

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

TUESDAY, JUNE 20, 2006

SESSION OF 2006 190TH OF THE GENERAL ASSEMBLY

No. 42

**SENATE**

TUESDAY, June 20, 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 RAYMOND LaVOIE, Vocations Director of the Diocese of Harrisburg, offered the following prayer:

Almighty and eternal God, assist with Your spirit of counsel and fortitude, wisdom and justice, the Senate of the Commonwealth of Pennsylvania. We pray for our Senators who are entrusted to guard our political welfare. May they be enabled by Your protection to fulfill their duties with honesty and strength. May they be preserved in union and peace which the world cannot give, and after enjoying the blessings of this life, be admitted to those which are eternal.

We pray to You who are Lord and God forever and ever. Amen.

The Chair thanks Father LaVoie, who is the guest today of Senator Piccola.

**PLEDGE OF ALLEGIANCE**

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

**JOURNAL APPROVAL POSTPONED**

The PRESIDENT. Without objection, approval of the Journal of the Session of Tuesday, June 19, 2006, will be postponed until the Journal is in print.

**HOUSE MESSAGES**

**HOUSE BILLS FOR CONCURRENCE**

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

June 20, 2006

**HB 901 and 2457** -- Committee on Transportation.

**HB 1561** -- Committee on Law and Justice.

**HB 2122, 2203, 2328 and 2458** -- Committee on Judiciary.

**HB 2283** -- Committee on Aging and Youth.

**HB 2441** -- Committee on Local Government.

**HB 2542** -- Committee on Banking and Insurance.

**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.

**CALENDAR**

**HB 2210 CALLED UP OUT OF ORDER**

**HB 2210 (Pr. No. 3074)** -- Without objection, the bill was called up out of order, from page 5 of the Third Consideration Calendar, by Senator CONTI, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**HB 2210 (Pr. No. 3074)** -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a portion of State Route 422 in Berks County as the Sergeant William V. Fernandez Highway.

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-50

Armstrong	Gordner	Orie	Tomlinson
Boscola	Greenleaf	Piccola	Vance
Brightbill	Hughes	Pileggi	Washington
Browne	Jubelirer	Pippy	Waugh
Conti	Kasunic	Punt	Wenger
Corman	Kitchen	Rafferty	White, Donald
Costa	LaValle	Regola	White, Mary Jo
Dinniman	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	

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 without amendments.

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

The SECRETARY. Consent has been given to the Committee on Game and Fisheries to meet during today's Session to consider House Bill No. 1641.

**SPECIAL ORDER OF BUSINESS  
GUEST OF SENATOR ROBERT C. JUBELIRER  
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Blair, Senator Jubelirer.

The PRESIDENT pro tempore. Madam President and Members of the Senate, I have a guest in the gallery. This summer Jason Imler is serving as a legal intern in the Republican Policy Development and Research Office. He is the son of Don and Linda Imler of Duncansville in my district, graduated from Central High School in Martinsburg, Pennsylvania, and studied politics at Juniata College, graduating in 2000 with departmental honors. After obtaining his undergraduate degree, Jason managed several restaurants for Eat'N Park until he enrolled at Michigan State College of Law. He recently finished his first year of law school, where he was on the dean's list both semesters, something I never accomplished, Madam President, I assure you. Jason now plans to apply to the graduate department of political science at Michigan State so he can also receive a master's degree in political theory along with his law degree.

I ask that you and the Members of the Senate give Jason Imler your usual warm welcome to the Senate of Pennsylvania.

The PRESIDENT. Would Jason Imler please rise so we can welcome you.

(Applause.)

**GUESTS OF SENATOR DONALD C.  
WHITE PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Indiana, Senator Don White.

Senator D. WHITE. Madam President, I am pleased today to introduce Hailey Bigley, a young constituent from my district. She submitted the winning entry in "There Ought To Be A Law" essay competition that I hold for all of the fourth grade students in my district each year, and her suggestion, which I thought was very worthwhile, was that every veteran should have Veterans Day as a paid holiday. As a veteran, I really appreciate that kind of support, and I hope my colleagues will remember that come next Veterans Day. It is certainly topical and truly worthy of our

legislative consideration. I hope her experience visiting today will spark an interest in her coming back someday as a lawmaker.

Hailey is a student at West Hills Elementary in Kittanning in Armstrong County. She enjoys basketball, soccer, and band, and she is accompanied in the gallery by her parents, Gary and Jenise Bigley, her younger brother Noah, her grandmother Anna Hartle, her principal, Sue Kreidler, and her teacher, Vicki Cover, and her daughter, Kara.

At this time, Madam President, I would appreciate it if the Senate would extend its usual warm to my honored guests.

The PRESIDENT. Would Hailey Bigley, her family, principal, and teacher please rise so we can welcome you.

(Applause.)

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

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

Senator C. WILLIAMS. Madam President, today it is my pleasure to introduce to the Senate two interns who are working in our office in King of Prussia for the summer. Amanda Stevens is from Havertown and is a sophomore at Hofstra University. She is a political science major. David Tanenbaum is a junior at Emory University, also studying political science.

I am happy to have them in my office this summer to see that political science is an art as well as a science, and I hope that they will have a very interesting summer. I ask the Senate to give them its usual warm welcome.

Thank you, Madam President.

The PRESIDENT. Will Amanda and David please rise so we can give you a warm welcome.

(Applause.)

**GUESTS OF SENATOR JOE CONTI  
PRESENTED TO THE SENATE**

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

Senator CONTI. Madam President, it is a privilege to introduce several guests to the Senate today. Barry Lynn, from Langhorne in Bucks County, is here for a day at the Capitol. He is retired after working over 30 years with TWA. Accompanying him is his sister, Cindy Margolis, and her son, Dylan Margolis.

I also have two interns here today, John Kirkland and Patrick Sheehan. Patrick is from Yardley and just finished his freshman year at Notre Dame. John is from Perkasio, Pennsylvania, has attended Bucks County Community College, and soon will enroll at Temple University.

So, Madam President, if you would lead the Senate in a warm welcome for my constituent visitors today, Barry Lynn, Cindy and Dylan Margolis, John Kirkland, and Patrick Sheehan, I would appreciate it.

Thank you.

The PRESIDENT. Would the guests of Senator Conti please rise so we can give you a nice warm welcome.

(Applause.)

**GUESTS OF SENATOR DAVID J.  
BRIGHTBILL PRESENTED TO THE SENATE**

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

Senator BRIGHTBILL. Madam President, I have four young guests in the gallery today who are interning in the Senate. I will ask each one to stand as I mention their name.

