offered the following amendment No. A1941:

Amend Sec. 1 (Sec. 104), page 2, line 14, by inserting after "structures": , including, but not limited to, fire resistant tents or canopies, that are

Amend Sec. 1 (Sec. 104), page 2, line 17, by inserting after "CELEBRATION": Such structures shall not be subject to municipal or third-party inspections provided a safety check is performed by safety or emergency personnel affiliated with the sponsor or hosting organization.

Amend Sec. 2 (Sec. 901), page 2, line 27, by inserting after "and" where it appears the first time: is only

Amend Sec. 2 (Sec. 901), page 2, line 28, by inserting after "display": This section shall not apply to inspections required pursuant to the ICC Electrical Code or its successor codes.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

BILLS OVER IN ORDER

SB 715 and **HB 892** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL RECOMMITTED

SB 913 (Pr. No. 1172) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for environmental funds reporting and disclosure.

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

RECESS

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

Senator PILEGGI. Madam President, I request a recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations in the Rules room.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room, without objection, the Senate stands in recess.

AFTER RECESS

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

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR

BILL OVER IN ORDER

SB 7 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

HB 13 (Pr. No. 1536) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 2, 1965 (P.L.1860, No.586), entitled "An act encouraging landowners to make land and water areas available to the public for recreational purposes by limiting liability in connection therewith, and repealing certain acts," further providing for liability of landowners toward recreational users, persons or property for acts or acts of omission by recreational users.

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

BILLS OVER IN ORDER

SB 333 and **HB 363** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL REREFERRED

SB 482 (Pr. No. 524) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, imposing a district attorney justice fee for convictions.

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

BILLS OVER IN ORDER

SB 674 and **SB 707** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILLS ON SECOND CONSIDERATION

HB 778 (Pr. No. 1977) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 30 (Fish) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for classification of offenses and penalties, for chemical testing to determine amount of alcohol or controlled substances, for operating watercraft under influence of alcohol or controlled substance and for county intermediate punishment programs.

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

HB 781 (Pr. No. 900) -- The Senate proceeded to consideration of the bill, entitled:

An Act redesignating the Maple Avenue Bridge on State Route 271 in the City of Johnstown, Cambria County, as the Colonel John Joseph Tominac Memorial Bridge.

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

SB 811 (Pr. No. 995) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for long-term living facility licensure information; and imposing duties on the Department of Aging, the Department of Health and the Department of Public Welfare.

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

HB 840 (Pr. No. 955) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating the Main Street bridge on State Route 69 in the Borough of Sugar Grove, Warren County, as the AMVETS POW-MIA Memorial Bridge.

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

BILLS OVER IN ORDER

SB 845 and **SB 861** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

HB 881 (Pr. No. 1978) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for killing game or wildlife to protect property, for provisions relating to unlawful devices and methods and for exceptions to unlawful use of lights while hunting.

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

BILLS OVER IN ORDER

SB 886, HB 896, SB 916 and **SB 962** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

SB 972 (Pr. No. 1196) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a portion of U.S. Route 322 in Centre County as the Thomas D. Larson Highway.

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

BILL OVER IN ORDER

SB 978 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILLS ON SECOND CONSIDERATION

HB 1169 (Pr. No. 1535) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating the bridge carrying State Route 2073 over Plum Creek between the boroughs of Oakmont and Verona in Allegheny County as the Roger F. Duffy Viaduct.

Considered the second time and agreed to,

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

HB 1228 (Pr. No. 1513) -- The Senate proceeded to consideration of the bill, entitled:

An Act redesignating the Clarion River Bridge on Main Street in Ridgway, Elk County, as Rear Admiral Paul H. Speer Bridge.

Considered the second time and agreed to,

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

LEAVE CHANGED

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

Senator MELLOW. Madam President, I ask to remove Senator Fumo from personal leave and place him on legislative leave.

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

CONSIDERATION OF CALENDAR RESUMED

SB 246 CALLED UP

SB 246 (Pr. No. 25) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Third Consideration Calendar, by Senator PILEGGI.

BILL AMENDED

SB 246 (Pr. No. 25) -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Clean Indoor Air Act; imposing duties upon the Department of Health; imposing penalties; and repealing a related provision of the Fire and Panic Act.

On the question,

Will the Senate agree to the bill on third consideration?

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

Senator GREENLEAF. Madam President, I would like to thank the leadership of our Caucus, Senator Pileggi and Senator Scarnati, and my colleagues in the Republican and Democratic Caucuses, for bringing this piece of legislation up and discussing it today. I know that it has been a very contentious issue, but I think it is an important issue for us to deal with. I want to express my thanks to all of you for agreeing to do this.

Senate Bill No. 246 will follow through on a promise of Article I, Section 27, of the Pennsylvania Constitution that states, quote, "The people have a right to clean air..." end of quote. Yes, our Constitution has that clause in it. It would make all indoor workplaces in the Commonwealth smoke-free, and provide for cleaner air for all citizens in enclosed public places. The purpose of that is to not expose individuals who are nonsmokers, or who may even be smokers, to prolonged and unwanted exposure to a deadly substance. It would serve the will of the majority of Pennsylvanians who, in poll after poll, have indicated strong support for such a law.

With the passage of this bill, Pennsylvania will be joining the ranks of our neighboring States of Maryland, Delaware, Ohio, New Jersey, New York, and 45 of West Virginia's 55 counties in pursuing more healthful working environments for all employees, including those in restaurants, bars, and casinos. A review of 22 studies published in the American Journal of Public Health notes that nonsmoking workers exposed to high levels of secondhand smoke while on the job double their risk of cancer, while nonsmoking workers exposed to lower levels of secondhand smoke over long periods have a 50-percent higher chance of developing lung cancer compared to other smokers. The information and the risks are uncontradictable.

The health risks are well-documented in the Surgeon General's report of 2006. If you read it, you will see that the Surgeon General's office has been wrestling with this issue since 1964, the first time it dealt with the issue, and they did not rush to judgment. They did not come out to say that there were health risks, or that secondary smoke caused cancer, or that secondary smoke caused cardiovascular disease. They did a deliberate, systematic, medical, and scientific study of all the evidence before they finally came to their conclusion in more recent years in more recent reports. Secondary smoke is probably one of the most common issues that they have dealt with in regard to health issues in our nation.

The present report stated that there is no safe level of secondhand smoke, that even a brief exposure to tobacco smoke can increase health risks, especially for people with cardiovascular and respiratory disease. The report also states that no amount of air filtration can eliminate the health hazards of secondhand smoke, and that there is no evidence smoke-free laws have significantly reduced sales at restaurants or bars. In fact, there have been increases in many of the restaurants in States that have gone smoke-free. Studies in several areas have shown a 7- to 8-percent increase in overall sales in restaurant businesses in the year after smoke-free laws have been enacted.

The reason I am mentioning these health issues is that I think that is the bottom line, that it is the core issue of this legislation, and the issue that we are dealing with. We will be talking about a lot of different things here, about business and all types of issues, but the bottom line, and our duty here in the Senate and in

the legislature overall, is to make sure that we pass laws that will protect the health and welfare of the people of this State, children and adults, old and young, everyone in our Commonwealth.

So, if we find that this scientific evidence from reputable, admired, esteemed sources that have studied it for decades and have used scientific protocol to develop these opinions, then it is important for us to listen. I have introduced smoke-free legislation for more than 10 years, and during that time, 20 other States and hundreds of municipalities in other countries such as Ireland have passed similar laws. Philadelphia's smoke-free ordinance passed one year ago, and according to a recent survey, enjoys overwhelming approval, even better than Donovan McNabb, cheese steaks, the Eagles, and a lot of other things in Philadelphia. The Commonwealth Court's decision last month to block the implementation of a similar ordinance in Allegheny County makes action at the State level more urgent than ever, and I hope for a vote today to make Pennsylvania a healthier place to live and work for our citizens.

Now, I want to talk briefly and say that if we do consider amendments today, that we not adopt amendments that will expose additional people to secondary smoke based on this information and other information that I am going to go over briefly. There is a desire, and I am sure a well-meaning desire, as legislators try to take care of constituent interests and questions, but in this case, I think that it is misdirected at the overall issue we should be dealing with and concerned about and sensitive to, and that is the health, safety, and lives of the people of the Commonwealth of Pennsylvania.

There are two areas of exceptions in the legislation now. One deals with the home, and we followed the direction of the Surgeon General's report by not going to the home at this point. In fact, the Surgeon General stated in the preface of last year's report that, consequently, nonsmokers need protection through the restriction of smoking in public places and workplaces, and by voluntary adherence of the policies at home. So, that is what we will try to do regarding the home.

The second area is that we are not intending to prohibit smoking in Pennsylvania, and so we have avoided and tried to avoid those areas in which there would be an interference with the flow of the product itself. We do not believe that is capable of having any positive accomplishments by trying to outlaw smoking cigarettes, and it is not where we are trying to go.

According to Dr. Margaret Chan, Director-General of the World Health Organization, the evidence is clear that there is no safe level of exposure to secondhand tobacco smoke, citing a couple of reports, one of which was by the International Agency for Research on Cancer. In addition, and I do not mean to belabor this, I think it is important for us to talk about the extent of the scientific evidence in regard to the report and what it relied on.

We also have a report from the EPA from January 1993 where EPA designated passive smoking as a Class A human carcinogen, blaming it for 3,000 lung cancer deaths annually in the United States. Also, around the same time, the California Environmental Protection Agency and the National Cancer Institute came to the same conclusion that, clearly, the facts are that secondary smoke kills. In 2004, the United States Centers for Disease Control and

Prevention issued a warning to the public stating that persons with any risk of respiratory or health problems should avoid entirely any spaces where they may be exposed to secondary smoke.

There are thousands of chemicals in both primary and secondary smoke, and between 43 and 50 of them have serious health consequences, including cancer and cardiovascular problems. Just a few of them are acetone, which is used in nail polish remover; ammonia, which is used in fertilizer and household cleaners; arsenic, we all know what that is; benzopyrene, benzene, butane, carbon monoxide, cadmium, formaldehyde, hydrogen cyanide, lead, methoprene, mercury, nickel, nitric oxide, phenol, polonium, propylene, styrene, toluene, and turpentine. That is a quote from a report issued by the Penn State/Hazleton Branch Health and Counseling Services.

Finally, I have the Surgeon General's report here with me, and I just want to note a couple of sentences out of that report from the message of Michael Leavitt, Secretary of Health and Human Services. I might report and state that each of these reports that have occurred since the 1960s were from all types of administrations, all different Presidents, different Secretaries of Human Services, but they have been consistent in going in this direction. Politics had no play in this, and I know politics has no play in the votes here today.

They said as an opening statement towards the report: (*Reading*)

It is harmful and hazardous to the health of the general public and particularly dangerous to children. It increases the risk of serious respiratory problems in children, such as greater number and severity of asthma attacks and lower respiratory tract infections and increases the risk for middle ear infections. It is also a known human carcinogen (cancer-causing agent). Inhaling secondhand smoke causes lung cancer and coronary heart disease in nonsmoking adults.

We have made great progress since the late 1980s in reducing the involuntary exposure of nonsmokers in this country to secondhand smoke. The proportion of nonsmokers aged 4 and older with a blood cotinine level (a metabolite of nicotine) indicating exposure has declined from 88 percent in 1988-1991 down to 43 percent in 2001-2002, a decline that exceeds the *Healthy People 2010* objective....

