

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

SUNDAY, JULY 15, 2007

SESSION OF 2007 191ST OF THE GENERAL ASSEMBLY

No. 63

SENATE

SUNDAY, July 15, 2007

The Senate met at 2 p.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, Reverend ROBERT M. SIEBER, of Faith Bible Church, Port Royal, offered the following prayer:

Let us bow for prayer.

Heavenly Father, as these elected representatives of the people come together in this Senate Chamber on this Lord's day, we pause now and take time to bow our heads and hearts before You in prayer.

Heavenly Father, as mere men and women, we are prone to make mistakes, too often wanting things our way and many times we do things our way without consulting You for Your guidance and wisdom as found in Your holy word, the Bible. When we do that, Lord, we simply ask for Your forgiveness.

Heavenly Father, as a people, as a Senate body, we reverently and prayerfully seek Your direction and will this hour, as these elected Senators begin their work in debating the various issues and proposals that will be put before them in seeking to come together with a budget for this great Commonwealth. Father, we pray that as each item comes to the floor for a vote, that You would work Your perfect will so that the outcome of the voting would be pleasing to not only You, but for the good of the people of this State.

Again, Heavenly Father, we thank You for Your many blessings and for our democratic form of State government, and simply pray that each person involved in the proceedings here today would consider what they say and do in light of how it will affect the long-term well-being of our beautiful and pristine State and the future of each citizen. This we pray in Your holy name. Amen.

The PRESIDENT. The Chair thanks Reverend Robert M. Sieber, who is the guest today of Senator Corman.

PLEDGE OF ALLEGIANCE

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

**APPOINTMENTS BY THE
PRESIDENT PRO TEMPORE**

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

Senator Roger A. Madigan as a member of the Executive Committee of the Eastern Regional Conference of the Council of State Government.

Mrs. Katherine J. Erickson as a member of the Board of Trustees of the Philadelphia Health and Education Corporation for the Colleges of Medicine, Public Health, Nursing and Health Professions.

LEGISLATIVE LEAVE

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

Senator O'PAKE. Madam President, I request a legislative leave for Senator Stout.

The PRESIDENT. Senator O'Pake requests a legislative leave for Senator Stout. Without objection, the leave will be granted.

BILL INTRODUCED AND REFERRED

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

July 15, 2007

Senators REGOLA, PICCOLA, BAKER, PIPPY, FUMO, ARMSTRONG, PUNT, KITCHEN, ORIE, WAUGH, FOLMER, FONTANA, ERICKSON, M. WHITE, RHOADES and BRUBAKER presented to the Chair **SB 1033**, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for the composition of the State Veterans' Commission.

Which was committed to the Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, July 15, 2007.

SENATE CONCURRENT RESOLUTION

WEEKLY RECESS

Senator PILEGGI offered the following resolution, which was read as follows:

In the Senate, July 15, 2007

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14, of the Pennsylvania Constitution, that when the Senate recesses this week, it reconvene on Monday, September 17, 2007, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14, of the Pennsylvania Constitution, that when the House of Representatives recesses this week, it reconvene on Monday, September 17, 2007, unless sooner recalled by the Speaker of the House of Representatives.

On the question,
Will the Senate adopt the resolution?

The yeas and nays were required by Senator PILEGGI 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 majority of the Senators having voted "aye," the question was determined in the affirmative.

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

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 Rules room. I expect that the meeting will last approximately 15 minutes.

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

Senator O'PAKE. Madam President, I would ask the Senate Democrats to report to our caucus room immediately.

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

AFTER RECESS

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

CALENDAR

HB 1530 CALLED UP OUT OF ORDER

HB 1530 (Pr. No. 2298) -- Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator PILEGGI, as a Special Order of Business.

BILL AMENDED

HB 1530 (Pr. No. 2298) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, in restructuring of electric utility industry, further providing for duties of electric distribution companies.

