

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

MONDAY, FEBRUARY 13, 2006

SESSION OF 2006 190TH OF THE GENERAL ASSEMBLY

No. 12

SENATE

MONDAY, February 13, 2006

The Senate met at 2 p.m., Eastern Standard Time.

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

PRAYER

The Chaplain, Reverend TIM CARTER, of Global Outreach Christian Center, Harrisburg, offered the following prayer:

Good afternoon.

Let us pray.

Heavenly Father, we bring before You the leaders of the Commonwealth of Pennsylvania. We thank You in advance that You bless leaders for our sake, that we the people may live a quiet and peaceful life in all godliness and honesty.

Lord, I pray that skillful and godly wisdom has entered into the hearts of Senators, that knowledge is pleasant to them, that discretion watches over them, and understanding keeps and delivers them from the evil one and from evil men.

We thank You that the upright shall dwell in this government, the men and women of integrity, blameless and complete in Your sight, shall remain. We confess and believe that the decisions made by the leaders of Pennsylvania are divinely directed by You, and their mouths shall not transgress in judgment. We pray for their families. Lord, bless them financially and physically, grant them health and wholeness, and provide for their needs abundantly.

Heavenly Father, we thank You for perfect peace, defending grace, persevering, and keeping all encamped around You. In the mighty name of Jesus, we pray. Amen.

The PRESIDENT. The Chair thanks Reverend Carter, who is the guest today of Senator Piccola.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of February 8, 2006.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator BRIGHTBILL, and agreed

to by voice vote, further reading was dispensed with and the Journal was approved.

COMMUNICATIONS FROM THE GOVERNOR

APPROVAL OF SENATE BILL

The PRESIDENT laid before the Senate communication in writing from His Excellency, the Governor of the Commonwealth, advising that the following Senate Bill had been approved and signed by the Governor:

SB 595.

RECALL COMMUNICATION 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 PENNSYLVANIA FISH AND BOAT COMMISSION

February 10, 2006

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 November 9, 2005, for the appointment of Stephanie Moore, (District 2), 40 Red Barberry Drive, Etters 17319, York County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Fish and Boat Commission, to serve until July 28, 2011, or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Ross J. Huhn, Saltsburg, deceased.

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

EDWARD G. RENDELL
Governor

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 929**, with the information the House has passed the same without amendments.

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:

February 10, 2006

HB 1863, 1867, 1871 and 1872 -- Committee on Local Government.

HB 1866 -- Committee on Education.

GENERAL COMMUNICATION
ANNUAL REPORT ON SMALL MALT
BEVERAGE BREWERS

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

COMMONWEALTH OF PENNSYLVANIA
 Department of Revenue
 Harrisburg, Pennsylvania
 17128-1100

February 3, 2006

Mr. Mark R. Corrigan
 Secretary of the Senate
 462 Main Capitol
 Harrisburg, PA 17120

Dear Mr. Corrigan:

In accordance with provisions of Article 20 of the Tax Reform Code of 1971, the enclosed report represents employment, production, expenditures and tax credits authorized under Section 2010, relative to small malt beverage brewers in Pennsylvania.

Sincerely,

GREGORY C. FAJT
 Secretary of Revenue

The PRESIDENT. This report will be filed in the library.

APPOINTMENTS BY THE
MINORITY LEADER

The PRESIDENT. The Chair wishes to announce the Minority Leader has made the following appointments:

Dr. Joseph Cesare as a member of the Commission on MCARE.

Dr. Lisa Thomas as a member of the Commission on MCARE.

BILLS SIGNED

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

SB 929 and HB 1401.

BILLS REPORTED FROM COMMITTEE

Senator ORIE, from the Committee on Aging and Youth, reported the following bills:

SB 922 (Pr. No. 1212)

An Act amending the act of December 15, 1988 (P.L.1235, No.151), known as the Children's Trust Fund Act, further providing for the Children's Trust Fund Board, for powers and duties of the board and for powers and duties of the Department of Public Welfare.

SB 1033 (Pr. No. 1397)

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for requirements for certain job applicants.

HB 200 (Pr. No. 3555) (Amended)

An Act establishing the Ounce of Prevention Program to provide grants to certain entities that provide home visitation and other services to low-income, at-risk expectant first-time mothers and their newborn children and families; and providing for the powers and duties of the Department of Public Welfare.

HB 247 (Pr. No. 3556) (Amended)

An Act amending the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, further providing for definitions; providing for licensure of home care agencies and home care registries; establishing certain consumer protections; and providing for inspections and plans of correction and for applicability of act.

RESOLUTIONS REPORTED FROM
COMMITTEE

Senator ORIE, from the Committee on Aging and Youth, reported the following resolutions:

SR 166 (Pr. No. 1139)

A Resolution recognizing youth mental illness and suicide as a public health crisis and encouraging evidence-based initiatives to screen children and adolescents for mental disorders in order to identify illness and prevent suicide among youths.

SR 167 (Pr. No. 1513) (Amended)

A Concurrent Resolution directing the Joint State Government Commission to establish a task force to enlist the help of knowledgeable persons to develop educational materials to identify elderly persons at risk for suicide and to identify barriers and ways to surmount barriers encountered by professionals and nonprofessionals in connecting at-risk persons with appropriate resources.

The PRESIDENT. The resolutions will be placed on the Calendar.

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 Ferlo.

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

LEAVE OF ABSENCE

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

SENATE CONCURRENT RESOLUTION

WEEKLY RECESS

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

In the Senate, February 13, 2006

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Regular Session of the Senate recesses this week, it reconvene on Monday, March 13, 2006, 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 Regular Session of the House of Representatives recesses this week, it reconvene on Monday, March 6, 2006, unless sooner recalled by the Speaker of the House of Representatives; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Regular Session of the House of Representatives recesses the week of March 6th, it reconvene on Monday, March 6, 2006, 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 BRIGHTBILL and were as follows, viz:

YEA-48

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

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 Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Madam President, at this time I ask for a recess of the Senate for the purpose of a Republican caucus, which will begin immediately.