Let me make a comment about this. They can actually tell the exposure in the atmosphere of secondary smoke by taking blood samples and tests of individuals. They have done that and shown that there has been a significant reduction in the air. Primarily, they attribute this to the attempt to stop smoking in public places and workplaces.

The reason that we are prohibiting it in public places and workplaces, and we are not prohibiting smoking, we are prohibiting smoking in workplaces and public places, is because employees cannot avoid it. They cannot leave it. If we were here today and we were all smoking, there would be some of us smoking and some of us would not, and some of you could not leave. It is your job. Well, some people say, why do you not just quit? Why do you not just leave? Well, that is fine if you have that economic ability and strength to do that. Most people do not have that ability to do that. So, as a result, we have included the workplace.

Once a month, my office receives a call from a gentleman who seems very retiring and who works in a machine shop. There are

12 employees in that shop who work, 6 of them smoke, 6 of them do not. Of course, he feels powerless in the fact that he spends at least 8 hours or more a day in that machine shop being exposed to secondary smoke, with all the risks that I just laboriously went over. He keeps asking, when are you going to pass the Clean Air Act so I do not have to continue to be exposed to this type of situation?

We have also included in this legislation public places, because again, individuals who go to public buildings should not have to run the gauntlet and walk through rooms that allow smoking, exposing their health and jeopardizing their lives.

What has happened in the last 10 years is that the scientific evidence has increased significantly and has resulted in a greater and greater understanding by the people of this nation and of this world of the dangers of secondhand smoke.

The reason I mention the poll and the data is I think it shows that, and I know that many of the Members in this Senate have changed their vote and supported the legislation because of this information reflected in the polls. For example, a statewide survey that was done by the Pennsylvania Alliance to Control Tobacco indicated that 86 percent of Pennsylvania voters surveyed agreed that restaurants and bars would be healthier for customers and employees if they were smoke-free; 84 percent of Pennsylvania voters surveyed agree that Pennsylvania workers should be protected from secondhand smoke in the workplace; 75 percent of Pennsylvanians are concerned about harmful health effects of secondary smoke; 79 percent of Pennsylvanians consider secondary smoke to be a health hazard; 67 percent of voters surveyed believe the right of consumers and employees to breathe cleaner air in restaurants and bars are more important than the rights of smokers to allow smoking inside restaurants and bars. Lastly, and which is an interesting statistic, 47 percent of voters surveyed consider themselves to be a daily, occasional, or former smoker.

The other issue that I think has been raised is the economic impact that secondary smoke bans in the Clean Air Act could have. There is overwhelming evidence that to the contrary, that after you pass the legislation, most of the reaction that I have seen in interviews of bars, taverns, restaurants, and other financial organizations, is that it is a nonissue. I do not know what we were talking about originally.

As I indicated, the Surgeon General's report examined this issue and reported on a variety of studies in State and local communities concluding that evidence in studies showed that smoke-free policies and regulations do not have an adverse impact on the hospitality industry. It did not have one in Florida, and it did not have one in California. I believe Florida had a statewide referendum on this, and as indicated, in their hospitality industry, particularly in restaurants, business went up 7 to 8 percent.

Quite frankly, I was surprised by that statistic because I thought they would lose business too. Since then, I have talked to numerous people who say they do not go out and eat at restaurants anymore because of the smoking policies because separate sections does not work, and they know it. In those sections, regardless of what you try, smoke permeates through the whole building. In fact, I think there is no question about that from the industry itself and from the studies that have been made.

A study in the Journal of Tobacco Control 2003 reviewed the economic impact of smoke-free workplace laws and concluded that all the best design studies report a positive impact on smoke-free restaurants and bars, such as sales and employment.

A July 2006 report on the health and economic impact of New York's Clean Indoor Air Act found that, based on examination of tax receipts, the law did not have an adverse impact on bars or restaurants.

The Harvard School of Public Health issued a study on the Massachusetts smoke-free law that took effect in 2004, and concluded that the law did not negatively affect statewide meals and alcoholic beverage excise tax collections.

The University of Kentucky's School of Nursing and the College of Business and Economics found that Kentucky's 2004 smoke-free law resulted in a slight increase in restaurant employment, and bar employment remained stable.

The University of Florida Bureau of Economic Business Research found that Florida State voter approval law of 2003 resulted in a 7-percent increase, as I indicated, and that business in New York's bars and restaurants increased by 8.7 percent the year after the smoke-free law took place.

Delaware also has casinos, and Delaware's business remained steady in the year after the smoke-free law took place, and the number of restaurant and tavern licenses increased the year after the law took effect. Employment in food service and drinking establishments also increased in the year after the law took effect.

The Philadelphia Chamber of Commerce and the Pennsylvania Association of Restaurants endorsed the city's smoke-free ordinance.

What happens with many of the restaurants and establishments is, and I have one that I go to outside of Norristown, it is a caterer's organization, and every time I go there they say, when are you going to pass that bill because I have a lot of expenses in burned rugs and tables, and other damages to my property, smoke is dirty, it fills the ceilings and the walls and I have to clean it up, et cetera. And I say, well, help is coming.

I have one other statistic. According to a 2005 study by the Society of Actuaries, secondhand smoke costs the national economy nearly \$10 billion a year in medical bills and lost wages due to illness among nonsmokers on disability,

It is time for us to take action, it is time for us to provide help and assistance to our citizens, and to our businesses. Thank you very much.

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

Senator FERLO. Madam President, first, let me start out with an apology to both Democrats and Republicans, because if I get carried away here, I want to apologize ahead of time. My comments are meant to be focused on the piece of legislation before us and not in any way impugn anybody's vote as to why they want to vote a particular way on this very important substantive bill that we are about to discuss and hopefully vote on today.

As a local official for many years in the city of Pittsburgh, I dealt locally with this issue, and I want to thank Senator Greenleaf in particular, and certainly a host of advocates all across the Commonwealth, for being vocal and being strong advocates and educating the public about the ills and adverse impact of tobacco, in particular smoking in the workplace and in public places. It is

because of their advocacy and because of Senator Greenleaf's leadership that we are here today, possibly at the precipice of passing a very significant landmark piece of legislation.

I say possibly, because unfortunately, I think what will happen shortly is an attempt to completely gut this measure as Senator Greenleaf has initially introduced it and presented it to the full Senate here today. I am pleased to be a cosponsor.

I wish we were talking about a green leaf, but tobacco is anything but a green leaf. It is a highly carcinogenic material, and it is somewhat unfortunate and sad that 20 years after most of the science and medicine has closed the book on the harsh reality of what this material is and what it does to the human body, if not the human mind, that we still have to spend an awful lot of time reeducating ourselves about the 40 to 50 known carcinogenic materials that are in a cigarette.

Unfortunately, I think we have to revisit and review that list once again. If I were a chemist, I might be able to produce and accurately list all of the known enzymes and materials that are in tobacco. Unfortunately, you would have to be a chemist. I know we have one chemist here in the Senate Chamber, and maybe she can help me out.

I am not going to read this list, but when you go down and look at known carcinogenic materials like arsenic and benzene and cadmium, which I know are in batteries that are not supposed to go to landfills, and cobalt, formaldehyde, lead, and nitrogen mustard, as well as urethane, vinyl acetate, and vinyl chloride, and the rest of the list is quite honestly words that I would have a hard time pronouncing unless I really spent a lot of time studying the chemical list.

It is unfortunate, Madam President, once again we have to spend time talking about the health effect, because that is really what the motivating factor is here today. Senator Greenleaf deserves a lot of credit, because in Senate Bill No. 246, he has presented a statewide uniform comprehensive approach to this issue, instead of having a hodgepodge of local ordinances, which we know unfortunately will go to the Court of Common Pleas and then ultimately to the Pennsylvania higher courts, only to be shot down, and rightfully so. This is a piece of legislation that should emanate from the State legislature in this Capitol. It should not be done in a hodgepodge way with local ordinances. We need a uniform, comprehensive, across-the-board approach on banning smoking in public places. Senator Greenleaf's bill, to his credit, would do this, and would do it in the public domain, regardless of the location or employment within the Commonwealth.

We need, as Senator Greenleaf has eloquently spoken about, to protect employees as well as patrons from secondhand smoke, and the reason for that is quite undeniable. Nonsmokers exposed to secondhand smoke increase the risk of developing heart disease by up to 30 percent, and they are three times as likely to develop lung cancer as those with little or no exposure.

Many of us in this Chamber vote consistently out of concern for the smaller business community. I just want to say that in addition to being a killer, secondhand smoke has extensive negative impacts, with direct medical costs of over \$5 billion per year, and another \$5 billion per year in indirect costs due to lost wages, reduced services, lower productivity, increased absenteeism, and other costs associated with disabilities.

As Senator Greenleaf pointed out, at least two, if not numerous, studies that have been done by both economic institutes of business, university-based communities, as well as the American Public Health Association, which has done numerous studies, show that banning smoking and tobacco is not harmful to smaller business, and restaurants in particular. In fact, all the studies would suggest that there is actually an increase in business activity in restaurants and small businesses once people feel that they can come into a tavern or restaurant and actually be smoke-free.

There are certain brief periods of time when some income is lost, but long-range, and most small businesses are in it for the long-range, they actually become much healthier, as well as the financial health of their pocketbook.

The small benefits of this bill I think have been enumerated. We talk about workplaces with high secondhand smoke levels having many more incidents of employee illnesses, such as pneumonia, asthma, and bronchitis. This is known even among our workplaces historically, and certainly even in our own Senate offices. I do not want to mention any names of my employees, but we know that this is a fact, so, Janet, if you are listening, I hope you hear my comments here today.

Health-related absenteeism cuts worker productivity and increases turnover. A smoke-free environment appeals to a broader customer base. Since three-quarters of the United States population, in fact, does not smoke, many will not patronize an establishment that permits smoking.

Madam President, I know that the tobacco industry is very powerful, and I have seen its workings here on both sides of the aisle. Their influence is nonpartisan, it is insidious, and it will be evident in the proposed omnibus amendment that will be offered, I assume, in a few minutes from now, and that is unfortunate.

I am also disappointed as a partisan Democrat that a significant number of Democrats here today actually helped pass a disgusting gobbledygook bill that is coming out of their side of the aisle. That is why I am most upset, and that is why I started out first, Madam President, with an apology to my own colleagues.

Madam President, I think it is important in closing that when we look at what Senator Greenleaf's bill has suggested here today, and we look at the public places, it is like, why are we even debating this? These are the public places in which it would be banned: a place in which a public meeting is held, an educational facility. Do you want little Johnny or Suzie lighting up in the sixth grade at school, or out in the back yard, or on a school bus? Do we want kids smoking on a school bus, or a health facility?

A month ago I was at Allegheny General Hospital in Pittsburgh. The building is smoke-free, and when you go to the cafeteria, inside the rotunda, there were about 100 employees smoking, as well as patients. Is that the attitude and perception that we are supposed to be projecting in a health care facility, a tertiary health care facility, an auditorium, an arena?

You know, the tobacco industry has successfully turned and twisted logic on its head. They have tried to make this a civil liberties and civil rights issue for the smoker, and they have succeeded to some extent, including in this Chamber.

No one is denying anyone the right to smoke. It is a legal product that is heavily taxed. I would not in any way support not allowing anybody to smoke their cigarettes. In fact, I would en-

courage people to wear a globe around their head and they can smoke themselves to death if that is their prerogative. I am a civil libertarian, and they have the right to kill themselves if that is what they want to do.