The first is Elizabeth Hench, who is the daughter of Michael and Janet Hench of Elizabethtown. She is a graduate of Elizabethtown Area High School and received an associate's degree in journalism from Harrisburg Area Community College. She is interning in the Senate Republican Communications Office.

The second is Carolyn Phenicie, who is the daughter of Kelly and Mark Phenicie, who are friends of mine. Kelly did not recognize her daughter in gallery immediately, and she works in the Senate. Carolyn entered her sophomore year at American University, majoring in print journalism and political science, is a student in the university's honor program, assistant editor of her school newspaper, and a member of Alpha Phi Omega, which is a national coed community service fraternity. Her summer internship is with the Senate Republican Communications Office, and in the past, she interned with Senator Vance.

The third is Daniel Reich, who is the son of Mr. and Mrs. Jeffrey Reich of Mt. Joy, and his father is an attorney in Lancaster County. He is a graduate of Lancaster Catholic High School, and is a junior at Saint Joe's University in Philadelphia. He majored in English, and he is also interning with the Senate Republican Communications Office.

The fourth is Robert Wolfson. Robert's grandfather and my father went to high school together. Robert's father, Fred Wolfson, and I went to high school together, and Robert is the son of Fred and Kathy Wolfson of Lebanon. He is a graduate of Cedar Crest High School, and is entering his sophomore year at Georgetown University. He has double majors in political economy and classical studies, and his summer internship is with the Senate Republican Policy Development and Research Office.

I would appreciate it if the Senate would extend its usual warm welcome to my guests.

The PRESIDENT. Will all of our guests, Elizabeth Hench, Carolyn Phenicie, Daniel Reich, and Robert Wolfson, please rise so we can welcome you to the Pennsylvania State Senate.

(Applause.)

**GUESTS OF SENATOR ROBERT C.  
WONDERLING PRESENTED TO THE SENATE**

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

Senator WONDERLING. Madam President, indeed, I am delighted to have some very special guests in the gallery who are members of my family. My three sons, Sam, Mark, and Ben, and my nephew James have spent the day seeing what we do here, and they are here along with my mother, Doris Wonderling Stanson, and my wife, Kristin, so I ask for a hearty and warm welcome for the Wonderling family.

The PRESIDENT. Would Sam, Mark, Ben, James, Doris and Kristin all please rise.

(Applause.)

The PRESIDENT. Welcome to the Pennsylvania Senate.

**SENATE RESOLUTION ADOPTED**

Senator CORMAN, by unanimous consent, offered **Senate Resolution No. 321**, entitled:

A Resolution designating June 20, 2006, as "State College Spikes Day" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator CORMAN. Madam President, when all the Members of the Senate came on the floor today, including the Chair, there were hats on their desks, the new hats for the minor league baseball team in State College, Pennsylvania, called the State College Spikes, as you can see the red "S" and the deer spikes coming through. This will be a single-A minor league baseball team, and their first game ever is tonight in State College against the Williamsport Crosscutters from Senator Madigan's district. The team chose its name from a competition which looked at the local heritage of hunting and sportsmen in central Pennsylvania, and they came up with the deer spike, and we are looking forward to opening day.

It is a new stadium, and the reason I bought everyone a hat is because the State contributed money to this stadium because this is a unique cooperation where Penn State University will use the field for their season, usually from March until May, and then the minor league baseball team will start in June when the New York-Penn League starts. Penn State paid for part of the stadium, the Spikes were in partnership as well, and so did the Commonwealth through the capital budget, and I want to thank the Governor for having the foresight to release the dollars.

We are looking forward to the New York-Penn League, in which these teams play, New York and Pennsylvania, and to date, Williamsport was the only Pennsylvania team. Of course, Williamsport is one of the oldest minor league franchises in history. Some Philly fans might remember Richie Allen, who actually came to Williamsport, they had a lot of great names, and we are looking forward to a great rivalry between State College and Williamsport over the years. Madam President, I am here to say thank you and "play ball."

(Applause.)

And the question recurring,

Will the Senate adopt the resolution?

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

**RECESS**

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

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

immediately. So if all the Members will quickly go to caucus, we will be back in about an hour, an hour and a half to finish today's Calendar.

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

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

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

### AFTER RECESS

The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.

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

### CONSIDERATION OF CALENDAR RESUMED

#### SB 1201 CALLED UP OUT OF ORDER

SB 1201 (Pr. No. 1735) -- Without objection, the bill was called up out of order, from page 4 of the Third Consideration Calendar, by Senator BRIGHTBILL, as a Special Order of Business.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1201 (Pr. No. 1735) -- The Senate proceeded to consideration of the bill, entitled:

An Act coordinating plans to reduce mercury emissions from new and existing stationary sources in this Commonwealth; imposing duties on the Department of Environmental Protection; and limiting certain powers of the Environmental Quality Board.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

#### LEGISLATIVE LEAVES

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

Senator O'PAKE. Mr. President, I request temporary Capitol leaves for Senator Washington and Senator Hughes.

The PRESIDENT pro tempore. Senator O'Pake requests temporary Capitol leaves for Senator Washington and Senator Hughes. Without objection, the leaves will be granted.

And the question recurring,  
Shall the bill pass finally?

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

Senator M.J. WHITE. Mr. President, I rise to urge a "yes" vote on Senate Bill No. 1201. Contrary to what you might have

heard, it will require a substantial reduction in mercury emissions from Pennsylvania's coal-fired power plants, it will require an 86-percent reduction by 2018. There is a competing proposal the Department of Environmental Protection is trying to ram through without any real public input. The Senate Committee on Environmental Resources and Energy and my co-chair, Senator Musto, held three public hearings. We heard from environmentalists, power generating companies, public health officials, toxicologists, sportsmen, and others. Members had an opportunity to hear all the evidence, ask questions, and make up their minds. We achieved a strong, bipartisan 10 to 1 vote reporting this bill out of committee. There is not anyone in this Chamber, and certainly not on that committee, who does not support reducing mercury emissions and protecting public health. We all have families we care about, but this is about protecting the public's health in a way that protects jobs, that minimizes electric rate increases, and preserves our generating capacity here in Pennsylvania.

We shut down the small oil refineries 20 years ago, and look what it has done. Let us not make the same mistake with electricity in Pennsylvania. I urge a "yes" vote, and I thank my colleagues.

