

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

MONDAY, APRIL 3, 2006

SESSION OF 2006 190TH OF THE GENERAL ASSEMBLY

No. 24

SENATE

MONDAY, April 3, 2006

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

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

PRAYER

The Chaplain, Reverend THEODORE H. MARTIN, of First Presbyterian Church of Bakerstown, offered the following prayer:

Ladies and gentlemen of the Senate, let us come before the Lord God in prayer.

Holy and eternal God of heaven, who is vitally imminent in our daily lives, we humbly come before You in full awareness of our dependence upon You. Because of Your grace, we have experienced relative peace and security in our Commonwealth of Pennsylvania. May we, Lord God, not take for granted this mercy that You have displayed, especially now as we sit in positions of authority that call us to make the decisions that affect our brothers and sisters who live with us in our communities.

Lord God Almighty, as those endowed with the privilege of establishing laws for our Commonwealth, may we keep our focus pure on the issues and the greater good, even as our State Seal upholds the values of virtue, liberty, and independence. We should never find ourselves captive to the whims of certain agendas or swayed by the populist sentiments that run counter to Your role. You have set us free, Lord, from the oppression of selfishness and vain pursuits, even as Lady Liberty tramples upon the head of the lion of tyranny, recognizing that both cannot survive.

Fill us with confidence to do Your will, and humble us to be attentive to Your direction. Even now, we give You thanks for those who have gone before us, like Thaddeus Stevens, whose life was dedicated to a vision beyond himself, and for Petty Officer John T. Fralish, who gave up his life for the larger vision of bringing freedom to the oppressed.

Lord God, we call upon You to be with Governor Rendell, that You would instruct him and guide him. May he be alert to Your word of truth as he exercises the leadership that You have given to him. All of this we pray in pure submission to Your sovereign presence in our lives.

Guide these Senators this day. Fill them with the endurance and strength that is necessary to accomplish the tasks that are before them, and protect their families, even as they are in the

public eye. Our trust is in You, Lord God Almighty. Hear our prayer. Amen.

The PRESIDENT. The Chair thanks Reverend Martin, who is the guest today of Senator Orie.

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 March 29, 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

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 PENNSYLVANIA
COUNCIL ON AGING

March 30, 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, Elizabeth Roseman, 1204 Lewis Street, Bethlehem 18017, Northampton County, Eighteenth Senatorial District, for appointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 2008, and until her successor is appointed and qualified, vice Helen-Ann Comstock, Philadelphia, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE PENNSYLVANIA
COUNCIL ON AGING

March 30, 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, Pioquinto "Skip" Voluntad, 543 Locust Avenue, Philadelphia 19106, Philadelphia County, First Senatorial District, for reappointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 2008, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MEMBER OF THE ARCHITECTS
LICENSURE BOARD

March 30, 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, Jonathan W. Shimm, AIA, 650 Smithfield Street, Pittsburgh 15222, Allegheny County, Forty-second Senatorial District, for appointment as a member of the Architects Licensure Board, 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 John Haas, State College, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD
OF LANDSCAPE ARCHITECTS

March 30, 2006

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, [data missing] as a member of the State Board of Landscape Architects, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Richard G. Stauffer, Denver, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF VEHICLE
MANUFACTURERS, DEALERS AND SALESPERSONS

March 30, 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, Father Rene Barczak, St. Pius Friary, 11051 Academy Road, Philadelphia 19154, Philadelphia County, Fifth Senatorial District, for appointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Raymond H. Miley Jr., whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF VEHICLE
MANUFACTURERS, DEALERS AND SALESPERSONS

March 30, 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, Richard S. Bortz, Sr., 557 Sugar Run Road, Waynesburg 15370 Greene County, Forty-sixth Senatorial District, for appointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice John S. Detrick, Carlisle, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF VEHICLE
MANUFACTURERS, DEALERS AND SALESPERSONS

March 30, 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, Joseph D. Steward, Esquire, 13021 Trina Drive, Philadelphia 19116, Philadelphia County, Fifth Senatorial District, for appointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Richard Cessar, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE BLAIR COUNTY
BOARD OF ASSISTANCE

March 30, 2006

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Fifteenth Senatorial District, for appointment as a member of the Blair County Board of Assistance, to serve until December 31, 2008, and until her successor is appointed and qualified, vice John Faulds, Sr., Hollidaysburg, resigned.

EDWARD G. RENDELL
Governor

MAGISTERIAL DISTRICT JUDGE

January 23, 2006 [sic]

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Stephanie Moore, 40 Red Barberry

Drive, Etters 17319, York County, Fifteenth Senatorial District, as Magisterial District Judge, in and for the County of Delaware, Magisterial District 32-2-48, to serve until the first Monday of January 2008, vice James F. Nilon, Jr., resigned.

EDWARD G. RENDELL
Governor

MAGISTERIAL DISTRICT JUDGE

March 30, 2006

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as Magisterial District Judge, in and for the County of Forest/Warren, Magisterial District 37-4-03, to serve until the first Monday of January 2008, vice Curtis E. Carbaugh, resigned.

EDWARD G. RENDELL
Governor

**MEMBER OF THE PENNSYLVANIA
COUNCIL ON AGING**

April 3, 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, Bill Ryan, 1729 Ritter Avenue, Bristol 19007, Bucks County, Sixth Senatorial District, for reappointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 2008, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

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

April 3, 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, 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.

EDWARD G. RENDELL
Governor

**RECALL COMMUNICATIONS
REFERRED TO COMMITTEE**

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the

Commonwealth, which were read as follows and referred to the Committee on Rules and Executive Nominations:

**MEMBER OF THE PENNSYLVANIA
COUNCIL OF AGING**

March 30, 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 January 13, 2006, for the appointment of Elizabeth Roseman, 1204 Lewis Street, Bethlehem 18017, Northampton County, Eighteenth Senatorial District, for appointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 2008, and until her successor is appointed and qualified, vice Helen-Ann Comstock, Philadelphia, whose term expired.

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

EDWARD G. RENDELL
Governor

**MEMBER OF THE PENNSYLVANIA
COUNCIL OF AGING**

March 30, 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 January 3, 2006, for the appointment of Pioquinto "Skip" Voluntad, 543 Locust Avenue, Philadelphia 19106, Philadelphia County, First Senatorial District, for reappointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 2008, and until his successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

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

March 30, 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 December 23, 2005, for the appointment of Samuel Grossman, 2045 Pennsylvania Street, Allentown 18104, Lehigh County, Sixteenth Senatorial District, for reappointment as a member of the Board of Trustees of Allentown State Hospital, to serve until the third Tuesday of January 2009, and until his successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF ALLENTOWN STATE HOSPITAL

March 30, 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 December 22, 2005, for the appointment of James J. Holzinger, Esquire, 1204 West Market Street, Bethlehem 18018, Lehigh County, Eighteenth Senatorial District, for reappointment as a member of the Board of Trustees of Allentown State Hospital, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF ALLENTOWN CENTER

March 30, 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 December 22, 2005, for the appointment of Lecie G. Machell, 1350 Sycamore Street, Bethlehem 18017, Northampton County, Sixteenth Senatorial District, for reappointment as a member of the Board of Trustees of Allentown State Hospital, to serve until the third Tuesday of January 2009, and until her successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF ALLENTOWN STATE HOSPITAL

March 30, 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 December 22, 2005, for the appointment of Francis J. Pecuch, Jr., 414 East Fairview Street, Bethlehem 18018, Northampton County, Eighteenth Senatorial District, for reappointment as a member of the Board of Trustees of Allentown State Hospital, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE ANIMAL HEALTH
AND DIAGNOSTIC COMMISSION

March 30, 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 January 23, 2006, for the reappointment of James Henry, 215 Angus Lane, New Bethlehem 16242, Clarion County, Twenty-first Senatorial District, [data missing] as a member of the Animal Health and Diagnostic Commission, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE ARCHITECTS
LICENSURE BOARD

March 30, 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 December 27, 2005, for the appointment of Jonathan W. Shimm, AIA, 650 Smithfield Street, Pittsburgh 15222, Allegheny County, Forty-second Senatorial District, for appointment as a member of the Architects Licensure Board, 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 John Haas, State College, whose term expired.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF CLARK SUMMIT STATE HOSPITAL

March 30, 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 December 22, 2005, for the appointment of William P. Grochowski, 425 West Drinker Street, Dunmore 18509, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the Board of Trustees of Clark Summit State Hospital, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF DANVILLE STATE HOSPITAL

March 30, 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 January 19, 2006, for the appointment of B.J. Clark, 611 East Darby

Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, [data missing] 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, vice Bernard Mayan, Riverside, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF HAMBURG CENTER

March 30, 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 December 22, 2005, for the appointment of Norman E. Dresher, 140 Valley Road, Hamburg 19526, Berks County, Twenty-ninth Senatorial District, for reappointment as a member of the Board of Trustees of Hamburg Center, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF HAMBURG CENTER

March 30, 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 December 22, 2005, for the appointment of D. Joanne Reckley, 2403 Elizabeth Avenue, Temple 19560, Berks County, Eleventh Senatorial District, for appointment as a member of the Board of Trustees of Hamburg Center, to serve until the third Tuesday of January 2009, and until her successor is appointed and qualified, vice Annabelle Good, Allentown, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE PENNSYLVANIA
HISTORICAL AND MUSEUM COMMISSION

March 30, 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 January 24, 2006, for the appointment of Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as a member of the Pennsylvania

Historical and Museum Commission, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified, vice Robert Janosov, Nanticoke, deceased.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD
OF NURSING

March 30, 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 December 23, 2005, for the appointment of Nora Peterman 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as a member of the State Board of Nursing, to serve until June 14, 2006, and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Rena Lawrence, Lancaster, deceased.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD
OF OCCUPATIONAL THERAPY
EDUCATION AND LICENSURE

March 30, 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 January 9, 2006, for the appointment of Tom Willis, (Pubic Member), 272 Chestnut Avenue, Media 19063, Chester County, Ninth Senatorial District, for appointment as a member of the State Board of Occupational Therapy Education and Licensure, to serve for a term of three years and until his successor is appointed and qualified, vice Arthur McVitty, Ambler, whose term expired.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD
OF OSTEOPATHIC MEDICINE

March 30, 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 December 27, 2005, for the appointment of Nora Peterman (Public Member), 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as a member of the

State Board of Osteopathic Medicine, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Esther Richwine, Harrisburg, whose term expired.