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

Senator MELLOW. Madam President, I ask that the Democrats report to our caucus room at the rear of the Chamber immediately upon the recess.

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

THIRD CONSIDERATION CALENDAR

BILL LAID ON THE TABLE

SB 563 (Pr. No. 1358) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for comparative negligence.

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

SB 563 TAKEN FROM THE TABLE

Senator BRIGHTBILL. Madam President, I move that Senate Bill No. 563, Printer's No. 1358, be taken from the table and placed on the Calendar.

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

The PRESIDENT. The bill will be placed on the Calendar.

BILLS OVER IN ORDER

SB 733, HB 750, SB 780, SB 935, SB 1003 and SB 1025 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL AMENDED

SB 1062 (Pr. No. 1498) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, requiring the Bureau of Alcohol Education to make certain reports to the General Assembly.

On the question,

Will the Senate agree to the bill on third consideration?

Senator D. WHITE offered the following amendment No. A5953:

Amend Title, page 1, line 16, by inserting after "laws," further defining "public venue"; and

Amend Bill, page 1, lines 21 through 23, by striking out all of said lines and inserting:

Section 1. The definition of "public venue" in section 102 of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, reenacted and amended June 29, 1987 (P.L.32, No.14) and amended December 8, 2004 (P.L.1810, No.239), is amended to read:

Section 102. Definitions.—The following words or phrases, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section:

"Public venue" shall mean a stadium, arena, convention center, museum, amphitheater or similar structure. If the public venue is a cruise terminal owned or leased by a port authority created under the act of June 12, 1931 (P.L.575, No.200), entitled "An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River, and the improvement of the facilities for transportation across the river; authorizing the Governor, for these purposes, to enter into an agreement with New Jersey; creating The Delaware River Joint Commission and specifying the powers and duties thereof, including the power to finance projects by the issuance of revenue bonds; transferring to the new commission all the powers of the Delaware River Bridge Joint Commission; and making an appropriation," it shall have no permanent seating requirement. If the public venue is an open-air amphitheater owned by a port authority created under the act of December 6, 1972 (P.L.1392, No.298), known as the "Third Class City Port Authority Act," it shall have no permanent seating requirement. If the public venue is owned by a political subdivision, a municipal authority, the Commonwealth, an authority created under the act of July 29, 1953 (P.L.1034, No.270), known as the "Public Auditorium Authorities Law," an authority created under Article XXV-A of the act of July 28, 1953 (P.L.723, No.230), known as the "Second Class County Code," an art museum established under the authority of the act of April 6, 1791 (3 Sm.L.20, No.1536), entitled "An act to confer on certain associations of the citizens of this commonwealth the powers and immunities of corporations, or bodies politic in law," or an authority created under Article XXIII (n) or (o) of the act of August 9, 1955 (P.L.323, No.130), known as "The County Code," it shall have permanent seating for at least one thousand (1,000) people; otherwise, it shall have permanent seating for at least [three thousand (3,000)] two thousand (2,000) people. The term shall also mean any regional history center, multipurpose cultural and science facility, museum or convention or trade show center, regardless of owner and seating capacity, that has a floor area of at least sixty thousand (60,000) square feet in one building. The term shall also mean a convention or conference center owned by a city of the third class, regardless of seating capacity, that has a floor area of at least fifteen thousand (15,000) square feet in one building.

Section 2. The act is amended by adding a section to read:

Amend Sec. 2, page 2, line 21, by striking out "2" and inserting: 3

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1081 (Pr. No. 1512) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for limitations and eligibility in educational assistance program.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentleman from Mercer, Senator Robbins.

Senator ROBBINS. Madam President, 10 years ago the General Assembly passed groundbreaking legislation to assist the Pennsylvania National Guard. Today the National Guard Educational Assistance Program offers individuals a free 5-year college education. In exchange, they must serve in the Pennsylvania National Guard for 6 years. This program has become the Guard's number one recruitment tool, and has led to Pennsylvania having the strongest and one of the most deployed Guards in the nation.

However, when a Guard member becomes disabled and can no longer serve in the Guard, they are disqualified from the educational assistance program. Since September 11, 62 Pennsylvania National Guard members have been discharged due to medical reasons. Of this number, approximately 25 would still be eligible for the educational assistance program if they were still in the Pennsylvania National Guard. Senate Bill No. 1081 would ensure that these men and women would not lose their eligibility for this important educational program if they were injured serving their nation. Please join me and the 36 cosponsors in supporting this bill.

Thank you, Madam President.

And the question recurring,

Shall the bill pass finally?

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

YEA-48

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

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.

BILL OVER IN ORDER

HB 1955 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

SECOND CONSIDERATION CALENDAR**BILLS OVER IN ORDER**

SB 957, SB 1050 and HB 1285 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL LAID ON THE TABLE

HB 2054 (Pr. No. 3333) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 26 (Eminent Domain) of the Pennsylvania Consolidated Statutes, providing for limitations on the use of eminent domain; and making a related repeal.

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

HB 2054 TAKEN FROM THE TABLE

Senator BRIGHTBILL. Madam President, I move that House Bill No. 2054, Printer's No. 3333, be taken from the table and placed on the Calendar.

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

The PRESIDENT. The bill will be placed on the Calendar.

SENATE RESOLUTION No. 216, ADOPTED

Senator BRIGHTBILL, without objection, called up from page 3 of the Calendar, **Senate Resolution No. 216**, entitled:

A Resolution designating the week of February 12 through 18, 2006, as "Career and Technical Education Week" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

RESOLUTION INTRODUCED AND REFERRED

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

February 13, 2006

Senators WONDERLING, WASHINGTON, ERICKSON, KASUNIC, MUSTO, PIPPY, LOGAN, BOSCOLA, LAVALLE, C. WILLIAMS, FERLO, COSTA, PILEGGI, TARTAGLIONE, EARLL, STOUT, BRIGHTBILL, SCARNATI, ORIE, PUNT, CONTI, RAFFERTY, WENGER, GREENLEAF, KITCHEN, LEMMOND, BROWNE, ARMSTRONG, O'PAKE, RHOADES and STACK presented to the Chair **SR 221**, entitled:

A Resolution designating March 6, 2006, as "Lymphedema D-Day" in Pennsylvania.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, February 13, 2006.