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

Senator FERLO. Mr. President, with all due respect, I would like to rise in opposition to the bill. I respect that there is a lot of legitimate dissent on this legislation, and I am only speaking from my own personal views and experiences, as well as a review of the literature and a review of some of the testimony today that has been presented to the Senate in the committee hearings, which have come to the Senate from advocacy groups on both sides of the equation. But in all due respect, I cannot support it and I will be voting in opposition to Senate Bill No. 1201 and, quite frankly, I believe strongly that to approve the bill would be a vote that would act against the health and well-being of those who are most vulnerable in our society, quite frankly, babies and their mothers. I believe that a vote for this bill is to condemn the most delicate and precious part of our community to birth defects, lifelong neurological illnesses, cerebral palsy, deafness, blindness, and a myriad of preventable developmental deficiencies.

Mercury toxicity and the damage it causes is irreversible. For that reason, the United States Conference of Catholic Bishops, the Pennsylvania Federation of Sportsmen's Clubs, the National Council of Catholic Women, the Pennsylvania Parent Teachers' Association, the State Nurses' Association, have all urged us to vote against this legislation.

Looking at this from a historical point of view, I can remember over the last 40 years, and even longer, when opposition began to grow as a result of scientific knowledge and medical evidence, certainly in the case of smoking and its ill effects, deadly effects, the issue of white lung and black lung, and the issue of asbestosis as it relates to malignant melanoma. It has always been the case that it takes our society many years to learn the medical and scientific information, and it took many years after that to understand more clearly what the health ill-effects are before we acted, either by way of regulation or through legislation, and I think we are in the same situation here as relates to the issue of mercury poisoning in our society and in our State.

Dr. Robert Cicco, President of the National Academy of Pediatrics, wrote recently about the dangers of breathing airborne mercury. I am quoting him with the following: "When inhaled, elemental mercury vapor easily passes through pulmonary alveolar membranes and enters the blood, where it distributes primarily to the red blood cells, central nervous system, and kidneys." We are risking our children's health. It is a toxin, not only through breathing, but through exposure in the womb, where pregnant women exposed to mercury pass the toxin on to developing fetuses, and one in six babies is subject to developmental disorders because of the toxic mercury pollution that this bill will continue with toothless Federal rules and regulations. The odds are impossible to ignore. It means that if each one of the Members is blessed to have even a single grandchild or niece or nephew in the coming years, that eight of them, eight of them will develop a neurological disorder, thanks to our inability to put strong limits on toxic mercury pollution.

Some have complained about costs affecting electricity prices, but the U.S. Department of Energy officials have repeatedly stated that despite industry claims, there will not be a significant rate increase as a result of installing technology. Why? It turns out that technology is relatively cheap to buy, install, and maintain, but the industry would rather not make the effort, because it is inconvenient, and in the end it does come out of some bottom line of their costs and profits. One estimate determined that the average cost to the average Pennsylvania utility customer would be roughly \$1.08. I believe that most Pennsylvanians want clean air, clean water, and clean streams, and also they want industry and they want jobs, and I am tired of always pitting one against the other. I want my cake and eat it too. I believe we can have a clean environment, I believe we can have jobs in manufacturing, including coal, but I also believe that we have an obligation, morally and otherwise, to protect our environment, and I think we have to pay for it and I think people are willing to do that as a matter of priority.

Still, there is much talk about some sort of competitive disadvantage if this bill is not passed. I see a clear competitive disadvantage if this bill is passed. We have the second highest mercury emissions of any State in the nation, interfering with our ability to attract young families, as well as entrepreneurs who value a healthy environment. Pennsylvania's \$1.5 billion fishing industry is right now being slammed by warnings of ever-increasing pollution on every single body of water in Pennsylvania, every single body of water, streams and rivers alike. That is astonishing and bears repeating, as I just did. There is a fish consumption advisory on every river and lake in the Commonwealth because of toxic effects of mercury. As pollution is allowed to increase, the national reputation of fishing in Pennsylvania will suffer and tourism dollars will decrease. I think it is clear that every one of us represents a beautiful county, all 67 counties across the State, that profits not only economically but financially from the significant tourist industry, and appropriately so. Now is the time for us to build on that reputation. After last year's nationally televised Bass Master's Classic, which was held in the city of Pittsburgh, we should do this now more than ever. Now is not the time to compromise our reputation with handouts to wealthy toxic polluters.

Pennsylvania's children will be at a disadvantage in schools, as mercury pollution is allowed to ravage their vulnerable developing brains and kidneys, and subject them to a lifetime of disability. Pennsylvania's skilled labor workforce will be needed to install and maintain the affordable pollution control technology. Let the building trades unions benefit from the fact that there is technology available and that there is technology that needs to be put into place in order to clean up manufacturing facilities so it is a job-producing activity. But if this bill is passed, that skilled workforce will not be necessary and jobs will not be created, because industry will instead pay for credits to trade for their ability to continue polluting.

Part of Armstrong County in my district, and I represent three counties, was found to be the number one county in the nation, the number one county in the United States of America with the highest mercury emissions. This is not a statistic that makes it into the many Chamber of Commerce booklets and brochures, and appropriately so. That is a competitive disadvantage. My colleagues from Indiana County will be interested to know that Indiana ranked fourth in the nation for mercury emissions. Again, a competitive disadvantage not only for that county but our whole State.

Madam President, I ask the Members, would we trade a stake in our tourism industry, the health of our children, skilled jobs in our work force for a \$1.08 per Pennsylvanian? I hope not, because \$1.08 does not make a competitive disadvantage.

Yesterday we voted to improve protections for our children by voting for Senator Orie's and Senator Rafferty's Jessica's Law bill and the other amendments that were approved. At the time, it was rightly said that our most important duty as legislators is to protect our most vulnerable so that no one can harm even a hair on the head of a child in this Commonwealth. That same duty is before us today in considering this bill. It is incumbent on us to be consistent in our defense of Pennsylvania's children and defeat this wrong-headed bill.

Mr. President, so many of the Members talk about morality, but it is a true test that is before us today. A toxic polluter with deep pockets and expensive lobbyists want you to leave his profits alone, while the others, our constituents, want us to protect young mothers, babies, and infants. It is as simple a choice as that. A vote in favor of this bill is a vote for toxic polluters. A vote against this bill is a vote to protect the health of the Commonwealth, and if this bill does get approved, I hope and pray that our good Governor has the integrity and the willingness to veto this legislation. Mr. President, I respectfully ask for a negative vote.

Thank you.