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

EDWARD G. RENDELL
Governor

PHYSICIAN GENERAL

March 30, 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 January 19, 2006, for the appointment of B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, [data missing] as Physician General, to serve at the pleasure of the Governor, vice The Honorable Robert Muscalus, Harrisburg, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES OF
THADDEUS STEVENS COLLEGE OF TECHNOLOGY

March 30, 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 January 19, 2006, for the appointment of Stephanie Moore, 40 Red Barberrry Drive, Eppers 17319, York County, Fifteenth Senatorial District, [data missing] as a member of the Board of Trustees of Thaddeus Stevens College of Technology, to serve until the third Tuesday of January 2011, and until her successor is appointed and qualified, vice Stephen L. Ralston, Coatesville, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF TORRANCE STATE HOSPITAL

March 30, 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 January 13, 2006, for the appointment of Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, [data missing] as a member of the Board of Trustees of Torrance State Hospital, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified, vice Rev. Dr. Roger Petersen, Blairsville resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF VEHICLE
MANUFACTURERS, DEALERS AND SALESPERSONS

March 30, 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 January 3, 2006, for the appointment of Father Rene Barczak, St. Pius Friary, 11051 Academy Road, Philadelphia 19154, Philadelphia County, Fifth Senatorial District, for appointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Raymond H. Miley, Jr., whose term expired.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF VEHICLE
MANUFACTURERS, DEALERS AND SALESPERSONS

March 30, 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 January 3, 2006, for the appointment of Richard S. Bortz, Sr., 557 Sugar Run Road, Waynesburg 15370, Greene County, Forty-sixth Senatorial District, for appointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice John S. Detrick, Carlisle, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF VEHICLE
MANUFACTURERS, DEALERS AND SALESPERSONS

March 30, 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 January 3, 2006, for the appointment of Joseph D. Steward, Esquire, 13021 Trina Drive, Philadelphia 19116, Philadelphia County, Fifth Senatorial District, for appointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of four years and until his successor is appointed and qualified, but not

longer than six months beyond that period, vice Richard Cessar, whose term expired.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF WARREN STATE HOSPITAL

March 30, 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 December 22, 2005, for the appointment of Keith Bell, 645 Shady Avenue, Sharon 16146, Mercer County, Fiftieth Senatorial District, for reappointment as a member of the Board of Trustees of Warren State Hospital, to serve until the third Tuesday of January 2009, and until his successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE CLARION COUNTY
BOARD OF ASSISTANCE

March 30, 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 January 19, 2006, for the appointment of B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, *[data missing]* as a member of the Clarion County Board of Assistance, to serve until December 31, 2005 *[sic]* and until his successor is appointed and qualified, vice Sally Hartle, Marble, declined appointment.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE CUMBERLAND COUNTY
BOARD OF ASSISTANCE

March 30, 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 December 23, 2005, for the appointment of Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the Cumberland County Board of Assistance, to serve until December 31, 2007, and until his successor is appointed and qualified, vice Harold Frantz, Mechanicsburg, deceased.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE GREENE COUNTY
BOARD OF ASSISTANCE

March 30, 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 December 23, 2005, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Fifteenth Senatorial District, for appointment as a member of the Greene County Board of Assistance, to serve until December 31, 2006, and until her successor is appointed and qualified, vice Peter Rameas, Waynesburg, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE HUNTINGDON COUNTY
BOARD OF ASSISTANCE

March 30, 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 January 13, 2006, for the appointment of B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, for appointment as a member of the Huntingdon County Board of Assistance, to serve until December 31, 2005, *[sic]* and until his successor is appointed and qualified, vice Joann Condellone, Huntingdon, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE LACKAWANNA COUNTY
BOARD OF ASSISTANCE

March 30, 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 January 4, 2006, for the appointment of Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the Lackawanna County Board of Assistance, to serve until December 31, 2006, and until his successor is appointed and qualified, vice Frank Grecco, Carbondale, deceased.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE LANCASTER COUNTY
BOARD OF ASSISTANCE

March 30, 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 December 23, 2005, for the appointment of Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as a member of the Lancaster County Board of Assistance, to serve until December 31, 2007, and until her successor is appointed and qualified, vice MacDonald Stacks, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE SCHUYLKILL COUNTY
BOARD OF ASSISTANCE

March 30, 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 December 23, 2005, for the appointment of Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the Schuylkill County Board of Assistance, to serve until December 31, 2007, and until his successor is appointed and qualified, vice Theodore Lachowicz, Shenandoah, deceased.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE WYOMING COUNTY
BOARD OF ASSISTANCE

March 30, 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 December 23, 2005, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Eiters 17319, York County, Fifteenth Senatorial District, for appointment as a member of the Wyoming County Board of Assistance, to serve until December 31, 2006, and until her successor is appointed and qualified, vice Mary P. Finan, Lake Winola, resigned.

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

EDWARD G. RENDELL
Governor

MAGISTERIAL DISTRICT JUDGE

March 30, 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 January 20, 2006, for the appointment of B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, for appointment as Magisterial District Judge, in and for the County of Franklin/Fulton, Magisterial District 39-3-04, to serve until the first Monday of January 2008, vice Larry Meminger, deceased.

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

EDWARD G. RENDELL
Governor

MAGISTERIAL DISTRICT JUDGE

March 30, 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 December 23, 2005, for the appointment of Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, for appointment as Magisterial District Judge, in and for the County of Northampton, Magisterial District 03-2-11, to serve until the first Monday of January 2008, vice Elizabeth A. Romig, resigned.

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

EDWARD G. RENDELL
Governor

MAGISTERIAL DISTRICT JUDGE

March 30, 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 January 3, 2006, for the appointment of Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, for appointment as Magisterial District Judge, in and for the County of Allegheny, Magisterial District 05-2-10, to serve until the first Monday of January 2008, vice Alberta Thompson, resigned.

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

EDWARD G. RENDELL
Governor

MAGISTERIAL DISTRICT JUDGE

March 30, 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 December 30, 2005, for the appointment of Nora Peterman 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as Magisterial District Judge, in and for the County of Chester, Magisterial District 15-3-07, to serve until the first Monday of January 2008, vice Robert E. Gill, deceased.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE PENNSYLVANIA
COUNCIL ON AGING

April 3, 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 January 3, 2006, for the appointment of Bill Ryan, 1729 Ritter Avenue, Bristol 19007, Bucks County, Sixth Senatorial District, for reappointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 2008, and until his successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE MUNICIPAL POLICE OFFICERS'
EDUCATION AND TRAINING COMMISSION

April 3, 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 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 Richard Herron, Woodlyn, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE
TRANSPORTATION COMMISSION

April 3, 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 December 23, 2005, for the appointment of Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as a member of the State Transportation Commission, to serve until December 10, 2007, and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Gene G. Smith, Grove City, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF WARREN STATE HOSPITAL

April 3, 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 December 22, 2005, for the appointment of Geraldine Spero, 5105 Clinton Drive, Erie 16509, Erie County, Forty-ninth Senatorial District, for reappointment as a member of the Board of Trustees of Warren State Hospital, to serve until the third Tuesday of January 2009, and until her successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

CORRECTIONS TO 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:

STATE CHARTER SCHOOL APPEALS BOARD

March 30, 2006

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

Please note the nomination dated March 28, 2006, for the appointment of Dr. James E. Barker, 3821 Greenly Road, McKean 16426, Erie County, Forty-ninth Senatorial District, for appointment as a member of the State Charter School Appeals Board, to serve until June 14, 2009, and until his successor is appointed and qualified, Dennis Giorno, whose term expired, should be corrected to read:

James E. Barker, 3821 Greenly Road, McKean 16426, Erie County, Forty-ninth Senatorial District, for appointment as a member of the State Charter School Appeals Board, to serve until June 14, 2009, and until his successor is appointed and qualified, vice Richard Bunn, Berwyn, whose term expired.

STATE CHARTER SCHOOL APPEALS BOARD

March 30, 2006

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

Please note the nomination dated March 28, 2006, for the appointment of Preston C. Green, III, 2377, Shetter Run Road, State College 16801, Centre County, Thirty-fourth Senatorial District, for appointment is [*sic*] a member of the State Charter School Appeals Board, to serve until June 14, 2006, and until his successor is appointed and qualified, Steven Melnick, PhD., whose term expired, should be corrected to read:

Preston C. Green, III, 2377 Shetter Run Road, State College 16801, Centre County, Thirty-fourth Senatorial District, for appointment as a member of the State Charter School Appeals Board, to serve until June 14, 2006, and until his successor is appointed and qualified, vice Steven Melnick, PhD., Elizabethtown, whose term expired.

STATE CHARTER SCHOOL APPEALS BOARD

March 30, 2006

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

Please note the nomination dated March 28, 2006, for the appointment of William C. Hittinger, 566 Riverwoods Way, Bethlehem 18018, Northampton County, Eighteenth Senatorial District, for appointment as a member of the State Charter School Appeals Board, to serve until June 14, 2007, and until his successor is appointed and qualified, Dennis Giorno, whose term expired, should be corrected to read:

William C. Hittinger, 566 Riverwoods Way, Bethlehem 18018, Northampton County, Eighteenth Senatorial District, for appointment as a member of the State Charter School Appeals Board, to serve until June 14, 2007, and until his successor is appointed and qualified, vice Dennis Giorno, Philadelphia, whose term expired.

MEMBER OF THE STATE BOARD OF VEHICLE
MANUFACTURERS, DEALERS AND SALESPERSONS

April 3, 2006

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

Please note the nomination dated March 30, 2006, for the appointment of Richard S. Bortz, Sr., 557 Sugar Run Road, Waynesburg 15370, Greene County, Forty-sixth Senatorial District, for appointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice John S. Detrick, Carlisle, resigned, should be corrected to read:

Richard S. Bortz, Sr., 557 Sugar Run Road, Waynesburg 15370, Greene County, Forty-sixth Senatorial District, for appointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Michael Lieberth, Oakmont, whose term expired.

MAGISTERIAL DISTRICT JUDGE

April 3, 2006

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

Please note the nomination dated January 23, 2004, [*sic*] for the appointment of Stephanie Moore, 40 Red Barberry Drive, Eters 17319, York County, Fifteenth Senatorial District, as Magisterial District Judge, in and for the County of Delaware, Magisterial District 32-2-48, to serve until the first Monday of January 2008, vice James F. Nilon, resigned, should be corrected to read:

March 30, 2006, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Eters 17319, York County, Fifteenth Senatorial District, as Magisterial District Judge, in and for the County of Delaware, Magisterial District 32-2-48, to serve until the first Monday of January 2008, vice James F. Nilon, resigned.