The real issue here is the smoke that emanates from that individual act of their own civil liberty, and at that point when that smoke permeates the room and kills little kids, and kills the elderly and puts workers at risk, it is no longer a civil rights or civil liberties issue. It is a matter of public health and of utmost concern, and I would call on this Senate today to do the right thing to pass a strong, comprehensive, uniform bill. We have a chance to do that. I hope the Democrats do not vote for this gobbledygook bill that the Republicans are going to push on us by way of a so-called omnibus act. That would be a tragedy, Madam President.

So, I hope we remain strong. We are not denying anyone's right to smoke. Smoke till the cows come home, smoke if you want to kill yourself, just do not let that smoke leave your own area. At the point in which it does, we would have the safeguard, the backing, and the leadership of Senator Greenleaf's legislation here today. Thank you.

And the question recurring,

Will the Senate agree to the bill on third consideration?

Senator McILHINNEY offered the following amendment No. A2062:

Amend Title, page 1, line 1, by striking out all of said line and inserting: Prohibiting smoking in certain public places and workplaces; imposing duties upon the

Amend Title, page 1, line 2, by inserting after "penalties;": preempting local regulations;

Amend Sec. 2, page 1, line 17, by striking out ", such as asbestos, benzene, formaldehyde and radon"

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

"Cigar bar." An establishment which operates pursuant to an eating place or restaurant liquor license under the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, that is physically connected and directly adjacent to a tobacco shop.

Amend Sec. 3, page 2, by inserting between lines 18 and 19:

"Drinking establishment." An establishment which operates pursuant to an eating place, restaurant license or retail dispenser license under the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, has total annual sales of food sold for on-premises consumption of less than or equal to 20% of the combined gross sales of the establishment.

"Gaming floor." Any portion of a licensed gaming facility where slot machines have been installed for use or play as approved by the Pennsylvania Gaming Control Board. The area shall not include nongaming floor associated areas adjacent to the gaming floor, including hallways, reception areas, retail space, bars, nightclubs, restaurants, hotels, entertainment venues or office spaces.

"Private club." An organization which is any of the following:

(1) A reputable group of individuals associated together as a not-for-profit organization for legitimate purposes of mutual benefit, entertainment, fellowship or lawful convenience that:

(i) regularly and exclusively occupies, as owner or lessee, a clubhouse or quarters for the use of its members;

(ii) holds regular meetings, conducts its business through officers regularly elected, admits members by written application, investigation and ballot and charges and collects dues from elected members; and

(iii) has been in continuous existence for a period of ten years.

(2) A volunteer ambulance service.

(3) A volunteer fire company.

(4) A volunteer rescue company.

Amend Sec. 3, page 3, by inserting between lines 10 and 11: "Volunteer ambulance service." As defined in section 102 of the act of July 31, 2003 (P.L.73, No.17), known as the Volunteer Fire Company and Volunteer Ambulance Service Grant Act.

"Volunteer fire company." As defined in section 102 of the act of July 31, 2003 (P.L.73, No.17), known as the Volunteer Fire Company and Volunteer Ambulance Service Grant Act.

"Volunteer rescue company." As defined in section 102 of the act of July 31, 2003 (P.L.73, No.17), known as the Volunteer Fire Company and Volunteer Ambulance Service Grant Act.

Amend Sec. 6, page 4, line 21, by striking out "This" and inserting: (a) General rule.—Subject to subsection (b), this

Amend Sec. 6, page 4, line 23, by striking out all of said line and inserting: child day-care center or group or family day-care home subject to licensure, registration or certification by the Department of Public Welfare.

Amend Sec. 6, page 5, by inserting between lines 3 and 4:

(5) The following residential facilities:

(i) A long-term care facility regulated under 42 CFR 483.15 (relating to quality of life) or similar regulation. This exception shall not apply if 42 CFR 483.15, or similar regulation, is repealed or expires.

(ii) Separate enclosed rooms or designated smoking rooms in a residential adult care facility, community mental health care facility, drug and alcohol facility or an adult care facility or other residential health care facility not covered under subparagraph (i).

(iii) Designated smoking rooms in a facility that provides day treatment programs.

(6) A cigar bar.

(7) Up to 25% of a gaming floor within a licensed gaming facility.

(8) A private club, except where the club is:

(i) open to the public through general advertisement for a club-sponsored event; or

(ii) is leased or used for a private event that is not club-sponsored.

(9) A drinking establishment.

(10) A place where a fund-raiser is conducted by a nonprofit or charitable organization one time per year if:

(i) The place is separate from other public areas during the event.

(ii) Food and beverages are available to the attendees.

(iii) Individuals under 18 years of age are not permitted to attend.

(iv) Cigars are sold, auctioned or given as gifts and cigars are a feature of the event.

(11) An exhibition hall, conference room or similar facility used exclusively for an event to which the public is invited for the primary purpose of promoting and sampling tobacco products, and where the service of food and drink is incidental, if the sponsor or organizer gives notice in all advertisements and other promotional materials give notice that smoking will not be restricted. At least 75% of all products displayed or distributed at the event shall be tobacco or tobacco-related products. Notice that smoking will not be restricted must be prominently posted at the entrance to the facility. No retailer, manufacturer or distributor of tobacco may conduct more than six days of a promotional event under this paragraph in any calendar year.

(b) Notice.—To qualify for exemption under subsection (a), the owner or lessee of the place must conspicuously post at every public entrance to the place a sign stating that smoking is permitted on the premises.

Amend Sec. 9, page 5, line 18, by striking out "\$100" and inserting: \$250

Amend Sec. 9, page 5, line 19, by striking out "\$200" and inserting: \$500

Amend Sec. 9, page 5, line 21, by striking out "\$500" and inserting: \$1,000

Amend Bill, page 5, by inserting between lines 22 and 23: Section 10. Annual reports.

The department shall file an annual report by December 1 of each year with the chairman and minority chairman of the Public Health and Welfare Committee of the Senate and the chairman and minority chairman of the Health and Human Services Committee of the House of Representatives. The report shall include the number of violations of this act by county, the number of enforcement actions initiated under this act within each county, a description of the enforcement activities of the department, including the number of personnel, enforcement strategies and other issues relating to the administration and implementation of this act.

Amend Sec. 10, page 5, line 23, by striking out "10" and inserting:
11

Amend Sec. 10, page 5, line 24, by inserting after "adopt":, within 180 days of the effective date of this section,

Amend Sec. 11, page 6, line 3, by striking out "11" and inserting:
12

Amend Bill, page 6, lines 9 through 13, by striking out all of said lines and inserting:

Section 13. Preemption of local ordinances.

The provisions of this act shall supersede any ordinance or rule or regulation adopted by a political subdivision concerning smoking in an indoor public place or workplace. No political subdivision shall have the authority to adopt or enforce any rule or ordinance which is more restrictive than the standards set forth in this act.

Amend Sec. 13, page 6, line 14, by striking out "13" and inserting:
14

Amend Sec. 14, page 6, line 20, by striking out "14" and inserting:
15

Amend Sec. 14, page 6, line 21, by striking out all of said line and inserting:

This act shall take effect as follows:

- (1) Section 10 shall take effect immediately.
- (2) The remainder of this act shall take effect in 180 days.

On the question,

Will the Senate agree to the amendment?

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

Senator McILHINNEY. Madam President, this amendment does a number of things. First, I want to briefly go through some of the definitions that we will be addressing. It clarifies a cigar bar for purposes of an exemption, a drinking establishment, providing for any establishment that is licensed by Pennsylvania's Liquor Control Board that has equal to less than 20 percent of combined gross food sales. It defines a gaming floor for purposes of our casinos in Pennsylvania, and defines a private club and organization.

Further, it exempts, or I should say, it adds, to the exemptions already existing in Senate Bill No. 246, and adds to them long-term care facilities, a cigar bar, up to 25 percent of a gaming floor, a private club, a drinking establishment, and certain fundraisers and promotional events that could be carried on across the Commonwealth.

It also increases the fines for violation of this act. It calls for an annual report by the Department of Health to be filed with the chairman of the Senate Committee on Public Health and Welfare and the House Health and Human Services Committee, requiring the Department of Health to adopt the regulations with 180 days, and preempting the local ordinances across Pennsylvania.

So, what this basically is is the omnibus bill, and I would like to talk about the entire bill. This debate over the last 4 months does not revolve around whether or not smoking was hazardous to people's health. It came down to whether or not individual liberties outweigh the public health and welfare.

I am not trying to draw the line on whether or not this is the exact spot where public health outweighs individual liberties in Pennsylvania, but it is a compromise package that was put forth by me in consultation with many of the Members here in this Chamber. It is not a perfect amendment, nor is it even where I personally would draw that line between individual liberties and the health and welfare of our entire society, but it is something that I think we can move forward with today for purposes of trying to improve what we see as the best State in this nation.

At this point, I want to be very clear what this does. This bill, even with my amendment, will be telling the hardware store owner in Tioga County, who has been working for 30-some years in that hardware store, who put three kids through college, owns the building, does not have a mortgage on it, and is preparing for retirement, we are telling him that if he goes and starts dividing up his nuts and bolts bin and decides to have a cigarette that day, we are making him a criminal.

There are a million-plus buildings publicly accessible in this Commonwealth, and we are providing for the exemption of a few thousand. That means that a vast majority of the public buildings in Pennsylvania will have a public smoking ban, whether or not they are owned by the individual, whether or not they have public access, regular foot traffic coming into them, the office buildings, any kind of a public building would be banned, even with the exceptions that I am putting forth today in amendment A2062.

This is not to be taken lightly. We are stripping away individual liberties in Pennsylvania. Whether or not we are outweighing that, and whether or not the greater good of the health and welfare of this Commonwealth justifies the action, we are pushing ahead in doing it.

So, I am asking for this compromise amendment to be passed by this body because it is something that I guess the time may have come, but it is something that we can do at least collectively, and I believe it does have the vast support of this body here in this Chamber today.

I want to point out for the consumption of the public, that this is 4 months of debate. This was not something that came up very quickly. A lot of Senators are debating whether or not this is the right thing to do for their communities or districts. If the majority decides that it is, then I think it is something that could be respected by this entire Chamber. And I agree with the gentleman who spoke earlier, you do not want to start criticizing or thinking about the motives of the Members as they make this vote. This is something that everybody has taken a long time to consider, and I hope that this is what we can arrive at today. I ask for support of my amendment.

Thank you.

And the question recurring,

Will the Senate agree to the amendment?

CORMAN AMENDMENT A2184 TO A2062

Senator CORMAN offered the following amendment No. A2184 to amendment No. A2062:

Amend Amendments, page 3, line 4, by striking out "or" and inserting: and

On the question,
Will the Senate agree to amendment No. A2184 to amend-
ment No. A2062?

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Madam President, this is a technical amendment changing an "or" to an "and," so in the definition dealing with charitable fundraisers, this applies to a nonprofit "and" a charitable organization, not "or." To better define it, making sure it is a charitable organization for which we are providing this exemption.

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

Senator MELLOW. Madam President, may I interrogate the maker of the amendment.

The PRESIDENT. He indicates you may.

Senator MELLOW. Madam President, can the gentleman tell us if this is a technical amendment, answering "yes" or "no."

Senator CORMAN. Yes, Madam President.