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

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

Senator M.J. WHITE. Madam President, all the misinformation that has been circulated about this bill was contained in Senator Ferlo's comments. I am a mother and a grandmother, and if I thought there was any possible scintilla of a reason to believe

that this bill would damage children in Pennsylvania, we would not even be standing here talking about it.

In fact, the U.S. Centers for Disease Control conducted a nationwide study of women of childbearing age, infants, and young children, and found not a single case where mercury levels approach the level that might have adverse health effects. Even DEP has acknowledged that the health threat posed by mercury emissions is indirect. It comes from eating fish that contain mercury. You do not inhale it or breathe it or get it from touching it. In fact, 80 percent of the mercury consumed by eating fish in the United States comes from eating saltwater fish, like tuna, cod, and swordfish, not freshwater fish. A 160 pound person would have to eat 22.8 pounds of catfish or 15.5 pounds of freshwater trout every week, each week over an entire lifetime to even begin to approach these benchmark dose safety levels set by the EPA.

So this is not about hurting babies and children, Madam President. I think that is insulting to the Members of the Committee on Environmental Resources and Energy who sat through these hearings, listened to toxicologists, reviewed reports, and were given anecdotal evidence. I am a member of faith, and when they tell me the faith-based community opposes this bill, I am offended, I am offended. There are groups that will lend their names to a cause without studying it or finding out what it means, without examining it, because it is a complex issue. We are talking methylmercury. It is ingested by humans through fish, not through the air, not through breathing it, and not through touching it. If you want to talk about people needing jobs in Pennsylvania, this is not about corporate welfare, this is about keeping real jobs for real people. As an example of that, I will tell you some of the people who are supporting Senate Bill No. 1201, in addition to baby killers of America, of course, are the United Mine Workers of America, the Pennsylvania Conference of Teamsters, the International Brotherhood of Electrical Workers, the Pennsylvania Coal Association, the Electric Power Generation Association, the Chamber of Business and Industry, the Pennsylvania Chemical Industry Council, the Pennsylvania Manufacturers Association, and the list goes on and on. This is about protecting Pennsylvanians, our children, our women, and our jobs.

Thank you, Madam President.

The PRESIDENT. The Chair recognizes the gentleman from Luzerne, Senator Musto.

Senator MUSTO. Madam President, I believe it is important to explain exactly what Senate Bill No. 1201 does. It brings Pennsylvania into compliance with the U.S. Environmental Protection Agency's clean air mercury rule. Pennsylvania faces a November 2006 compliance deadline. By the year 2018, Pennsylvania electric utilities have to achieve an 86-percent reduction in mercury emissions from the 1999 emission levels. So, Madam President, it is being misunderstood that Senate Bill No. 1201 actually will reduce environmental standards here in Pennsylvania. It does not. EPA has promulgated and put rules into effect that Pennsylvania must be equal to or greater than, so Senate Bill No. 1201 assures that Pennsylvania will comply with EPA.

Senate Bill No. 1201 provides flexibility to achieve significant mercury emission reductions in a cost-effective manner that preserves jobs, limits energy cost increases, and most importantly, protects the public's health.

Thank you, Madam President.

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

Senator WONDERLING. Madam President, I first want to commend Chair M.J. White and Democratic Chair Musto for shepherding a difficult issue in which the rhetoric of interest groups tends to cloud some of the very basic tenets and facts of what they are attempting to accomplish here.

Madam President, I just want to speak briefly as to the available technology to deal with this issue. First of all, it is important, I think, to recognize sound science from mythical science, and understand that we are just not there yet with the technology that can be deployed to capture the particulate matter that would be subject to this legislation.

So, Madam President, for the benefit of the Members, I want to draw a word picture. If we were able to fill the Super Dome in New Orleans with approximately 3 billion Ping-Pong balls and we painted 300 of them green, and then opened up the Super Dome and had those Ping-Pong balls fly out at about 100 miles an hour, technology would be required to capture the green balls. It is hard to do today, but we are not saying we will not get there in the future. But the comments that have been made in debate on this bill suggesting that the technology is readily available, cost-effective, and affordable is just not accurate, and therefore, the legislation takes that into account and clearly, I think, brings the right measured approach on an issue that I think in recent days has been debated more in myth than in fact.

Thank you.

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

Senator RHOADES. Madam President, I rise to support the bill. First, I want to thank Senator Mary Jo White and Senator Musto for their leadership as chairpersons of the Committee on Environmental Resources that held public hearings. Being on the committee, I had a chance to hear the presentations and read the transcripts. One of the things that I looked at is if you compare 86 percent versus the 90 percent recommended, it is only a difference of 4 percent. When you take that difference versus the 1 percent that is generated, approximately 1 percent of mercury emissions come from U.S. coal-fired power plants, multiply that by 4 percent and get 400 of a percent, and when you divide that by 12 years, the difference is you begin to see how little and, shall I say, statistically not significant, the amount of methylmercury that would be put into the area.

Now, someone can start arguing about the numbers, but Senator Mary Jo White mentioned the groups that supported this, and when I looked at that and saw the United Mine Workers of America, the Pennsylvania Conference of Teamsters, and the International Brotherhood of Electrical Workers coming out and supporting this bill, that tells me something, because who works near those power plants? The United Mine Workers. Who is it who worked hard over all these years for improving hazardous working conditions for miners in Pennsylvania and the United States? The United Mine Workers. So it would be nonsensical to think that these men and women would be working in conditions where mercury would be falling on them or they would be ingesting it and taking it home, and the same is true for the Conference of Teamsters and the Brotherhood of Electrical Workers who

work in these plants. If they feel it is safe, how can I, in turn, challenge those who work in the plants? So if my fellow workers say it is safe, then I think we should support the bill.

Thank you, Madam President.

And the question recurring,  
Shall the bill pass finally?

LEGISLATIVE LEAVE

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

Senator BRIGHTBILL. Madam President, I ask for a legislative leave for Senator Scarnati.

The PRESIDENT. Senator Brightbill requests a legislative leave for Senator Scarnati. Without objection, the leave 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-40

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

NAY-10

Costa	Fumo	Tomlinson	Washington
Dinniman	Greenleaf	Vance	Williams, Constance
Ferlo	Rafferty		

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 VETOED BY THE GOVERNOR

BILL OVER IN ORDER

SB 997 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

THIRD CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 1090 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

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

HB 2468 (Pr. No. 4279) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the highway capital budget project itemization for the fiscal year 2005-2006.

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

On the question,  
Shall the bill pass finally?