BILLS INTRODUCED AND REFERRED

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

April 3, 2006

Senators ROBBINS, BRIGHTBILL, MADIGAN, STOUT, BOSCOLA, BROWNE, CORMAN, ERICKSON, GREENLEAF, LAVALLE, LEMMOND, ORIE, PILEGGI, PUNT, RAFFERTY, SCARNATI, VANCE, WAUGH, WENGER, D. WHITE, M. WHITE, C. WILLIAMS, WONDERLING, WOZNIAK, REGOLA, CONTI, STACK, LOGAN and PIPPY presented to the Chair **SB 1171**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for bus company reimbursement for motor fuel tax.

Which was committed to the Committee on TRANSPORTATION, April 3, 2006.

Senators TOMLINSON, RAFFERTY, BOSCOLA, M. WHITE, RHOADES, COSTA, WAUGH and TARTAGLIONE presented to the Chair **SB 1173**, entitled:

An Act amending the act of August 21, 1953 (P.L.1273, No.361), known as The Private Detective Act of 1953, providing for a code of ethics for private detectives.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, April 3, 2006.

Senators ORIE, BOSCOLA, COSTA, PICCOLA, ERICKSON, FONTANA, KITCHEN, RAFFERTY, TARTAGLIONE, RHOADES, WAUGH, MUSTO, WOZNIAK, MELLOW, REGOLA, LAVALLE, STACK and ARMSTRONG presented to the Chair **SB 1178**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for kidnapping.

Which was committed to the Committee on JUDICIARY, April 3, 2006.

Senators RHOADES, D. WHITE, O'PAKE, MUSTO, WONDERLING, LEMMOND, REGOLA and WOZNIAK presented to the Chair **SB 1179**, entitled:

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

Which was committed to the Committee on LABOR AND INDUSTRY, April 3, 2006.

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:

April 3, 2006

Senators TOMLINSON, BRIGHTBILL, RHOADES, D. WHITE, WONDERLING, BOSCOLA, KASUNIC, STOUT, COSTA, FERLO, CONTI, ERICKSON, WASHINGTON, LAVALLE, TARTAGLIONE, MADIGAN, WENGER, ORIE,

GREENLEAF, EARLL, ROBBINS, BROWNE, REGOLA, PIPPY, LOGAN, O'PAKE, PILEGGI, LEMMOND, STACK, RAFFERTY, SCARNATI, C. WILLIAMS and ARMSTRONG presented to the Chair SR 251, entitled:

A Resolution designating the week of April 23 through 29, 2006, as "Pennsylvania One Call System Week."

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, April 3, 2006.

BILL REPORTED FROM COMMITTEE

Senator CORMAN, from the Committee on Public Health and Welfare, reported the following bill:

HB 2443 (Pr. No. 3817) (Amended)

An Act amending the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, providing for continuation of demonstration projects for cardiac care.

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 Anthony Williams.

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

LEAVE OF ABSENCE

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

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED REREFERRED

HB 2054 (Pr. No. 3763) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 26 (Eminent Domain), 42 (Judiciary and Judicial Procedure) and 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, adding provisions relating to eminent domain; and making related repeals.

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

SENATE CONCURRENT RESOLUTION ADOPTED

WEEKLY RECESS

Senator BRIGHTBILL offered the following resolution, which was read, considered, and adopted by voice vote:

In the Senate, April 3, 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 Tuesday, April 18, 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 Senate recesses the week of April 18th, it reconvene on Monday April 24, 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, April 10, 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 April 10th, it reconvene on Monday, April 24, 2006, unless sooner recalled by the Speaker of the House of Representatives.

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

CONSIDERATION OF CALENDAR RESUMED

SENATE RESOLUTION No. 250 CALLED UP OUT OF ORDER, ADOPTED

Senator BRIGHTBILL, without objection, called up from page 5 of the Calendar, as a Special Order of Business, **Senate Resolution No. 250**, entitled:

A Resolution designating April 4, 2006, as "Pennsylvania Farm Bureau Day" and congratulating Pennsylvania Farm Bureau members for their contribution to this Commonwealth and to this Commonwealth's agricultural industry.

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

NAY-0

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

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR JOHN R. PIPPY
PRESENTED TO THE SENATE**

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

Senator PIPPY. Madam President, it is always a pleasure to introduce individuals to the Senate floor who have done a lot, especially when they are Pittsburgh Steelers. Today I have the pleasure of introducing a gentleman who not only captured the hearts and minds of all Steelers fans as a football player, but more importantly, or just as importantly, as a good person off the field. Kendall Simmons is here today lending his support to the University of Pittsburgh Cancer Institute to help as they are looking for new ways to fight cancer, to find cures, and for preventative treatments.

When we have a great athlete, it means so much to us. We always talk about leaders and heroes, and a lot of times people say that athletes do not do enough. They get paid and they do not do enough. I will tell you, this gentleman has not only impressed us with his football prowess, but more importantly, as a person, as a wonderful family man who does a lot in our community, and I would like a very warm Senate welcome for Kendall Simmons, the right guard for the Pittsburgh Steelers.

(Applause.)

Senator PIPPY. Madam President, there is also a reception at 5 p.m. today for the University of Pittsburgh Cancer Institute in the East Wing Rotunda, and Mr. Simmons will be kind enough to be there.

Thank you, Madam President.

The PRESIDENT. Will all the other guests from the University of Pittsburgh Cancer Institute please rise.

(Applause.)

**GUESTS OF SENATOR ROBERT M.
TOMLINSON PRESENTED TO THE SENATE**

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

Senator TOMLINSON. Madam President, just to keep in the spirit of football, and of course we had Kendall Simmons here from the Pittsburgh Steelers, but from the other spectrum, I have a group of young men from Northampton Township in Bucks County here with me today, the Northampton Indians Junior Pee Wee Football Team. I brought them here today to honor them for winning the 2005 Pop Warner Eastern Region Division Football Championship and advancing to the semifinals at the 2005 Pop Warner Division I 100-pound National Championship Football Tournament, which was held in Walt Disney's Wide World of Sports in Florida. They are a wonderful group of young men who are here with their coaches and some of the parents. They had an outstanding record of 14 and 1, and the last game they played was their only loss, so they were undefeated for the entire season until the playoffs. They were guided by Head Coach Chris Fiegel and Assistant Coaches Dale Balasco, Lou Shragher, Ed Horne, and Bill Tobin and are in the gallery. They visited Representative Petri, and they are here to visit us, and I wish the Senate would give them a warm welcome, please.

The PRESIDENT. Would the Northampton Indians and all

their coaches and family please rise.

(Applause.)

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 purposes of a meeting of the Committee on Appropriations, which will be held immediately in the Rules room, to be followed by a Republican caucus. We should be back here on the floor in about 1 hour and 5 minutes.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Madam President, I request that at the conclusion of the meeting of the Committee on Appropriations, that the Democratic Members report to our caucus room at the rear of the Chamber.

The PRESIDENT. There will be a recess of the Senate for a meeting of the Committee on Appropriations, to be followed by Republican and Democratic caucuses. Without objection, for those purposes, the Senate stands in recess for approximately an hour.

AFTER RECESS

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

BILLS REPORTED FROM COMMITTEE

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

SB 707 (Pr. No. 1674) (Amended) (Rereported)

An Act amending the act of May 3, 1933 (P.L.242, No.86), referred to as the Cosmetology Law, further providing for definitions, for practice of cosmetology without license, for limited licenses, for practice in cosmetology shops only, for temporary licenses, for fees and for regulations; and substituting the term "salon" for the term "shop" throughout the act.

SB 997 (Pr. No. 1629) (Rereported)

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, further providing for medical assistance payments for institutional care.

HB 121 (Pr. No. 3818) (Amended) (Rereported)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for period of disqualification, revocation or suspension of operating privilege; providing for passing and overtaking streetcars and for snow and ice dislodged or falling from moving vehicles; and further providing for ignition interlock.

HB 601 (Pr. No. 3819) (Amended) (Rereported)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for period of disqualification, revocation or suspension of operating privilege and for chemical testing to determine amount of alcohol or controlled substance.

HB 1591 (Pr. No. 3761) (Rereported)

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, extending patient safety standards to certain abortion facilities.

HB 1820 (Pr. No. 3820) (Amended) (Rereported)

An Act providing compensation to persons in active service in connection with the Persian Gulf Conflict or their beneficiaries; authorizing the incurring of indebtedness and the issue and sale of bonds by the Commonwealth for the payment of compensation contingent upon electorate approval; creating a special fund in the State Treasury to be known as the Persian Gulf Conflict Veterans' Compensation Bond Fund; imposing powers and duties on the Department of General Services; making appropriations; and making a related repeal.

HB 2054 (Pr. No. 3848) (Amended) (Rereported)

An Act amending Titles 26 (Eminent Domain), 42 (Judiciary and Judicial Procedure) and 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, adding provisions relating to eminent domain; and making related repeals.

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

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 997 (Pr. No. 1629) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, further providing for medical assistance payments for institutional care.

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?

LEGISLATIVE LEAVES

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

Senator BRIGHTBILL. Madam President, I ask for a legislative leave for Senator Punt, and a temporary Capitol leave for Senator Wenger.

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

Senator O'PAKE. Madam President, I request a temporary Capitol leave for Senator Tartaglione.

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

LEAVE CHANGE

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

Senator BRIGHTBILL. Madam President, I ask that Senator Lemmond's personal leave be cancelled, and that he be placed on temporary Capitol leave.

The PRESIDENT. Senator Brightbill requests that Senator Lemmond be placed on temporary Capitol leave. Without objection, the leave will be granted.

REQUEST FOR RECESS

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

Senator BRIGHTBILL. Madam President, I ask for a 10-minute recess for the purpose of a Republican caucus. The Republican caucus will be held immediately in the Rules room. I ask the Members to report promptly so we can come back on the floor and continue our business.

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

Senator FUMO. Madam President, I ask the Democratic Members to come to our Caucus meeting as well.

LEGISLATIVE LEAVE

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

Senator FUMO. Madam President, I ask for a temporary Capitol leave for Senator Mellow.

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

RECESS

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

AFTER RECESS

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

And the question recurring,
Shall the bill pass finally?

LEGISLATIVE LEAVES

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

Senator BRIGHTBILL. Madam President, I request a temporary Capitol leave for Senator Pippy.

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

Senator FUMO. Madam President, I ask for a temporary Capitol leave for Senator Washington.

