

COMMONWEALTH OF PENNSYLVANIA

# Legislative Journal

TUESDAY, APRIL 25, 2006

SESSION OF 2006 190TH OF THE GENERAL ASSEMBLY

No. 30

## SENATE

TUESDAY, April 25, 2006

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

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

## PRAYER

The Chaplain, Reverend ELIZABETH GIVLER, of Colonial Park United Methodist Church, Harrisburg, offered the following prayer:

Let us pray.

Gracious God, as William Penn desired to establish a society that was godly, virtuous, and exemplary for all of humanity, we pray that You would empower this body to help us do just that.

We thank You for those who have survived the incomprehensible. We thank You for Your power and for Your love for us. We thank You for those who are on the outskirts and who need You the most.

We pray especially today during Autism Awareness Month for people with autism, their families, and those who work with them. We pray that You would help the leaders here that lead our Commonwealth to be a godly, virtuous example for our nation, one that accepts and cares for all of its citizens and helps them to reach their full potential, even those who are seen as weak and outsiders. Help these leaders make laws that make sense, care for everyone, and are truly of the people, by the people, and for the people. Give them insight, wisdom, and discernment, as well as patience, as they consider all the issues before them. Empower these leaders to faithfully fulfill their duties and hold one another accountable to the oaths that they have taken and to fulfill the tasks before them today and in the future.

Bless these Senators and their staffs as we lift this prayer in the name of the one who created us, redeemed us, and empowered us for all the tasks and responsibilities before us. May we truly remain one nation, under God, indivisible, with liberty and justice for all. Amen.

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

## PLEDGE OF ALLEGIANCE

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

## LEGISLATIVE LEAVES

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

Senator BRIGHTBILL. Madam President, I ask for a temporary Capitol leave for Senator Tomlinson.

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 Fumo.

The PRESIDENT. Senator Brightbill requests a temporary Capitol leave for Senator Tomlinson, and Senator O'Pake requests a temporary Capitol leave for Senator Fumo.

Without objection, the leaves will be granted.

## JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of April 24, 2006.

The Clerk proceeded to read the Journal of the preceding Session.

Senator BRIGHTBILL. Madam President, I move that further reading of the Journal be dispensed with and that the Journal be approved.

On the question,

Will the Senate agree to the motion?

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

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

The PRESIDENT. The Journal is approved.

**SPECIAL ORDER OF BUSINESS  
GUESTS OF SENATOR JEFFREY E.  
PICCOLA PRESENTED TO THE SENATE**

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

Senator PICCOLA. Madam President, today I am very honored and pleased to welcome some very special guests, and one in particular, Kurt Moses. As you know, today is National Holocaust Remembrance Day. You, Madam President, along with a number of us from this Chamber and others, attended a ceremony commemorating the Holocaust just a couple of hours ago behind the Capitol building.

Over 60 years ago, Adolph Hitler and his Nazi policies of genocide murdered over 10 million people, and it is estimated that approximately 6 million of those victims were Jews. However, these figures also included gypsies, Poles, Slavs, people with mental and physical handicaps, and scores of other people that the Nazi regime deemed undesirable. Mr. Moses, who is a constituent of mine, is a German-born Holocaust survivor. He lived for a number of years in Holland and was deported by the Nazis in 1942 to the Auschwitz concentration camp. He was imprisoned there from 1942 until the camp was liberated 3 years later by the Soviets in January of 1945.

Mr. Moses is currently a resident of Lower Paxton Township in Dauphin County. Among many other activities, he is a lecturer on the Holocaust and the atrocities of the Nazi regime, and he recently published a book describing these experiences, which he called "Home at Last." I am very pleased to have been presented an autographed copy of this book.

Although 60 years have passed, the lessons of the Holocaust are still vital today. Genocide is still a scourge in 21st century global affairs. The countries of Sudan, Rwanda, Chile, and Bosnia are just a few examples of modern genocide. With ethnic and sectarian troubles persisting in some countries across the globe, the lessons of the Holocaust and other historical examples of genocide should serve as a constant reminder to nations, States, and their citizens that respect for others is crucial to a civilized world.

Today is Holocaust Remembrance Day, and I hope that the experiences shared by individuals like Mr. Moses can serve as a lesson to all who hear him. With recent rhetoric from the Iranian president and other historical revisionists who are questioning whether the Holocaust ever existed, the lessons of Mr. Moses and other Holocaust survivors are just as important, just as vital today as they were 60 years ago.

Madam President, Mr. Moses is accompanied today by his wife, Doris, and his daughter Michelle. Madam President, and Members of the Senate, please give a warm welcome on this day of remembrance to Mr. Kurt Moses.

(Applause.)

Mr. MOSES. Thank you very much. I appreciate your invitation to come here today and speak with you, and a special thanks to Senator Piccola for inviting me. I consider it a great honor to be here today.

Let me say first, when I retired, I was asked by a certain organization to run to be a member of the board, and I said to my wife, I really do not want to, because now it is time to relax, and I do not want to commit myself to jobs like that. She said, look, you cannot always say no, and I think you really should do it, think it over, and I did. When the time came for election, it always reminds me of elections in the State, everybody had to make a little speech on why you should be a subject, what benefit would there be for you serving on the board, what are your qualifications that would be beneficial for the organization? Well, I did not know what to say. My name is Moses, as you heard, so I said, you know, if you look back in history, you will realize that I come from a family who has a history of leadership for thousands of years, so here is a chance for you to be led again to the Promised Land, and if you vote for Moses, you will have that opportunity, and I was elected.

