

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

TUESDAY, SEPTEMBER 23, 2008

SESSION OF 2008 192ND OF THE GENERAL ASSEMBLY

No. 60

**SENATE**

TUESDAY, September 23, 2008

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

The PRESIDENT pro tempore (Joseph B. Scarnati III) in the Chair.

**PRAYER**

The Chaplain, Reverend ESTHER BROWN, President and CEO of CARES Food Network, West Chester, offered the following prayer:

Good afternoon. Take a deep breath and calm your spirits.

Dear Heavenly Father, thank You for Your love and for creation, this changing of the seasons and for creating all of us with diversity and a sense of purpose. We realize that You have searched our hearts, and You know our thoughts, our hopes, and our desires.

My prayer is that You bless the men and women who are assembled here today. Bless them as they work together to take on the challenges of leadership with clarity and understanding as they make decisions which will affect the people and the industries of this Commonwealth. May this Assembly be seen as the lighthouse in the midst of these many storms and struggles.

We collectively also ask Your blessing of protection upon our troops serving these United States with dignity and honor. Let them know that they are not alone and that we, the people of this State and this country, are lifting their names to You. Bless the families who patiently wait for their safe return, and we ask that You comfort those who have lost loved ones. As September 11 has come and gone, let us not forget that this country was built on Your strength. We ask it in the name of the One who knows all and is above all. Amen.

The PRESIDENT pro tempore. The Chair thanks Reverend Brown, who is the guest today of Senator Dinniman.

**PLEDGE OF ALLEGIANCE**

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

**HOUSE MESSAGES**

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

The Clerk of the House of Representatives informed the Senate that the House has concurred in further amendments made by the Senate to House amendments to Senate amendments to **HB 4**.

**HOUSE CONCURS IN SENATE AMENDMENTS  
TO HOUSE BILLS**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 5**, **HB 6** and **HB 7**.

**HOUSE CONCURS IN SENATE  
CONCURRENT RESOLUTION**

The Clerk of the House of Representatives informed the Senate that the House has concurred in the resolution from the Senate, entitled:

**Weekly recess.**

**GENERAL COMMUNICATION**

**2008 HAZARDOUS SITES CLEANUP FUND  
ANNUAL REPORT**

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

Pennsylvania Department of Environmental Protection  
Rachel Carson State Office Building  
P.O. Box 2063  
Harrisburg, PA 17105-2063

September 18, 2008

Mr. Mark R. Corrigan  
Secretary of the Senate  
Senate Post Office Box 203053  
Harrisburg, PA 17120-3053

Dear Mr. Corrigan:

The Department of Environmental Protection (DEP) is pleased to present to you its Hazardous Sites Cleanup Fund Annual Report. This report summarizes the accomplishments of the program, which is among the state's most important tools to respond immediately and to eliminate any threat to public health and the environment from hazardous substances.

Act 77 of 2007, the Hazardous Sites Cleanup Fund Funding Act -- passed by the General Assembly and signed by Governor Edward G. Rendell -- provides revenue to the Cleanup Fund over the next three fiscal years. A long-term solution is still needed to keep the full program

operational beyond that time. The Hazardous Sites Cleanup Fund is essential to Pennsylvania's ability to address brownfield remediation, emergency response to toxic spills and cleanup of contaminated sites across the Commonwealth. Your continued support and insight on this problem certainly are encouraged.

The successes documented in the Hazardous Sites Cleanup Fund Annual Report demonstrate just how important this program is. As provided in the Hazardous Sites Cleanup Fund Funding Act, DEP is distributing the report electronically and providing a link for accessing the report online. The report can be found at [www.depweb.state.pa.us](http://www.depweb.state.pa.us), keyword: HSCA. Once you enter the site, click on the link for the "Hazardous Sites Cleanup Fund Annual Report -- August 2008." Should you desire a hard copy from us, please contact DEP's Bureau of Waste Management at 717-787-9870.

Thank you for your interest in this report and for continuing to partner with DEP to promote a clean environment and safer communities for all Pennsylvanians.

Sincerely,

JOHN HANGER  
Acting Secretary

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

### **SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. Consent has been given for the Committee on Appropriations to add House Bill No. 780 to its agenda in the off-the-floor meeting today.

### **BILLS REPORTED FROM COMMITTEES**

Senator GORDNER, from the Committee on Labor and Industry, reported the following bills:

#### **SB 902 (Pr. No. 2429) (Amended)**

An Act amending the act of December 18, 2001 (P.L.949, No.114), known as the Workforce Development Act, further providing for membership of the Pennsylvania Workforce Investment Board; and establishing the Pennsylvania Center for Health Careers.