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

YEA-50

Armstrong	Gordner	Orie	Tomlinson
Boscola	Greenleaf	Piccola	Vance
Brightbill	Hughes	Pileggi	Washington
Browne	Jubelirer	Pippy	Waugh
Conti	Kasunic	Punt	Wenger
Corman	Kitchen	Rafferty	White, Donald
Costa	LaValle	Regola	White, Mary Jo
Dinniman	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	

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

BILL LAID ON THE TABLE

HB 456 (Pr. No. 1074) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the offense of terrorism; further providing in controlled substances forfeitures for loss of property rights to Commonwealth; providing for terrorism forfeiture; further providing for procedure with respect to seized property subject to liens and rights of lienholders; and providing for penalties.

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

#### HB 456 TAKEN FROM THE TABLE

Senator BRIGHTBILL. Madam President, I move that House Bill No. 456, Printer's No. 1074, be taken from the table and placed on the Calendar.

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

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

#### BILLS OVER IN ORDER

**SB 655, SB 691, SB 816 and SB 838** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

#### BILL AMENDED AND LAID ON THE TABLE

**SB 1000 (Pr. No. 1881)** -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,

Will the Senate agree to the bill on third consideration?

Senator A.H. WILLIAMS offered the following amendment No. A8299:

Amend Sec. 6, page 11, line 22, by striking out "AGREES" and inserting: Except as provided in section 12, agrees

Amend Sec. 11, page 21, line 19, by inserting after "PLUMBING.": This provision does not affect standards for liability insurance adopted by a municipality prior to January 1, 2006 and which are in effect on the effective date of this section.

Amend Bill, page 21, by inserting between lines 25 and 26: Section 13. Applicability.

This act shall not apply to local regulations, relating to liability insurance coverage for contractors which were adopted by a municipality prior to January 1, 2006, and which are in effect on the effective date of this section.

Amend Sec. 13, page 21, line 26, by striking out "13" and inserting: 14

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?

Senator BRIGHTBILL. Madam President, I move that Senate Bill No. 1000, as amended, be laid upon the table.

On the question,

Will the Senate agree to the motion?

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

#### SB 1000 TAKEN FROM THE TABLE

Senator BRIGHTBILL. Madam President, I move that Senate Bill No. 1000, Printer's No. 1881, as amended, 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.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 1036 (Pr. No. 1820)** -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

#### YEA-50

Armstrong	Gordner	Orie	Tomlinson
Boscola	Greenleaf	Piccola	Vance
Brightbill	Hughes	Pileggi	Washington
Browne	Jubelirer	Pippy	Waugh
Conti	Kasunic	Punt	Wenger
Corman	Kitchen	Rafferty	White, Donald
Costa	LaValle	Regola	White, Mary Jo
Dinniman	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	

#### 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 1046, SB 1104, SB 1115, SB 1117, SB 1118 and SB 1119** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

#### BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 1580 (Pr. No. 4009)** -- 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 live-stock operations.

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

NAY-1

Vance

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.

**HB 1637 (Pr. No. 4229)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 24, 1963 (P.L. 1175, No. 497), known as the Mechanics' Lien Law of 1963, further providing for definitions, for waiver of liens, for effect of waiver of liens, for rescission of contracts between contractors and subcontractors, for notices by subcontractors as condition precedent, for filing and notice of filing of claim and for priority of liens.

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

On the question,  
Shall the bill pass finally?

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

YEA-50

Armstrong	Gordner	Orie	Tomlinson
Boscola	Greenleaf	Piccola	Vance
Brightbill	Hughes	Pileggi	Washington

Browne	Jubelirer	Pippy	Waugh
Conti	Kasunic	Punt	Wenger
Corman	Kitchen	Rafferty	White, Donald
Costa	LaValle	Regola	White, Mary Jo
Dinniman	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	

NAY-0

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

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

BILLS OVER IN ORDER

**HB 1725, HB 2185, HB 2186, HB 2381 and HB 2383** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

**HB 248** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

**SB 772 (Pr. No. 1866)** -- 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 Access to Justice Act expiration provision.

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

BILLS REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

**HB 801 and SB 1140** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILLS REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

**SB 1188 (Pr. No. 1868)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, further providing for definitions, for physician, certified registered nurse practitioner and pharmacy participation, for reduced assistance, for program generally, for restricted formulary, for reimbursement, for income verification, for contracts and for the pharmaceutical assistance contract for the elderly needs enhancement tier, for pharmacy best practices and cost controls review; further providing for penalties; establishing the coordination of Federal and State benefits; and making editorial changes.

Considered the second time and agreed to,

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

**SB 1205 (Pr. No. 1869)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for insurance proceeds intercept; and further providing for State disbursement unit.

Considered the second time and agreed to,

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

#### PREFERRED APPROPRIATION BILL RECOMMENDED

**HB 2499 (Pr. No. 4280)** -- The Senate proceeded to consideration of the bill, entitled:

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 2006, to June 30, 2007, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2006; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Payment Fund, the Banking Department Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund, the Tobacco Settlement Fund, the Health Care Provider Retention Account and the Community Health Reinvestment Restricted Account to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2006, to June 30, 2007; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2006, to June 30, 2007, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the establishment of restricted receipt accounts for the fiscal year July 1, 2006, to June 30, 2007, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2006; to provide for the additional appropriation of Federal and State funds from the General Fund and the Motor License Fund, for the Executive Department of the Commonwealth for the fiscal year July 1, 2005, to June 30, 2006, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2005.

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

#### BILLS OVER IN ORDER

**HB 30 and SB 180** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

#### BILLS ON SECOND CONSIDERATION

**SB 451 (Pr. No. 1812)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 30, 1987 (P.L.163, No.16), known as the Rural Pennsylvania Revitalization Act, further providing for board of directors and for grants.

Considered the second time and agreed to,

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

**HB 496 (Pr. No. 4210)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the offense of the destruction of a survey monument; further providing for actions relating to land surveying; and making an editorial change.

Considered the second time and agreed to,

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

#### BILLS OVER IN ORDER

**SB 506, SB 557, HB 804 and SB 865** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

#### BILL ON SECOND CONSIDERATION

**SB 917 (Pr. No. 1884)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 10, 1990 (P.L.404, No.98), known as the Real Estate Appraisers Certification Act, further providing for real estate appraiser certification required, for powers and duties of board, for application and qualifications, for reciprocity, for certification and licensure renewal, for disciplinary and corrective measures, for reinstatement, for reporting of multiple certification and for surrender of suspended or revoked certificate; and imposing penalties.