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

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-43

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

NAY-6

Fontana	Kitchen	Tartaglione	Williams, Anthony H.
Fumo	Stack		

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

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

LEGISLATIVE LEAVE CANCELLED

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

PREFERRED APPROPRIATION BILLS OVER IN ORDER

SB 1159, SB 1161 and SB 1162 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL OVER IN ORDER TEMPORARILY

SB 691 -- Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

BILLS OVER IN ORDER

SB 703, HB 750, SB 935, SB 857 and SB 1000 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

SB 691 CALLED UP

SB 691 (Pr. No. 1622) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator BRIGHTBILL.

BILL AMENDED

SB 691 (Pr. No. 1622) -- 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, in sales and use tax, for credit against tax and, in gross receipts tax, for the imposition of tax; and making a related repeal.

On the question,

Will the Senate agree to the bill on third consideration?

WONDERLING AMENDMENT A7125

Senator WONDERLING offered the following amendment No. A7125:

Amend Title, page 1, line 12, by striking out "imposition of tax": phaseout of mobile telecommunications and certain telephone taxes

Amend Sec. 2 (Sec. 1101), page 5, line 8, by inserting after "THE": interstate telegraph or telephone messages

Amend Sec. 2 (Sec. 1101), page 5, line 9, by striking out "(3)" and inserting: the mobile telecommunications services messages tax imposed under subsection (a)(3)

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

FUMO AMENDMENT A7042

Senator FUMO offered the following amendment No. A7042:

Amend Sec. 2, page 2, line 6, by striking out "A SUBSECTION" and inserting: subsections

Amend Sec. 2 (Sec. 1101), page 5, line 6, by striking out "PHASE-OUT" and inserting: Phaseout

Amend Sec. 2 (Sec. 1101), page 5, by inserting between lines 22 and 23:

(m) Applicability of Phaseout Provisions.—The phaseout provisions of subsection (l) shall not apply to any mobile telecommunications services provider that imposes a fee for the termination of service, if the service has been terminated at the customer's request and the customer has received uninterrupted service from the provider for six months or longer.

On the question,

Will the Senate agree to the amendment?

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

Senator FUMO. Madam President, this bill, Senate Bill No. 691, basically is a tax break, and although it is being couched as a tax break to consumers, it is actually a tax break that has been stimulated by the cell phone companies. They are behind this massive advertising campaign that is going on, and what I wanted to say is if we are going to give away a billion dollars in taxpayer

money, what I wanted to say to these companies is, well, if this is really about consumers, let us protect consumers. This amendment says, if you want to take advantage of this tax break, you cannot charge a consumer a fee to turn off your service after they have been with you for 6 months. This is one of those hidden fees that happens along the way. A person signs up, after 6 months if they want to cancel, there is a fee for them to do that.

So all I am saying, Madam President, if we are really going to help consumers, then let us help the consumers. I do not want to kid anybody. A bunch of consumers did not get together to put up the millions of dollars for campaign ads that we see running throughout the Commonwealth and the Web site on this, and everything else. So, if we are going to give them a break in taxes, we should start to protect consumers. I have this and other consumer-oriented amendments to offer to this bill, if we are going to really be about consumer rights.

Thank you, Madam President.

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

Senator WONDERLING. Madam President, I respectfully disagree with the gentleman from Philadelphia. I am going to ask for a negative vote on amendment A7042. For the record, hopefully, of the \$200 million this bill on final passage will return to hardworking men and women of the Commonwealth, approximately 80 percent goes to the individual consumer, the citizen. I laud the maker of the amendment, but I ask for a "no" vote, in part because current Federal statute would preempt such action, and also in part, if you look at the national competitive nature of cell phones, cell phone plans, et cetera, usually termination fees are waived at the point of sale, so I ask my colleagues for a negative vote on this amendment.

Thank you, Madam President.

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

Senator FUMO. Madam President, just to correct the record, this would not conflict with Federal preemption.

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

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

YEA-23

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

NAY-26

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

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

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

FUMO AMENDMENT A7032

Senator FUMO offered the following amendment No. A7032:

Amend Sec. 2, page 2, line 6, by striking out "A SUBSECTION" and inserting: subsections

Amend Sec. 2 (Sec. 1101), page 5, line 6, by striking out "PHASE-OUT" and inserting: Phaseout

Amend Sec. 2 (Sec. 1101), page 5, by inserting between lines 22 and 23:

(m) Applicability of Phaseout Provisions.—The phaseout provisions of subsection (l) shall not apply to any mobile telecommunications services provider that discloses the telephone number, name or address of a customer to another person for any commercial purposes whatsoever, including, but not limited to, a listing in a directory assistance database or for the publication or listing in a directory unless such customer has authorized such disclosure in writing.

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

LEGISLATIVE LEAVE

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

Senator FUMO. Madam President, I request a temporary Capitol leave for Senator Hughes.

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

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

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

Senator FUMO. Madam President, in the spirit of consumerism, we are going to continue on. Currently, when you receive a cell phone call, your charges start as soon as you receive the call, whether you want the call or not. What is currently going on is that cell phone companies are going to begin selling your phone number to people who will be calling you with solicitations, buying things, and things of that nature. What this says is, again, if you want to take advantage of this tax break, you cannot sell or give away a cell phone number without the owner's written permission. This is to protect you from spam phone calls, the ones you get in the evening. When they call you on your home phone, it does not cost anything, it is just a burden, and we went so far as to pass laws to try to stop that. This is an effort to stop that in advance, not only do you get bothered, but you also are going to pay to get bothered, so I ask for an affirmative vote, Madam President.

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

Senator WONDERLING. Madam President, I ask for a negative vote on this amendment. I appreciate the Senator bringing this issue of consumer protection to our attention today. The fact of the matter is that this body unanimously approved, not too long ago, Senate Bill No. 713 which does that and more. It provides for those of us who buy cell phones, at the point of service, to tell the cell phone providers that we do not want our number to opt into the types of directories that were described in this amendment. That bill passed unanimously in the Senate and has already passed out of committee in the House, and we anticipate a full vote in the House, hopefully, in the next several weeks. So again, Madam President, I ask for a "no" vote on this amendment.

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

Senator FUMO. Madam President, we are still waiting for the House to pass lobbying reform. I do not think this Chamber is very much persuaded by what goes on over there. When we see it, we will believe it. But, Madam President, there is nothing wrong with voting on this again. In fact, this is the way to get it done. You hook it on to something that the big companies want, so they have to swallow. Now, I will admit, if you are trying to protect cell phone companies, you do not want this. But if you want to protect consumers, put them on the line, and they are going to get a \$200 million break, but I think the number is \$300 million. By the way, Madam President, when that \$300 million hole is in the budget, we will be raising other taxes to fill it. Do not let anybody kid you into thinking that we are going to cut spending around here, because in the last 15 years I have not seen us ever pass a budget below whatever any Governor proposed, so we are going to fill that hole. That is not the issue, the issue is on the full bill.

Madam President, if you are serious about this, if you are not just trying to con the voters, if you really want to protect consumers, you will vote on this again and put it in the bill where it will get passed and something will get done.

Thank you, Madam President.

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

Senator WONDERLING. Madam President, again, just to speak specifically to the amendment that was drawn as we understand very recently, we do not think that it goes far enough. We think Senate Bill No. 713 as unanimously passed does, it is proconsumer. Again, it is important that what we are making the wireless industry do, under Senate Bill No. 713, is spell out in bold terms the ability for consumers to opt out of certain directories. As to the gentleman's comments about the fiscal impact, we are talking about the measure on the amendment before us, currently amendment A7032, and I ask for a negative vote

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

Senator FUMO. Madam President, if the gentleman wants us to go over this bill until tomorrow so we can make an even better amendment, I will gladly do that. I suspect he does not want to do that, because he does not really want to deal with this issue. He would rather be an advocate for the companies. The \$200 million number was the one that he used. I am telling you it is

\$300 million, but who cares, we will raise the income tax.

Madam President, if you are really about consumer protection, if you really do not want your consumers bothered by these current phone calls, and if you really do not want them to pay when they get these phone calls, you will vote "yes" for this. If not, when they do get calls, I will be the first to come back and read the roll call of everyone who wanted to support the spam artists so they could call their constituents and make them pay for the spam phone calls.

Thank you, Madam President, it is a very simple amendment.

The PRESIDENT. We already voted amendment A7042, Senator Wonderling. This is the vote on amendment A7032, which says we cannot give out cell numbers without written permission.

Senator WONDERLING. Thank you, Madam President. I stand corrected, but I still ask for a negative vote on the clarified amendment.

The PRESIDENT. Senator Wonderling asks for a negative vote and Senator Fumo asks for a positive vote on amendment A7032.

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

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

YEA-38

Armstrong	Greenleaf	Orie	Tomlinson
Boscola	Hughes	Pileggi	Vance
Browne	Jubelirer	Pippy	Washington
Conti	Kasunic	Rafferty	Waugh
Costa	Kitchen	Regola	White, Donald
Earl	LaValle	Rhoades	Williams, Anthony H.
Erickson	Logan	Robbins	Williams, Constance
Ferlo	Mellow	Stack	Wozniak
Fontana	Musto	Stout	
Fumo	O'Pake	Tartaglione	

NAY-11

Brightbill	Lemmond	Punt	White, Mary Jo
Corman	Madigan	Scarnati	Wonderling
Gordner	Piccola	Wenger	

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

The PRESIDENT. The amendment is adopted.

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

FUMO AMENDMENT A7031

Senator FUMO offered the following amendment No. A7031:

Amend Sec. 2, page 2, line 6, by striking out "A SUBSECTION" and inserting: subsections

Amend Sec. 2 (Sec. 1101), page 5, line 6, by striking out "PHASE-OUT" and inserting: Phaseout

Amend Sec. 2 (Sec. 1101), page 5, by inserting between lines 22 and 23:

(m) Applicability of Phaseout Provisions.—The phaseout provisions of subsection (l) shall not apply to any mobile telecommunications services provider until such time as the telecommunications service provider has submitted and received a determination by the Pennsylvania Public Utility Commission of the reasonableness of the provider's rates for service. For the purposes of this provision, the mobile telecommunications service provider shall be deemed to be a public utility within the meaning of 66 Pa.C.S. § 102 (relating to definitions).

On the question,

Will the Senate agree to the amendment?

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

Senator FUMO. Madam President, this amendment is in the name of consumerism. There was a time, and I was here at that time, when cell phones were only available to extremely wealthy people, their use was very, very rare, and there was a debate over whether or not they should be at the PUC. At that point in time, many, many years ago, we agreed and said, no, because we could never envision where we are today. Today there are probably more cell phones in use than there are land line phones.