I am now living the American dream. When I arrived in the year 1947 on a Swedish ship in New York, I was greeted by the Statue of Liberty, and I knew my dream had come true, and 5 years later, I became a U.S. citizen. I will always remember the first friends I made on my block where I lived in Brooklyn, New York, and we are still good friends 60 years later, and we still get together periodically. I took my oath 5 years later to become an American citizen, and I remember that well. The night before I had to appear in court to the judge to take my oath, my friends came and picked me up, and they told me that one of the questions the judge would ask me was if I had attended at least one Major League Baseball game, and if I did not do that, I would not qualify to become a citizen. So, they took me to Ebbets Field in Brooklyn, and I attended a baseball game and watched the Dodgers beat the Giants, and after that, I became a citizen. Settling here in Harrisburg was definitely the final piece of the puzzle necessary for my rebirth.

On a serious side, this is the memorial day of the Holocaust, and 6 million men, women, and children were murdered. All minority groups - gypsies, Jews, homosexuals - and the Nazis called *aus sozial* because they were anti-social individuals. They were unproductive eaters, people who eat but do not produce. There was no room for them in the new Hitler Reich, and they had to be eliminated, and 450,000 German citizens, the disabled, retarded were put to death because they decided who should live and who should die. All this happened in a country that gave us our Western culture, people who gave us Mozart, Beethoven, Schiller, and Goethe. And who did the job? The job was done by educated people, doctors who had medical degrees. Six million human beings. Perhaps amongst them would have been the one person who would have discovered the cure for cancer.

My dad was a veteran of the First World War, 1914. He was in the German Army, he fought 4 years in the war, and he was proud that he had an Iron Cross. My dad and I were shipped by cattle car to Auschwitz in 1942, and upon arrival there was a selection. If you were over 40 years old, you did not have a chance. My dad was 53. He had to go to the left, I had to go to the right. I never saw my dad again.

I had the privilege to speak to groups of students about the Holocaust for over 25 years here, and schoolteachers, college professors, as well as civic leaders have invited me into their classrooms and auditoriums over the years. Here is what I tell

them: Do not be an innocent bystander. Do not take freedom for granted. Do participate in civic life to maintain it. Without liberty, life has no worth. After my presentation, they usually have some questions. One of the questions that always comes up is, can it happen again? My answer is, it only can happen if you let it happen.

Well, if you want to read more about my life, I published a book, and the name of it is "Home at Last." I thank you for inviting me again, and I shall pick Piccola anytime.

The PRESIDENT. Thank you, Mr. Moses.

(Applause.)

### **SPECIAL ORDER OF BUSINESS 2005 PENNSYLVANIA BITUMINOUS COAL QUEEN PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Washington, Senator Stout.

Senator STOUT. Madam President, as you know, every year in the Senate there is a friendly contest between my colleague, Senator Kasunic, and myself for the honor of introducing the Pennsylvania Bituminous Coal Queen, and I won again this year, from Greene County, part of the 46th Senatorial District, so I have the honor of introducing the Bituminous Coal Queen.

Now, the Coal Queen Pageant is part of the King Coal Show held every year in Carmichaels, Greene County, to promote the bituminous coal industry in the Commonwealth of Pennsylvania, and not only do we focus upon the production of coal to meet the nation's energy crisis that we are dealing with right now, but also to promote improved safety for the coal miners of this Commonwealth. So as part of that tradition, this young lady has a background in coal, because both her grandfather and great-grandfather were coal miners, so she has knowledge of the problems and concerns of the miners.

The young lady is a senior at Waynesburg High School, and is very active in school affairs and does elementary tutoring. She also studied dance for a number of years. I would like to introduce the people from the King Coal Pageant who escorted her to Harrisburg. Her mother is here, Kelly Tedrow, and accompanying her are Becky Mitchell and Lisa Allison. Also with her is a gentleman who has been here before, Joe Sbaffoni, the head of deep mine safety in Pennsylvania and was very much involved in the Quecreek Mine rescue several years ago. I am glad they are here to escort the queen. She also was escorted around the Capitol by Mary Flaherty of my staff.

(Applause.)

This year's Coal Queen is Ronni Marie Kramer, and she has been very busy since she became Coal Queen last summer in a number of events in the area and throughout the State on behalf of the coal industry, coal safety, and so forth. It is now my pleasure to introduce Ronni Marie Kramer, 2005 Coal Queen, and I ask for a warm Senate welcome.

(Applause.)

Miss KRAMER. Good afternoon, everyone. Leading up to what has brought me here today has been a very exciting time for my family and me. I participated in several pageants in the past. Winning the title of the 2005 Pennsylvania Bituminous Coal Queen has truly been the biggest honor of all. I am proud to be the representative of such a large industry that in the past has not

only employed my great-grandfather and grandfather, but so many of our friends and neighbors. I am also very committed to the Coal Queen title. I work part-time at a local Family Dollar, keep involved in several school activities, such as vice president of the Leo Club, varsity cheerleading, SADD, Alpha, student council, and a member of the Jenny McClellan Dance Studio for the past 13 years.

The most remarkable time of all is when I place this crown on my head and step out into the world as the Coal Queen. I have experienced so much this year visiting the Cumberland Mine, where I was able to travel down under to the real world of a coal miner, several parades, banquets, a carnival, and Light Up Night in Carmichaels. The most thrilling experience was when I was invited to the Pepsi Cola Road House to greet hundreds of our miners at their annual banquet, and enjoyed JoDee Messina, live.

After graduating, I will be attending Penn Commercial to pursue a career in business management. I would like to thank all of you for making this possible and giving me this opportunity to have such a memorable experience.

Thank you.

(Applause.)