Considered the second time and agreed to,

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

#### BILL REREFERRED

**HB 1068 (Pr. No. 4283)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for association group life insurance.

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

#### BILLS OVER IN ORDER

**SB 1093, SB 1120, SB 1158, HB 1632 and HB 2003** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

#### BILL AMENDED

**HB 2376 (Pr. No. 4040)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for the prohibition of interlocking business; and prohibiting the use of alcohol vaporizing devices.

On the question,

Will the Senate agree to the bill on second consideration?

Senator RAFFERTY offered the following amendment No. A8264:

Amend Title, page 1, lines 18 and 19, by striking out "THE PROHIBITION OF INTERLOCKING BUSINESSES" and inserting: definitions, for sale of malt or brewed beverages by liquor licensees, for restrictions on purchases and sales of malt and brewed beverages by retail dispensers, for permit renewals and for possession or transportation of liquor or alcohol

Amend Sec. 1, page 2, lines 27 through 29, by striking out all of said lines and inserting:

Section 1. The definitions of "automobile racetrack," "case" and "public venue" in section 102 of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, reenacted and amended June 29, 1987 (P.L.32, No.14) and amended or added May 31, 1996 (P.L.312, No.49), February 21, 2002 (P.L.103, No.10) and December 8, 2004 (P.L.1810, No.239), are amended and the section is amended by adding a definition to read:

Amend Bill, page 3, lines 9 through 30; page 4, lines 1 through 9, by striking out all of said lines and inserting:

"Automobile racetrack" shall mean a track used principally for holding automobile races which has a seating capacity in excess of [twenty-five] ten thousand.

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"Case" shall mean a package prepared by the manufacturer for sale or distribution of twelve or more original containers totaling [two hundred eighty-eight] two hundred sixty-four or more fluid ounces of malt or brewed beverages excepting those packages containing twenty-four or more original containers each holding seven fluid ounces or more.

\*\*\*

"Public venue" shall mean a stadium, arena, convention center, museum, amphitheater or similar structure. If the public venue is a cruise terminal owned or leased by a port authority created under the act of June 12, 1931 (P.L.575, No.200), entitled "An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River, and the improvement of the facilities for transportation across the river; authorizing the Governor, for these purposes, to enter into an agreement with New Jersey; creating The Delaware River Joint Commission and specifying the powers and duties thereof, including the power to finance projects by the issuance of revenue bonds; transferring to the new commission all the powers of the Delaware River Bridge Joint Commission; and making an appropriation," it shall have no permanent seating requirement. If the public venue is an open-air amphitheater owned by a port authority created under the act of December 6, 1972 (P.L.1392, No.298), known as the "Third Class City Port Authority Act," it shall have no permanent seat-

ing requirement. If the public venue is owned by a political subdivision, a municipal authority, the Commonwealth, an authority created under the act of July 29, 1953 (P.L.1034, No.270), known as the "Public Auditorium Authorities Law," an authority created under Article XXV-A of the act of July 28, 1953 (P.L.723, No.230), known as the "Second Class County Code," an art museum established under the authority of the act of April 6, 1791 (3 Sm.L.20, No.1536), entitled "An act to confer on certain associations of the citizens of this commonwealth the powers and immunities of corporations, or bodies politic in law," or an authority created under Article XXIII (n) or (o) of the act of August 9, 1955 (P.L.323, No.130), known as "The County Code," it shall have permanent seating for at least one thousand (1,000) people; otherwise, it shall have permanent seating for at least [three thousand (3,000)] two thousand (2,000) people. The term shall also mean any regional history center, multipurpose cultural and science facility, museum or convention or trade show center, regardless of owner and seating capacity, that has a floor area of at least sixty thousand (60,000) square feet in one building. The term shall also mean a convention or conference center owned by a city of the third class, regardless of seating capacity, that has a floor area of at least fifteen thousand (15,000) square feet in one building.

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Section 2. Section 407 of the act, amended July 6, 2005 (P.L.135, No.39), is amended to read:

Section 407. Sale of Malt or Brewed Beverages by Liquor Licensees.—(a) Every liquor license issued to a hotel, restaurant, club, or a railroad, pullman or steamship company under this subdivision (A) for the sale of liquor shall authorize the licensee to sell malt or brewed beverages at the same places but subject to the same restrictions and penalties as apply to sales of liquor, except that licensees other than clubs may sell malt or brewed beverages for consumption off the premises where sold in quantities of not more than one hundred ninety-two fluid ounces in a single sale to one person. No licensee under this subdivision (A) shall at the same time be the holder of any other class of license, except a retail dispenser's license authorizing the sale of malt or brewed beverages only.

(b) (1) Notwithstanding subsection (a), after October 31, 2005, a restaurant licensee located in a city of the first class who is otherwise permitted to sell malt or brewed beverages for consumption off the premises may not do so unless, every two years, it acquires a permit from the board.

(2) The application for a permit to sell malt or brewed beverages for consumption off the premises shall be on forms designated by the board and contain such information as the board may require. The application and renewal fee shall be as prescribed in section 614-A(27) of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929."

(3) The application for a permit to sell malt or brewed beverages for consumption off the premises must be accompanied by a copy of the approval of such request by the governing body of the city of the first class in which the licensed premises is located.

(4) The governing body of a city of the first class must render a decision by ordinance or resolution within forty-five days of receipt of a request for approval of a permit to sell malt or brewed beverages for consumption off the premises. The governing body must approve the request unless it finds that doing so would adversely affect the welfare, health, peace and morals of the city or its residents. A decision by the city to deny a request may be appealed to the court of common pleas in the county in which the city is located. The failure to render a decision by the governing body of a city of the first class within the forty-five-day period shall be deemed approval of the permit.

(5) Upon being satisfied that the applicant has fulfilled all the requirements of this act and the board's regulations, the board shall approve the application.

Section 3. Section 442(a) of the act, amended July 6, 2005 (P.L.135, No.39), is amended to read:

Section 442. Retail Dispensers' Restrictions on Purchases and Sales.—(a) (1) No retail dispenser shall purchase or receive any malt or brewed beverages except in original containers as prepared for the market by the manufacturer at the place of manufacture. The retail dispenser may thereafter break the bulk upon the licensed premises and sell or dispense the same for consumption on or off the premises so licensed:

Provided, however, That no retail dispenser may sell malt or brewed beverages for consumption off the premises in quantities in excess of one hundred ninety-two fluid ounces: Provided, further, That no club licensee may sell any malt or brewed beverages for consumption off the premises where sold or to persons not members of the club.