#### **HB 834 (Pr. No. 4416) (Amended)**

An Act relating to hours of employment of health-care employees; providing for penalties and remedies; and imposing powers and duties on the Department of Labor and Industry.

Senator RHOADES, from the Committee on Education, reported the following bill:

#### **SB 739 (Pr. No. 2424) (Amended)**

An Act amending the act of December 15, 1982 (P.L.1266, No.287), entitled, as amended, "An act conferring limited residency status on military personnel, their dependents and civilian personnel assigned to an active duty station in Pennsylvania," expanding applicability of the act to include all active duty personnel and their dependents.

Senator BRUBAKER, from the Committee on Agriculture and Rural Affairs, reported the following bill:

#### **HB 2525 (Pr. No. 4322)**

An Act amending the act of December 7, 1982 (P.L.784, No.225), known as the Dog Law, further providing for definitions, for issuance of dog licenses, for applications for dog licenses, for license certificates, for kennels, for requirements for kennels, for out-of-State dealer license, for bills of sale, for revocation, suspension or refusal of kennel licenses, for transportation of dogs, for health certificates for importation, for inspections of premises and dogs and for additional duties of department; providing for refusal of entry; further providing for seizure and detention of dogs, for confinement of dogs, for dog bites, for registration, for certain requirements, for control of dangerous dogs, for public safety, for selling, bartering or trading dogs, for damages caused by coyotes, for burdens of proof, for enforcement and for violations; providing for exemption; further defining "releasing agency"; and making editorial changes.

Senator M.J. WHITE, from the Committee on Environmental Resources and Energy, reported the following bills:

#### **SB 1573 (Pr. No. 2393)**

An Act amending the act of July 9, 2008 (P.L.915, No.64), known as the Water and Sewer Systems Assistance Act, further providing for definitions; further providing for incurring indebtedness and for the issue and sale of bonds; and creating the Water and Sewer Systems Assistance Bond Fund.

#### **HB 44 (Pr. No. 4414) (Amended)**

An Act prohibiting the sale, installation and disposal of mercury thermostats; and prescribing penalties.

### **RESOLUTION REPORTED FROM COMMITTEE**

Senator M.J. WHITE, from the Committee on Environmental Resources and Energy, reported the following resolution:

#### **SR 375 (Pr. No. 2425) (Amended)**

A Resolution opposing certain Federal rules and procedures governing the regulation of the interstate transportation of natural gas and memorializing the Congress of the United States to repeal or modify certain provisions of the Natural Gas Policy Act of 1978.

The PRESIDENT pro tempore. The resolution will be placed on the Calendar.

### **LEAVE OF ABSENCE**

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

### **SPECIAL ORDER OF BUSINESS JOURNALS APPROVED**

The PRESIDENT pro tempore. The Journals of the Sessions of June 28, 2008, June 29, 2008, June 30, 2008, and July 1, 2008, are now in print.

The Clerk proceeded to read the Journals of the Sessions of June 28, 2008, June 29, 2008, June 30, 2008, and July 1, 2008.

Senator PILEGGI. Mr. President, I move that further reading of the Journals be dispensed with and that the Journals be approved.

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-49**

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

**NAY-0**

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

The PRESIDENT pro tempore. The Journals are approved.

**SPECIAL ORDER OF BUSINESS**

**GUESTS OF SENATOR CHARLES McILHINNEY  
PRESENTED TO THE SENATE**

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

Senator McILHINNEY. Mr. President, it is my pleasure to introduce a constituent of mine, Chris Hermann. Accompanying him today are his friends, William Lieser, Harry Sugden, and Walter Vonseggern.

Chris and his friends won a day at the Capitol through the Bucks County Council of the Boy Scouts of America. Chris and his friends are retired businessmen from the Bedminster area in Bucks County. They are avid travelers and are still involved with the Boy Scouts of America to help educate our young people on the value of public service. Please join me in welcoming them by giving them a warm Senate welcome.

The PRESIDENT pro tempore. Would the guests of Senator McIlhinney please rise so we may give you a warm Senate welcome.

(Applause.)

**GUESTS OF SENATOR PATRICK M. BROWNE  
PRESENTED TO THE SENATE**

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Lehigh, Senator Browne.

Senator BROWNE. Mr. President, it is a pleasure for me to introduce two young men from the Lehigh Valley who are serving as interns in my Allentown district office, David Alter and Justin Demko. David and Justin are seniors at Muhlenberg College in Allentown. David is majoring in philosophy and media and communications. Justin is majoring in political science. They

are doing a wonderful job for the constituents of the 16th Senatorial District. Please give them a warm welcome.