### **GUESTS OF SENATOR CONSTANCE H. WILLIAMS PRESENTED TO THE SENATE**

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

Senator C. WILLIAMS. Madam President, I have the honor of introducing a group of athletes from my district who captured the 2005-06 PIAA District I State AAAA Boys' Basketball Championship. These young men represent what is wonderful in high school sports - talent and a team spirit that never gives up. The Lower Merion High School Aces earned their State title by knocking off a top-ranked opponent in the playoffs during a nail-biter that kept everybody glued to their seats down to the last second. They capped their win with a 60-58 victory against Schenley in a classic final game. So sorry, Senator Ferlo, but I am really not. This is the second consecutive year that the Aces have made it to the State finals, and this year again they were up against the unanimous favorite. But these guys are champions, due to their fair play and their hard-fought competition, and just maybe a little bit had to do with Coach Downer's rather unusual half-time activity. He took off his loafers and put on his Adidas sneakers. Ten years ago he did the same thing, and that year the Aces went on to win their first State crown in more than 50 years.

Before I introduce the team, I would like to acknowledge several of the outstanding team members. Seniors Garrett Williamson and Ryan Brooks earned All-State honors, marking the first time since 1942 that two Lower Merion players made the All-State team in the same year. Williamson finished his career as the school's second all-time leading scorer, with an incredible 1,349 points. Brooks finished with an equally awe-inspiring 1,318 points. Additionally, the AP named Coach Gregg Downer the 2006 Pennsylvania Coach of the Year.

The team members are here in the gallery today, and I would like them to stand as I read their names, senior captain Garrett Williamson, senior captain Ryan Brooks, senior captain Peter Lucas, senior forward Jon Gray, senior guard Ernest Moore, senior guard Arian Thompson, junior forward Adam Ellison,

junior guard Eric Barefield, sophomore forward Kevin Escott, sophomore guard Carl Johnson, sophomore guard Ben Lucas, sophomore guard Steve Meehan, sophomore guard Chase Thompson, freshman guard Greg Robbins, who was really the last-second hero of the game, and freshman guard Eric Stahler. With them are managers Matt Lachs and Dan Sarnoff, Head Coach Gregg Downer, and his Assistant Coaches Chris Vernick, Will Carter, Doug Young, Jon Fadely, Mark Tannenbaum, and Mike Venafrá. They are also accompanied by Principal David Piperrato, Athletic Director Joseph Fabrizio, District Communications Director Doug Young, and finally, with technical support is Matt Buchwald, who has been filming them. But the team could not do it without their special fan support from the dog pound, Mike Perkel and Chris Colameco.

I would like them all to stand up so the Senate can give a welcome to my State champs.

(Applause.)

### **GUESTS OF SENATOR MICHAEL A. O'PAKE PRESENTED TO THE SENATE**

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

Senator O'PAKE. Madam President, in the gallery is someone who is vying to be in The Guinness Book of World Records in collections, and I will tell you how you can help in his effort. For 20 years, the jury commissioner of Berks County has been Mr. LeRoy Gensemer, and he served more than 30 years as a Democratic committeeman from Berks County. He is here with his lovely wife, Wray, but what he is really noted for is collecting 1,400,000 business cards. As I said, he is trying to set a world record, and if any of you would like to cooperate and share your business cards with Mr. Gensemer, I would be happy to be the trading agent, but I would like the Chair to extend its usual warm welcome to LeRoy and Wray Gensemer from Berks County who have worked long and hard on behalf of our community and deserve our appreciation.

The PRESIDENT. Would LeRoy and Wray please rise.

(Applause.)

### **GUESTS OF SENATOR STEWART J. GREENLEAF PRESENTED TO THE SENATE**

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

Senator GREENLEAF. Madam President, I rise to introduce a group of ladies and gentlemen who are here today from Fort Washington and Gwynedd Estates, who have been touring the Capitol and my office and have been here on the Senate floor as well, and I ask that the Senate acknowledge them and give them a warm welcome.

The PRESIDENT. Will our guests please rise so we can give you a nice warm welcome.

(Applause.)

## **HOUSE MESSAGES**

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

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 1591, 1618 and 2054**.

### **SENATE BILLS RETURNED WITH AMENDMENTS**

The Clerk of the House of Representatives returned to the Senate **SB 713 and 881**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule XIV, section 5, these bills will be referred to the Committee on Rules and Executive Nominations.

### **HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION**

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

**Weekly recess.**

### **APPOINTMENT OF MEMBER PURSUANT TO SENATE RESOLUTION No. 160 OF 2005**

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

Senator Stewart J. Greenleaf as Chairman of the Task Force overseeing the review of the utilization of alternative dispute resolution services provided therein pursuant to Senate Resolution No. 160.

### **APPOINTMENT BY THE PRESIDENT PRO TEMPORE**

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

Mr. Bernard Hoffnar as a member of the Department of Environmental Protection Citizens Advisory Council.

### **BILLS SIGNED**

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

**HB 1591, HB 1618 and HB 2054.**

### **RESOLUTION REPORTED FROM COMMITTEE**

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

**SR 259 (Pr. No. 1732)**

A Resolution designating the week of May 7 through 13, 2006, as "Drinking Water Week" in Pennsylvania.

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

## RECESS

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

Senator BRIGHTBILL. Madam President, at this time I ask for a recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations, which will begin immediately, to be followed by a Republican caucus.

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

Senator O'PAKE. Madam President, after the meeting of the Committee on Rules and Executive Nominations, I ask that all Democrats report to our caucus room for a caucus.