Senator MELLOW. Thank you, Madam President.

And the question recurring,
Will the Senate agree to amendment No. A2184 to amend-
ment No. A2062?

It was agreed to.

On the question,
Will the Senate agree to amendment No. A2062, as amended?

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Madam President, I will be brief. I am here to support Senator McIlhinney's amendment. I have come a long way on this issue. I was someone who was against any exemptions. I believe what Senator Ferlo and Senator Greenleaf spoke about regarding a Senate agreement was important. I was a cosponsor of Senator Greenleaf's bill. Having said that, as we have moved the process forward, and I believe in everything that they were trying to accomplish, it became apparent to me, Madam President, I can count heads, and the votes for Senator Greenleaf's amendment and mine are--

The PRESIDENT. Will the gentleman yield?

The Chair recognizes the gentleman from Philadelphia, Senator A.H. Williams.

Senator A.H. WILLIAMS. Madam President, on the issue of the technical amendment, should we not vote that first? Because there are Members who are prepared to speak about the amendment who are waiting.

The PRESIDENT. We did vote on it. It was agreed to.

Senator A.H. WILLIAMS. Madam President, I am asking, did we vote on the amendment?

The PRESIDENT. Not on the McIlhinney amendment. We voted on Senator Corman's amendment to the amendment.

Senator A.H. WILLIAMS. That is what I understood, Madam President. My point was, prior to the introduction of the technical amendment, there were Members who were prepared to stand and talk about the amendment.

The PRESIDENT. Well, we are going to talk about the amendment now, sir.

Senator A.H. WILLIAMS. Madam President, I understand that. There were Members who were standing prior to the introduction of the technical amendment who were waiting to speak on the amendment.

The PRESIDENT. I apologize. I did not know that.

Senator A.H. WILLIAMS. Madam President, all I am suggesting is that if we follow any order to the process, those Members who were standing were prepared to speak. The Senator was the second, Senator Connie Williams was the first, I thought we would follow that order. That is all I was going to suggest, Madam President.

The PRESIDENT. I have both Senators Williams, Senator Wozniak, and Senator Stack. We have a whole list, and I am starting in the order as they were requested.

Senator A.H. WILLIAMS. Madam President, I yield.

The PRESIDENT. You may commence, Senator Corman.

Senator CORMAN. I am sorry, Madam President. If I jumped in line here, I apologize, it was not my intention. I just want to say that as someone who came at this from the public health point of view, I did not want amendments to this process. I thought that a clean bill was the way to go.

Having said that, at least in my way of counting heads, there were not enough votes to get that clean bill. So every legislator has to come to their own decision, whether they allow the bill to be defeated or have larger exemptions than they wanted, or do they negotiate to try to get the best bill they possibly can.

I believe this is the best bill for those public advocates that we can possibly get. If this amendment is defeated, I truly believe the exemptions will be larger, and maybe the bill will be defeated completely. I believe from the public health side, these exemptions are narrowed, these exemptions are fairly reasonable, and something we can all support and defend. It is a good public policy, and it moves the issue of the smoking ban forward. Those who are defending on the public health side can vote for this and say that this is the best bill we can possibly get today.

I commend Senator McIlhinney and Senator Gordner, with whom I worked to try to develop this amendment. Senator Hughes and I co-chair the Committee on Public Health and Welfare together, and I know the issue dealing with the fines was an idea that he had that we kind of rolled into this amendment, so, I want to give him credit where credit is due on the issue.

Madam President, I know some of the public advocates are probably disappointed with my support for this bill, but I truly believe that this is the best public health bill we can get out of this Chamber today, and I rise for its support.

And the question recurring,
Will the Senate agree to amendment No. A2062, as amended?

COSTA AMENDMENT A2165 TO A2062

Senator COSTA offered the following amendment No. A2165 to amendment No. A2062:

Amend Amendments, page 1, lines 9 through 13, by striking out all of said lines

Amend Amendments, page 1, lines 15 through 20, by striking out all of said lines

Amend Amendments, page 1, lines 28 through 34; page 2, lines 1 through 21, by striking out all of said lines on said pages

Amend Amendments, page 2, lines 45 through 49; page 3, lines 1 through 25, by striking out all of said lines on said pages and inserting facility that has a designated area with floor to ceiling walls. The facility must operate a ventilation system utilizing 100% outside air with a minimum of five cycles per hour.

On the question,

Will the Senate agree to amendment No. A2165 to amendment No. A2062?

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

Senator COSTA. Madam President, the amendment I rise to offer addresses a number of the exemptions that have been set forth in the amendment by Senator Corman and Senator McIlhinney.

More specifically, it extracts or pulls out some of the exemptions or exceptions. At the end of the day, Madam President, what this amendment does is, and as it relates to the exception portions, it removes the exception relating to cigar bars, it removes the exception relating to drinking establishments, it removes the exemption relating to private clubs, it removes the exception relating to cigar fests, and it removes the exception related to special events.

With respect to the information that remains for the gaming floor amendment, a portion of the omnibus amendment that was there, it will continue to provide for a 25-percent gaming floor smoking area. The only difference with respect to what has been offered in Senator McIlhinney's amendment is that this amendment requires that there would be a floor-to-ceiling type structure in place, as well as a very sophisticated ventilation system.

That would be sort of the long and short of the amendment I am offering. It exempts or removes from the exception list cigar bars, drinking establishments, private clubs, cigar fests, and special events.

With respect to the other provisions of the amendment, including the title as well as the notice provision, the penalty provisions and annual reports remain. Also, which is very important, the preemption language still remains.

I ask my colleagues to provide an affirmative vote on this amendment. Thank you, Madam President.

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

Senator C. WILLIAMS. Madam President, I would like to just make a comment on this amendment. I have an amendment of my own, but my remarks right now are really on a comment to the amendment to the amendment.

POINT OF ORDER

Senator PIPPY. Point of order, Madam President.

The PRESIDENT. Will the lady please yield.

For what purpose does the gentleman rise?

Senator PIPPY. Madam President, do we have written copies of the amendment being offered? Since this is a very substantial bill and the amendments themselves are substantial, I recommend we supply them to all the Members because this is something that

we should look at very closely and have full understanding of what we are voting on.

Thank you, Madam President.

And the question recurring,

Will the Senate agree to amendment No. A2165 to amendment No. A2062?

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

Senator C. WILLIAMS. Madam President, personally, I do not think we should be amending this bill at all. I do have an amendment for it, but I am also rising in support of Senator Costa's amendment.

I think some of the comments that have just been made from the other side of the aisle are very interesting. They say the amendment we are trying to amend is not a perfect amendment. Well, I think we are trying to make it better. Why are we even considering it? Because we need to assure the people of Pennsylvania, who overwhelmingly support a smoking ban, that we are working for them, not for special interests. Somebody else on the other side of the aisle said this is a fairly reasonable amendment, but I could not defend it. You know, there really are incredible impacts on people's health, on workers' health, on a family's health when somebody is smoking, and I support the amendment that Senator Costa has because I think we are fooling ourselves if we give the people of Pennsylvania a very watered-down, weakened bill. It will be unfair to the people of Pennsylvania and certainly unfair to the integrity of this legislature, where we are working very hard to bring up our integrity, and I think if we say, oh, yes, we have a smoking ban, we have all these exemptions in it, it really is not a smoking ban at all. So I rise in support of Senator Costa's amendment, and I urge support for it. Thank you.

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

Senator ORIE. Madam President, I rise in opposition to Senator Costa's amendment, especially in regard to the casinos. It is glaring that he leaves the casinos in. I would like to share with my colleagues some of the information in regard to casinos.

In May 2007, the American Gaming Association changed its position and no longer opposes legislation that bans smoking in gaming venues. Twenty States ban smoking in gaming venues, including New York, Delaware, New Jersey racetracks, Florida, Washington State, and California. Dover Downs in Delaware is smoke-free since 2002, and markets itself as being smoke-free.

On Thursday, by a vote of 35 to 0, the New Jersey State Senate unanimously passed a bill that closes the loophole on smoking in casinos. Last month, the Illinois legislature defeated an amendment to exempt casinos. Illinois has eight riverboat casinos, two of which are owned by Harrah's. Illinois' smoke-free air law goes into effect January 1, 2008.

In May, Colorado banned smoking in its casinos effective January 1, 2008. Virtually all poker rooms across the nation are smoke-free voluntarily, including Las Vegas and Atlantic City. Yonkers Racino is the number one revenue generating racino in New York State, and it is 100 percent smoke-free by law. It has competition from Pennsylvania and tribal casinos in Connecticut, and it is still successful. All four Wall Street analyses at this

year's East Coast Gaming Congress held on May 1 in Atlantic City stated that gaming venues will be required to be smoke-free over the next few years, and that smoke-free casinos are inevitable. Eighty percent of gamblers do not smoke, according to a 2006 survey conducted by the University of Nevada with over 17,000 Nevada gamblers. This is not unexpected, and mirrors the fact that 80 percent of adults in the United States' population do not smoke.

In Atlantic City's casinos, the 25/75 smoking/nonsmoking casino floor split created by the Atlantic City Council is not protecting workers and patrons from exposure to secondhand smoke. Since no workers volunteered to work in the smoking sections of the gaming floor, the casinos abandoned this volunteer list.

Madam President, the list goes on and on, and for my colleague from Allegheny County, knowing that the issue is especially being addressed in Allegheny County, the last thing I want to see is exemptions, especially specifically to casinos. So I rise in opposition, and I ask my colleagues to oppose this motion.

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

Senator GREENLEAF. Madam President, I regret that I must rise and oppose this amendment as well, as I will be opposing the omnibus amendment for a variety of reasons, one of which was just addressed by Senator Orié in regard to the fact that casinos are still in this bill with this amendment. I think it is important for us to address that issue, and I cannot bring myself to vote for any amendment or bill that includes that in there.

There is a reference to the fact of a ventilation system. We know from the Surgeon General's report and from the testimony of individuals in the heating and air conditioning industry that they cannot stop the air from secondary smoke from permeating the whole building if you allow any smoking in that building. Air testing was conducted this winter, 2007, in the two Rhode Island casinos with separate smoking and nonsmoking rooms, by the New Jersey GASP and Roswell Park Cancer Institute, and they found that nonsmoking sections were still smoky since smoke migrates from the smoking sections to the gaming floor.

Also, the number one health and safety concern from Atlantic City casino dealers, surveyed by the local UAW Union, is secondhand smoke exposure on the gambling floor, the casino workers' most concerned area.

Senator Orié mentioned Delaware, and I would like to mention a letter addressed November 6, 2006, from the Governor of Delaware which she sent to New Jersey when they were dealing with this particular issue, and by the way, New Jersey's statute had no exceptions in it in regard to gambling except for this 25-percent section, and they are now in the process of repealing that to make the casinos completely smoke-free.

The Delaware casinos are completely smoke-free, and I just want to read one section in her letter. It says, "Some predicted that the Clean Indoor Air Act would hurt the bottom line of businesses, even forcing some to close. Conversely, there are more restaurants and bars licensed in Delaware now than when the Act went into effect. Delaware's three slot machine casinos have all experienced their highest revenue periods in the last two years."