The PRESIDENT pro tempore. Would the guests of Senator Browne please rise.

(Applause.)

**GUESTS OF SENATOR MICHAEL L. WAUGH  
PRESENTED TO THE SENATE**

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

Senator WAUGH. Mr. President, I have several guests here today. I have a gentleman from York who joins us each year around this time, Roy Wesher. He is from York, and he is the ASSE International Exchange Students coordinator for our region. He is joined today by Jahongir Rahimov from Tajikistan, Tamara Zagrebince from Kyrgyzstan, Josefine Von Hinuber from Germany, Benangere Camus from France, and two parent family hosts. I would like to welcome them here to the Senate today.

The PRESIDENT pro tempore. Would the guests of Senator Waugh please rise.

(Applause.)

**RECESS**

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

Senator PILEGGI. Mr. President, I request a recess of the Senate for the purpose of a Republican caucus to be held in the Majority Caucus Room. I expect the caucus to last approximately 90 minutes.

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

Senator O'PAKE. Mr. President, I request that the Senate Democrats report to our caucus room immediately.

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

**AFTER RECESS**

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

**LEAVE CANCELLED**

The PRESIDENT pro tempore. Senator Robbins has returned, and his personal leave is cancelled.

**LEGISLATIVE LEAVE**

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

Senator COSTA. Mr. President, I request a legislative leave for Senator O'Pake.

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

CALENDAR

THIRD CONSIDERATION CALENDAR

BILLS ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 461 (Pr. No. 2380)** -- The Senate proceeded to consideration of the bill, 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 sewer and drainage systems connections.

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-42

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

NAY-8

Fumo	Kitchen	O'Pake	Williams, Anthony H.
Hughes	Mellow	Washington	Wozniak

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.

**SB 462 (Pr. No. 2381)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for ordinances to require sewer connections.

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-42

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

NAY-8

Fumo	Kitchen	O'Pake	Williams, Anthony H.
Hughes	Mellow	Washington	Wozniak

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.

**SB 463 (Pr. No. 2382)** -- The Senate proceeded to consideration of the bill, 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 sanitary sewer connections.

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-42

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

NAY-8

Fumo	Kitchen	O'Pake	Williams, Anthony H.
Hughes	Mellow	Washington	Wozniak

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

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

#### BILL AMENDED

**SB 884 (Pr. No. 2383)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, restricting municipalities from regulating amateur radio service communications.

On the question,

Will the Senate agree to the bill on third consideration?

Senator STACK offered the following amendment No. A9202:

Amend Sec. 1 (Sec. 302), page 2, by inserting between lines 24 and 25:

(d) Definition.—As used in this section, the term "legitimate purposes" shall include a clearly defined health, safety or aesthetic objective of a municipality.

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.

#### BILL OVER IN ORDER

**HB 1177** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

#### SECOND CONSIDERATION CALENDAR

##### BILLS OVER IN ORDER

**SB 291, HB 588, HB 708, HB 1027, HB 1086, SB 1236 and SB 1290** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

##### BILL REREFERRED

**SB 1420 (Pr. No. 2073)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 35 (Health and Safety) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, regulating emergency medical services systems; providing for licensure; conferring powers and duties on the Department of Health; further defining "emergency vehicle"; providing for penalties; providing for Emergency Medical Services Operating Fund distributions; and making a related repeal.

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

#### BILL ON SECOND CONSIDERATION AND REREFERRED

**SB 1422 (Pr. No. 2414)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, in health and accident insurance, providing for group health policies to continue for period of time after termination of employment or membership in health maintenance organizations.

Considered the second time and agreed to,

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

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

#### BILLS OVER IN ORDER

**HB 1439 and SB 1440** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

#### BILL ON SECOND CONSIDERATION AND REREFERRED

**SB 1453 (Pr. No. 2415)** -- The Senate proceeded to consideration of the bill, 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 conditions subject to which policies are to be issued; and providing for health insurance coverage for certain children of insured parents.

Considered the second time and agreed to,

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

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

#### BILLS OVER IN ORDER

**HB 1490, HB 1511, HB 1664, HB 1742, HB 2289, HB 2343 and HB 2548** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

#### BILL ON SECOND CONSIDERATION

**HB 2644 (Pr. No. 3986)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 10, 1974 (P.L.852, No.287), referred to as the Underground Utility Line Protection Law, further providing for duties of facility owners.