The PRESIDENT. For purposes of a meeting of the Committee on Rules and Executive Nominations and Republican and Democratic caucuses, without objection, the Senate stands in recess.

## AFTER RECESS

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

## BILLS REPORTED FROM COMMITTEES

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

## HB 1992 (Pr. No. 2733)

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing, in the Local Government Capital Project Loan Fund provisions, for assistance to municipalities.

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

## SB 713 (Pr. No. 1736) (Rereported) (Concurrence)

An Act prohibiting a provider of commercial mobile service from including the dialing number of any subscriber without first obtaining the express consent of that subscriber.

## SB 881 (Pr. No. 1738) (Rereported) (Concurrence)

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

## RESOLUTION REPORTED FROM COMMITTEE

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

## SR 266 (Pr. No. 1697)

A Resolution recognizing May 4, 2006, as the "National Day of Prayer" in Pennsylvania.

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

## LEGISLATIVE LEAVES

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

Senator PICCOLA. Madam President, I request temporary Capitol leaves for Senator Brightbill and Senator Erickson.

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

## CALENDAR

## THIRD CONSIDERATION CALENDAR

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

**HB 2380 (Pr. No. 3942)** – The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 7, 2005 (P.L. , No.1A), known as the General Appropriation Act of 2005, adding appropriations to the Attorney General for reimbursement to counties for expenses for full-time district attorneys and to the Department of Military and Veterans Affairs for transfer to the United States Merchant Marine World War II Veterans' Bonus Fund; further providing for appropriations for additional Pennsylvania State Police troopers; increasing the State appropriation to the Pennsylvania Housing Finance Agency for the Homeowner's Emergency Mortgage Assistance Program; further providing for lapsing of unused funds; and providing for lapsing of certain Department of Revenue funds.

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

On the question,  
Shall the bill pass finally?

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

## YEA-49

Armstrong	Greenleaf	Piccola	Vance
Boscola	Hughes	Pileggi	Washington
Brightbill	Jubelirer	Pippy	Wagh
Browne	Kasunic	Punt	Wenger
Conti	Kitchen	Rafferty	White, Donald
Corman	LaValle	Regola	White, Mary Jo
Costa	Lemmond	Rhoades	Williams, Anthony H.
Earl	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 Secretary of the Senate return said bill to the House of Representatives with information that the Senate

has passed the same with amendments in which concurrence of the House is requested.

### LEGISLATIVE LEAVE CANCELLED

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

### LEGISLATIVE LEAVES

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

Senator PICCOLA. Madam President, I ask that Senator Robbins be placed on legislative leave.

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

The Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Madam President, I request temporary Capitol leaves for Senator Anthony Williams, Senator Mellow, Senator Tartaglione, Senator Kitchen, and Senator O'Pake.

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

### CONSIDERATION OF CALENDAR RESUMED

#### THIRD CONSIDERATION CALENDAR RESUMED

#### BILLS OVER IN ORDER

**HB 15** and **HB 137** -- Without objection, the bills were passed over in their order at the request of Senator PICCOLA.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 214 (Pr. No. 206)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for municipal police serving process and enforcing orders.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

#### YEA-49

Armstrong	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 Secretary of the Senate present said bill to the House of Representatives for concurrence.

#### BILL OVER IN ORDER

**HB 218** -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 601 (Pr. No. 3940)** -- The Senate proceeded to consideration of the bill, entitled:

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.

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

On the question,  
Shall the bill pass finally?

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

#### YEA-49

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

## BILL OVER IN ORDER

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

## BILL LAID ON THE TABLE

**HB 750 (Pr. No. 841)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

## BILL OVER IN ORDER

**SB 1000** -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

## BILL OVER IN ORDER TEMPORARILY

**SB 1050** -- Without objection, the bill was passed over in its order temporarily at the request of Senator PICCOLA.

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 1069 (Pr. No. 1714)** -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Innocence Commission of Pennsylvania; providing for its duties; and providing for the powers and duties of the Joint State Government Commission.

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

On the question,  
Shall the bill pass finally?

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

## YEA-49

Armstrong	Greenleaf	Piccola	Vance
Boscola	Hughes	Pileggi	Washington
Brightbill	Jubelirer	Pippy	Waugh
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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 Secretary of the Senate present said bill to the House of Representatives for concurrence.

## BILLS OVER IN ORDER

**SB 1153 and HB 2443** -- Without objection, the bills were passed over in their order at the request of Senator PICCOLA.

## SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS  
AMENDED OVER IN ORDER

**SB 255** -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

## BILLS OVER IN ORDER

**HB 249, SB 261, SB 809, SB 810, SB 1046, SB 1114, HB 1580 and HB 1834** -- Without objection, the bills were passed over in their order at the request of Senator PICCOLA.

SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR No. 1

## SENATE CONCURS IN HOUSE AMENDMENTS

**SB 713 (Pr. No. 1736)** -- The Senate proceeded to consideration of the bill, entitled:

An Act prohibiting a provider of commercial mobile service from including the dialing number of any subscriber without first obtaining the express consent of that subscriber.

On the question,  
Will the Senate concur in the amendments made by the House to Senate Bill No. 713?

Senator PICCOLA. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 713.

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

The yeas and nays were required by Senator PICCOLA 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 Secretary of the Senate inform the House of Representatives accordingly.

#### SENATE CONCURS IN HOUSE AMENDMENTS

**SB 881 (Pr. No. 1738)** -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 881?

Senator PICCOLA. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 881.

On the question,

Will the Senate agree to the motion?