On the question,
Will the Senate agree to the bill on third consideration?
Senator COSTA offered the following amendment No. A3126:

Amend Sec. 1 (Sec. 2807), page 2, line 13, by striking out "(i)"
Amend Sec. 1 (Sec. 2807), page 2, lines 19 through 30; page 3, lines 1 through 19, by striking out "The electric distribution" in line 19; all of lines 20 through 30, page 2 and all of lines 1 through 19, page 3
Amend Sec. 2, page 5, lines 27 through 30; page 6, lines 1 through 3, by striking out all of said lines on said pages and inserting:
Section 2. This act shall take effect immediately.

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

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

Senator COSTA. Madam President, the amendment removes from the bill proposed language on different methods of procurement of electric energy by electric distribution companies and approved suppliers. What remains in the legislation is authorization for the electric distribution companies and the suppliers to enter into long-term contracts with industrial customers. The removal of this language will allow the General Assembly to continue the discussion on electric rates and lower prices. To leave in the current language on competitive procurement at prevailing market prices will negatively impact any effort and discussions to help the residential electric consumer.

Thank you, Madam President.

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

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

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 Republican caucus to be held in the Majority Caucus Room.

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

Senator O'PAKE. Madam President, I ask all Democrats to report to our caucus room immediately.

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

AFTER RECESS

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

HOUSE MESSAGE

**HOUSE INSISTS UPON ITS AMENDMENTS
NONCONCURRED IN BY THE SENATE
TO HB 1286 , AND APPOINTS
COMMITTEE OF CONFERENCE**

The Clerk of the House of Representatives informed the Senate that the House insists upon its amendments nonconcurrred in by the Senate to **HB 1286**, and has appointed Messrs. DeWEESE, D. EVANS and CIVERA as a committee of conference to confer with a similar committee of the Senate, already appointed, to consider the differences existing between the two Houses in relation to said bill.

CONSIDERATION OF CALENDAR RESUMED

**BILL WHICH HOUSE HAS NONCONCURRED
IN HOUSE AMENDMENTS**

**SENATE INSISTS UPON ITS AMENDMENTS
NONCONCURRED IN BY THE HOUSE TO HB 842**

HB 842 (Pr. No. 2169) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for transferred programs and classes and for program of continuing professional education and for educational assistance program; providing for distressed school districts and student attendance in other districts; in charter school provisions, further providing for enrollment; in education empowerment provisions, further providing for board of school directors; providing for superintendent power to recommend dismissal of certain management employees; and for public library funding; further providing for small district assistance; providing for basic education funding for 2006-2007 school year; and 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.

Senator PILEGGI. Madam President, I move that the Senate insist upon its amendments nonconcurrred in by the House to House Bill No. 842, and that a committee of conference on the part of the Senate be appointed.

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

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

YEA-46

Armstrong	Gordner	Piccola	Tomlinson
Baker	Greenleaf	Pileggi	Vance
Boscola	Hughes	Pippy	Washington
Browne	Kasunic	Punt	Waugh
Brubaker	Kitchen	Rafferty	White, Donald

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

NAY-4

Costa	Eichelberger	Folmer	Logan
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A majority of 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.

**BILLS ON CONCURRENCE IN HOUSE
AMENDMENTS AS AMENDED**

**SENATE CONCURS IN HOUSE AMENDMENTS
AS AMENDED**

SB 116 (Pr. No. 1323) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for proportional reduction of certain county court reimbursements; further providing for senior judge operational support grants; providing for the adoption of guidelines for fines; further providing for selection of prospective jurors; providing for statewide jury information system; and further providing for no limitation applicable.

On the question,

Will the Senate concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 116?

Senator PILEGGI. Madam President, I move that the Senate do concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 116.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Senator PILEGGI 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.

SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED

SB 623 (Pr. No. 1324) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining "corrections officer"; further providing for use of force in law enforcement; in theft and related offenses, defining "firearm"; and providing for firearm tracing.

On the question,

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

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

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Senator PILEGGI 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.

THIRD CONSIDERATION CALENDAR

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

HB 1203 (Pr. No. 2340) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 30, 2004 (P.L.1672, No.213), known as the Alternative Energy Portfolio Standards Act, further providing for the definitions of "alternative energy credit," "customer-generator," "force majeure," "net metering," and "Tier I alternative energy source," for alternative energy portfolio standards, for portfolio requirements in other states and for interconnection standards for customer-generator facilities.