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

### RECESS

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

Senator PILEGGI. Mr. President, I request a recess of the Senate for purposes of a meeting of the Committee on Rules and Executive Nominations, to be followed by a meeting of the Committee on Consumer Protection and Professional Licensure, to be followed by a meeting of the Committee on Transportation, to be followed by a meeting of the Committee on Appropriations, all to be held in the Rules room.

The PRESIDENT pro tempore. For purposes of a meeting of the Committee on Rules and Executive Nominations, a meeting of the Committee on Consumer Protection and Professional Licensure, a meeting of the Committee on Transportation, and a meeting of the Committee on Appropriations, all to be held in the Rules room, without objection, the Senate stands in recess.

### AFTER RECESS

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

### UNFINISHED BUSINESS BILLS REPORTED FROM COMMITTEES

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

#### SB 5 (Pr. No. 2434) (Amended) (Rereported)

An Act establishing the Community-Based Health Care (CHC) Program in the Department of Health; providing for hospital health clinics and for a tax credit; and making an appropriation.

#### SB 147 (Pr. No. 2373) (Rereported)

An Act amending the act of July 2, 1993 (P.L.345, No.48), entitled "An act empowering the General Counsel or his designee to issue subpoenas for certain licensing board activities; providing for hearing examiners in the Bureau of Professional and Occupational Affairs; providing additional powers to the Commissioner of Professional and Occupational Affairs; and further providing for civil penalties and license suspension," further providing for civil penalties; and making related repeals.

#### SB 908 (Pr. No. 2374) (Rereported)

An Act amending the act of December 22, 1983 (P.L.327, No.85), known as the Auctioneer and Auction Licensing Act, further providing for auctioneer and apprentice auctioneer licenses.

#### SB 1231 (Pr. No. 2409) (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 for exclusions from tax; and for limited tax credits for small brewers.

#### SB 1258 (Pr. No. 2410) (Rereported)

An Act amending the act of May 21, 1943 (P.L.571, No.254), known as The Fourth to Eighth Class and Selective County Assessment Law, further providing for appeals by municipalities.

#### SB 1400 (Pr. No. 2435) (Amended) (Rereported)

An Act amending the act of December 3, 1959 (P.L.1688, No.621), known as the Housing Finance Agency Law, providing for the Pennsylvania Housing Affordability and Rehabilitation Enhancement Program.

#### SB 1584 (Pr. No. 2436) (Amended) (Rereported)

An Act providing for divestiture by the State Treasurer, the Pennsylvania Municipal Retirement System, the State Employees' Retirement System and the Public School Employees' Retirement System of investments in companies doing business in Iran and Sudan.

#### HB 2188 (Pr. No. 4431) (Amended) (Rereported)

An Act providing for court-appointed conservators to bring residential, commercial and industrial buildings into municipal code compliance when owners fail to comply.

Senator MADIGAN, from the Committee on Transportation, reported the following bills:

#### SB 1544 (Pr. No. 2334)

An Act designating the bridge on State Route 655 on Main Street, Belleville, Union Township, Mifflin County as the Curt Zook Memorial Bridge.

#### HB 347 (Pr. No. 4430) (Amended)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in registration of vehicles, further providing for issuance and reissuance of registration plates and for lost, stolen, damaged or illegible registration plate; in commercial drivers, further providing for commercial driver's license qualification standards; in fees, further providing for exemptions from other fees; in rules of the road in general, further providing for speed timing devices; in inspection of vehicles, further providing for inspection by police or Commonwealth personnel; in powers of department and local authorities, further providing for promulgation of rules and regulations by department; and in snowmobiles and all-terrain vehicles, further providing for definitions.

Senator TOMLINSON, from the Committee on Consumer Protection and Professional Licensure, reported the following bills:

#### HB 949 (Pr. No. 4428) (Amended)

An Act amending the act of July 10, 1990 (P.L.404, No.98), known as the Real Estate Appraisers Certification Act, further providing for real estate appraiser certification required, for application and qualifications and for certification renewal, licensure renewal and records.

#### HB 2200 (Pr. No. 4429) (Amended)

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for definitions; providing for

energy efficiency and conservation; further providing for duties of electric distribution companies; and providing for procurement.

### RESOLUTION REPORTED FROM COMMITTEE

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

#### SR 309 (Pr. No. 2437) (Amended) (Rereported)

A Resolution directing the Legislative Budget and Finance Committee to conduct a fiscal impact study on the pension and postretirement health benefits of the Pennsylvania Public School Employees' Retirement System and the Pennsylvania State Employees' Retirement System.

The PRESIDENT pro tempore. The resolution will be placed on the Calendar.