Madam President, this says that before one of these companies can take advantage of this tax break, they have to register with the PUC as a utility and prove and file that their rates are reasonable and that their provider's rates and services are reasonable. People right now have no place to complain when they are cut off in the middle of a phone call, yet they are billed for that. In fact, it is so bad that people are constantly asking, what can I do? You get in the middle of a phone call, click, you dial it again. The example I like to use is the fact that when you call and get voice mail for the person, they give you this long speech, if you want immediate action, hit 5; if you want this, hit number 6; if you want to leave a message, hold the line, and you are paying for that 30 seconds of air time.

So, Madam President, those are things that we hope the PUC, with more expertise than us, would be able to regulate. As I said, we require the PUC to regulate land line phones, and there was a time when there were very few cell phones. Now there are more cell phones than there are land line phones, and this says if you want to take advantage of the tax break, nothing is free. If you want to take advantage of the tax break, give consumers a place to complain about their rates and services and listen to the PUC, which has the expertise. The PUC, I might add, is dominated by Republicans. It is not a Democratic PUC, so I do not think anybody on that side of the aisle should fear the PUC, but we want a place for these people to be able to vent their frustration, if nothing else.

Thank you, Madam President.

The PRESIDENT. On A7031, Senator Fumo is requesting that before a company can take advantage of the tax break, they must now register with the PUC.

The Chair recognizes the gentleman from Montgomery, Senator Wonderling.

Senator WONDERLING. Madam President, I am going to ask my colleagues for a negative vote on this amendment. The Senator is correct that there are more cell phone users than in

days gone by, but there are also more cell phone service providers. I think what we have seen over the last several years is that competition does work, and allowing the free market to determine prices and packages on behalf of consumers is very proconsumer. My fear about this amendment, Madam President, is the proverbial nose in the camel's tent, the notion, and the Senator used the term "regulate," I know that there was a time and place when the PUC did a great job in the history of this Commonwealth regulating monopolies, Madam President. That is not the case here. Competition is flourishing in this industry. We think it is proconsumer, and I ask for a negative vote on this amendment.

Thank you.

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

Senator CORMAN. Madam President, I think we are comparing apples and oranges here. Land lines are public utilities that get a guaranteed rate of return. Cell phone companies, Madam President, built their own network. They advertise their own product. They went from a place where once there were very few and sort of elite, and through competition, mind you, competition, they were able to lower that price significantly to where almost everyone can afford a cell phone. I cannot think of any way to stunt the growth of an industry than to bring it under government control when it is working without government control. They have brought it down from an elite item to something almost everyone can own. They did it by building their own network. There was no government money in their networks. They did it on their own, and I would say that competition has worked very well in this industry. Although the amendment is well-intended, I ask for a negative vote.

Thank you, Madam President.

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

Senator M.J. WHITE. Madam President, I think Senator Corman is generous in saying that these amendments are well-intended. I think, in fact, it is no secret that the administration is opposed to the repeal of this tax, and what we are seeing here is an attempt to kill the bill with kindness, dressed up as consumer protection. I think this particular amendment might be the one that could kill it. I think, in my opinion, and I have studied some utility law, I believe the Federal Communications Commission authority, the Federal government has the exclusive authority to regulate cellular telephones. I think to attempt to give this authority unilaterally by the State to our Public Utility Commission could very well render this bill unconstitutional, and I ask for a negative vote.

Thank you.

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

Senator FUMO. Madam President, I just want to clarify a few things. I am shocked and dismayed to hear Senator Corman say that land lines get a guaranteed rate of return. I thought that is why we just did Chapter 30, and he was on this floor telling me that they did not get that, that there was this vast competition that existed out there. I am glad now he admits that there is no competition, that they are a monopoly, yet we do not regulate their rates. They do not get a guaranteed rate of return.

Secondly, as for the Federal government's preemption, that is not true as well. The State of Connecticut regulates their cell phone companies, and it is only because of our definition in this Commonwealth that we do not do that. The Feds have not preempted us on this particular area of the law.

Now, Madam President, getting back to the heart of the argument, forgetting all the esoteric mumbo-jumbo, what this does, if nothing else, if nothing else, it allows the consumers and taxpayers in Pennsylvania a forum where they can express their frustration with their service and their rates. If it does nothing else, it lets the taxpayers who are being taxed have some kind of representation. You have a place to go, you have a place to complain, and you have a place to get your service problems rectified and remedied. That is all this says, Madam President. I am shocked and dismayed to think that there is not competition in Pennsylvania in land lines. I am really amazed at that.

Madam President, what this does is protect consumers. When I started this, all I said was that these were amendments that were designed to protect consumers from the very companies that are spending tens of millions of dollars to tell people that they have to lower this tax. If you want to lower the tax, you have some responsibilities. You pay for that. There is no free lunch. There is a price to pay for everything. If you want \$200 million, and my number is actually \$300 million, but I will go with \$200 million, if you want to take \$200 million out of the Treasury of the Commonwealth of Pennsylvania, out of the mouths of people, out of education and everywhere else, all I am saying is that I should get my telephone call completed when I am on my cell phone, and if I do not, I should have a place to complain.

Thank you, Madam President.

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

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

YEAS-24

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

NAYS-25

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

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

MOTION TO RECONSIDER A7032

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

Senator BRIGHTBILL. Madam President, I move that we reconsider the vote by which amendment no. A7032 passed.

The PRESIDENT. Senator Brightbill moves to reconsider the vote by which amendment no. A7032 passed.

Without objection, the motion was agreed to.

And the question recurring,
Will the Senate agree to amendment no. A7032?

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

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

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

Senator FUMO. Madam President, would Senator Wonderling stand for very brief interrogation?

The PRESIDENT. Senator Wonderling, would you stand for brief interrogation?

The gentleman indicates that he will. You may commence.

Senator FUMO. Madam President, on page 5, Section (I), I would like to ask the Senator if that applies to land line phone companies as well as cell phone companies.

Senator WONDERLING. That is correct, Madam President.

Senator FUMO. Thank you, Madam President.

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

FUMO AMENDMENT A7038

Senator FUMO offered the following amendment No. A7038:

Amend Sec. 2 (Sec. 1101), page 5, lines 6 and 7, by striking out "TELEGRAPH OR TELEPHONE MESSAGES TRANSMITTED IN INTERSTATE COMMERCE AND"

Amend Sec. 2 (Sec. 1101), page 5, line 9, by striking out "TELEPHONE COMPANIES AND"

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

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

Senator FUMO. Madam President, this amendment would remove the land line phone companies. All the advertisements we have seen and all the arguments we have heard are that cell phone customers are being penalized and paying more in taxes for the cell phone than they are for the land line, yet we find this provision slipped in where this is a benefit to one of those monopolies I believe that we were talking about, I guess it is Verizon, unless there is a lot of competition for all those guys to compete.

Madam President, if we are going to do this for cell phone customers, then we should do it for land line customers. If we are here, we might as well get rid of the income tax as well. All this

does is focus it and limit it where it is supposed to be focused.

Thank you, Madam President.

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

Senator WONDERLING. Madam President, I ask for a negative vote on this as well, in part, because I think there may have been a technical error in drafting the amendment as offered, as language was deleted on page 5, but not on page 3. As to the point of why we are here, and the hour is getting late, let us not forget the philosophical basis for the bill, and that is not to provide tax breaks to corporations, but to provide some relief to 6 million cell phone users across this Commonwealth. By the way, Madam President, these are users who are young and old. Those who pay the personal income tax in this Commonwealth are described by a different set of demographics than those who use cell phones.

So, Madam President, I ask for a negative vote on this amendment.

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

Senator FUMO. Madam President, just to remind the Senator of his earlier numbers, when he told me that of the \$200 million, that 80 percent of it would be reaped as an advantage to consumers. Madam President, I will use his numbers, that means that 20 percent goes to big business and corporations. Now, I know it is not a lot of money, it is only \$40 million, by his own estimate, but let us not kid anybody, Madam President, this is a tax break for Verizon. That is what this one is about.

Madam President, I ask for an affirmative vote on this. If we are going to do something for cell phone consumers, which I highly doubt, let us not do it for the big corporations as well. Let us just do it for the so-called little guy.

Madam President, you know, there is an old story that bulls and bears will eat and pigs will choke. In this case, I think Verizon should choke on this amendment.

Thank you, Madam President.

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

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

YEA-21

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

NAY-28

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

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

And the question recurring,

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

FUMO AMENDMENT A7087

Senator FUMO offered the following amendment No. A7087:

Amend Sec. 2, page 2, line 6, by striking out "A SUBSECTION" and inserting: subsections

Amend Sec. 2 (Sec. 1101), page 5, by inserting between lines 22 and 23:

(m) Notice of change.—Companies subject to the tax imposed under subsection (a)(2) and (3) who pass the tax on to consumers shall provide notice of any changes in the tax imposed, including any reduction in the amount of the monthly bill.

On the question,

Will the Senate agree to the amendment?

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

Senator FUMO. Madam President, I believe we have agreement on this amendment.

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

Senator BRIGHTBILL. Madam President, the amendment is agreed to.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

The PRESIDENT. The bill will go over as amended.

BILL LAID ON THE TABLE

SB 1050 (Pr. No. 1441) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring manufacturers to disclose information relating to vehicles equipped with event data recorders or sensing and diagnostic modules.

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

SB 1050 TAKEN FROM THE TABLE

Senator BRIGHTBILL. Madam President, I move that Senate Bill No. 1050, Printer's No. 1441, 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.

SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS
AMENDED REREFERRED

SB 592 (Pr. No. 1656) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, defining "alternative investment" and "alternative investment vehicle"; and further providing for administrative duties of the board.

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

BILLS REREFERRED

HB 105 (Pr. No. 3028) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, providing for the definition of "school district"; further providing for the definition of "State-affiliated entity"; and providing for cooperative purchase of fire, rescue and ambulance company supplies.

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

HB 126 (Pr. No. 3762) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, defining "alternative investment" and "alternative investment vehicle"; and further providing for administrative duties of the State Employees' Retirement Board.

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

SB 238 (Pr. No. 237) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing for fees chargeable by Department of State.

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

BILL OVER IN ORDER

HB 249 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION

SB 513 (Pr. No. 1654) -- 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, removing references to elected assessors.

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

BILL ON SECOND CONSIDERATION, AMENDED

SB 514 (Pr. No. 546) -- 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 County Assessment Law, providing for appointment of second class township assessors; and making a repeal.