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?

POINT OF ORDER

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

Senator GREENLEAF. Madam President, I rise for a ruling from the Chair as to whether I would be precluded from voting on House Bill No. 1203, which amends the Alternative Energy Portfolio Standards Act in part by adding solar thermal energy as an alternative energy source. I am both corporate counsel and stockholder of a company that owns alternative energy technology, and I ask for a ruling of the Chair as to whether a conflict of interest may prohibit me from voting on House Bill No. 1203.

The PRESIDENT. Senator Greenleaf, in the situation you have explained, the Chair does not find any conflict of interest, and in accordance with Senate Rules, you will be required to vote on House Bill No. 1203 or any other alternative energy proposals. The Chair finds that you are in a class of individuals, be they stockholder members, boards of directors, or employees who have an interest in a whole class of companies that may or may not be affected by passage of this legislation. The Chair finds that these issues presented in the legislation are not particularly personal or pecuniary to you, Senator Greenleaf, so you may vote.

And the question recurring,

Shall the bill pass finally?

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

YEA-50

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

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

HB 1590 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1656 (Pr. No. 2341) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Department of Conservation and Natural Resources and the Governor, to grant and convey to Skippack Township certain lands situate in Skippack Township, Montgomery County, in exchange for Skippack Township granting and conveying certain lands to the Commonwealth to be added to those existing lands at Evansburg State Park; authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Conservation and Natural Resources, to grant and convey to Jefferson County certain lands situate in Winslow Township, Jefferson County; authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Military and Veterans Affairs, to grant and convey to the Borough of Mansfield certain lands situate in the Borough of Mansfield, Tioga County; authorizing the Department of General Services, with the approval of the Governor, to grant and convey, at a price to be determined through a public solicitation for proposals, certain lands, buildings and improvements situate in the First and Second Wards of the City of Pittsburgh, County of Allegheny, known as the Pittsburgh State Office Building; and authorizing the Department of General Services, with the approval of the Governor, to grant and convey, at a price to be determined through a public solicitation for proposals, certain lands, buildings and improvements situate in the City and County of Philadelphia, known as the Philadelphia State Office Building.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEA-50

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

SECOND CONSIDERATION CALENDAR

PREFERRED APPROPRIATION BILL ON SECOND CONSIDERATION

SB 546 (Pr. No. 589) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 2, 2006 (P.L. , No.2A), known as the General Appropriation Act of 2006, further providing for appropriations to the Department of Agriculture and the Department of Community and Economic Development.

Considered the second time and agreed to,

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

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 Community, Economic and Recreational Development to be held in the Rules room immediately.

The PRESIDENT. For the purpose of a meeting of the Committee on Community, Economic and Recreational Development to be held in the Rules room immediately, without objection, the Senate stands in recess.

AFTER RECESS

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

UNFINISHED BUSINESS REPORT OF COMMITTEE OF CONFERENCE SUBMITTED

Senator PILEGGI submitted the Report of Committee of Conference on **HB 1286**, which was placed on the Calendar.

BILL REPORTED FROM COMMITTEE AND REREFERRED

Senator EARLL, from the Committee on Community, Economic and Recreational Development, reported the following bill:

HB 1631 (Pr. No. 2345) (Amended) (Rereported)

An Act providing for the Pennsylvania Gaming Economic Development and Tourism Fund Capital Budget for 2007; itemizing projects to be assisted by the Department of Community and Economic Development, together with their estimated financial costs; authorizing recurring payments for certain projects; and making appropriations.

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

RECESS

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

Senator PILEGGI. Madam President, I ask that the Senate do now recess for the purpose of a meeting of the Committee on Appropriations to be held 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, without objection, the Senate stands in recess.

AFTER RECESS

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

**COMMITTEE OF CONFERENCE
APPOINTED ON HB 842**

The PRESIDENT. The Chair announces, on behalf of the President pro tempore, the appointment of Senators PILEGGI, ARMSTRONG and MUSTO as a committee of conference on the part of the Senate to confer with a similar committee of the House, if the House shall appoint such committee, to consider the differences existing between the two Houses in relation to House Bill No. 842.