### 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 BOARD OF TRUSTEES OF CLARKS SUMMIT STATE HOSPITAL

June 5, 2008

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, Germaine A. Carey, 505 Gladiola Drive, Clarks Summit 18411, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Board of Trustees of Clarks Summit State Hospital, to serve until the third Tuesday of January 2009, and until her successor is appointed and qualified, vice Theodore J. Giglio, Old Forge, whose term expired.

EDWARD G. RENDELL  
Governor

#### MEMBER OF THE STATE HORSE RACING COMMISSION

June 4, 2008

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, John B. (Jeb) Hannum III, 545 Upland Road, Kennett Square 19348, Chester County, Nineteenth Senatorial District, for appointment as a member of the State Horse Racing Commission, to serve for a term of three years and until his successor is appointed and qualified, vice Larry Kent, Ardmore, resigned.

EDWARD G. RENDELL  
Governor

#### MEMBER OF THE STATE HORSE RACING COMMISSION

June 4, 2008

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, Corinne Raphael Sweeney, 112 Barnview Road, Kennett Square 19348, Chester County, Ninth Senatorial District, for appointment as a member of the State Horse Racing Commission, to serve for a term of three years and until her successor is appointed and qualified, vice F. Eugene Dixon, Jr., Lafayette Hill, deceased.

EDWARD G. RENDELL  
Governor

#### MEMBER OF THE STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE

July 29, 2008

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, Andrea Mowen, 1040 Wallace Avenue, Chambersburg 17201, Franklin County, Thirty-third Senatorial District, for reappointment as a member of the State Board of Occupational Therapy Education and Licensure, to serve for a term of three years and until her successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

#### MEMBER OF THE STATE BOARD OF PHARMACY

August 7, 2008

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, Juli Miller, PhD (Public Member), 1101 Washington Avenue, P5, Philadelphia 19147, Philadelphia County, First Senatorial District, for appointment as a member of the State Board of Pharmacy, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Carol Goertzel, Media, whose term expired.

EDWARD G. RENDELL  
Governor

#### MEMBER OF THE STATE BOARD OF PHYSICAL THERAPY

August 28, 2008

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, Beth Daugherty Carr, 105 Woodhill Road, Danville 17821, Montour County, Twenty-seventh Senatorial

District, for appointment 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, vice Z. Annette Iglarsh, Philadelphia, whose term expired.

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE BOARD OF EXAMINERS  
IN SPEECH-LANGUAGE AND HEARING

July 29, 2008

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, Nader Ayoub (Public Member), 115 School Lane, Springfield 19064, Delaware County, Twenty-sixth [sic] Senatorial District, for appointment as a member of the State Board of Examiners in Speech-Language and Hearing, to serve until April 24, 2010, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Janis Williams, Pittsburgh, resigned.

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE BOARD  
OF VETERINARY MEDICINE

August 7, 2008

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, David R. Wolfgang, V.M.D., 214 Deibler Road, PA Furnace 16865, Centre County, Thirty-fourth Senatorial District, for appointment as a member of the State Board of Veterinary Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Robert Cloninger, Centre Hall, whose term expired.

EDWARD G. RENDELL  
Governor

**NOMINATIONS LAID ON THE TABLE**

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

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

**SENATE RESOLUTIONS ADOPTED**

Senators FONTANA, McILHINNEY, WOZNAK, BAKER, BOSCOLA, FERLO, WASHINGTON, A. WILLIAMS, DINNIMAN, ERICKSON, FUMO, MUSTO, PIPPY, PUNT, RAFFERTY, ROBBINS, STOUT, TARTAGLIONE, WAUGH, O'PAKE, LOGAN, TOMLINSON, WONDERLING, KASUNIC, PILEGGI and EARLL, by unanimous consent, offered **Senate Resolution No. 381**, entitled:

A Resolution recognizing September 23, 2008, as "National Hunting and Fishing Day" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Allegheny, Senator Fontana.

Senator FONTANA. Mr. President, I invite the Senate to recognize today, September 23, 2008, as "National Hunting and Fishing Day" in the Commonwealth. It is a time to mark and highlight the importance that hunting, trapping, fishing, boating, and related activities have on our State's culture, heritage, outdoor recreation, and economy.

In 1970, Mr. President, Ira Joffe, owner of Joffe's Gun Shop of Upper Darby, Delaware County, was the first to suggest an official day of thanks to sportsmen. Governor Raymond Shafer adopted the idea and created "Outdoor Sportsman's Day" in this State. The concept soon emerged on the national level, and in early 1972, Congress unanimously passed legislation authorizing a "National Hunting and Fishing Day." Since that time, all 50 governors and more than 600 mayors have joined in and continue to join in proclaiming "National Hunting and Fishing Day."