On the question,
Will the Senate agree to the bill on second consideration?
Senator FUMO, on behalf of Senator MELLOW, offered the following amendment No. A7095:

Amend Title, page 1, line 23, by inserting after "a": related
Amend Sec. 3, page 3, line 21, by striking out all of said line and inserting:

Section 3. Repeals are as follows:

(1) The General Assembly declares that the repeal under paragraph (2) is necessary to effectuate the provisions of this act relating to appointment of assessors in townships of the second class.

(2) Section 405 of the act of May 1, 1933 (P.L.103,

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

On the question,
Will the Senate agree to the bill on second consideration, as amended?

It was agreed to.
Ordered, To be printed on the Calendar for third consideration.

BILL REREFERRED

HB 671 (Pr. No. 3764) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law, further providing for statement of legislative findings, for definitions, for purchase of agricultural conservation easements and for Agricultural Conservation Easement Purchase Fund.

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

BILLS ON SECOND CONSIDERATION

SB 1007 (Pr. No. 1650) -- 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 fire insurance contracts, standard policy provisions and permissible variations.

Considered the second time and agreed to,

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

SB 1055 (Pr. No. 1444) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Pennsylvania Historical and Museum Commission, to accept by donation a tract of land and any improvements on the tract, situate in Penn Township, Westmoreland County.

Considered the second time and agreed to,

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

SB 1068 (Pr. No. 1467) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Capital Self Storage Associates, LLC, certain lands situate in the City of Harrisburg and Susquehanna Township, Dauphin County.

Considered the second time and agreed to,

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

BILLS REREFERRED

SB 1114 (Pr. No. 1655) -- 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 county associations; and authorizing appropriations to counties.

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

HB 1580 (Pr. No. 3765) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, further providing for the regulation of Cervidae livestock operations.

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

BILL OVER IN ORDER

HB 1618 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION

HB 2215 (Pr. No. 3089) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Department of Military and Veterans' Affairs and the Governor, to grant and convey, at a price determined through competitive bidding, certain lands situate in Columbia Borough, Lancaster County.

Considered the second time and agreed to,

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

RECESS

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

Senator BRIGHTBILL. Madam President, I ask for a brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations, which will convene immediately in the Rules room to the rear of the Chamber. We expect to be back in approximately 5 or 10 minutes.

The PRESIDENT. Without objection, for the purpose of a meeting of the Committee on Rules and Executive Nominations, the Senate will stand in recess.

AFTER RECESS

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

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

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

**MEMBER OF THE PENNSYLVANIA
COUNCIL OF AGING**

March 30, 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 January 13, 2006, for the appointment of Elizabeth Roseman, 1204 Lewis Street, Bethlehem 18017, Northampton County, Eighteenth Senatorial District, for appointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 2008, and until her successor is appointed and qualified, vice Helen-Ann Comstock, Philadelphia, whose term expired.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE PENNSYLVANIA
COUNCIL ON AGING

April 3, 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 January 3, 2006, for the appointment of Bill Ryan, 1729 Ritter Avenue, Bristol 19007, Bucks County, Sixth Senatorial District, for reappointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 2008, and until his successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE PENNSYLVANIA
COUNCIL OF AGING

March 30, 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 January 3, 2006, for the appointment of Pioquinto "Skip" Voluntad, 543 Locust Avenue, Philadelphia 19106, Philadelphia County, First Senatorial District, for reappointment as a member of the Pennsylvania Council on Aging, to serve until October 8, 2008, and until his successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF ALLENTOWN STATE HOSPITAL

March 30, 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 December 23, 2005, for the appointment of Samuel Grossman, 2045 Pennsylvania Street, Allentown 18104, Lehigh County, Sixteenth Senatorial District, for reappointment as a member of the Board of Trustees of Allentown State Hospital, to serve until the third Tuesday of January 2009, and until his successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF ALLENTOWN STATE HOSPITAL

March 30, 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 December 22, 2005, for the appointment of James J. Holzinger, Esquire, 1204 West Market Street, Bethlehem 18018, Lehigh County, Eighteenth Senatorial District, for reappointment as a member of the Board of Trustees of Allentown State Hospital, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF ALLENTOWN CENTER

March 30, 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 December 22, 2005, for the appointment of Lecie G. Machell, 1350 Sycamore Street, Bethlehem 18017, Northampton County, Sixteenth Senatorial District, for reappointment as a member of the Board of Trustees of Allentown State Hospital, to serve until the third Tuesday of January 2009, and until her successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF ALLENTOWN STATE HOSPITAL

March 30, 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 December 22, 2005, for the appointment of Francis J. Pecuch, Jr., 414 East Fairview Street, Bethlehem 18018, Northampton County, Eighteenth Senatorial District, for reappointment as a member of the Board of Trustees of Allentown State Hospital, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE ANIMAL HEALTH
AND DIAGNOSTIC COMMISSION

March 30, 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 January 23, 2006, for the reappointment of James Henry, 215 Angus Lane, New Bethlehem 16242, Clarion County, Twenty-first Senatorial District, *[data missing]* as a member of the Animal Health and Diagnostic Commission, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE ARCHITECTS
LICENSURE BOARD

March 30, 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 December 27, 2005, for the appointment of Jonathan W. Shimm, AIA, 650 Smithfield Street, Pittsburgh 15222, Allegheny County, Forty-second Senatorial District, for appointment as a member of the Architects Licensure Board, 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 John Haas, State College, whose term expired.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE COUNCIL OF TRUSTEES
OF CHEYNEY UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION

March 28, 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 January 11, 2006, for the appointment of Steven Pina, Governor's Court, 415 Brown Street, Philadelphia 19123, Philadelphia County, First Senatorial District, for appointment as a member of the Council of Trustees of Cheyney University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified, vice Dongkyu Bak, Media, whose term expired.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF CLARK SUMMIT STATE HOSPITAL

March 30, 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 December 22, 2005, for the appointment of William P. Grochowski, 425 West Drinker Street, Dunmore 18509, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the Board of Trustees of Clark Summit State Hospital, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF DANVILLE STATE HOSPITAL

March 30, 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 January 19, 2006, for the appointment of B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, *[data missing]* 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, vice Bernard Mayan, Riverside, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF HAMBURG CENTER

March 30, 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 December 22, 2005, for the appointment of Norman E. Dresher, 140 Valley Road, Hamburg 19526, Berks County, Twenty-ninth Senatorial District, for reappointment as a member of the Board of Trustees of Hamburg Center, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF HAMBURG CENTER

March 30, 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 December 22, 2005, for the appointment of D. Joanne Reckley, 2403 Elizabeth Avenue, Temple 19560, Berks County, Eleventh Senatorial District, for appointment as a member of the Board of Trustees of Hamburg Center, to serve until the third Tuesday of January 2009, and until her successor is appointed and qualified, vice Annabelle Good, Allentown, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE PENNSYLVANIA
HISTORICAL AND MUSEUM COMMISSION

March 30, 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 January 24, 2006, for the appointment of Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as a member of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified, vice Robert Janosov, Nanticoke, deceased.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE MUNICIPAL POLICE OFFICERS'
EDUCATION AND TRAINING COMMISSION

April 3, 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 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 Richard Herron, Woodlyn, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD
OF NURSING

March 30, 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 December 23, 2005, for the appointment of Nora Peterman 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as a member of the State Board of Nursing, to serve until June 14, 2006, and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Rena Lawrence, Lancaster, deceased.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD
OF OCCUPATIONAL THERAPY
EDUCATION AND LICENSURE

March 30, 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 January 9, 2006, for the appointment of Tom Willis, (Public Member), 272 Chestnut Avenue, Media 19063, Chester County, Ninth Senatorial District, for appointment as a member of the State Board of Occupational Therapy Education and Licensure, to serve for a term of three years and until his successor is appointed and qualified, vice Arthur McVitty, Ambler, whose term expired.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD
OF OSTEOPATHIC MEDICINE

March 30, 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 December 27, 2005, for the appointment of Nora Peterman (Public Member), 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as a member of the State Board of Osteopathic Medicine, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Esther Richwine, Harrisburg, whose term expired.

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

EDWARD G. RENDELL
Governor

PHYSICIAN GENERAL

March 30, 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 January 19, 2006, for the appointment of B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, [data missing] as Physician General, to serve at the pleasure of the Governor, vice The Honorable Robert Muscalus, Harrisburg, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES OF
THADDEUS STEVENS COLLEGE OF TECHNOLOGY

March 30, 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 January 19, 2006, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etners 17319, York County, Fifteenth Senatorial District, [data missing] as a member of the Board of Trustees of Thaddeus Stevens College of Technology, to serve until the third Tuesday of January 2011, and until her successor is appointed and qualified, vice Stephen L. Ralston, Coatesville, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF TORRANCE STATE HOSPITAL

March 30, 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 January 13, 2006, for the appointment of Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, [data missing] as a member of the Board of Trustees of Torrance State Hospital, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified, vice Rev. Dr. Roger Petersen, Blairsville resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE
TRANSPORTATION COMMISSION

April 3, 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 December 23, 2005, for the appointment of Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as a member of the State Transportation Commission, to serve until December 10, 2007, and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Gene G. Smith, Grove City, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF VEHICLE
MANUFACTURERS, DEALERS AND SALESPERSONS

March 30, 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 January 3, 2006, for the appointment of Father Rene Barczak, St. Pius Friary, 11051 Academy Road, Philadelphia 19154, Philadelphia County, Fifth Senatorial District, for appointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Raymond H. Miley, Jr., whose term expired.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF VEHICLE
MANUFACTURERS, DEALERS AND SALESPERSONS

March 30, 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 January 3, 2006, for the appointment of Richard S. Bortz, Sr., 557 Sugar Run Road, Waynesburg 15370, Greene County, Forty-sixth Senatorial District, for appointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice John S. Detrick, Carlisle, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF VEHICLE
MANUFACTURERS, DEALERS AND SALESPERSONS

March 30, 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 January 3, 2006, for the appointment of Joseph D. Steward, Esquire, 13021 Trina Drive, Philadelphia 19116, Philadelphia County, Fifth Senatorial District, for appointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Richard Cessar, whose term expired.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF WARREN STATE HOSPITAL

March 30, 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 December 22, 2005, for the appointment of Keith Bell, 645 Shady Avenue, Sharon 16146, Mercer County, Fiftieth Senatorial District, for reappointment as a member of the Board of Trustees of Warren State Hospital, to serve until the third Tuesday of January 2009, and until his successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF WARREN STATE HOSPITAL