RECESS

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

Senator BRIGHTBILL. Madam President, I request a brief recess of the Senate for the purpose of a meeting of the Committee on Appropriations, to be followed by a meeting of the Committee on Rules and Executive Nominations. We expect to be back on the floor in about 10 minutes.

The PRESIDENT. For purposes of meetings of the Committee on Appropriations and the Committee on Rules and Executive Nominations, without objection, 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 BRIGHTBILL, from the Committee on Rules and Executive Nominations, reported the following bill:

HB 1318 (Pr. No. 3484) (Rereported) (Concurrence)

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, providing for requirements relating to voter identification; further providing for powers and duties of county boards, for compensation of district election officers, for polling places selected by county boards, for public buildings to be used where possible and portable polling places and for prohibiting polling places in buildings where malt or brewed beverages or liquors are sold; providing for polling places in other buildings; further providing for nominations by political bodies and for affidavits of candidates; providing for restrictions on voting by convicted felons; and further providing for opening of polls, posting cards of instruction and notices of penalties and voters' rights and examination of voting machines, for voting procedures, for manner of applying to vote, for date of application for absentee ballots, for canvassing of official absentee ballots and for violation of provisions relating to absentee voting.

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

SB 243 (Pr. No. 244) (Rereported)

An Act amending the act of June 28, 1935 (P.L.477, No.193), referred to as the Enforcement Officer Disability Benefits Law, extending the payment of the salary, medical and hospital expenses to sheriffs and deputy sheriffs under certain circumstances.

SB 845 (Pr. No. 1355) (Rereported)

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for court-appointed child custody health care or behavioral health practitioners.

SB 1000 (Pr. No. 1328) (Rereported)

An Act providing for the regulation of home improvement contracts and for the registration of certain contractors; prohibiting certain acts; and providing for penalties.

HB 213 (Pr. No. 3115) (Rereported)

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for agricultural crop destruction; and adding an offense and a civil action relating to ecoterrorism.

HB 893 (Pr. No. 3557) (Amended) (Rereported)

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

HB 1467 (Pr. No. 3558) (Amended) (Rereported)

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

RESOLUTION REPORTED FROM COMMITTEE

Senator BRIGHTBILL, from the Committee on Rules and Executive Nominations, reported the following resolution:

SR 221 (Pr. No. 1515)

A Resolution designating March 6, 2006, as "Lymphedema D-Day" in Pennsylvania.

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

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

Senator ROBBINS, from the Committee on Rules and Executive Nominations, reported a communication from His Excellency, the Governor of the Commonwealth, recalling the following nomination, which was read by the Clerk as follows:

**MEMBER OF THE PENNSYLVANIA
FISH AND BOAT COMMISSION**

February 10, 2006

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 November 9, 2005, for the appointment of Stephanie Moore, (District 2), 40 Red Barberry Drive, Etters 17319, York County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Fish and Boat Commission, to serve until July 28, 2011, or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Ross J. Huhn, Saltsburg, deceased.

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

EDWARD G. RENDELL
Governor

NOMINATION RETURNED TO THE GOVERNOR

Senator ROBBINS. Madam President, I move that the nomination 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 nomination 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:

CORONER, LUZERNE COUNTY

December 27, 2005

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 A. Consalvo, MD, FACEP, 182 South Franklin Street, Wilkes-Barre 18701, Luzerne County, Fourteenth Senatorial District, for appointment as Coroner, in and for the County of Luzerne, to serve until the first Monday of January 2008, vice George E. Hudock, deceased.

EDWARD G. RENDELL
Governor

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

December 22, 2005

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, Dr. L. Richard Larcom, 915 Catherine Street, Bloomsburg 17815, Columbia County, Twenty-seventh Senatorial District, for reappointment as a member of the Board of Trustees of Danville State Hospital, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

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

December 22, 2005

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, Leonard Majikas, 312 McGuire Drive, Bloomsburg 17815, Columbia County, Twenty-seventh Senatorial District, for reappointment as a member of the Board of Trustees of Danville State Hospital, to serve until the third Tuesday of January 2009, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

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

December 22, 2005

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, Joseph Millard, 6 Fairview Drive, Danville 17821, Montour County, Twenty-seventh Senatorial District, for reappointment as a member of the Board of Trustees of Danville State Hospital, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

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

December 22, 2005

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, Betty Ann Moyer, 438 Mill Street, Danville 17821, Montour County, Twenty-seventh Senatorial District, for reappointment as a member of the Board of Trustees of Danville State Hospital, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified.

EDWARD G. RENDELL
Governor

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

December 22, 2005

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, C. Herbert Zeager, 155 Shady Hill Road, Watertown 17777, Montour County, Twenty-seventh Senatorial District, for reappointment as a member of the Board of Trustees of

Danville State Hospital, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

**MEMBER OF THE PENNSYLVANIA
FISH AND BOAT COMMISSION**

January 23, 2006

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Frederick P. Osifat, (District 7), 6 South Fern Street, PO Box 165, Tresckow 18254, Carbon County, Fourteenth Senatorial District, for appointment as a member of the Pennsylvania Fish and Boat Commission, to serve until June 4, 2009, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Leon Reed, Honesdale, deceased.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF MEDICINE

November 9, 2005

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, Rabbi Solomon Isaacson, (Public Member), 11006 Audubon Avenue, Philadelphia 19116, Philadelphia County, Fifth Senatorial District, for appointment as a member of the State Board of 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 Howard Goldstein, Jenkintown, whose term expired.