So it is important for us not to encourage and pass anything that excludes the casino from being smoke-free. In addition, the preemption sections are still in the original amendment, and also

the cigar bars. There is a technical problem I am sure that could be corrected. I know it was not intended by Senator Costa, but it takes out the definition of the cigar bars but does not delete the exception for cigar bars, so that would leave a wide, wide open exception. Even putting cigars as an exception as it is is a concern of mine because you will have all these people getting licenses to sell cigars, so tens of thousands of bars and other clubs and organizations will be going out and selling cigars and getting around that type of exception. It is not just with Senator Costa's amendment, it also applies in other pieces of legislation that will be offered here as amendments. So I request a negative vote.

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

Senator MELLOW. Madam President, with all due respect to a Member of my leadership and colleague, Senator Costa, I ask for a negative vote on this amendment.

And the question recurring,

Will the Senate agree to amendment No. A2165 to amendment No. A2062?

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

YEA-6

Costa	Hughes	Williams, Anthony H.
Fontana	Logan	Williams, Constance

NAY-44

Armstrong	Folmer	O'Pake	Stack
Baker	Fumo	Orié	Stout
Boscola	Gordner	Piccola	Tartaglione
Browne	Greenleaf	Pileggi	Tomlinson
Brubaker	Kasunic	Pippy	Vance
Corman	Kitchen	Punt	Washington
Dinniman	LaValle	Rafferty	Waugh
Earll	Madigan	Regola	White, Donald
Eichelberger	McIlhinney	Rhoades	White, Mary Jo
Erickson	Mellow	Robbins	Wonderling
Ferlo	Musto	Scarnati	Wozniak

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

And the question recurring,

Will the Senate agree to amendment No. A2062, as amended?

C. WILLIAMS AMENDMENT A2154 TO A2062

Senator C. WILLIAMS offered the following amendment No. A2154 to amendment No. A2062:

Amend Amendments, page 1, lines 14 through 34; page 2, lines 1 through 21, by striking out all of said lines on said pages

Amend Amendments, page 2, lines 44 through 49; page 3, lines 1 through 25, by striking out all of said lines on said pages

On the question,

Will the Senate agree to amendment No. A2154 to amendment No. A2062?

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

Senator C. WILLIAMS. Madam President, this amendment is similar but not exactly the same as Senator Costa's, and I do agree that there were some issues that the McIlhinney/Corman amendment did address that I think were good amendments.

I would like to go through what my amendment would do. It would delete the exemptions for smoking on the gaming floors. It would keep in small bars and small drinking establishments where there would be no smoking, as well as private clubs. It would take out the exemption for special events and fundraisers.

It does keep in the cigar bars because, you know, for those people who are cigar smokers, most of the times they are not allowed to smoke in their homes, so I do not think there is a problem. I do not think anybody else wants to go into a cigar bar except those who want to smoke cigars, so I would keep the cigar bars in.

If we are really trying to protect the workers in Pennsylvania with the amendment that Senator McIlhinney has offered, we are not really doing a very good job of it. So, I hope that with the inclusion of not exempting the casinos from this, more people will vote for my amendment, and I ask for an affirmative vote.

Thank you, Madam President.

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

Senator McILHINNEY. Madam President, may I interrogate the maker of the amendment?

The PRESIDENT. She indicates she will stand for interrogation.

Senator McILHINNEY. Madam President, I just want to clarify, the only exceptions she allows will be the existing exception for hotels and for cigar bars?

Senator C. WILLIAMS. No, Madam President, what is allowed in there are the exemptions for the hospitals and mental health facilities as well. That would stay in. I did not understand that originally. I understand the issues for the long-term care facilities, which are peoples' residences, and for mental health, for the rehab places. I understand that now, Madam President, so that would stay in.

Senator McILHINNEY. Madam President, so the gentlewoman is stripping out the language for the hotels that was contained in the Greenleaf original amendment as well?

Senator C. WILLIAMS. No, Madam President. I am just dealing with what the gentleman had in his amendment, and whatever else was in Senator Greenleaf's amendment that the gentleman did not address, I am not addressing.

Senator McILHINNEY. Madam President, we are just dealing with the exemptions I had in my amendment?

Senator C. WILLIAMS. That is correct, Madam President.

Senator McILHINNEY. Madam President, on the amendment, it is somewhat unfair, I guess, to kind of pit some businesses against other businesses where hotels need it to survive, or I guess actually it is a Federal mandate that the exemptions come down from the Federal health care facilities, but at this point when you start to talk about the list of exemptions and you put it forth in an omnibus amendment, I think that as a courtesy, or however you want to call it, to the maker of the original amendment, which is myself, I would like to see an up/down vote on

that list of amendments without having to strip it out ahead of time. I put forth an amendment. If it is a bad set of issues or exemptions, then I guess you can vote against that, but at this point I ask for a negative vote to simply strip out and gut my amendment before we have a chance to vote it on the floor.

Thank you, Madam President.

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

Senator C. WILLIAMS. Madam President, I believe there were a number of individual amendments that were being considered to be offered by the Republican Caucus, and they decided among their own leadership to just offer the omnibus amendment.

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

Senator GREENLEAF. Madam President, I have really mixed emotions about this amendment. I mean, it takes everything out, all of the exceptions in the amendment, which I support, but I do not support leaving cigar bars in. I wish the gentlewoman had gone that much further and done that, and I would be voting for her amendment. I would be close to voting for it, but I do not think I can because cigar bars, as I indicated, are going to be a loophole that you can drive a truck through. Everybody is going to be selling cigars and reducing their food, and I am concerned about the situation where they will be getting around our prohibitions. It would also provide a situation where we still have employees in those facilities, so I ask for a "no" vote.

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

Senator C. WILLIAMS. Madam President, I believe there is a description of a cigar bar that says it has to be contiguous and there has to be a cigar store or tobacco shop attached to it.

And the question recurring,

Will the Senate agree to amendment No. A2154 to amendment No. A2062?

The yeas and nays were required by Senator C. WILLIAMS and were as follows, viz:

YEA-9

Costa	Hughes	O'Pake
Ferlo	Logan	Williams, Anthony H.
Fontana	Madigan	Williams, Constance

NAY-41

Armstrong	Fumo	Pileggi	Tomlinson
Baker	Gordner	Pippy	Vance
Boscola	Greenleaf	Punt	Washington
Browne	Kasunic	Rafferty	Waugh
Brubaker	Kitchen	Regola	White, Donald
Corman	LaValle	Rhoades	White, Mary Jo
Dinniman	McIlhinney	Robbins	Wonderling
Earll	Mellow	Scarnati	Wozniak
Eichelberger	Musto	Stack	
Erickson	Orie	Stout	
Folmer	Piccola	Tartaglione	

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

And the question recurring,
Will the Senate agree to amendment No. A2062, as amended?

LEGISLATIVE LEAVE

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

Senator PILEGGI. Madam President, I request a legislative leave for Senator Piccola.

The PRESIDENT. Senator Pileggi requests a legislative leave for Senator Piccola. Without objection, the leave will be granted.

And the question recurring,
Will the Senate agree to amendment No. A2062, as amended?

WOZNIAK AMENDMENT A2155 TO A2062

Senator WOZNIAK offered the following amendment No. A2155 to amendment No. A2062:

Amend Amendments, page 1, line 28, by inserting after "which":
has total annual sales of food sold for on-premises consumption of less than or equal to 20% of the combined gross sales of the establishment and which

On the question,
Will the Senate agree to amendment No. A2155 to amendment No. A2062?

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

Senator WOZNIAK. Madam President, everyone watching us can see the dilemma that is occurring here. It is a very emotionally charged issue. We all want to be with our friends. The problem is that from e-mails, letters, and phone calls, some of our friends want to ban smoking completely in public places, and other friends believe it is a private, personal matter, and we all wish to be with our friends. Therein lies the problem.

The last two amendments pretty much tried to strike out smoking in all public places throughout Pennsylvania, and they failed overwhelmingly. I think what we are attempting to do is take some steps in that direction to try to limit smoking in public places in Pennsylvania, but this body is not quite ready to have a complete ban.

I have language in my amendment that is a little bit different. What I am trying to do, and I do not care if they smoke or do not smoke in them, but they should all be treated equally. The private clubs and nonprofits are being exempted completely from this language and are being treated differently than other places of alcohol consumption, the bars. What my amendment does is makes them even.

Many of these private clubs are nothing more than watering holes. You pay \$5, \$10 a year and you are a member of a private club. They compete directly with your local taverns and restaurants, the same as the VFWs, the American Legions, and your volunteer fire companies. Most people who are members of those organizations are social members and they go there to kibitz and for camaraderie, but they go there to drink. I want to treat all the drinking holes the same, and that is what this amendment does,

Madam President. It deals with a competitive edge and making things fair across the board for all those out there in the private sector. I would appreciate an affirmative vote.

Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Columbia, Senator Gordner.

Senator GORDNER. Madam President, I rise in opposition to this amendment. I started out offering this amendment a number of months ago on behalf of private clubs, and my main interest were the VFWs, the American Legions, the Elks, the Moose clubs, and the Italian clubs that I have scattered about my district. During this process, especially over the last week or so, we looked to see if there was an opportunity to do something along the lines of what the previous Senator mentioned. The problem, especially with the Legions, the VFWs, and some of the other organizations, is that they are broken into two entities. The VFWs will have a post, and likewise, they will have a home association. That is true for VFWs, it is true for the Moose clubs, it is true for the Elks, et cetera. There are reasons why one entity may hold a liquor license and the other entity may provide the food.

As a result of that, providing any sort of percentage as it relates to private clubs will create great harm, especially to those private clubs that are VFWs, Legions, Catholic War Vets, that have these two entities - home associations, benevolent associations, lodges, or posts. I just want to make sure that the Members are aware that this will not work for those entities and will basically require the VFWs, the Legions, the Catholic War Vets, the Italian clubs, to not be exempt under this but will be subject to the ban. As a result of that, I rise in opposition to this amendment.

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

Senator McILHINNEY. Madam President, I sympathize with my colleague on this amendment, and it was a position that I was originally taking during negotiations. However, complications started to arise very quickly in dealing with these private clubs, which vary greatly by description across the Commonwealth, so I ask my colleagues for a negative vote on the amendment.

Thank you.

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

Senator GREENLEAF. Madam President, will the gentleman from Cambria, Senator Wozniak, stand for interrogation?

The PRESIDENT. Will the gentleman from Cambria, Senator Wozniak, stand for interrogation?

The gentleman indicates he will.

The Chair recognizes the gentleman from Montgomery, Senator Greenleaf.

Senator GREENLEAF. Madam President, I have a copy of the gentleman's amendment and would like him to please clarify it for me. My understanding is that the amendment would make sure that those clubs to which the gentleman is referring are not exempt from the smoking ban.

Senator WOZNIAK. Madam President, what I am attempting to do in the amendment to the amendment is to have the private clubs and restaurants and bars be treated identically. The amendment says they will be exempted from a certain amount of food

services, et cetera, and that they will be treated the same. If that is the will of this body, which I appreciate, because now we are talking about competition, and the restaurants and bars are paying a full freight of taxes, and people tell me they will go to the other establishments where they are social members because they can drink there just as well as they do at the place where they are paying retail. I just want to make that playing field even across the board.

Senator GREENLEAF. Madam President, I was going to vote for it, but I think now that I understand what this does, and I would ask for a negative vote as well because there are exceptions in the main amendment that we are dealing with about the 25-percent food, I mean, you can drive a truck through that. I certainly do believe that these clubs should be subject to the smoking ban, but I am not sure that is what this does. I have a copy of the amendment and I have read it, and all it does is gives them the same loophole that the main amendment does. If I am incorrect on that, then please let me know and I will vote for the gentleman's amendment if it adds additional establishments that would be subject to the ban.