April 3, 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 December 22, 2005, for the appointment of Geraldine Spero, 5105 Clinton Drive, Erie 16509, Erie County, Forty-ninth Senatorial District, for reappointment as a member of the Board of Trustees of Warren State Hospital, to serve until the third Tuesday of January 2009, and until her successor is appointed and qualified.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE CLARION COUNTY
BOARD OF ASSISTANCE

March 30, 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 January 19, 2006, for the appointment of B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, [data missing] as a member of the Clarion County Board of Assistance, to serve until December 31, 2005 [sic] and until his successor is appointed and qualified, vice Sally Hartle, Marble, declined appointment.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE CUMBERLAND COUNTY
BOARD OF ASSISTANCE

March 30, 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 December 23, 2005, for the appointment of Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the Cumberland County Board of Assistance, to serve until December 31, 2007, and until his successor is appointed and qualified, vice Harold Frantz, Mechanicsburg, deceased.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE GREENE COUNTY
BOARD OF ASSISTANCE

March 30, 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 December 23, 2005, for the appointment of Stephanie Moore, 40 Red Barberr Drive, Etters 17319, York County, Fifteenth Senatorial District, for appointment as a member of the Greene County Board of Assistance, to serve until December 31, 2006, and until her successor is appointed and qualified, vice Peter Rameas, Waynesburg, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE HUNTINGDON COUNTY
BOARD OF ASSISTANCE

March 30, 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 January 13, 2006, for the appointment of B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth

Senatorial District, for appointment as a member of the Huntingdon County Board of Assistance, to serve until December 31, 2005 [sic] and until his successor is appointed and qualified, vice Joann Condellone, Huntingdon, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE LACKAWANNA COUNTY
BOARD OF ASSISTANCE

March 30, 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 January 4, 2006, for the appointment of Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the Lackawanna County Board of Assistance, to serve until December 31, 2006, and until his successor is appointed and qualified, vice Frank Grecco, Carbondale, deceased.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE LANCASTER COUNTY
BOARD OF ASSISTANCE

March 30, 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 December 23, 2005, for the appointment of Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as a member of the Lancaster County Board of Assistance, to serve until December 31, 2007, and until her successor is appointed and qualified, vice MacDonald Stacks, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE SCHUYLKILL COUNTY
BOARD OF ASSISTANCE

March 30, 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 December 23, 2005, for the appointment of Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the Schuylkill County Board of Assistance, to serve until December 31, 2007, and

until his successor is appointed and qualified, vice Theodore Lachowicz, Shenandoah, deceased.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE WYOMING COUNTY
BOARD OF ASSISTANCE

March 30, 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 December 23, 2005, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Fifteenth Senatorial District, for appointment as a member of the Wyoming County Board of Assistance, to serve until December 31, 2006, and until her successor is appointed and qualified, vice Mary P. Finan, Lake Winola, resigned.

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

EDWARD G. RENDELL
Governor

MAGISTERIAL DISTRICT JUDGE

March 30, 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 January 3, 2006, for the appointment of Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, for appointment as Magisterial District Judge, in and for the County of Allegheny, Magisterial District 05-2-10, to serve until the first Monday of January 2008, vice Alberta Thompson, resigned.

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

EDWARD G. RENDELL
Governor

MAGISTERIAL DISTRICT JUDGE

March 30, 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 December 30, 2005, for the appointment of Nora Peterman 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as Magisterial District Judge, in and for the County of Chester, Magisterial District 15-3-07, to serve until the first Monday of January 2008, vice Robert E. Gill, deceased.

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

EDWARD G. RENDELL
Governor

MAGISTERIAL DISTRICT JUDGE

March 30, 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 January 20, 2006, for the appointment of B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, for appointment as Magisterial District Judge, in and for the County of Franklin/Fulton, Magisterial District 39-3-04, to serve until the first Monday of January 2008, vice Larry Meminger, deceased.

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

EDWARD G. RENDELL
Governor

MAGISTERIAL DISTRICT JUDGE

March 30, 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 December 23, 2005, for the appointment of Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, for appointment as Magisterial District Judge, in and for the County of Northampton, Magisterial District 03-2-11, to serve until the first Monday of January 2008, vice Elizabeth A. Romig, resigned.

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

EDWARD G. RENDELL
Governor

NOMINATIONS RETURNED TO THE GOVERNOR

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

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

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

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

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

MEMBER OF THE STATE BOARD
OF ACCOUNTANCY

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, Patrick J. Dugan, CPA, 730 Hickory Road, Secane 19018, Delaware County, Twenty-sixth Senatorial District, for appointment as a member of the State Board of Accountancy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Joseph Alu, Dunmore, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD
OF ACCOUNTANCY

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, Michael J. Menear, CPA, 351 N. Locust Point Road, Mechanicsburg 17050, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Board of Accountancy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice James P. Keasey, York, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF EBENSBURG CENTER

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, Charlene R. Shank, 235 Mosshaven Way, Ligonier 15658, Westmoreland County, Forty-first Senatorial District, for appointment as a member of the Board of Trustees of Ebensburg Center, to serve until the third Tuesday of January 2011, and until her successor is appointed and qualified, vice Rebecca A. Terchanik, Johnstown, resigned.

EDWARD G. RENDELL
Governor

COMMONWEALTH TRUSTEE OF TEMPLE
UNIVERSITY OF THE COMMONWEALTH
SYSTEM OF HIGHER EDUCATION

January 11, 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, The Honorable Ronald R. Donatucci, 2336 South 21st Street, Philadelphia 19145, Philadelphia County, First Senatorial District, for appointment as a Commonwealth Trustee of Temple University of the Commonwealth System of Higher Education, to serve until October 14, 2009, and until his successor is appointed and qualified, vice James F. Cawley, IV, Levittown, whose term expired.

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:

MEMBER OF THE STATE BOARD OF ACCOUNTANCY

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, Patrick J. Dugan, CPA, 730 Hickory Road, Secane 19018, Delaware County, Twenty-sixth Senatorial District, for appointment as a member of the State Board of Accountancy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Joseph Alu, Dunmore, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF ACCOUNTANCY

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, Michael J. Menear, CPA, 351 N. Locust Point Road, Mechanicsburg 17050, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Board of Accountancy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice James P. Keasey, York, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES OF EBENSBURG CENTER

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, Charlene R. Shank, 235 Mosshaven Way, Ligonier 15658, Westmoreland County, Forty-first Senatorial District, for appointment as a member of the Board of Trustees of Ebensburg Center, to serve until the third Tuesday of January 2011, and until her successor is appointed and qualified, vice Rebecca A. Terchanik, Johnstown, resigned.

EDWARD G. RENDELL
Governor

COMMONWEALTH TRUSTEE OF TEMPLE UNIVERSITY OF THE COMMONWEALTH SYSTEM OF HIGHER EDUCATION

January 11, 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, The Honorable Ronald R. Donatucci, 2336 South 21st Street, Philadelphia 19145, Philadelphia County, First Senatorial District, for appointment as a Commonwealth Trustee of Temple University of the Commonwealth System of Higher Education, to serve until October 14, 2009, and until his successor is appointed and qualified, vice James F. Cawley, IV, Levittown, whose term expired.

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-49

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

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
RESOLUTIONS REPORTED FROM
COMMITTEE**

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

SR 251 (Pr. No. 1673)

A Resolution designating the week of April 23 through 29, 2006, as "Pennsylvania One Call System Week."

SR 256 (Pr. No. 1667)

A Resolution designating the week of April 2 through 8, 2006, as "Sleep Disorders Awareness Week" in Pennsylvania.

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

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 the 2006 Pulaski Day Commemoration by Senators Boscola and Browne.

Congratulations of the Senate were extended to Linwood A. Miller, Ralph Rhode and to the Clarence Schock Memorial Park at Governor Dick of Mt. Gretna by Senator Brightbill.

Congratulations of the Senate were extended to Mr. and Mrs. Woodrow Reaser, Mr. and Mrs. Robert Fichter and to John Elbert Bartholomew by Senator Browne.

Congratulations of the Senate were extended to Sarah Pratt and to Timothy E. Hausmann by Senator Earll.

Congratulations of the Senate were extended to the International Association of Firefighters Local 2493 by Senator Erickson.

Congratulations of the Senate were extended to Sara J. Kerr by Senator Ferlo.

Congratulations of the Senate were extended to Benjamin Masanga and to Andrew C. Lauer by Senator Greenleaf.

Congratulations of the Senate were extended to Honorable James R. Wehling and to Tera J. Herman by Senator Jubelirer.

Congratulations of the Senate were extended to Kyle C. Rountree by Senator Madigan.

Congratulations of the Senate were extended to Michael Tripus, Anthony D. Fluegel, Stephen J. Vashlishan, Peter Arvonio and to Michael Joyce by Senator Mellow.

Congratulations of the Senate were extended to Dr. Thomas R. Czarnecki and to Mary Katherine Segal by Senator Piccola.

Congratulations of the Senate were extended to Michael Letts by Senator Pileggi.

Congratulations of the Senate were extended to William R. Murphy III by Senator Rafferty.

Congratulations of the Senate were extended to Anthony DiSipio, Robert Wilkey and to Ray Jenkins by Senator Rafferty and others.

Congratulations of the Senate were extended to Mary Louise Tucci and to Violet E. Myers by Senator Regola.

Congratulations of the Senate were extended to Mr. and Mrs. Raymond T. Macko by Senator Stack.

Congratulations of the Senate were extended to Beverly M. Minor by Senator Stout.

Congratulations of the Senate were extended to Joseph M. Lachman by Senator Tartaglione.

Congratulations of the Senate were extended to Richard J. Brower by Senator Tomlinson.

Congratulations of the Senate were extended to Shaull Elementary School CV Red Team of Enola, Middlesex Elementary School CV Red Team of Carlisle, Silver Spring Elementary School CV Red Team of Mechanicsburg, Hampden Elementary School CV Red Team of Mechanicsburg, Monroe Elementary School CV White Team of Boiling Springs, Green Ridge Elementary School CV White Team of Mechanicsburg and to the Sporting Hill Elementary School CV White Team of Mechanicsburg by Senator Vance.

Congratulations of the Senate were extended to Mr. and Mrs. Howard Brehm, Mr. and Mrs. Donald Pinkerton, Mr. and Mrs. Cy Zenisek and to Mr. and Mrs. Boyd Milliron by Senator D. White.

Congratulations of the Senate were extended to Matthew Dittman by Senator Wonderling.

Congratulations of the Senate were extended to the Emmaus High School Boys' Swimming and Diving Team by Senators Wonderling and Browne.

CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late Frederick A. Carlson IV by Senator Boscola.