EDWARD G. RENDELL
Governor

**MEMBER OF THE STATE
TRANSPORTATION COMMISSION**

December 22, 2005

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, Robert P. Daday, 1448 Colesville Road, Bethlehem 18015, Northampton County, Eighteenth Senatorial District, for reappointment as a member of the State Transportation Commission, to serve for a term of six years and until his successor is appointed and qualified, but not longer than six month beyond that period.

EDWARD G. RENDELL
Governor

**MEMBER OF THE WORKERS'
COMPENSATION APPEAL BOARD**

February 1, 2006

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Herbert W. Hoffman, Esquire, 1001 Eric Drive, Harrisburg 17012, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MAGISTERIAL DISTRICT JUDGE

January 25, 2006

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Tonya M. Osman, 108 Deelo Drive, Alum Bank 15521, Bedford County, Thirtieth Senatorial District, for appointment as Magisterial District Judge, in and for the County of Bedford, Magisterial District 57-3-01, to serve until the first Monday of January 2008, vice Erika McVicker, resigned.

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 THE TABLE

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

The Clerk read the nominations as follows:

CORONER, LUZERNE COUNTY

December 27, 2005

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 A. Consalvo, MD, FACEP, 182 South Franklin Street, Wilkes-Barre 18701, Luzerne County, Fourteenth Senatorial District, for appointment as Coroner, in and for the County of Luzerne, to serve until the first Monday of January 2008, vice George E. Hudock, deceased.

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES OF DANVILLE STATE HOSPITAL

December 22, 2005

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, Dr. L. Richard Larcom, 915 Catherine Street, Bloomsburg 17815, Columbia County, Twenty-seventh Senatorial District, for reappointment as a member of the Board of Trustees of Danville State Hospital, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES OF DANVILLE STATE HOSPITAL

December 22, 2005

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, Leonard Majikas, 312 McGuire Drive, Bloomsburg 17815, Columbia County, Twenty-seventh Senatorial District, for reappointment as a member of the Board of Trustees of Danville State Hospital, to serve until the third Tuesday of January 2009, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES OF DANVILLE STATE HOSPITAL

December 22, 2005

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, Joseph Millard, 6 Fairview Drive, Danville 17821, Montour County, Twenty-seventh Senatorial District, for reappointment as a member of the Board of Trustees of Danville State Hospital, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES OF DANVILLE STATE HOSPITAL

December 22, 2005

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, Betty Ann Moyer, 438 Mill Street, Danville 17821, Montour County, Twenty-seventh Senatorial District, for reappointment as a member of the Board of Trustees of Danville

State Hospital, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified.

EDWARD G. RENDELL
Governor

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

December 22, 2005

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, C. Herbert Zeager, 155 Shady Hill Road, Watontown 17777, Montour County, Twenty-seventh Senatorial District, for reappointment as a member of the Board of Trustees of Danville State Hospital, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

**MEMBER OF THE PENNSYLVANIA
FISH AND BOAT COMMISSION**

January 23, 2006

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Frederick P. Osifat, (District 7), 6 South Fern Street, PO Box 165, Tresckow 18254, Carbon County, Fourteenth Senatorial District, for appointment as a member of the Pennsylvania Fish and Boat Commission, to serve until June 4, 2009, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Leon Reed, Honesdale, deceased.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF MEDICINE

November 9, 2005

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, Rabbi Solomon Isaacson, (Public Member), 11006 Audubon Avenue, Philadelphia 19116, Philadelphia County, Fifth Senatorial District, for appointment as a member of the State Board of 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 Howard Goldstein, Jenkintown, whose term expired.

EDWARD G. RENDELL
Governor

**MEMBER OF THE STATE
TRANSPORTATION COMMISSION**

December 22, 2005

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, Robert P. Daday, 1448 Colesville Road, Bethlehem 18015, Northampton County, Eighteenth Senatorial District, for reappointment as a member of the State Transportation Commission, to serve for a term of six years and until his successor is appointed and qualified, but not longer than six month beyond that period.

EDWARD G. RENDELL
Governor

**MEMBER OF THE WORKERS'
COMPENSATION APPEAL BOARD**

February 1, 2006

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Herbert W. Hoffman, Esquire, 1001 Eric Drive, Harrisburg 17012, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MAGISTERIAL DISTRICT JUDGE

January 25, 2006

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Tonya M. Osman, 108 Deelo Drive, Alum Bank 15521, Bedford County, Thirtieth Senatorial District, for appointment as Magisterial District Judge, in and for the County of Bedford, Magisterial District 57-3-01, to serve until the first Monday of January 2008, vice Erika McVicker, resigned.

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-48

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

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 RESOLUTIONS ADOPTED

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

Senator ORIE. Madam President, I offer the following resolution.

(The Clerk read the following congratulatory resolution.)

Whereas, Mario Lemieux, the majority owner, chairman of the board, team captain, center, and former chief executive officer of the Pittsburgh Penguins Ice Hockey team, is being honored upon his January 24, 2006, retirement from professional ice hockey.

On the question,

Will the Senate adopt the resolution?

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

Senator ORIE. Madam President, on behalf of Senator Pippy, Senator Ferlo, Senator Fontana, Senator Costa, Senator Logan, Senator LaValle, Senator Don White, and Senator Barry Stout, all of us have joined together to honor and congratulate Mario Lemieux upon his retirement from the Pittsburgh Penguins National Hockey League team.

Just for a little bit of background, he is recognized as one of the worldwide number one greatest hockey players of our time. His nickname is "The Magnificent One." He was selected by the Pittsburgh Penguins in 1984 in an early draft, and his career speaks volumes of his accomplishments and what he has done. One of the things I would like to state also, Madam President, is when you look at Mario Lemieux and his community service, it far outweighs his outstanding accomplishments in the hockey organization. He has created the Mario Lemieux Foundation that helps children to deal with cancer, and his mission is to find a cure for cancer. He has done fundraising with a celebrity invitational where he raises over a million dollars each year, and he has donated to create playrooms for various hospitals. At UPNC Health Systems, he created a patient care and research center, at Children's Hospital, a pediatric cancer research center, and this past year, 2005, he gave \$2 million to the Children's Home of Pittsburgh.