(2) Notwithstanding paragraph (1), after October 31, 2005, a retail dispenser licensee located in a city of the first class who is otherwise permitted to sell malt or brewed beverages for consumption off the premises may not do so unless, every two years, it acquires a permit from the board.

(3) The application for a permit to sell malt or brewed beverages for consumption off the premises shall be on forms designated by the board and contain such information as the board may require. The application and renewal fee shall be as prescribed in section 614-A(28) of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929."

(4) The application for a permit to sell malt or brewed beverages for consumption off the premises must be accompanied by a copy of the approval of such request by the governing body of the city of the first class in which the licensed premises is located.

(5) The governing body of a city of the first class must render a decision by ordinance or resolution within forty-five days of receipt of a request for approval of a permit to sell malt or brewed beverages for consumption off the premises. The governing body must approve the request unless it finds that doing so would adversely affect the welfare, health, peace and morals of the city or its residents. A decision by the city to deny a request may be appealed to the court of common pleas in the county in which the city is located. The failure to render a decision by the governing body of a city of the first class within the forty-five-day period shall be deemed approval of the permit.

(6) Upon being satisfied that the applicant has fulfilled all the requirements of this act and the board's regulations, the board shall approve the application.

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Section 4. Section 478 of the act, amended July 6, 2005 (P.L.135, No.39), is amended to read:

Section 478. Renewal of Amusement Permit; Renewal of Permit for Sales for Off-Premises Consumption in Cities of the First Class.—(a) Upon the annual review of the operating history of a licensee prior to the validation period or the periodic renewal of the license, the Director of the Bureau of Licensing shall have the authority to state objection to the renewal of the amusement permit as required by section 493(10). Such objection shall be based upon the operating history, and notice shall be provided to the licensee in writing, by certified mail, at the address listed on the license. Upon the completion of any hearing conducted concerning the renewal of the amusement permit pursuant to section 464, the board may, in its discretion, refuse to renew the amusement permit.

(b) In cases where the board refuses to renew the amusement permit of any licensee, the licensee or the applicant or manager or person with a majority or controlling interest of either in the operation of this or any other license may not again be eligible to receive a new permit from the board until the expiration of a period of up to two years from the final adjudication.

(c) Upon the [annual] biennial review of the operating history of a licensee prior to the validation period or the periodic renewal of the license, the Director of the Bureau of Licensing shall have the authority to state objection to the renewal of the permit for sale of malt or brewed beverages required under section 407 or 442. Any objection shall be based upon the operating history, and notice shall be provided to the licensee in writing, by certified mail, at the address listed on the license. Upon the completion of any hearing conducted concerning the renewal of the permit pursuant to section 464, the board may, in its discretion, refuse to renew the permit.

(d) In cases where the board refuses to renew the permit for sale of malt or brewed beverages required under section 407 or 442 of any licensee, the licensee or the applicant or manager or person with a majority or controlling interest, of either in the operation of this or any other license, may not again be eligible to receive a new permit from the board until the expiration of a period of up to two years from the final adjudication.

Section 5. Section 491(2) of the act, amended February 21, 2002

(P.L.103, No.10), is amended to read:

Section 491. Unlawful Acts Relative to Liquor, Alcohol and Liquor Licensees.—

It shall be unlawful—

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(2) Possession or Transportation of Liquor or Alcohol. For any person, except a manufacturer or the board or the holder of a sacramental wine license or of an importer's license, to possess or transport any liquor or alcohol within this Commonwealth which was not lawfully acquired prior to January first, one thousand nine hundred and thirty-four, or has not been purchased from a Pennsylvania Liquor Store or a licensed limited winery in Pennsylvania, except in accordance with section 488 or the board's regulations. In addition, it shall be lawful for anyone to possess miniatures totaling less than one gallon purchased in another state or a foreign country. The burden shall be upon the person possessing or transporting such liquor or alcohol to prove that it was so acquired. [But nothing herein contained shall prohibit the manufacture or possession of wine by any person in his home for consumption of himself, his family and guests and not for sale, not exceeding, during any one calendar year, two hundred gallons, any other law to the contrary notwithstanding. Such wine shall not be manufactured, possessed, offered for sale or sold on any licensed premises.] Notwithstanding this section or any other provision of the law, wine may be produced by any person without a license if the wine is not produced for sale and total production does not exceed two hundred gallons per calendar year. Wine produced in accordance with this clause may be used at organized affairs, exhibitions, competitions, contests, tastings or judging if it is not sold or offered for sale.

None of the provisions herein contained shall prohibit nor shall it be unlawful for any person to import into Pennsylvania, transport or have in his possession, an amount of liquor not exceeding one gallon in volume upon which a State tax has not been paid, if it can be shown to the satisfaction of the board that such person purchased the liquor in a foreign country or United States territory and was allowed to bring it into the United States. Neither shall the provisions contained herein prohibit nor make it unlawful for (i) any member of the armed forces on active duty, or (ii) any retired member of the armed forces, or (iii) any totally disabled veteran, or (iv) the spouse of any person included in the foregoing classes of persons to import into Pennsylvania, transport or have in his possession an amount of liquor not exceeding one gallon per month in volume upon which the State tax has not been paid, so long as such liquor has been lawfully purchased from a package store established and maintained under the authority of the United States and is in containers identified in accordance with regulations issued by the Department of Defense. Such liquor shall not be possessed, offered for sale or sold on any licensed premises.

None of the provisions herein contained shall prohibit nor shall it be unlawful for any consul general, consul or other diplomatic officer of a foreign government to import into Pennsylvania, transport or have in his possession liquor upon which a State tax has not been paid, if it can be shown to the satisfaction of the board that such person acquired the liquor in a foreign country and was allowed to bring it into the United States. Such liquor shall not be possessed, offered for sale or sold on any licensed premises.