The way I understand it now, the gentleman is just making it a level playing field, which also means a level playing field for the exceptions. If that is the case, then I plan to vote "no."

The PRESIDENT. Senator Wozniak, do you have additional comments to clarify this for Senator Greenleaf?

Senator WOZNIAK. Madam President, they just have to meet the same criteria as the private restaurants and bars have to meet to be exempted or to have smoking or nonsmoking. Nothing more, nothing less, an even playing field.

Thank you.

And the question recurring,

Will the Senate agree to amendment No. A2155 to amendment No. A2062?

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

YEA-9

Costa	Kasunic	Williams, Anthony H.
Earll	Logan	Williams, Constance
Ferlo	White, Mary Jo	Wozniak

NAY-41

Armstrong	Fumo	Orie	Stout
Baker	Gordner	Piccola	Tartaglione
Boscola	Greenleaf	Pileggi	Tomlinson
Browne	Hughes	Pippy	Vance
Brubaker	Kitchen	Punt	Washington
Corman	LaValle	Rafferty	Waugh
Dinniman	Madigan	Regola	White, Donald
Eichelberger	McIlhinney	Rhoades	Wonderling
Erickson	Mellow	Robbins	
Folmer	Musto	Scarnati	
Fontana	O'Pake	Stack	

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

And the question recurring,

Will the Senate agree to amendment No. A2062, as amended?

LEGISLATIVE LEAVE

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

Senator ORIE. Madam President, I request a temporary Capitol leave for Senator Pileggi.

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

And the question recurring,

Will the Senate agree to amendment No. A2062, as amended?

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

Senator STACK. Madam President, I intended to offer an amendment to the amendment, but I know my colleagues are interested in moving this process along, as am I, so I would like to ask the gentleman from Bucks, Senator McIlhinney, to stand for interrogation because maybe we can move the process forward quicker that way.

The PRESIDENT. Will the gentleman from Bucks, Senator McIlhinney, stand for interrogation? The gentleman indicates he will.

The Chair recognizes the gentleman from Philadelphia, Senator Stack.

Senator STACK. Madam President, what I wanted to ask the gentleman is in cases of the language of the amendment where the language talks about physically connected and directly adjacent to. In one particular case, a small business in Philadelphia, Mahogany is a cigar smoking bar above Holt's Cigar Shop. It is, in fact, connected and directly adjacent, but does not have a common door. I would like to ask the gentleman if it is his understanding that this language would permit smoking at the establishment Mahogany, which is once again connected, physically connected and directly adjacent to, but does not have a common door?

Senator McILHINNEY. Madam President, it was indeed the intent of my language to allow for smoking in any licensed establishment that is directly connected to or adjacent to a tobacco shop, as defined earlier in the bill.

To specifically address the gentleman's question regarding Philadelphia and the example of Mahogany, that was the exact intent, so as to not put out of business any establishment that thrives or solely caters to a smoking community. To answer that question, it is yes, that establishment would be exempted from the smoking ban.

Senator STACK. Madam President, the gentleman is satisfied and I am satisfied, and I will not offer an amendment to the amendment.

Thank you.

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

Senator A.H. WILLIAMS. Madam President, on the amendment as amended, when I listened to Senator Greenleaf at the beginning of this conversation, I want you to understand that when I came up here today, I truly was not committed one way or another. I was more concerned about how we got through the

smoking ban process, and I believe that Senator Greenleaf's positive intentions would lead the day in terms of this conversation. But for some strange reason, we have taken a left turn in this process. I will briefly read for you the commentary in the Daily News on our process. (*Reading:*)

Harrisburg. A majority of states have banned smoking in most indoor places, but for the casino industry, this is an especially touchy subject. Casinos claim that an unusually high proportion of gamblers smoke, and in an increasingly competitive gambling industry, smokers have options.

I truly thought when we got here today we were talking about a smoke-free environment. I believed that a smoking ban meant a smoking ban. But as I continued to listened to the conversation and tried to follow logic, A was never connected to B, B was never connected to C, and 1 and 1 does not add up to 2. Obviously, there is another agenda in this process. The exemption which exists in Philadelphia County today that allows Philadelphia County to make decisions about how and where we smoke, the clear polling of numbers, whether you are Pennsylvanians, whether you are Philadelphians, whether you are from Pittsburgh or whether you are from the middle of Pennsylvania, clearly indicates that there is a desire for us not to contaminate the air of our children, our grandchildren, and children yet unborn. The people in the Commonwealth are speaking to that, and for some reason we can only ante up, this is the best we can do. This is not the best we can do, and other people should not drive an agenda when it comes to providing an appropriate environment for our children, our grandchildren, and our parents.

Now, if somebody wants to do something for another industry, I am prepared to negotiate those details. I do that every day, and I am quite happy to do that, but do not wrap a pig in lipstick and tell me she is a beauty queen. This is ugly. This is duplicitous, this is wrong. By the way, this has nothing to do with a smoking ban. I truly hope the editorial boards which have kicked us in the butt for the last several months on a variety of duplicitous public policy maneuvers we have performed, I hope and guarantee they will write about us ad infinitum, because there is nothing that we are banning here. We wrapped the ban around a hollow promise of clean air, of pure eating areas, of a place I can take my child, simply because we do not want some gamblers to be inconvenienced about stepping outside. That is wrong, that is wrong, and it is a lie.

So, while people spent hours and months, and by the way, I do not know much of the hours nor the months because I was not invited to many of those meetings, but for the hours and the months that people chose to do this, I am glad they spent their time studying this. But I think they should have said, you know what, we are more concerned about the casino industry and how we regulate that. Frankly, that should have fallen to the casino industry to regulate itself. If people are concerned about a smoking ban, I would hope that they would vote against this, I would hope they would support Senator Greenleaf in his effort to truly have Pennsylvania join the majority of Americans, the majority of States, and frankly, the majority of Pennsylvanians who desire a smoke-free environment.

Thank you, Madam President.

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

Senator GREENLEAF. Madam President, I guess this is the vote. The vote on this amendment will determine whether we have a strong piece of legislation that will go over to the House and will protect people of the Commonwealth of Pennsylvania or we do not. I vigorously oppose this amendment, and will go over some of the reasons why.

These are some of the places that are exempted: Private clubs, and by the way, these are nonprofit corporations that are supposedly established for the benefit of the community, and that is why they are a private club and a nonprofit corporation. How is allowing smoking in such a facility going to benefit the people who enter that facility? You can say, well, they make that decision, it is a private club. But what about the workers and volunteers? Sometimes the volunteers are required to work there in order to maintain their membership. We should not allow private clubs, and certainly volunteer ambulance services, volunteer fire companies, and volunteer rescue companies. There are teenagers who go in there. I know that there is a youth program where you get 16-year-olds to come to work at fire companies and other emergency facilities in order to encourage them to be members of those organizations.

A cigar bar sounds good, but it is not good. If we adopt cigar bars in this provision, we are going to allow people who smoke not only cigars, but also tobacco, because the language in there says they can sell tobacco products and cigars. We are creating a tremendous loophole in regard to that. Every private club, every bar, every facility, is suddenly going to be a cigar bar. They will open a facility and start selling tobacco products. It also allows any tobacco retailer to create a cigar bar, and that would include restaurants, liquor licensees, and others. It also allows licensed bars and restaurants to continue to allow smoking simply by obtaining a cigarette retail license for \$25 a year, and then they are in business. Certainly, cigars emit far greater amounts of tobacco pollution than cigarettes do, so it sounds good, but it is not.

In addition, there is also an exemption in this amendment for gaming floors within a licensed gaming facility of up to 25 percent. Senator Orié and I have discussed this ad nauseam, and I am not going to add to this, but as I indicated before, you cannot stop the smoke from changing from one room to another. The New Jersey Senate, as Senator Orié said, has just moved to take that exception out so it will be completely smoke-free. There are indications by the Gaming Commission that they would be in favor of an open ban as long as it is on a level playing field.

This amendment has all kinds of exceptions that will be detrimental to our residents and individuals who live here in the Commonwealth of Pennsylvania. Many of these clubs and small bars are the ones that really do not provide health insurance because they cannot afford it. They are a small business, so they cannot afford it, so that will provide putting these people in a bar. For example, the hospitality industry, waitresses, waiters, and bartenders, are in a situation where they have to work there and have a much higher percentage of cancer than people who do not. It is my hope that this not be a compromise bill. This is an amendment that provides almost everything that we do not want and provides exceptions for them, and I ask for a negative vote.

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

Senator McILHINNEY. Madam President, I do want to reiterate for the Members the exceptions that were listed by my predecessor. If I would actually list all the publicly accessible buildings that are being banned, we would be here for weeks on end. We are actually taking a step forward in banning almost all publicly accessible buildings in Pennsylvania, with the exception of the ones listed in my amendment. Every day I am seeing restaurants and buildings in my area voluntarily go smoke-free, and I indeed encourage that. I think that is a decision that should be made by the individual property owners and individuals in Pennsylvania. To go right now to try to get a complete ban on everything is something that I just do not think we are at that point here in Pennsylvania, so I am asking for an affirmative vote on this. I do believe it is a compromise amendment. A lot of people have compromised their positions on it and are willing to support it, so I am asking for an affirmative vote.

Thank you, Madam President.

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

Senator RHOADES. Madam President, while we were debating this, I took a walk in the Rules room and there on the credenza is a nice little sign that says, "Thank you for not smoking." Well, if we are smart enough to say we should not smoke, there must be a reason behind it, and we all must be intelligent enough to know the difference. In the process, to date, I have received 651 constituent contacts. Of those, 595 support a smoking ban with no exceptions, and 56 oppose a smoking ban altogether. Hopefully, they are as smart as we are, or hopefully, we are as smart as they are. I ask for a "no" vote.

Thank you.

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

Senator MELLOW. Madam President, I rise to support Senator McIlhinney and congratulate him and the other Members of this body who, on a bipartisan basis, worked to put together an omnibus amendment. I am sure that each and every one of us have received, maybe not the same votes or the same e-mails as received by Senator Rhoades, but the same number of e-mails as has been received by Senator Rhoades asking us to come up with a ban on smoking.

However, Madam President, I took the liberty of returning some phone calls to these people and asking them exactly what they thought should be banned. It was amazing that when I had the opportunity to open up a dialogue with them, the dialogue that I had with them and the e-mails that they sent to me were not, in fact, the same thing.

I concur with what they concur upon. I am not a smoker. I would not even consider putting or polluting, if you will, my lungs with cigarette smoke. I have not been contacted by a major tobacco company nor by anyone else. I have not been contacted directly by a tavern owner to ask me if I would not vote in favor of something that would completely outright ban smoking. As Senator McIlhinney explained, I know of a number of liquor establishments in the northeastern part of the Commonwealth that do not allow smoking in their establishment, and they have done that on their own. Along with doing that, they have put tents outside where people who would like to have a cigarette could go outside and smoke.

I think what has been put together here reflects and represents the Commonwealth in the appropriate manner. It gives people the opportunity to be protected where we can try to the best of our ability to protect the safety and health of the people of Pennsylvania. But, Madam President, it is not going to take away privileges from Pennsylvanians who think that they would like to smoke, for whatever reason that may be. So, I think what we have done here is tried to come up with the proper type of compromise.