As part of today's celebration, Mr. President, there is a series of informational booths in the East Wing Rotunda for the Game Commission, the Fish and Boat Commission, the Governor's Youth Council on Hunting, Fishing and Conservation, the Pennsylvania Federation of Sportsmen's Clubs, the PA chapter of the National Wild Turkey Federation, the United Bowhunters of Pennsylvania, the Ruffed Grouse Society, the Pennsylvania Trappers Association, Quality Deer Management Association, PA Deer Association, Pheasants Forever, Susquehanna River Waterfowlers Association, and the Woodcock Limited of Pennsylvania representatives. All of these organizations are here today to mark this event.

Mr. President, I respectfully ask for an affirmative vote. Thank you very much.

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

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

Senators ORIE, ROBBINS, PIPPY, STOUT, REGOLA, COSTA, KASUNIC, FONTANA, LOGAN, LAVALLE, FERLO and D. WHITE, by unanimous consent, offered **Senate Resolution No. 382**, entitled:

A Resolution honoring the 250 western Pennsylvania Emergency Medical Services first responders who traveled to the Gulf Coast to assist in aid efforts for Hurricane Gustav.

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

Senators ORIE, MELLOW, PILEGGI, C. WILLIAMS, BAKER, GREENLEAF, FERLO, BROWNE, ROBBINS, WASHINGTON, KASUNIC, STOUT, FONTANA, A. WILLIAMS, MADIGAN, PIPPY, TOMLINSON, BOSCOLA, COSTA, O'PAKE, ERICKSON, KITCHEN, DINNIMAN, TARTAGLIONE, FUMO, RAFFERTY, PUNT, WAUGH,



LAVALLE, LOGAN, BRUBAKER, WONDERLING, EARLL and STACK, by unanimous consent, offered **Senate Resolution No. 383**, entitled:

A Resolution recognizing the month of October 2008 as "National Lupus Awareness Month."

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

Senators LAVALLE, STACK, BAKER, COSTA, FONTANA, FERLO, C. WILLIAMS, KASUNIC, BROWNE, A. WILLIAMS, KITCHEN, BOSCOLA, PIPPY, PILEGGI, O'PAKE, ERICKSON, FUMO, DINNIMAN, TARTAGLIONE, RAFFERTY, PUNT, WAUGH, LOGAN, EARLL, GREENLEAF and TOMLINSON, by unanimous consent, offered **Senate Resolution No. 384**, entitled:

A Resolution observing the week of October 20 through 24, 2008, as "Medical Assistants Week" in Pennsylvania.

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

Senators STACK, TARTAGLIONE, FONTANA, STOUT, LAVALLE, EARLL, A. WILLIAMS, C. WILLIAMS, ORIE, GREENLEAF, WONDERLING, PILEGGI, O'PAKE, FOLMER, FERLO, FUMO, WASHINGTON, DINNIMAN and TOMLINSON, by unanimous consent, offered **Senate Resolution No. 385**, entitled:

A Resolution designating October 5, 2008, as "Pulaski Memorial Day" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

Senator STACK. Mr. President, with my friend and colleague, Senator Tartaglione, I rise today to seek unanimous support for a resolution honoring October as "Polish American Heritage Month," and a resolution honoring "Pulaski Memorial Day." This year, we honor the 400th anniversary of the first Polish settlers in America, and as we mark "Polish American Heritage Month" this October, we can celebrate the longtime contributions of Polish-Americans over the last four centuries.

Throughout our nation's history, our ancestors have brought their unique customs and beliefs from Poland while shaping America as a land of freedom and opportunity. Today, our Polish friends celebrate various cultural heritages while sharing the common identity as Americans. To this day, Polish Americans represent a significant portion of the population, and Polish culture is represented throughout Philadelphia's many communities. I am also pleased that Polish American Social Services and the Polish American Cultural Center Museum continue to serve the needs of the Polish community in the Philadelphia area while educating the public on the important contributions of Polish Americans.

One of the earliest Polish American heroes is Casimir Pulaski, about whom I have talked on this floor before. He was a military

commander in the American Revolution. "Pulaski Memorial Day" is recognized every year on October 11 to commemorate his death on the battlefield and to memorialize his life. As we honor "Polish American Heritage Month" and "Pulaski Memorial Day," I encourage all Polish Americans to continue proudly representing their heritage in this diverse Commonwealth and all Americans to celebrate our diversity together.

Thank you, Mr. President.