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

Senator PICCOLA. Madam President, with the passage of Senate Bill No. 881, this legislature will have passed legislation of historic proportions in this Commonwealth. Yesterday, the House of Representatives passed and sent to the Governor House Bill No. 2054, which is a codification and a major amending of the current law on eminent domain in Pennsylvania. The legislation that is now before us in Senate Bill No. 881 is designed to compliment and work with the provisions of House Bill No. 2054. I want to add that House Bill No. 2054 was originally embodied in Senate Bill No. 897, introduced by Senator Brightbill, and it was introduced as a companion bill to Senate Bill No. 881. They will mesh very well together, and they will provide a chapter on eminent domain that will provide substantive rights to protect property owners from government overreaching in eminent domain. Never before has the General Assembly provided this kind of statutory and legal protection to property owners in eminent domain proceedings.

The purpose of Senate Bill No. 881 is to protect property owners of Pennsylvania from the use of eminent domain, to take the home or business of one person and give it to another private party. The use of eminent domain for private development raises serious constitutional and policy concerns, and that is why this bill carefully defines the limits on the use of eminent domain. It should be broadly construed to protect the rights of property owners. Eminent domain is limited by our Constitution to public

use. Before this bill, Pennsylvania's law allowed condemnation of virtually any area for private development by labeling it blighted. Now we have tightened the definition of blight so that it applies to areas with real, objective, concrete harm to the public. It can no longer be used to take ordinary neighborhoods for private development, or to take neighborhoods just because the people who live there have less money. No longer will such vague and subjective notions as are found in current law, such as economically and socially undesirable land use, be sufficient to consider property blighted and take away the home or the business of a property owner.

This legislation was introduced and is being enacted in response to the United States Supreme Court decision *Kelo v. New London, Connecticut*. I urge my colleagues to vote in favor of this legislation.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Senator PICCOLA 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.
Earl	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 Secretary of the Senate inform the House of Representatives accordingly.

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

Senator PICCOLA, 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

March 22, 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, Lynette A. Horrell, C.P.A., 183 Wedgewood Drive, Gibsonsia 15044, Allegheny County, Fortieth Senatorial District, for reappointment as a member of the State Board of Accountancy, to serve for a term of four years and until her successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL  
Governor

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

March 6, 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, Leonard L. Lichvar, (District 4), 584 Horner Church Road, Stoystown 15563, Somerset County, Thirty-second Senatorial District, for appointment as a member of the Pennsylvania Fish and Boat Commission, to serve until June 4, 2009, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Rozell A. Stidd, Huntingdon, resigned.

EDWARD G. RENDELL  
Governor

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

March 6, 2006

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas C. Shetterly, (District 2), 709 Center Avenue, Charleroi 15022, Washington County, Forty-sixth Senatorial District, for appointment as a member of the Pennsylvania Fish and Boat Commission, to serve until July 28, 2011, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Ross Huhn, Saltsburg, deceased.

EDWARD G. RENDELL  
Governor

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

March 6, 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, William R. Worobec, (District 5), 240 Reservoir Road, Williamsport 17701, Lycoming County, Twenty-third Senatorial District, for appointment as a member of the Pennsylvania Fish and Boat Commission, to serve until April 15, 20015, [sic] or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Ted R. Keir, Athens, whose term expired.

EDWARD G. RENDELL  
Governor

***NOMINATIONS LAID ON THE TABLE***

Senator PICCOLA. 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 PICCOLA,  
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 PICCOLA. 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**

March 22, 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, Lynette A. Horrell, C.P.A., 183 Wedgewood Drive, Gibsonsia 15044, Allegheny County, Fortieth Senatorial District, for reappointment as a member of the State Board of Accountancy, to serve for a term of four years and until her successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE PENNSYLVANIA  
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 PENNSYLVANIA  
FISH AND BOAT COMMISSION

March 6, 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, Leonard L. Lichvar, (District 4), 584 Horner Church Road, Stoystown 15563, Somerset County, Thirty-second Senatorial District, for appointment as a member of the Pennsylvania Fish and Boat Commission, to serve until June 4, 2009, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Rozell A. Stidd, Huntingdon, resigned.

EDWARD G. RENDELL  
Governor

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

The yeas and nays were required by Senator PICCOLA 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 PICCOLA. Madam President, I move that the Executive Session do now rise.

The motion was agreed to by voice vote.

**UNFINISHED BUSINESS  
SENATE RESOLUTIONS ADOPTED**

Senators WASHINGTON, BRIGHTBILL, MUSTO, HUGHES, D. WHITE, A. WILLIAMS, COSTA, PILEGGI, O'PAKE, LaVALLE, KITCHEN, BOSCOLA, PICCOLA, C. WILLIAMS, TARTAGLIONE, EARLL, KASUNIC,

WONDERLING, RHOADES, M.J. WHITE, LEMMOND and ORIE, by unanimous consent, offered **Senate Resolution No. 282**, entitled:

A Resolution designating the month of May 2006 as "Foster Care Month" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

Senator WASHINGTON. Madam President, thousands of foster parents and child welfare advocates across the country will celebrate "National Foster Care Month" in May. The need for loving foster care families continues to grow. Currently, there are more than 500,000 children and young people in the United States in the foster care system. There were more than 20,000 children and youth in the foster care system in Pennsylvania in 2005. During the month of May, we honor families who are currently making a difference in the lives of these children and youth, and I want to encourage more Americans to get involved in the lives of these children.

I thank my colleagues for their support and ask that they vote "yes" on the resolution.