BILL ON FIRST CONSIDERATION

Senator VANCE. Madam President, I move that the Senate do now proceed to consideration of a bill reported from committee for the first time at today's Session.

The motion was agreed to by voice vote.

The bill was as follows:

HB 2443.

And said bill 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 Fumo.

Senator FUMO. Madam President, last month, United States Senator Russ Feingold, a Wisconsin Democrat, introduced a resolution to censure George W. Bush for breaking the law by engaging in domestic spying without a warrant. The response from the administration was predictable and partisan. Dick

Cheney said in a speech the next day, and I quote, "Instead of acknowledging the urgent need to track enemy communications in wartime, some Democrats in Congress have decided that the president is the enemy."

Shortly after that, Republican Senator Wayne Allard of Colorado chimed in with the same theme. He accused Senator Feingold of siding with terrorists.

These are reprehensible tactics of men who are afraid to have a legitimate debate about the constitutional issues that are of grave importance to the freedoms we have historically enjoyed in this country. They try to win their arguments by instilling fear. Because they cannot refute ideas on merit, they attack their fellow Americans and accuse them of a lack of patriotism and being soft on terrorism.

Contrary to the statement of Dick Cheney, Democrats do acknowledge the need to track enemy communications in wartime, but we simply believe the President should follow the fairly easy legal procedures for doing so. The issue is not whether or not the President should be allowed to snoop on terrorists. Clearly, he should be. The issue is whether he should be allowed to snoop on American citizens without a warrant. Clearly, he should not and cannot do that. Those who speak out against the warrantless domestic spying programs are being patriotic. They are standing up for the freedoms that the United States Constitution and the Bill of Rights guarantee to all Americans. As for siding with terrorists, many people, including many who are much more knowledgeable on the topic than I am, have pointed out that George Bush's occupation of Iraq is hurting us in the war on terror because it has distracted us from the real enemy.

But while I have been as critical of Bush's policies as anyone, and while I believe he is doing great damage to our nation's security in more ways than one, I have never claimed that he was motivated by a lack of patriotism. The administration and its apologists, however, do not mind stooping that low. If the Bush administration is going to argue that they can wiretap without a warrant in the name of fighting terror, it is not a great leap of logic to think that they might regard physical searches in the same way. Electronic eavesdropping was not an issue for colonial America, but warrantless physical searches were one of the chief grievances that led to the American Revolution. It is no surprise that very issue was discussed in the Bill of Rights.

Sure enough, in its March 27 issue, U.S. News and World Report revealed that a group of lawyers at the White House and the Justice Department had prepared a series of memos arguing that they had the same authority to conduct physical searches as they do to listen in on conversations. We have no conclusive evidence that they have actually conducted physical searches without a warrant yet, but the fact that the Bush administration is even making the argument that it would be legal is something that should frighten all patriotic Americans. Keep in mind that a warrantless search was exactly what the Watergate break-in was, as were all the other infamous crimes of the Nixon administration, such as the break-in at the office of Daniel Ellsberg's psychiatrist. Maybe that is why a former high-ranking official in the Nixon administration, ex-White House counsel John Dean, said last week that he supports Senator Feingold's

censure resolution. Dean, who served 4 months in prison over Watergate, said that if Congress had exercised greater oversight when the abuses of the Nixon administration first surfaced, the nightmare of Watergate might never have occurred. Dean even went a step further. He said that Bush's domestic spying programs exceed the wrongdoings that brought down the Nixon presidency, and that perhaps Bush should not only be censured, but perhaps even impeached.

Lest anyone think that I am making a partisan attack on George Bush here, let me say that my own political party has not distinguished itself on the issue as well. Only two other Senate Democrats have signed on to cosponsor Senator Feingold's censure resolution. Democrats on the national scene have been far too reluctant, in my opinion, to speak out against Bush's unconstitutional domestic spying. They need to exhibit a little more courage, and not be frightened just because opinion polls show that a slight majority of Americans are not concerned about warrantless searches and spying.

The reason we have a Constitution, the reason we have a Bill of Rights is so that our basic principles of freedom cannot be violated on a temporary whim of a small majority. The Constitution and the Bill of Rights are permanent protections against the fervor of the moment, and people in both parties in Washington have a solemn duty to defend them. So even though I cannot vote on them in Washington, I am not afraid to stand here before this body and say that I support the Feingold resolution. George Bush should not be allowed to undermine democracy in the United States while he is supposedly trying to establish it in the Middle East.

American soldiers continue to fight and die for what George Bush says is an effort to make Iraq a democracy. Their sacrifice is truly in vain. In fact, it is a tragic hoax if, while they are overseas, George Bush is allowed to steal democracy in their American homeland. To date, 2,336 American soldiers have been killed in Iraq. Another 17,381 have been wounded, and 7,987 of them too seriously to return to action.

Now, Madam President, I would like to honor the memory of two more brave Pennsylvanians who died in Iraq just last month. Sergeant 1st Class Randy D. McCaulley, age 44, of Indiana, Pennsylvania, died in a Habbaniyah, Iraq, on March 23, when his dismounted patrol came under small arms fire during combat operations. Sergeant McCaulley was assigned to the Army National Guard's 1st Battalion, 110th Infantry, 2nd Brigade Combat Team, 28th Infantry Division.

Specialist Frederick A. Carlson, age 25, of Bethlehem, Pennsylvania, died in Taqqadum, Iraq, on March 25, while not involved in combat. Specialist Carlson was assigned to the Army National Guard's 228th Forward Support Battalion, 2nd Battalion, 28th Infantry Division. The circumstances of his death are currently under investigation.

Thank you, Madam President.

The PRESIDENT. The Senate will now stand in honor of Sergeant 1st Class Randy D. McCaulley and Specialist Frederick A. Carlson.

(Whereupon, the Senate en bloc stood in a moment of silence in solemn respect to the memory of Sergeant 1st Class RANDY D. McCAULLEY and Specialist FREDERICK A. CARLSON.)

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

Senator O'PAKE. Madam President, 30 years ago we passed Pennsylvania's Child Protective Services Law, and since we enacted that law, which I authored, we have seen over 20,000 cases a year of suspected child abuse reported in Pennsylvania, physical abuse, sexual abuse, emotional abuse, and neglect.

April is Child Abuse Prevention Month, and it is important that we take stock of where we have come from and where we need to go in the very important responsibility of preventing child abuse in Pennsylvania. Under the existing law, there is a ChildLine available 24 hours a day, 7 days a week, to report child abuse when you see it. There is mandatory reporting for physicians and teachers and day care workers and those who work with children on a daily basis. There is a central registry of child abusers available.

What we need to do now, Madam President, and the reason I rise is to invite cosponsorship of an amendment which will bring Pennsylvania more Federal dollars for our efforts to prevent child abuse in this State. The bill I have introduced is Senate Bill No. 1183. I invite cosponsorship. It already has sponsorship from both sides of the aisle, and if this bill is enacted, and I hope it will be considered by the committee sometime in April as a lasting contribution of Child Abuse Prevention Month, it will do several things.

Number one, it provides for the establishment of citizen panels to review the services and practices by our county agencies and proposed changes in the delivery of services. I am sure we have all had complaints about the way the Child Protective Services Law is being carried out by the Children and Youth Service workers throughout Pennsylvania. This will allow citizen panels to review whether or not these practices have been effective and what can be done to improve them. It will also require an annual report by the Department of Public Welfare in all cases where children are killed or seriously injured. It will require health professionals to report when children are born with exposure to illegal substances, and it will expand the specific instances where a parent's rights can be terminated for habitual child abuse.

These changes, which have been developed with the support of the Department of Public Welfare and county agencies, will improve the transparency and response of the county agencies, as well as increase child safety and public confidence in this system.

So, as I said, as we celebrate the 30th anniversary of this important legislation, I am inviting cosponsorship, and I hope that the improvements that I am suggesting here in Senate Bill No. 1183 can be passed very quickly. The bottom line is, however, no matter what laws we pass, the effective implementation of this, as in many laws, depends on citizen involvement, concern, awareness, and participation. Therefore, once again, I want to remind the public that if you see child abuse, and I hope you would be alert and vigilant to its possibility, if you see child neglect, there is a toll-free hotline available, the ChildLine, and that number is 1-800-932-0313. When you report the suspected abuse, your confidentiality will be protected and an investigation will be undertaken in the county where the victim, an infant or a child, is possibly being molested or sexually or physically abused.

So, we need to recognize child abuse and child abuse prevention, and we have to focus on not only changing the law, but also on having citizens throughout Pennsylvania be a part of protecting children against abuse and hopefully preventing the ultimate tragedy, which is so often the result when child abuse is repeated and repeated and repeated.

So, Madam President, the bill is with the Secretary of the Senate, Senate Bill No. 1183, and as we begin Child Abuse Prevention Month in Pennsylvania, I urge bipartisan support and hopefully consideration by the committee to which it was referred.

Thank you, Madam President.

The PRESIDENT. Senator O'Pake is respectfully requesting bipartisan support for Senate Bill No. 1183 and additional Senators to sign on.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, APRIL 4, 2006

9:30 A.M.	LOCAL GOVERNMENT (to consider Senate Bills No. 809, 810 and 1158; and any other business that may come before the Committee)	Room 461 Main Capitol
11:00 A.M.	AGING AND YOUTH (informational meeting on children with Lupus)	Room 8E-A East Wing
11:00 A.M.	PUBLIC HEALTH AND WELFARE (to consider House Bill No. 2443) C A N C E L L E D	Room 461 Main Capitol
11:30 A.M.	JUDICIARY (to consider the nomination of Julia Glover Hall, Ph.D., as a member of the Board of Pardons; Senate Bills No. 631, 1131, 1150 and 1153; and Senate Resolution No. 247)	Room 8E-B East Wing
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bills No. 63 and 599; Senate Resolution No. 258; House Bill No. 893; and certain executive nominations)	Rules Com. Conf. Rm.

WEDNESDAY, APRIL 5, 2006

9:00 A.M.	ENVIRONMENTAL RESOURCES & ENERGY (public hearing on the impact of gasoline additives on fuel supplies and the environment)	Room 8E-A East Wing
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WEDNESDAY, APRIL 26, 2006

10:30 A.M.	AGING AND YOUTH (to consider House Bills No. 348 and 1559)	Room 461 Main Capitol
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RECESS

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

Senator PILEGGI. Madam President, I move that the Senate do now recess until Tuesday, April 4, 2006, at 1 p.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate recessed at 7:46 p.m., Eastern Daylight Saving Time.