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

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

Senators STACK, TARTAGLIONE, BAKER, FERLO, KASUNIC, FONTANA, STOUT, KITCHEN, LAVALLE, EARLL, A. WILLIAMS, C. WILLIAMS, ORIE, GREENLEAF, WONDERLING, ARMSTRONG, MUSTO, RAFFERTY, ROBINS, BROWNE, PILEGGI, O'PAKE, FOLMER, FUMO, WASHINGTON, LOGAN, DINNIMAN, PIPPY and TOMLINSON, by unanimous consent, offered **Senate Resolution No. 386**, entitled:

A Resolution designating the month of October 2008 as "Polish American Heritage Month" in Pennsylvania.

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

Senators KITCHEN, WASHINGTON, TARTAGLIONE, STACK, BAKER, O'PAKE, FERLO, STOUT, DINNIMAN, KASUNIC, RAFFERTY, C. WILLIAMS, LAVALLE, COSTA, PIPPY, EARLL, GREENLEAF, FUMO, FONTANA, HUGHES, A. WILLIAMS, ERICKSON, ORIE, TOMLINSON, PILEGGI and WONDERLING, by unanimous consent, offered **Senate Resolution No. 387**, entitled:

A Resolution designating the month of October 2008 as "American Pharmacists Month" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

The PRESIDENT pro tempore. The Chair recognizes the gentlewoman from Philadelphia, Senator Kitchen.

Senator KITCHEN. Mr. President, the theme of this year's campaign is "Know Your Medicine. Know Your Pharmacist." This is a great opportunity to remind citizens that their neighborhood pharmacist is an important source of information. Pharmacists can answer questions about medication and instructions for taking medications. They can also point us in the right direction when we are not feeling well and need relief. We are very fortunate to have so many well-trained pharmacists in Pennsylvania who are dedicated to insuring that we all take the proper medication.

"American Pharmacists Month" is also a good reminder that everyone should clean out their medicine cabinets. Whether you have prescriptions or over-the-counter products, old and expired medications should be thrown out immediately in order to protect yourselves and your families. In asking for my colleagues' sup-

port of this resolution, I also urge everyone to get to know their local pharmacists and to make sure the medications in their medicine cabinets are still safe to use.

Thank you, Mr. President.

And the question recurring,

Will the Senate adopt the resolution?

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

Senators RHOADES and MUSTO, by unanimous consent, offered **Senate Resolution No. 388**, entitled:

A Resolution recognizing October 2008 as "Parental Involvement Month" in Pennsylvania, and recognizing the vital role parents have in assuring the success of their children.

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

Senators HUGHES, by unanimous consent, offered **Senate Resolution No. 389**, entitled:

A Resolution recognizing Ruth and Raymond Perelman and the Perelman Center for Advanced Medicine at the University of Pennsylvania Health System.

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

### CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. John May and to Mr. and Mrs. Paul Kubick by Senator Baker.

Congratulations of the Senate were extended to the citizens of the Village of Landisville by Senator Brubaker.

Congratulations of the Senate were extended to Kyle Ragan and to Christian Eck by Senator Corman.

Congratulations of the Senate were extended to Sydney Kramer, West Chester University, Downingtown Lions Club, Kelly's Sports, Ltd., Dog Training Club of Chester County and to the members and coaches of the Devon Strafford 10-Year-Old Boys' Little League Team by Senator Dinniman.

Congratulations of the Senate were extended to John P. Kazmaier by Senator Eichelberger.

Congratulations of the Senate were extended to Amanda Royer by Senator Folmer.

Congratulations of the Senate were extended to Reba Fichthorn by Senator Greenleaf.

Congratulations of the Senate were extended to Elaine Tutena Martinko by Senator Kasunic.

Congratulations of the Senate were extended to Elouise K. Edmonds, Frank Carter and to the Guardian Civic League of Philadelphia by Senator Kitchen.

Congratulations of the Senate were extended to Steve Tori, John Myers, Patrick Eckard, James F. Shepard, Walt Bair, John Zhang, James Finn, Ronald J. Dietrich, Dennis Mood, Tom Louden, Mac Mackenzie, Charles McHenry and to Timothy Healy by Senator McIlhinney.

Congratulations of the Senate were extended to Robert Fragasso by Senator Pippy.

Congratulations of the Senate were extended to Shannon O'Connell by Senator Rhoades.

Congratulations of the Senate were extended to the Honorable Ronald R. Donatucci, Dr. Todd J. Albert, Dr. Lawrence Brent, Dr. Roberto Caricchio, John L. Williams, Victor G. Finnegan, Martie W. Gillin, Joe Ashton, Christine Knapp, Jeffrey Brooks, Tammy Miser and to Tony Lusi by Senator Tartaglione.