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

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

Senators C. WILLIAMS, MELLOW, BRIGHTBILL, KASUNIC, BOSCOLA, TARTAGLIONE, STOUT, WENGER, EARLL, PIPPY, FONTANA, MUSTO, KITCHEN, RAFFERTY, O'PAKE, ERICKSON, REGOLA, FERLO, RHOADES, D. WHITE, LOGAN, COSTA, CORMAN, CONTI, LEMMOND, LaVALLE, ORIE, GREENLEAF, BROWNE, M.J. WHITE, STACK, WONDERLING and ARMSTRONG, by unanimous consent, offered **Senate Resolution No. 292**, entitled:

A Resolution designating April 27, 2006, as "Take Our Daughters and Sons to Work Day" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

Senator C. WILLIAMS. Madam President, a number of years ago I began sponsoring a resolution inviting the Commonwealth to observe an important day for Pennsylvania's children, "Take Our Daughters and Sons to Work Day." Today I ask for your support in declaring April 27, 2006, as "Take Our Daughters and Sons to Work Day" in Pennsylvania. This program encourages young people to strive for excellence, and provides them with the opportunity to learn more about the world of work that awaits them. Through the experience, Pennsylvania's children will learn the importance of staying in school, and the amazing array of careers available to them. They will also be involved in a broader

discussion about the competing challenges of family and work. The idea behind the day is to explore male and female roles in the workplace, as well as in family and community life. Children are encouraged to share their ideas with the companies that may someday employ them. By bringing together adults and young people, the adults can empower the young people with confidence in their own abilities, as well as showing them the doors to future endeavors.

I encourage everyone to participate in this wonderful experience. If you do not have a son or daughter of your own, or if they have grown up, maybe you could ask a niece or nephew or grandchild, or even adopt a young person for the day. The few hours that you give to that young person will be priceless to them in terms of learning about the world of work, understanding what they can achieve, and allowing them to see that they can set their goals high and reach them. It only takes a small investment of your time and reaps great rewards.

One final benefit, employers participating in the day gain a better understanding of the challenges, ideas, and workplace issues of future generations. I encourage your support of this important day for all of Pennsylvania's children.

And the question recurring,

Will the Senate adopt the resolution?

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

#### ANNOUNCEMENT BY THE PRESIDENT

The PRESIDENT. Would all Members of the Committee on Veterans Affairs and Emergency Preparedness please report to the Rules room immediately.

#### SENATE RESOLUTIONS ADOPTED

Senators PIPPY, WENGER, LOGAN BOSCOLA, KASUNIC, BRIGHTBILL, STOUT, ORIE, M.J. WHITE, ERICKSON, O'PAKE, RAFFERTY, TARTAGLIONE, D. WHITE, FERLO, C. WILLIAMS, GREENLEAF, EARLL, STACK, WONDERLING, REGOLA, LEMMOND and ARMSTRONG, by unanimous consent, offered **Senate Resolution No. 293**, entitled:

A Resolution designating the month of April 2006 as "Good Chemistry Month" in Pennsylvania and recognizing the business of chemistry for its dynamism and innovation.

On the question,

Will the Senate adopt the resolution?

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

Senator PIPPY. Madam President, chemistry in Pennsylvania is a \$3.2 billion industry, and chemistry does so many things to improve the quality of life, not only for us as Pennsylvanians, but for everyone around the world, including potable drinking water, medicines, clothing, housing, transportation, and other items. So it is my pleasure to offer this resolution declaring April 2006 as "Good Chemistry Month."

And the question recurring,

Will the Senate adopt the resolution?

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

Senators ORIE, LOGAN, MELLOW, EARLL, RHOADES, O'PAKE, PIPPY, KASUNIC, BOSCOLA, COSTA, CONTI, KITCHEN, WASHINGTON, GREENLEAF, D. WHITE, FERLO, ERICKSON, RAFFERTY, STACK, FONTANA, MUSTO, C. WILLIAMS, PILEGGI and ARMSTRONG, by unanimous consent, offered **Senate Resolution No. 294**, entitled:

A Resolution designating April 25, 2006, as "Equal Pay Day" in Pennsylvania.

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

#### CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Terrence McGlinn by Senator Brightbill.

Congratulations of the Senate were extended to Jonathan William Kegges and to the Penn Hills Senior Service Center by Senator Costa.

Congratulations of the Senate were extended to Stephanie Kozak-Allen and to Sally Holub by Senator Erickson.

Congratulations of the Senate were extended to Epworth Manor of Tyrone by Senators Jubelirer and Wonderling.

Congratulations of the Senate were extended to the Greensburg Volunteer Hose Company No. 8 by Senator Regola.

Congratulations of the Senate were extended to Mary C. Hopstetter by Senator Rhoades.

Congratulations of the Senate were extended to Gary L. Morrison, James A. Hornyak, Cynthia A. Robbins and to Francis Schultz by Senator Robbins.

Congratulations of the Senate were extended to Thomas W. Lieberher, John Michael Santarelli and to Warren B. Westerman by Senator Washington.

Congratulations of the Senate were extended to Arthur Rider, Jr., Albert Shaffer, Edward Roche, Hayden Mitchell and to Charlie Rhoads by Senator Waugh.

Congratulations of the Senate were extended to Penny C. Dill by Senator D. White.

Congratulations of the Senate were extended to Mr. and Mrs. Norman Rodgers and to Carl Wagner by Senator M.J. White.

Congratulations of the Senate were extended to Mr. and Mrs. Kenneth Kachline and to Kathleen M. Mintzer by Senator Wonderling.

#### 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 Margaret Lestz by Senator Armstrong.

**BILL ON FIRST CONSIDERATION**

Senator KASUNIC. 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 1992.**

And said bill having been considered for the first time,  
Ordered, To be printed on the Calendar for second consideration.