On behalf of my colleagues from Allegheny County and Senator Stout from Washington County, we would like to honor him, his professional hockey career, his multitude of athletic awards, his community service, and wish him the best in his retirement, and tell him that he will be sorely missed in the hockey organization, but he has left a legacy for so many years to come with his community service.

The PRESIDENT. Thank you, Senator Orie. I believe everyone across the Commonwealth loves Mario Lemieux, and that was a wonderful resolution.

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, BOSCOLA, WONDERLING, KITCHEN, FERLO, KASUNIC, STOUT, WENGER, FUMO, GORDNER, WASHINGTON, CONTI, PIPPY, EARLL, MADIGAN, PILEGGI, O'PAKE, D. WHITE, ERICKSON, COSTA, GREENLEAF, FONTANA, TARTAGLIONE, BROWNE, BRIGHTBILL, RHOADES, C. WILLIAMS, M.J. WHITE, MUSTO, LEMMOND, LOGAN, MELLOW, ORIE and ARMSTRONG, by unanimous consent, offered **Senate Resolution No. 225**, entitled:

A Resolution declaring March 2006 as "Irish American Heritage Month" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator STACK. Madam President, once again, I am proud to offer a resolution, along with my colleague, Senator Rafferty, designating March 2006 as Irish American Heritage Month in Pennsylvania. Irish American Heritage Month is recognized in conjunction with St. Patrick's Day, which is always a special occasion to recognize the contributions of Irish Americans and join together in celebration of all who have overcome tragedy to see another spring.

These celebrations will take place throughout the Commonwealth before, during, and after March 17. In Philadelphia, the St. Patrick's Day Observation Society will host an event in the mayor's reception room and have a parade. Everyone is welcome. This celebration, and many others, will recognize the contributions Irish Americans have made to our industry, our government, our peace, and our security.

Madam President, I ask my colleagues' unanimous support for this resolution to recognize the contributions of Irish Americans and the many Pennsylvanians of Irish American heritage.

Thank you, Madam President.

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

Senator RAFFERTY. Madam President, it is certainly my privilege to cosponsor this resolution with Senator Stack, having known one another for a number of years through an Irish American heritage organization. It is time for reflection on how important our heritage is for us, and I am now reading "1865," the book about the year 1865, and an important, significant year it was in the history of our country. Reading the book, on both sides of the conflict of the Civil War, the Union side and the Confederacy, there were a number of Irish Americans involved fighting for the causes they felt to be just. We know that with the

Irish Brigade on our side, the Union side, and with the Union prevailing, that the right side won in the war, and we know our Union and the causes that we hold so dear to us were preserved in that battle in that terrible war. The Irish Americans in that war and subsequent wars, in the foundation, in the factories, the machinery, and the industrial revolution, and now in the service revolution of this country, have played an integral part. It is our day to remember them and all of Irish American heritage in this great Commonwealth and this country, and to take the time to reflect on them.

So I join with my colleague, Senator Stack, in asking for unanimous consent.

Thank you, Madam President.

The PRESIDENT. Thank you, Senator Stack and Senator Rafferty, for recognizing March as Irish American Heritage Month.

And the question recurring,

Will the Senate adopt the resolution?

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

Senators CONTI, WASHINGTON, WONDERLING, STACK, BOSCOLA, FERLO, KASUNIC, ORIE, REGOLA, PUNT, BRIGHTBILL, TOMLINSON, ARMSTRONG, EARLL, FONTANA, MELLOW, TARTAGLIONE, LaVALLE, KITCHEN, RAFFERTY, D. WHITE, WENGER, PIPPY, O'PAKE, PILEGGI, GREENLEAF, COSTA, ERICKSON, RHOADES, C. WILLIAMS, MUSTO, LEMMOND and LOGAN, by unanimous consent, offered **Senate Resolution No. 226**, entitled:

A Resolution designating February 14, 2006, as "Congenital Heart Defect Awareness Day" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator CONTI. Madam President, today I offer a resolution to recognize February 14 as Congenital Heart Defect Awareness Day in Pennsylvania. I can think of no better holiday to draw attention to the approximately 35,000 infants who are born each year in the United States and the million or so adults and children who live with congenital heart defects, or a hole in their heart. Early detection and treatment is essential to survival. With education and awareness, we can save lives. So on this Valentine's Day, I urge my fellow Members and people at home to reflect on their own and their loved one's heart health.

Thank you, Madam President.

And the question recurring,

Will the Senate adopt the resolution?

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

Senator COSTA, by unanimous consent, offered **Senate Resolution No. 227**, entitled:

A Resolution designating March 18, 2006, as "Neighborhood Legal Services Association Day" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator COSTA. Madam President, I rise this afternoon to offer a resolution designating March 18, 2006, as Neighborhood Legal Services Association Day in the Commonwealth of Pennsylvania. As you know, Madam President, Pennsylvania is fortunate to have a strong legal service community throughout the Commonwealth, particularly in southwestern Pennsylvania and Allegheny County. We are very fortunate to be served by a group of dedicated lawyers and individuals in the Neighborhood Legal Services organization who represent clients in a variety of legal matters who would not otherwise have the resources to hire an attorney to represent them in whatever legal difficulty they may be experiencing. The range of issues that Neighborhood Legal Services attorneys provide representation for include landlord/tenant issues, consumer credit issues, domestic relations matters, and advice to elderly clients on estate planning and governmental aid.

I ask my colleagues to join me in supporting this resolution, and let them know that it remains open at the desk, and that we immediately adopt this resolution at this point in time.

Thank you, Madam President.

And the question recurring,

Will the Senate adopt the resolution?

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

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 Florence Speck by Senator Brightbill.

Congratulations of the Senate were extended to Jacob Evans by Senator Erickson.

Congratulations of the Senate were extended to the American Red Cross Southeastern Pennsylvania Chapter by Senator Fumo.