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

BILL REPORTED FROM COMMITTEE

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

HB 1295 (Pr. No. 2239) (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 for the State System of Higher Education and for budget implementation; providing for general budget implementation and for 2007-2008 budget implementation and restrictions on appropriations for funds and accounts; and making a related repeal.

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

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 1295 (Pr. No. 2239) -- 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, providing for Commonwealth employees group life insurance; further providing for the State System of Higher Education and for budget implementation; providing for general budget implementation and for 2007-2008 budget implementation and restrictions on appropriations for funds and accounts; and making a related repeal.

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

On the question,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution 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
Cornman	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 Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

RECESS

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

Senator PILEGGI. Madam President, I request a recess of the Senate for the purpose of a meeting of the Committee on Appropriations to be held in the Rules room immediately, to be followed by a Republican caucus, which will last approximately 15 minutes. We expect to return to the floor at approximately 10:45 p.m.

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

Senator MELLOW. Madam President, there will also be a Democratic caucus.

The PRESIDENT. For purposes of a meeting of the Committee on Appropriations to be held in the Rules room immediately, as well as Republican and Democratic caucuses, without objection, the Senate stands in recess.

AFTER RECESS

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

HOUSE MESSAGE

**HOUSE INSISTS UPON ITS AMENDMENTS
NONCONCURRED IN BY THE SENATE
TO HB 842, AND APPOINTS
COMMITTEE OF CONFERENCE**

The Clerk of the House of Representatives informed the Senate that the House insists upon its amendments nonconcurrred in by the Senate to **HB 842**, and has appointed Messrs. D. EVANS, ROEBUCK and STAIRS as a committee of conference to confer with a similar committee of the Senate, already appointed, to consider the differences existing between the two Houses in relation to said bill.

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

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 1530 (Pr. No. 2344) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, in restructuring of electric utility industry, further providing for duties of electric distribution companies.

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

On the question,
Shall the bill pass finally?

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

YEA-50

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

BILLS REPORTED FROM COMMITTEES

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

HB 1631 (Pr. No. 2345) (Rereported)

An Act providing for the Pennsylvania Gaming Economic Development and Tourism Fund Capital Budget for 2007; itemizing projects to be assisted by the Department of Community and Economic Development, together with their estimated financial costs; authorizing recurring payments for certain projects; and making appropriations.

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

SB 97 (Pr. No. 1327) (Amended) (Rereported) (Concurrence)

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in sales and use tax, further providing for definitions, for exclusions, for assessment and for refund; in personal income tax, further providing for operational provisions and for assessment; in corporate net income tax, further providing for assessments; in bank and trust company shares tax, further providing for ascertainment of taxable amount and exclusion of United States obligations; in realty transfer tax, further providing for assessment and notice; providing for a film production tax credit and conferring powers and duties upon the Department of Community and Economic Development and providing for a resource enhancement and protection tax credit; in neighborhood assistance tax credit, further providing for definitions, for tax credit and for grant of tax credit and providing for pass-through entities; in malt beverage tax, further providing for departmental assessment; and providing for powder metallurgy parts.

**REPORT OF COMMITTEE OF CONFERENCE
SUBMITTED**

Senator ARMSTRONG submitted the Report of Committee of Conference on **HB 842**, which was placed on the Calendar.

HOUSE MESSAGES

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:

July 15, 2007

- HB 1150** -- Committee on Banking and Insurance.
- HB 1621 and 1627** -- Committee on State Government.
- HB 1662** -- Committee on Consumer Protection and Professional Licensure.

ANNOUNCEMENT BY MAJORITY LEADER

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

Senator PILEGGI. Madam President, for the information of the Members, we will consider as the first order of business tomorrow the Report of the Committee of Conference on House Bill No. 1286, which is the general appropriations bill.

RECESS

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

Senator PILEGGI. Madam President, I move that the Senate do now recess until Monday, July 16, 2007, at 9 a.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate recessed at 10:52 p.m., Eastern Daylight Saving Time.