**COMMUNICATIONS FROM THE GOVERNOR****NOMINATIONS REFERRED TO COMMITTEE**

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

**MEMBER OF THE COMMONWEALTH OF  
PENNSYLVANIA COUNCIL ON THE ARTS**

April 25, 2006

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Clyde M. McGeary, 248 Willow Avenue, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 2008, and until his successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

**BRIGADIER GENERAL,  
PENNSYLVANIA AIR NATIONAL GUARD**

April 25, 2006

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Colonel Gregory M. Marston, 200 Harvey Avenue, Doylestown 18901, Bucks County, Tenth Senatorial District, for appointment as Brigadier General, LINE, with assignment as Director of Operations, Headquarters, Pennsylvania Air National Guard, to serve until terminated, vice Brigadier General Herbert H. Hurst, retiring.

EDWARD G. RENDELL  
Governor

**BRIGADIER GENERAL,  
PENNSYLVANIA AIR NATIONAL GUARD**

April 25, 2006

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Eric G. Weller, 540 Petersburg Drive, Carlisle 17013, Cumberland County, Thirty-first Senatorial District, for appointment as Brigadier General, LINE, with assignment as Commander, 193rd Special Operations Wing, Pennsylvania Air National Guard, to serve until terminated, vice Brigadier General Stephen M. Sischo, reassigned.

EDWARD G. RENDELL  
Governor

**MAJOR GENERAL,  
PENNSYLVANIA ARMY [SIC] NATIONAL GUARD**

April 25, 2006

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Brigadier General Stephen M. Sischo, 12 Whippoorwill Drive, Palmyra 17078, Lebanon County, Forty-eighth Senatorial District, for appointment as Major General, LINE, with assignment as Deputy Adjutant General, Air Headquarters, Pennsylvania Air National Guard, to serve until terminated, vice Major General James M. Skiff, resigned.

EDWARD G. RENDELL  
Governor

**HOUSE MESSAGE****HOUSE CONCURS IN SENATE BILL**

The Clerk of the House of Representatives returned to the Senate **SB 925**, with the information the House has passed the same without amendments.

**BILLS SIGNED**

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

**SB 713, SB 881 and SB 925.**

**ANNOUNCEMENTS BY THE SECRETARY**

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

**SENATE OF PENNSYLVANIA****COMMITTEE MEETINGS****WEDNESDAY, APRIL 26, 2006**

9:00 A.M.	FINANCE (informational hearing on Senate Bill No. 930)	Room 8E-B East Wing
9:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider Senate Bills No. 931 and 959; and House Bill No. 617)	Room 461 Main Capitol
10:30 A.M.	AGING AND YOUTH (to consider Senate Bill No. 1188; House Bills No. 348 and 1559; and any other business that may come before the Committee)	Room 461 Main Capitol

Off the Floor	APPROPRIATION (to consider Senate Bill No. 631)	Rules Com. Conf. Rm.
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bill No. 723; Senate Resolution No. 159; and certain executive nominations)	Rules Com. Conf. Rm.
<b>TUESDAY, MAY 2, 2006</b>		
9:00 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (public hearing on Mercury Emission Reduction)	Room 8E-B East Wing
9:30 A.M.	AGRICULTURE AND RURAL AFFAIRS (joint informational hearing to gather testimony from the Chesapeake Bay Commission Chesapeake Bay Foundation and PA Dept. of Agriculture regarding the 2007 Federal Farm Bill)	Senate Maj. Caucus Rm.
10:00 A.M.	TRANSPORTATION (to consider House Bills No. 2304 and 2374)	Room 461 Main Capitol

### RECESS

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

Senator PICCOLA. Madam President, I request a brief recess of the Senate for the purpose of a Republican caucus here at the podium.

The PRESIDENT. There will be a brief recess of the Senate for a Republican caucus.

The Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Madam President, the Democratic Members will have a very brief caucus.

The PRESIDENT. For those purposes, without objection, the Senate stands in recess.

### AFTER RECESS

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

### CONSIDERATION OF CALENDAR RESUMED

#### SB 1050 CALLED UP

**SB 1050 (Pr. No. 1441)** -- 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 PICCOLA.

#### BILL AMENDED

**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.

On the question,

Will the Senate agree to the bill on third consideration?

Senator MADIGAN offered the following amendment No. A7497:

Amend Title, page 1, line 2, by inserting after "manufacturers": and dealers

Amend Title, page 1, line 4, by removing the period after "modules" and inserting: ; and prohibiting the use of data obtained from recording devices under certain circumstances.

Amend Sec. 1 (Sec. 4109), page 1, line 10, by striking out all of said line and inserting:

(a) Legislative intent.—The General Assembly recognizes the following public policy purposes and declares that the following objectives of the Commonwealth are to be served by this section:

(1) The use of recording devices in motor vehicles, commonly referred to as event data recorders (EDR) or sensing and diagnostic modules (SDM), is intended to assist in the study of motor vehicle accidents, improve motor vehicle safety and further related medical research.

(2) Recording devices are installed in motor vehicles without the consent, and often without the knowledge, of consumers that own the motor vehicles.

(3) Recording devices, by nature of the data recorded, result in an intrusion into the privacy of the owners and operators of motor vehicles.

(4) Recording devices, installed by the manufacturer, have not been designed for the purposes of determining accident fault and their ability to accurately establish the causal factors in an accident has not been studied. Furthermore, no guidelines for the use of this technology have been established by any body having jurisdiction over original equipment manufacturing of motor vehicles.