Congratulations of the Senate were extended to Anthony Smith, Edward R. Horan, Michael A. Bartosiewicz and to Jonathan C. Limberakis by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Harry Miller by Senator Jubelirer.

Congratulations of the Senate were extended to Mr. and Mrs. William M. Williams, Mr. and Mrs. Gordon McCarty, Mr. and Mrs. Allen Lupold, Mr. and Mrs. Francis Rudinski, Mr. and Mrs. Kenneth Raker, Mr. and Mrs. David L. Searles and to Mr. and Mrs. Howard L. Hostrander by Senator Madigan.

Congratulations of the Senate were extended to Joseph Caputo and to the Honorable Michael J. Stack by Senator Mellow.

Congratulations of the Senate were extended to Gerard Dessoye by Senator Musto.

Congratulations of the Senate were extended to Kathy A. King-McCarthy and to the Penbrook Lions Club by Senator Piccola.

Congratulations of the Senate were extended to Mr. and Mrs. Ceasar Gorski, Kenneth W. Stringer, Jr., Ryan Sherman and to Bryan Santry by Senator Rafferty.

Congratulations of the Senate were extended to Dorothy Prutzman by Senator Stout.

Congratulations of the Senate were extended to Helen Green by Senator Tomlinson.

Congratulations of the Senate were extended to Richard Gibbs, Katelyn M. Miller and to Stephen D. Wales by Senator Waugh.

Congratulations of the Senate were extended to Thompson Old Fashion Remodeling of Kittanning by Senator D. White.

Congratulations of the Senate were extended to Matthew R. Galante, Greg S. Eakin, Timothy D. Edwards and to Ryan M. Buckholtz by Senator M.J. White.

Congratulations of the Senate were extended to Jarrett Robert Buchanan and to the Honorable Phyllis F. Bittenbender by Senator Wonderling.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to by voice vote.

The bills were as follows:

SB 922, SB 1033, HB 200 and HB 247.

And said bills having been considered for the first time,

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

PETITIONS AND REMONSTRANCES

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

Senator A.H. WILLIAMS. Madam President, I am standing here in the stead of countless Pennsylvanians who are still waiting for us to move on the issue of minimum wage, but what brought my attention to this were some interesting remarks made on Sunday on "This Week with George Stephanopoulos." The guest happened to be our own Pittsburgh Steeler, Lynn Swann, who apparently aspires to be the chief executive, the head of Pennsylvania in the form of governor. He made comments directed at the minimum wage issue, and I would like to provide the text in his exact words.

Mr. STEPHANOPOULOS: There is a bill right now in the State legislature calling for a \$2-an-hour increase in the minimum wage, from \$5.15 to \$7.15 an hour. Why are you against that?

Mr. SWANN: Well, it is not that I am so much against it, but what I am against is --

Mr. STEPHANOPOULOS: Are you against it?

Mr. SWANN: Well, what it is, I am against Pennsylvania not being competitive. If we continue to make moves in Pennsylvania to make us less competitive with our surrounding States, underscore surrounding States, then how are we going to grow? How are we going to create more jobs?

Mr. STEPHANOPOULOS: And you think an increase in the minimum wage will do that?

Mr. SWANN: Well, I think an increase in the minimum wage could do that. We are trying to lure more jobs to Pennsylvania, and we are trying to encourage business to grow. Businesses are saying, you know, we have to pay more in benefits. We have to pay more in health insurance. You know, we have to pay more in other insurances because of the laws in terms of liability, and so that is getting stretched. We cannot say we are going to create a more business-friendly environment, lower taxes, which I proposed in the business segment of Pennsylvania, and then say we are going to raise it in other areas, so there is no net gain.

Mr. STEPHANOPOULOS: Well, I am not clear on this. Are you for the minimum wage increase or against it?

Mr. SWANN: As it is stated right now for Pennsylvania, I am not in favor of raising the minimum wage just in the State of Pennsylvania. If we raise it nationally, wonderful.

Now, what is curious are two things. I am not sure if he is speaking the philosophy of the party that he is now endorsed by, or if he is speaking as an individual. I hope he is speaking as an individual, because if he is, he needs to be a little more educated about what he is talking about. If Mr. Swann talks about the surrounding States, then he needs to understand that Maryland, New Jersey, Delaware, New York, all have higher minimum wages. By the way, Mr. Swann, I have not seen an influx of one job from New York because of the fact that their minimum wage is higher than ours. Further, I am not sure again if Mr. Swann is speaking as an individual or on behalf of the party that he represents, but if he is, he needs to understand job shopping is a little more complicated than just State to State now. It is now nation to nation. It is Pennsylvania to China, China to India. That is the manner in which the labor pool is now beginning to organize itself.

As he mentioned several times in his opening comments, protecting the seniors of Pennsylvania, if he is truly interested in protecting the seniors of Pennsylvania, many of whom are on a fixed income, which he talked about, then he should certainly understand that many of them get up early in the morning and they go to a place where they are, in fact, making minimum wage. They understand the difference between Delaware, New York, Ohio, and let me go down the list. They chose to live in Pennsylvania, and we have chosen not to act. Then we have someone who plans to be the head of the State and further plans not to act. But he is not even reacting out of fact, he is reacting out of fiction and ignorance, ignorance because we are behind the other States, and not one job has left Pennsylvania to go to New York because it is lower or higher, and no one has come here because of it.

I recognize that this is a pretty complicated question. No, it is not like running a hook pattern, which he waxed quite eloquently, and it is certainly not talking about Antwaan Randle El throwing a touchdown pass to Heinz Ward. No, it is a little more complicated than that, and frankly, it cuts much deeper than that. Millionaires running cross patterns and throwing touchdowns on a football field do not equate to a person trying to pay their light bill in Pennsylvania right now. If we are going to talk about the minimum wage, fine, let us just talk about it. But if we are going to do something about the minimum wage, let us get off the air waves, have this ridiculous hyperbole represent either Republican or Democrat, and let us get down to the business of

moving the bill. Let us get past the rhetoric and fiction, and get to the facts.