Congratulations of the Senate were extended to Natasha Barto by Senator D. White.

Congratulations of the Senate were extended to David L. Lacy by Senator A.H. Williams.

Congratulations of the Senate were extended to the 1979 North Penn High School Girls' Swimming and Diving Team by Senator Wonderling.

### CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late Clemeline Jones by Senator Kitchen.

### POSTHUMOUS CITATION

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

A posthumous citation honoring the late Joseph W. Flicker was extended to the family by Senator Erickson.

### BILLS ON FIRST CONSIDERATION

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

The motion was agreed to by voice vote.

The bills were as follows:

**SB 739, SB 902, SB 1544, SB 1573, HB 44, HB 347, HB 834, HB 949, HB 2200 and HB 2525.**

And said bills having been considered for the first time,

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

### BILL RECOMMITTED

Upon motion of Senator PILEGGI, and agreed to by voice vote, the following bill just considered was rereferred to the Committee on Agriculture and Rural Affairs:

**HB 2525.**

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

#### BILLS ON SECOND CONSIDERATION

**SB 1231 (Pr. No. 2409)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for exclusions from tax; and for limited tax credits for small brewers.

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

**SB 1258 (Pr. No. 2410)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 21, 1943 (P.L.571, No.254), known as The Fourth to Eighth Class and Selective County Assessment Law, further providing for appeals by municipalities.

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

**HOUSE MESSAGES**

**HOUSE CONCURS IN SENATE BILL**

The Clerk of the House of Representatives returned to the Senate **SB 1103**, with the information the House has passed the same without amendments.

**SENATE BILL RETURNED WITH AMENDMENTS**

The Clerk of the House of Representatives returned to the Senate **SB 1308**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT pro tempore. Pursuant to Senate Rule XIV, section 6, this bill will be referred to the Committee on Rules and Executive Nominations.

**BILLS SIGNED**

The PRESIDENT pro tempore (Joseph B. Scarnati III) in the presence of the Senate signed the following bills:

**SB 1103, HB 4, HB 5, HB 6 and HB 7.**

**ANNOUNCEMENTS BY THE SECRETARY**

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, SEPTEMBER 23, 2008

Off the Floor      APPROPRIATIONS (to consider Senate Bills No. 5, 147, 908, 1231, 1258, 1400, and 1584; Senate Resolution No. 309; and House Bills No. 780, 1214 and 2188)      Rules Cmte. Conf. Rm.

Off the Floor      CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider House Bills No. 949 and 2200)      Room 461 Main Capitol

Off the Floor      RULES AND EXECUTIVE NOMINATIONS (to consider certain executive nominations)      Rules Cmte. Conf. Rm.

Off the Floor      TRANSPORTATION (to consider Senate Bill No. 1544; and House Bills No. 347 and 999)      Rules Cmte. Conf. Rm.

WEDNESDAY, SEPTEMBER 24, 2008

9:15 A.M.      ENVIRONMENTAL RESOURCES AND ENERGY (informational briefing on carbon management and sequestration)      Room 8E-A East Wing

9:30 A.M.      GAME AND FISHERIES (receive testimony from PA Game Commission on powers and duties of deputy wildlife conservation officers)      Hrg. Rm. 1 North Off.

9:30 A.M.      URBAN AFFAIRS AND HOUSING (to consider Senate Bill No. 1291 with amendments)      Maj. Caucus Room 156 Main Capitol

10:00 A.M.      LAW AND JUSTICE (public hearing on Senate Bill No. 1306, Safe Ride Program)      Room 8E-B East Wing

10:30 A.M.      AGRICULTURE AND RURAL AFFAIRS (to consider House Bill No. 2525)      Maj. Caucus Room 156 Main Capitol

10:30 A.M.      JUDICIARY (to consider House Bill No. 1147)      Rules Cmte. Conf. Rm.

10:30 A.M.      PUBLIC HEALTH AND WELFARE (to consider Senate Bills No. 1455 and 1564; and House Bills No. 2034 and 2625)      Room 461 Main Capitol

TUESDAY, OCTOBER 7, 2008

10:00 A.M.      BANKING AND INSURANCE (public hearing to accept proposed recommendations for consideration on the proposed merger of Highmark, Inc., and Independence Blue Cross, IBC)      Hrg. Rm. 1 North Off.

**RECESS**

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

Senator PILEGGI. Mr. President, I move that the Senate do now recess until Wednesday, September 24, 2008, at 11 a.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate recessed at 5:33 p.m., Eastern Daylight Saving Time.