It is a very difficult issue. No one on the floor of this body today who has made a speech in favor of it or opposing an amendment is wrong. Everybody is trying to do what they believe to be the right thing, and I know Senator Greenleaf, whom I have admired for many, many years, has done a great job not only on this particular issue but has also done a tremendous job as the chairman of the Committee on Judiciary for many years, and I understand that he has brought this issue to the forefront for so many years. I also understand, Madam President, how the Governor of the Commonwealth is interested in signing a piece of legislation dealing with clean air. I think this is a good first start. Perhaps, after we have the opportunity of passing this bill, and hopefully, we will put the amendment in today and pass the bill tomorrow, and it goes to the House of Representatives for their deliberation. They may send us something back that has a different component in it. We may hear from different issues from our constituencies and from the people we represent, but I think at this point in time, Monday night, June 25, at approximately 6:45 p.m., I think the Senate has done a good job in drafting an amendment that should be considered in final passage tomorrow and sent to the House of Representatives for their deliberation, and see exactly what they would like to send back to us, because I believe it has been a good first start.

I would like to congratulate the Members for doing that, and I think it is very, very important that we do not vote against this amendment, that we pass the amendment and we continue moving the process forward.

Thank you, Madam President.

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

Senator COSTA. Madam President, I rise to very reluctantly offer my support for this amendment. My colleagues know I offered an amendment that, in my view, would have made this piece of legislation which we will be voting on tomorrow a much stronger piece of legislation, a more stringent statewide smoking ban. Madam President, I failed in that effort, as did my colleague Senator Connie Williams when she offered her amendment that would have stripped out all the exemptions.

Madam President, I think two things that were said by my colleagues really hit home with me today. One was by Senator Greenleaf, my friend and colleague from Montgomery County, who stated that it has been well over 10 years that he has tried to enact a statewide smoking ban, and we have not been able to do it. Later during the debate, Senator Corman, my friend and colleague from Centre County, said that when this bill was in his committee when he was the chairman of the Committee on Public Health and Welfare, he had a very difficult time building a consensus to move the bill forward and to move something out. Madam President, my fear and concern today is that if we do not

adopt an amendment that has a consensus among the majority of the Members of this Senate, that we may never see a statewide smoking ban in this Commonwealth of Pennsylvania. As I indicated, I would like to see no exceptions, but we failed in that attempt, but at the end of the day, what is most important is that we move forward with a statewide smoking ban with narrow exceptions as were stated by my colleagues and move forward so the bill is voted on here in the Senate. Hopefully, we will be able to have something done in the House along the same lines.

Madam President, I also received a number of e-mails, letters, and phone calls from my constituents asking that we do a statewide smoking ban without exceptions. I think it is clear to many of us, and I hope it is clear to all of us at some point in time, that at the end of the day we would not have a statewide smoking ban without exemptions. We need to move forward with this issue and move it over to the House, and for those reasons, I do reluctantly stand here and offer my support for this amendment.

Thank you, Madam President.

And the question recurring,

Will the Senate agree to amendment No. A2062, as amended?

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

YEA-29

Boscola	Folmer	Mellow	Washington
Browne	Fumo	Musto	Waugh
Corman	Gordner	O'Pake	White, Donald
Costa	Hughes	Pileggi	White, Mary Jo
Dinniman	Kasunic	Punt	Wozniak
Earll	Kitchen	Stack	
Eichelberger	LaValle	Tartaglione	
Erickson	McIlhinney	Tomlinson	

NAY-21

Armstrong	Logan	Regola	Williams, Anthony H.
Baker	Madigan	Rhoades	Williams, Constance
Brubaker	Orie	Robbins	Wonderling
Ferlo	Piccola	Scarnati	
Fontana	Pippy	Stout	
Greenleaf	Rafferty	Vance	

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

And the question recurring,

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

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

Senator WOZNIAK. Madam President, as you can see, Pennsylvania by nature is a very conservative State and very strongly believes in personal freedoms. At the same time, we are trying to move forward to protect the health and welfare of nonsmokers in Pennsylvania. We can always have another bite at this apple as this issue moves forward in society in the coming years.

I did have one other amendment, but I just want to make a statement because my last amendment, which dealt with fair competition, went down in flames. This one deals with the free mar-

ket, and obviously nobody here is interested in the free market here today, so I will not offer this amendment and the bill can move to final passage.

Thank you, Madam President.

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

BILL REPORTED FROM COMMITTEE

Senator PILEGGI, from the Committee on Rules, reported the following bill:

HB 906 (Pr. No. 2021) (Amended) (Rereported) (Concurrence)

An Act amending the act of July 31, 2003 (P.L.73, No.17), known as the Volunteer Fire Company and Volunteer Ambulance Service Grant Act, further defining "volunteer ambulance service"; further providing for guidelines and procedures, for award of grants and for expiration of authority; providing for publication and notice, for special provisions; and repealing an obsolete act.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 1

SENATE CONCURS IN HOUSE AMENDMENTS TO SENATE AMENDMENTS

HB 906 (Pr. No. 2021) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 31, 2003 (P.L.73, No.17), known as the Volunteer Fire Company and Volunteer Ambulance Service Grant Act, further defining "volunteer ambulance service"; further providing for guidelines and procedures, for award of grants and for expiration of authority; providing for publication and notice, for special provisions; and repealing an obsolete act.

On the question,

Will the Senate concur in the amendments made by the House to Senate amendments, to House Bill No. 906?

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

Senator ORIE. Madam President, I move that the Senate do concur in the amendments made by the House to Senate amendments, to House Bill No. 906.

On the question,

Will the Senate agree to the motion?

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

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
Baker	Fumo	Orie	Tomlinson
Boscola	Gordner	Piccola	Vance
Browne	Greenleaf	Pileggi	Washington
Brubaker	Hughes	Pippy	Waugh
Corman	Kasunic	Punt	White, Donald
Costa	Kitchen	Rafferty	White, Mary Jo

Dinniman	LaValle	Regola	Williams, Anthony H.
Earll	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

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

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

**COMMUNICATIONS FROM THE GOVERNOR
REPORTED FROM COMMITTEE ON RULES
AND EXECUTIVE NOMINATIONS**

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

**MEMBER OF THE COUNCIL OF TRUSTEES OF
LOCK HAVEN UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION**

June 25, 2007

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 27, 2007, for the appointment of Nathan P. Silcox, 1427 Inverness Drive, Mechanicsburg 17050, Cumberland County, Thirty-first Senatorial District, as a member of the Council of Trustees of Lock Haven University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified, vice Donald Faulkner, Beech Creek, whose term expired.

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

EDWARD G. RENDELL
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF
NORRISTOWN STATE HOSPITAL**

June 25, 2007

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 17, 2007, for the appointment of Penny Dunyan, 1012 Forrest Avenue, Norristown 19401, Montgomery County, Seventeenth Senatorial District, as a member of the Board of Trustees of Norristown State Hospital, to serve until the third Tuesday of January 2013, and until her successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF
NORRISTOWN STATE HOSPITAL**

June 25, 2007

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 17, 2007, for the appointment of Geoffrey G. Jordan, 535 Stanbridge Street, Norristown 19401, Montgomery County, Seventeenth Senatorial District, as a member of the Board of Trustees of Norristown State Hospital, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified, vice Mark Ostrander, Norristown, resigned.

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

EDWARD G. RENDELL
Governor

**MEMBER OF THE BOARD OF TRUSTEES
OF WARREN STATE HOSPITAL**

June 25, 2007

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 19, 2007, for the appointment of Kathy Glarner, 167 Follett Run Road, North Warren 16365, Warren County, Twenty-first Senatorial District, as a member of the Board of Trustees of Warren State Hospital, to serve until the third Tuesday of January 2011, and until her successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

**MEMBER OF THE BOARD OF TRUSTEES
OF WARREN STATE HOSPITAL**

June 25, 2007

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 19, 2007, for the appointment of Mary Kushner, P. O. Box 255, Pittsfield 16340, Warren County, Twenty-first Senatorial District, as a member of the Board of Trustees of Warren State Hospital, to serve until the third Tuesday of January 2011, and until her successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

**MEMBER OF THE BERKS COUNTY
BOARD OF ASSISTANCE**

June 25, 2007

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 25, 2007, for the appointment of Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, as a member of the Berks County Board of Assistance, to serve until December 31, 2008, and until his successor is appointed and qualified, vice John Gilmore, Wernersville, resigned.

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

EDWARD G. RENDELL
Governor

**MEMBER OF THE FULTON COUNTY
BOARD OF ASSISTANCE**

June 25, 2007

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 25, 2007, for the appointment of Nina Tinari, 6401 Church Road, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, as a member of the Fulton County Board of Assistance, to serve until December 31, 2009, and until her successor is appointed and qualified, vice Katie Anderton, McConnellsburg, resigned.

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

EDWARD G. RENDELL
Governor

MAGISTERIAL DISTRICT JUDGE

June 20, 2007

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 27, 2007, for the appointment of Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, as Magisterial District Judge, in and for the County of Pike, Magisterial District 60-3-02, to serve until the first Monday of January 2010, vice William N. Sanquilly, deceased.

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

EDWARD G. RENDELL
Governor

NOMINATIONS RETURNED TO THE GOVERNOR

Senator ROBBINS. Madam President, I move that the nominations just read by the Clerk be returned to His Excellency, the Governor.

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

The PRESIDENT. The nominations will be returned to the Governor.

**REPORT FROM COMMITTEE ON RULES
AND EXECUTIVE NOMINATIONS**

Senator ROBBINS, from the Committee on Rules and Executive Nominations, reported the following nominations made by

His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

**MEMBER OF THE PENNSYLVANIA
COUNCIL ON AGING**

May 14, 2007

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, Reverend George R. Gunn, Jr., P.O. Box 89, Gwynedd Valley 19437, Montgomery County, Twelfth Senatorial District, for reappointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 2009, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

**MEMBER OF THE STATE BOARD
OF CHIROPRACTIC**

May 23, 2007

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, Anita M. Cassel, (Public Member), 853 Victoria Lane, Palmyra 17078, Lebanon County, Forty-eighth Senatorial District, for appointment as a member of the State Board of Chiropractic, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Carole Lee, Schuylkill, whose term expired.

EDWARD G. RENDELL
Governor

**MEMBER OF THE COUNCIL OF TRUSTEES OF
LOCK HAVEN UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION**

March 27, 2007

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, George Durrwachter, 907 West Fourth Street, Williamsport 17701, Lycoming County, Twenty-third Senatorial District, for reappointment as a member of the Council of Trustees of Lock Haven University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

**MEMBER OF THE COUNCIL OF TRUSTEES OF
LOCK HAVEN UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION**

March 27, 2007

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, Daniel P. Elby, 3535 Pebble Ridge Drive, York 17402, York County, Thirteenth Senatorial District, for reappointment as a member of the Council of Trustees of Lock Haven University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF
LOCK HAVEN UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION

March 27, 2007

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, Guy A. Graham, 605 Indian Road, Clearfield 16830, Clearfield County, Twenty-fifth Senatorial District, for reappointment as a member of the Council of Trustees of Lock Haven University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF
LOCK HAVEN UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION

March 27, 2007

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, Margery Krevsky, 4790 W. Maple Road, Bloomsfield Hills, Michigan 48301, for appointment as a member of the Council of Trustees of Lock Haven University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2013, and until her successor is appointed and qualified, vice Donald Faulkner, Beech Creek, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF
LOCK HAVEN UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION

March 27, 2007

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, Virginia Ann Roth, 5 Scotch Circle, Duncannon 17020, Perry County, Thirty-fourth Senatorial District, for appointment as a member of the Council of Trustees of Lock Haven University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2011, and until her successor is appointed and qualified, vice Ron Jury, New Cumberland, deceased.