The facts are, we are not scaring away employers, and increasing the minimum wage will not make us less competitive. In fact, we are behind the other surrounding States. Polling data, as Mr. Swann will soon know, polling data, Democrat and Republican, Philadelphia to Clearfield County, old, young, black, white, fat, skinny, all of us want the minimum wage increased. That has nothing to do with outlandish comments about football players who are millionaires and comparing them to the plight of minimum wage employees in Pennsylvania.

Let us remove this Hollywood activity, playing field activity, glamour activity, and let us face the hard reality. Pennsylvania is in the fight of its life. It requires informed, intelligent, compassionate, and by the way, in-touch leadership. If you are going to lead and open your mouth on something, open it first on the minimum wage and be clear about what you are talking, and if you are talking about it, do something about it.

Thank you, Madam President.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 1

SENATE NONCONCURS IN HOUSE AMENDMENTS TO SENATE AMENDMENTS TO HB 1318

HB 1318 (Pr. No. 3484) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, providing for requirements relating to voter identification; further providing for powers and duties of county boards, for compensation of district election officers, for polling places selected by county boards, for public buildings to be used where possible and portable polling places and for prohibiting polling places in buildings where malt or brewed beverages or liquors are sold; providing for polling places in other buildings; further providing for nominations by political bodies and for affidavits of candidates; providing for restrictions on voting by convicted felons; and further providing for opening of polls, posting cards of instruction and notices of penalties and voters' rights and examination of voting machines, for voting procedures, for manner of applying to vote, for date of application for absentee ballots, for canvassing of official absentee ballots and for violation of provisions relating to absentee voting.

Senator BRIGHTBILL. Madam President, I move the Senate nonconcur in the amendments made by the House to Senate amendments to House Bill No. 1318, and that a Committee of Conference on the part of the Senate be appointed.

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

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 2

BILLS REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

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

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

Considered the second time and agreed to,

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

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

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

Considered the second time and agreed to,

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

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS REFERRED TO COMMITTEE

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

MEMBER OF THE STATE BOARD OF DENTISTRY

February 13, 2006

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas W. Braun, D.M.D., Ph.D., 393 Irwin Road, Gibsonia 15044, Allegheny County, Fortieth Senatorial District, for reappointment as a member of the State Board of Dentistry, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF EDUCATION

February 13, 2006

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dr. James G. Hansel, 829 Frank Drive, Emmaus 18049, Lehigh County, Twenty-fourth Senatorial District, for appointment as a member of the State Board of Education, to serve until October 1, 2011, or until his successor is appointed and qualified, vice Larry Wittig, Tamaqua, whose term expired.

EDWARD G. RENDELL
Governor

**MEMBER OF THE MUNICIPAL POLICE OFFICERS'
EDUCATION AND TRAINING COMMISSION**

February 13, 2006

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Stephen Margeson, 199-A Acre Drive, Carlisle 17013, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Municipal Police Officers' Education and Training Commission, to serve for a term of three years and until his successor is appointed and qualified.

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 MUNICIPAL POLICE OFFICERS'
EDUCATION AND TRAINING BOARD**

February 13, 2006

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

Please note the nomination dated December 27, 2005, for the appointment of Fred A. Scott, 704 Brad Street, Shippensburg 17257, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Municipal Police Officers' Education and Training Commission, to serve for a term of three years and until his successor is appointed and qualified, vice Stephen Margeson, Carlisle, whose term expired, should be corrected to read:

Fred A. Scott, 704 Brad Street, Shippensburg 17257, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Municipal Police Officers' Education and Training Commission, to serve for a term of three years and until his successor is appointed and qualified, vice Richard Herron, Woodlyn, resigned.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, FEBRUARY 14, 2006

9:30 A.M.	TRANSPORTATION (public hearing of the Senate Select Committee on Innovative Transportation Financing, ITFC, to present an overview of National Outlook and State Programs)	Room 461 Main Capitol
10:00 A.M.	COMMUNITY AND ECONOMIC DEVELOPMENT (to consider Senate Bills No. 659, 816 and 1063; and House Bill No. 983)	Room 8E-A East Wing
10:00 A.M.	JUDICIARY (committee meeting and public hearing on the nominations of the Hon. Cynthia A. Baldwin as Justice, Supreme Court of PA and Carol L. Lavery as Victim Advocate; and to consider Senate Bills No. 631, 773, 866, 951 and 1069)	Room 8E-B East Wing
10:00 A.M.	EDUCATION (to consider House Bills No. 185 and 1618; and any other business that may come before the committee) CANCELLED	Rules Com. Conf. Rm.
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider certain executive nominations)	Rules Com. Conf. Rm.

WEDNESDAY, FEBRUARY 15, 2006

Off the Floor	BANKING AND INSURANCE (to consider House Bill No. 1478)	Rules Com. Conf. Rm.
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MONDAY, FEBRUARY 27, 2006

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

TUESDAY, FEBRUARY 28, 2006

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

WEDNESDAY, MARCH 1, 2006

9:00 A.M.	APPROPRIATIONS (Budget Hearing - State Gaming Control Board)	Senate Maj. Caucus Rm.
10:30 A.M.	APPROPRIATIONS (Budget Hearing - Insurance Department)	Senate Maj. Caucus Rm.
1:15 P.M.	APPROPRIATIONS (Budget Hearing - Department of Agriculture)	Senate Maj. Caucus Rm.