(5) The General Assembly seeks to further the public interest purposes of recording devices while at the same time limit and minimize the intrusion into consumer privacy caused by such devices. The General Assembly believes that mandatory disclosure to consumers of the presence of recording devices in motor vehicles and a presumption in favor of limiting or denying access to data recorded on recording devices by persons other than the registered owner of the motor vehicle furthers this policy goal.

(b) Disclosure required.—

(1) For new motor vehicles produced on or after January 1, 2007, a manufacturer of a new motor

Amend Sec. 1 (Sec. 4109), page 1, by inserting between lines 15 and 16:

(2) A dealer who sells or leases a new motor vehicle subject to subsection (a) shall verbally disclose to the purchaser or lessee at the time of the transaction that the motor vehicle is equipped with one or more recording devices and shall obtain a written acknowledgment from the purchaser or lessee that the disclosure was made in accordance with this paragraph.

Amend Sec. 1 (Sec. 4109), page 1, line 16, by striking out "(b)" and inserting: (c)

Amend Sec. 1 (Sec. 4109), page 2, lines 5 and 6, by striking out all of said lines and inserting:

(2) In response to any of the following:

(i) An order of a court having jurisdiction to issue the order.

(ii) In litigation arising out of an accident involving a motor vehicle, a lawful subpoena issued or a request for production of documents or things pursuant to the Rules of Civil Procedure filed to download or retrieve the motor vehicle data recorder or data, so long as the data is used solely to determine a causal factor of the accident.

Amend Sec. 1 (Sec. 4109), page 2, line 12, by inserting after "number": with the last four digits deleted

Amend Sec. 1 (Sec. 4109), page 2, line 18, by removing the period after "vehicle" and inserting:

and is not released for any other purpose, except as described in paragraph (3) or as otherwise authorized by the registered owner.

Amend Sec. 1 (Sec. 4109), page 2, line 19, by striking out "(c)" and inserting: (d)

Amend Sec. 1 (Sec. 4109), page 2, line 21, by striking out "(b)(3)" and inserting: (c)(3)

Amend Sec. 1 (Sec. 4109), page 2, by inserting between lines 25 and 26:

(e) Use of data for underwriting purposes.—Under no circumstances shall the data retrieved from recording devices in noncommercial vehicles be used for the purpose of imposing an insurance surcharge.

Amend Sec. 1 (Sec. 4109), page 2, line 26, by striking out "(d)" and inserting: (f)

Amend Sec. 1 (Sec. 4109), page 2, line 30, by striking out "(f)" and inserting: (g)

Amend Sec. 1 (Sec. 4109), page 3, line 4, by striking out "(b)" and inserting: (c)

Amend Sec. 1 (Sec. 4109), page 3, lines 6 and 7, by striking out all of said lines

Amend Sec. 1 (Sec. 4109), page 3, line 8, by striking out "(f)" and inserting: (g)

On the question,

Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentleman from Bradford, Senator Madigan.

Senator MADIGAN. Madam President, I want to extend my thanks to Senator Gordner for his efforts. We have worked on this back and forth for some time. Basically, I believe we have agreed to my amendment, with only a change that would remove the questionable part of corroborative evidence and some other minor changes. A number of other amendments that were to be offered are included in this bill. It does provide that a subpoena can be utilized to get evidence from the black boxes, but I believe this is a balanced amendment, and I thank Senator Gordner for his efforts to pull this together, as well as other Members who had concerns on wide disparity and differences of opinions as to what should be done, could be done. I believe this is the best that we can come up with at this time. Hopefully, it will resolve the situation, and we can move ahead with the important part regarding the black boxes in determining safety in the use of seatbelts and improving safety, working closely with the manufacturers, and with the hope that it does not become a basis for surcharges in an individual's insurance, but be used for the original Federal program, which would look at what is working in our automobiles, what is not, and how we can improve that, and also notifying all individuals who purchase newer vehicles, that more and more they are putting them into the automobiles, making them aware that there is a black box that is recording when an accident happens.

I thank everyone who has worked closely on this, and I hope this will be agreed to and we can adopt it. I encourage an affirmative vote.

Thank you, Madam President.

And the question recurring,

Will the Senate agree to the amendment?

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

#### YEA-47

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	Lemmond	Regola	White, Donald
Earll	Logan	Rhoades	White, Mary Jo
Erickson	Madigan	Robbins	Williams, Anthony H.
Ferlo	Mellow	Scarnati	Wonderling
Fontana	Musto	Stack	Wozniak
Fumo	O'Pake	Stout	

#### NAY-2

LaValle

Williams, Constance

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

The PRESIDENT. The bill will go over as amended.

### RESOLUTIONS REPORTED FROM COMMITTEE

Senator D. WHITE, from the Committee on Veterans Affairs and Emergency Preparedness, reported the following resolutions:

#### SR 270 (Pr. No. 1698)

A Resolution commemorating June 11, 2006, as "Delaware Valley Vietnam Veterans Day"; and expressing appreciation for the special commitment and service of these veterans to the United States.

#### SR 271 (Pr. No. 1699)

A Resolution recognizing the week of May 13 through 21, 2006, as "Armed Forces Week" in Pennsylvania and encouraging the observance of May 20, 2006, as "Armed Forces Day" in Pennsylvania.

#### SR 272 (Pr. No. 1700)

A Resolution memorializing the President and Congress of the United States and the Department of Defense to oppose any increases in the cost of enrollment in health care programs for members of the United States military.

#### SR 277 (Pr. No. 1731)

A Resolution designating May 7, 2006, as "Vietnam Veteran Remembrance Day" in Pennsylvania.

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

### RECESS

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

Senator PICCOLA. Madam President, I move that the Senate do now recess until Wednesday, April 26, 2006, at 11 a.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

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