EDWARD G. RENDELL
Governor

MEMBER OF THE PENNSYLVANIA BOARD
OF PROBATION AND PAROLE

May 23, 2007

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, Charles J. Fox, 884 Dairy Court, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Board of Probation and Parole, to serve for a term of six years or until his successor is appointed and qualified, but not longer than ninety days beyond that period, vice Michael Webster, Grove City, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE PENNSYLVANIA BOARD
OF PROBATION AND PAROLE

May 23, 2007

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, Lloyd A. White, 355 North York Road, Apartment B-1, Willow Grove 19090, Montgomery County, Twelfth Senatorial District, for appointment as a member of the Pennsylvania Board of Probation and Parole, to serve for a term of six years or until his successor is appointed and qualified, but not longer than ninety days beyond that period, vice Sean Ryan, Perkasio, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF PENNSYLVANIA BOARD
OF PROBATION AND PAROLE

June 7, 2007

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Judith E. Viglione, 209 Loring Court, New Cumberland 17070, York County, Thirty-first Senatorial District, for appointment as a member of the Pennsylvania Board of Probation and Parole, to serve for a term of six years or until her successor is appointed and qualified, but not longer than ninety days beyond that period, vice Lloyd A. White, Willow Grove, whose term expired.

EDWARD G. RENDELL
Governor

VICTIM ADVOCATE

May 23, 2007

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, Carol L. Lavery, 253 Reyburn Road, Shickshinny 18655, Luzerne County, Twentieth Senatorial District, for reappointment as Victim Advocate, to serve for a term of six years and

until her successor is appointed and qualified, but not longer than ninety days beyond that period.

EDWARD G. RENDELL
Governor

NOMINATIONS LAID ON THE TABLE

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

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

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator ROBBINS,

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

Which was agreed to by voice vote.

NOMINATIONS TAKEN FROM TABLE

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

The Clerk read the nominations as follows:

MEMBER OF THE PENNSYLVANIA COUNCIL ON AGING

May 14, 2007

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, Reverend George R. Gunn, Jr., P.O. Box 89, Gwynedd Valley 19437, Montgomery County, Twelfth Senatorial District, for reappointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 2009, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF CHIROPRACTIC

May 23, 2007

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, Anita M. Cassel, (Public Member), 853 Victoria Lane, Palmyra 17078, Lebanon County, Forty-eighth Senatorial District, for appointment as a member of the State Board of Chiropractic, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Carole Lee, Schuylkill, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF PHYSICAL THERAPY

March 22, 2007

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, Cynthia Potter, P.T., 10069 Grubbs Road, Wexford 15090, Allegheny County, Fortieth Senatorial District, for reappointment as a member of the State Board of Physical Therapy, to serve for a term of four years and until her successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL
Governor

MEMBER OF THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE

May 23, 2007

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, Charles J. Fox, 884 Dairy Court, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Board of Probation and Parole, to serve for a term of six years or until his successor is appointed and qualified, but not longer than ninety days beyond that period, vice Michael Webster, Grove City, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE

May 23, 2007

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, Lloyd A. White, 355 North York Road, Apartment B-1, Willow Grove 19090, Montgomery County, Twelfth Senatorial District, for appointment as a member of the Pennsylvania Board of Probation and Parole, to serve for a term of six years or until his successor is appointed and qualified, but not longer than ninety days beyond that period, vice Sean Ryan, Perkaspie, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF PENNSYLVANIA BOARD OF PROBATION AND PAROLE

June 7, 2007

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Judith E. Viglione, 209 Loring Court, New Cumberland 17070, York County, Thirty-first Senatorial District, for appointment as a member of the Pennsylvania Board of Probation and Parole, to serve for a term of six years or until her successor is appointed and qualified, but not longer than ninety days beyond that period, vice Lloyd A. White, Willow Grove, whose term expired.

EDWARD G. RENDELL
Governor

VICTIM ADVOCATE

May 23, 2007

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, Carol L. Lavery, 253 Reyburn Road, Shickshinny 18655, Luzerne County, Twentieth Senatorial District, for reappointment as Victim Advocate, to serve for a term of six years and until her successor is appointed and qualified, but not longer than ninety days beyond that period.

EDWARD G. RENDELL
Governor

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

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

YEA-50

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

NAY-0

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to by voice vote.

**UNFINISHED BUSINESS
SENATE RESOLUTION ADOPTED**

Senators WAUGH, FERLO, BOSCOLA, PUNT, BRUBAKER, STOUT, C. WILLIAMS, MADIGAN, FONTANA, MELLOW, COSTA, KASUNIC, O'PAKE, PIPPY, LAVALLE, ORIE, ROBBINS, TOMLINSON, ERICKSON,

TARTAGLIONE, RAFFERTY, BAKER, MUSTO and ARMSTRONG, by unanimous consent, offered **Senate Resolution No. 140**, entitled:

A Resolution designating the month of November 2007 as "Pancreatic Cancer Awareness Month" in Pennsylvania.

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

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 John W. Zook by Senator Armstrong.

Congratulations of the Senate were extended to the city of Bethlehem's Slovenian community by Senator Boscola.

Congratulations of the Senate were extended to David Matthew Anthony by Senator Browne.

Congratulations of the Senate were extended to Stephen M. Wilson by Senator Brubaker.

Congratulations of the Senate were extended to the Bald Eagle Area Junior-Senior High School Boys' Baseball Team of Wingate by Senator Corman.

Congratulations of the Senate were extended to Fred W. Botti and to Oreste S. Dicerbo by Senator Costa.

Congratulations of the Senate were extended to Curtis B. Hoover by Senator Eichelberger.

Congratulations of the Senate were extended to Neil Margolis by Senator Erickson.

Congratulations of the Senate were extended to Mr. and Mrs. Fletcher Martin by Senator Fumo.

Congratulations of the Senate were extended to Mr. and Mrs. Robert E. Kelchner, Mr. and Mrs. William Walp, Lynn S. Jeffery, Linda A. Erney and to Pasquo P. Pecora by Senator Gordner.

Congratulations of the Senate were extended to Mr. and Mrs. Robert P. Bertany and to Mason James Hartley by Senator Madigan.

Congratulations of the Senate were extended to the Reverend Andrew R. Gallia by Senator Mellow.

Congratulations of the Senate were extended to Thoman J. Lutz and to David Smacciby Senator Musto.

Congratulations of the Senate were extended to Sister Cecilia Ann Fatula and to Sister Helen Chervenak by Senator Orie.

Congratulations of the Senate were extended to Mr. and Mrs. George Meyer and to Carol Fruhwirth by Senator Piccola.

Congratulations of the Senate were extended to Christopher Backer by Senator Pileggi.

Congratulations of the Senate were extended to Eric Rosko by Senator Pippy.

Congratulations of the Senate were extended to Mr. and Mrs. Adam Kast and to the Minersville Junior-Senior High School Boys' Baseball Team by Senator Rhoades.

Congratulations of the Senate were extended to Kevin J. Robbie by Senator Tomlinson.

Congratulations of the Senate were extended to Mr. and Mrs. Theodore Clista, Mr. and Mrs. Lee Wian, Lara Crofford and to Aaron Whetstone by Senator Vance.

Congratulations of the Senate were extended to Nina S. Bonderow by Senator Washington.

Congratulations of the Senate were extended to Kyle M. Brenneman and to Nicholas R. Carr by Senator Waugh.

Congratulations of the Senate were extended to Marqui Milford by Senator M.J. White.

CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Dorothy A. Brudnok Vinski and to the family of the late Edwin R. Brown, Jr., by Senator Orie.

POSTHUMOUS CITATION

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

A posthumous citation honoring the late Paul Leon Davis was extended to the family by Senator Hughes.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, JUNE 26, 2007

9:30 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (to consider Senate Resolution No. 129; and House Bills No. 483 and 496)	Room 8E-B East Wing
10:00 A.M.	BANKING AND INSURANCE (public hearing on competition in the health insurance market)	Hrg. Rm. 1 North Off.
10:00 A.M.	VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (to consider Senate Resolution No. 126; and House Bill No. 369)	Room 8E-A East Wing
10:30 A.M.	LOCAL GOVERNMENT (to consider House Bills No. 131, 635 and 917)	Room 8E-B East Wing
11:30 A.M.	JUDICIARY (meeting and public hearing on the nominations of John E. Wetzel, as a member of Board of Pardons, Cathleen Bubash, Esq., and Michael E. McCarthy, Esq., Judge, Court of Common Pleas, Allegheny County, Maria Dantos, Esq., Judge, Court of Common Pleas, Lehigh County, and Alice Beck Dubow, Judge, Court of Common Pleas, Philadelphia County and Patrick Dugan, Judge, Philadelphia Municipal Court)	Room 8E-B East Wing
11:30 A.M.	PUBLIC HEALTH AND WELFARE (to consider House Bill No. 1367)	Room 8E-A East Wing
12:30 P.M.	APPROPRIATIONS (to consider Senate Bill No. 1006)	Room 461 Main Capitol

Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider certain executive nominations)	Rules Cmte. Conf. Rm.
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WEDNESDAY, JUNE 27, 2007

9:30 A.M.	AGRICULTURE AND RURAL AFFAIRS (to consider Senate Resolutions No. 114 and 139)	Room 8E-A East Wing
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10:00 A.M.	STATE GOVERNMENT (to consider Senate Bills No. 137, 346 and 989)	Room 8E-B East Wing
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LEGISLATIVE LEAVE CANCELLED

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

RECESS

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

Senator PILEGGI. Madam President, I request a recess for the purpose of a meeting of the Committee on Appropriations in the Rules room immediately.

The PRESIDENT. For the purpose of a meeting of the Committee on Appropriations to be held in the Rules room immediately, the Senate stands in recess.

AFTER RECESS

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

BILLS REPORTED FROM COMMITTEES

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

SB 728 (Pr. No. 1233) (Amended) (Rereported)

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, providing for Commonwealth employees group life insurance; further providing, in budget implementation, for the State System of Higher Education; providing for general budget implementation and for 2007-2008 budget implementation and restrictions on appropriations for funds and accounts; and making a related repeal.

SB 913 (Pr. No. 1234) (Amended) (Rereported)

An Act providing for environmental funds reporting and disclosure and for funding for the Hazardous Sites Cleanup Fund.

SB 968 (Pr. No. 1235) (Amended) (Rereported)

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, providing for reduction and prevention of health care-associated infection.

HB 842 (Pr. No. 2083) (Amended) (Rereported)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for program of continuing professional development and for educational assis-

tance program; providing for public library funding; further providing for small district assistance; providing for basic education funding for 2006-2007 school year; further providing for payments on account of limited English proficiency programs, for payments to intermediate units, for special education payments to school districts and for Pennsylvania accountability grants.

RECESS

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

Senator ORIE. Madam President, I move that the Senate do now recess until Tuesday, June 26, 2007, at 1 p.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate recessed at 7:05 p.m., Eastern Daylight Saving Time.