2:45 P.M.	APPROPRIATIONS (Budget Hearing - State System of Higher Education)	Senate Maj. Caucus Rm.
<u>THURSDAY, MARCH 2, 2006</u>		
9:00 A.M.	APPROPRIATIONS (Budget Hearing - Department of Labor and Industry)	Senate Maj. Caucus Rm.
10:30 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Conservation and Natural Resources)	Senate Maj. Caucus Rm.
1:15 P.M.	APPROPRIATIONS (Budget Hearing - Department of Health)	Senate Maj. Caucus Rm.
2:45 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Environmental Protection)	Senate Maj. Caucus Rm.
<u>MONDAY, MARCH 6, 2006</u>		
9:30 A.M.	APPROPRIATIONS (Budget Hearing - Dept. of Military and Veterans Affairs)	Senate Maj. Caucus Rm.
10:30 A.M.	APPROPRIATIONS (Budget Hearing - Public Utilities Commission)	Senate Maj. Caucus Rm.
1:15 P.M.	APPROPRIATIONS (Budget Hearing - Department of Education)	Senate Maj. Caucus Rm.
<u>TUESDAY, MARCH 7, 2006</u>		
9:00 A.M.	APPROPRIATIONS (Budget Hearing - Department of Transportation)	Senate Maj. Caucus Rm.
1:15 P.M.	APPROPRIATIONS (Budget Hearing - PA School Employees' Retirement System and State Employees Retirement System)	Senate Maj. Caucus Rm.
2:45 P.M.	APPROPRIATIONS (Budget Hearing - Department of Corrections)	Senate Maj. Caucus Rm.
<u>WEDNESDAY, MARCH 8, 2006</u>		
9:00 A.M.	APPROPRIATIONS (Budget Hearing - Department of Public Welfare)	Senate Maj. Caucus Rm.
1:15 P.M.	APPROPRIATIONS (Budget Hearing - Judiciary)	Senate Maj. Caucus Rm.
2:45 P.M.	APPROPRIATIONS (Budget Hearing - State Police)	Senate Maj. Caucus Rm.
<u>THURSDAY, MARCH 9, 2006</u>		
9:00 A.M.	APPROPRIATIONS (Budget Hearing - Department of Aging)	Senate Maj. Caucus Rm.
10:30 A.M.	APPROPRIATIONS (Budget Hearing - Board of Probation and Parole)	Senate Maj. Caucus Rm.
1:15 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Community & Economic Development)	Senate Maj. Caucus Rm.
<u>FRIDAY, MARCH 10, 2006</u>		
10:00 A.M.	URBAN AFFAIRS AND HOUSING (to consider the availability of affordable housing for working families)	Kennett Sq. Boro. Hall, 120 Marshall St., Kennett Sq., Pa.

PETITIONS AND REMONSTRANCES (Continued)

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

Senator RHOADES. Madam President, if any of you had a chance to watch WVIA, the public TV station out of Wilkes-Barre/Scranton, they had George Curry, the winningest high school football head coach in Pennsylvania, on the program. People were wondering if he retired, resigned, and why he left the position at Berwick, and that is why they had him on the program. I think one of the most important things is that George Curry is a number-one class act, and during this program, one of the things he talked about were the 10 commandments for football parents. As much as this is about football parents, I think this is good for parents of children participating in any other sport. They are: *(Reading)*

1. Be positive with your son. Let him know he is accomplishing something simply by being part of the team. Do not put him down.

2. Do not offer excuses for him if he is not playing. There is usually a reason for it. Encourage him to work hard and do his best.

3. Do not put down his coaches. Remember the coach represents the boss, the authority, the parent, the teacher, the law. If you constantly bad mouth your son's coaches, how can you expect a youngster to respect and play for them?

4. Whether he is a first or second stringer, players must follow the rules pertaining to curfew, drinking, smoking, girlfriends, promptness, and school. Football is a very demanding sport, and coaches must concern themselves with the players' off-the-field activities in order to get the maximum physical and mental performance out of their players.

5. Insist on good grades. Check the number of hours your son spends on homework. It is the duty of parents to see that their son is working in the classroom. No matter how good a player he is, if he does not have good grades, he does not get into college. Eliminate the use of the car, phone calls, television, et cetera, that cut into study time.

6. Do not criticize other players because you dislike their parents. Do not try to live your life vicariously through your son. Football is your youngster's game, let them play it. Do not show animosity or jealousy to any of your son's teammates because they carry the ball more, score more touchdowns, or get more press. This type of envy rubs off on your son, and it can devastate a team. Who cares who scores or makes the big play, as long as everyone does their job to the fullest.

7. Do not be a know-it-all. The coaches work with the players year round, and they know what each kid can and cannot do. As a fan, you are entitled to scream your head off, but please do not become belligerent and arrogant toward players. They are amateurs, as are the coaches. Coaches know their talent. Respect that.

8. Insist on your son's respect for team rules, school rules, game officials, and sportsmanship. Do not let him make fools out of his family, school, and team by some uncalled-for gesture or incident that brings him shame. Self-respect begins with self-control.

9. Encourage your son to improve his self-image by believing in himself. Do not compare and contrast your son with family members who played previously. Every youngster is different. Do not add pressure by expecting him to live up to an older brother's individual accomplishments.

10. Encourage your son to play for the love of the game, not for a scholarship. This alleviates a lot of pressure on the youngsters. Scholarships are in the hands of college recruiters, the high school does not give them. Many talented players fizzle because the pressure on them to get a scholarship causes them to become selfish. Insist on unselfishness. Good things usually happen to the unselfish, hard-working athlete.

As simple as this may be, you might ask why would I want to read something like this about young people? I think the

principles and points that Coach Curry asked of his players could be asked not only of every athlete but of every adult, and even of the people who sit in this Chamber. The rules and regulations are for the good of the team. For the good of the team, in our particular case, means serving our constituents. I think it is nice that we still have coaches and citizens who have principles and ideals and are still coaching our boys and girls, and I just want to put on the record how much I appreciate Coach Curry and what he did not only in Berwick but throughout his career, and even as he continues on.

Thank you, Madam President.

The PRESIDENT. Thank you, Senator Rhoades. That is very, very meaningful advice from Coach George Curry to the young students. I appreciate that, having been a schoolteacher.

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

Senator RHOADES. Madam President, I move that the Senate do now recess until Tuesday, February 14, 2006, at 10:45 a.m., Eastern Standard Time.

The motion was agreed to by voice vote.

The Senate recessed at 5:48 p.m., Eastern Standard Time.