Any person violating the provisions of this clause for a first offense involving the possession or transportation in Pennsylvania of any liquor in a package (bottle or other receptacle) or wine not purchased from a Pennsylvania Liquor Store or from a licensed limited winery in Pennsylvania, with respect to which satisfactory proof is produced that the required Federal tax has been paid and which was purchased, procured or acquired legally outside of Pennsylvania shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of twenty-five dollars (\$25) for each such package, plus costs of prosecution, or undergo imprisonment for a term not exceeding ninety (90) days. Each full quart or major fraction thereof shall be considered a separate package (bottle or other receptacle) for the purposes of this clause. Such packages of liquor shall be forfeited to the Commonwealth in the manner prescribed in Article VI of this act but the vehicle, boat, vessel, animal or aircraft used in the illegal transportation of such packages shall not be subject to forfeiture: Provided, however, That if it is a second or subsequent offense or if it is established that the illegal possession or transportation was in connection with a commercial transaction,

then the other provisions of this act providing for prosecution as a misdemeanor and for the forfeiture of the vehicle, boat, vessel, animal or aircraft shall apply.

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Amend Sec. 4, page 4, line 10, by striking out "4" and inserting: 6  
Amend Sec. 5, page 4, lines 22 through 27, by striking out all of said lines and inserting:

Section 7. This act shall take effect as follows:

- (1) This section shall take effect immediately.
- (2) The addition of sections 411(f) and 443(h) of the act shall take effect immediately.
- (3) The remainder of this act shall take effect in 60 days.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

#### BILL ON SECOND CONSIDERATION

**HB 2425 (Pr. No. 3822)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 24, 1931 (P.L.48, No.40), entitled "An act requiring the recording of certain written agreements pertaining to real property, and prescribing the effect thereof as to subsequent purchasers, mortgagees, and judgment creditors of the parties thereto," providing for the requirements for valid recording of documents.

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 request a brief recess for a meeting of the Committee on Appropriations, to be followed by a meeting of the Committee on Game and Fisheries, to be followed by a meeting of the Committee on Rules and Executive Nominations, all in the Rules room to the rear of the Chamber. I expect that we will be back in approximately 15 minutes.

The PRESIDENT. Senator Brightbill requests a brief recess of the Senate for meetings of the Committee on Appropriations, the Committee on Game and Fisheries, and the Committee on Rules and Executive Nominations in the Rules room for approximately 15 minutes. Without objection, for those purposes, the Senate stands 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 Excel-

lency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

#### JUDGE, COURT OF COMMON PLEAS, ALLEGHENY COUNTY

June 19, 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 April 28, 2006, for the appointment of Gregory A. Dunlap, Esquire, 613 Sweetbriar Drive, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, as Judge of the Court of Common Pleas of Allegheny County, to serve until the first Monday of January 2008, vice The Honorable Walter R. Little, resigned.

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

EDWARD G. RENDELL  
Governor

#### JUDGE, COURT OF COMMON PLEAS, ALLEGHENY COUNTY

June 19, 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 May 17, 2006, for the appointment of Suzanne N. Hueston, Esquire, 1027 Wiggins Way, West Chester 19380, Chester County, Nineteenth Senatorial District, as Judge of the Court of Common Pleas of Allegheny County, to serve until the first Monday of January 2008, vice The Honorable Cynthia A. Baldwin, appointed to Supreme Court.

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 SELINGROVE CENTER

June 19, 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 June 5, 2006, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Fifteenth Senatorial District, as a member of the Board of Trustees of Selingsrove Center, to serve until the third Tuesday of January 2009, and until her successor is appointed and qualified, vice Laurie Goss, Beaver Springs, 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 EXAMINERS OF NURSING HOME ADMINISTRATORS**

June 1, 2006

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Romaine J. Campenni, 23 East Sunrise Drive, Pittston 18640, Luzerne County, Fourteenth Senatorial District, for reappointment as a member of the State Board of Examiners of Nursing Home Administrators, 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.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS**

June 1, 2006

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert A. Etchells, 1291 Barnstable Lane, State College 16803, Centre County, Thirty-fourth Senatorial District, for appointment as a member of the State Board of Examiners of Nursing Home Administrators, 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 Frederick Kessler, Lewisburg, 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 EXAMINERS OF NURSING HOME ADMINISTRATORS**

June 1, 2006

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Romaine J. Campenni, 23 East Sunrise Drive, Pittston 18640, Luzerne County, Fourteenth Senatorial District, for reappointment as a member of the State Board of Examiners of Nursing Home Administrators, 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.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS**

June 1, 2006

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert A. Etchells, 1291 Barnstable Lane, State College 16803, Centre County, Thirty-fourth Senatorial District, for appointment as a member of the State Board of Examiners of Nursing Home Administrators, 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 Frederick Kessler, Lewisburg, whose term expired.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE STATE BOARD OF VETERINARY MEDICINE**

April 18, 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, Steven M. Radbill, VMD, 3619 Edencroft Road, Huntingdon Valley 19006, Montgomery County, Twelfth Senatorial District, for appointment as a member of the State Board of Veterinary Medicine, to serve for a term of four[sic] years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Patricia Thompson, Lancaster, 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-50**

Armstrong	Gordner	Orie	Tomlinson
Boscola	Greenleaf	Piccola	Vance
Brightbill	Hughes	Pileggi	Washington
Browne	Jubelirer	Pippy	Waugh
Conti	Kasunic	Punt	Wenger
Corman	Kitchen	Rafferty	White, Donald
Costa	LaValle	Regola	White, Mary Jo
Dinniman	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	

**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**

**BILLS REPORTED FROM COMMITTEES**

Senator PIPPY, from the Committee on Game and Fisheries, reported the following bill:

**SB 1244 (Pr. No. 1873)**

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for certain individuals vested with powers of deputy Game Commission officers.

**SB 1245 (Pr. No. 1844)**

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for exceptions to the use of unlawful devices and methods.

**SB 1262 (Pr. No. 1877)**

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for chemical testing to determine amounts of alcohol or controlled substances and for operating a watercraft under the influence of alcohol or controlled substances; and providing for aggravated assault by watercraft while operating under influence.

**HB 1320 (Pr. No. 4308) (Amended)**

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, restricting the transport, sale, importation or release of non-native injurious fish.

**HB 1528 (Pr. No. 4309) (Amended)**

An Act amending Titles 3 (Agriculture) and 34 (Game) of the Pennsylvania Consolidated Statutes, providing for taxidermists; and further providing for licenses and fees relating to taxidermists.

**HB 1641 (Pr. No. 4312) (Amended)**

An Act amending Titles 30 (Fish) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for boat and marine forfeiture, for the powers and duties of the Pennsylvania Fish and Boat Commission, for boat, marine equipment and watercraft trailer forfeiture and for the powers and duties of the Department of Transportation.

**HB 2090 (Pr. No. 2880)**

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for powers of director of the Pennsylvania Game Commission.

**HB 2205 (Pr. No. 3080)**

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for record of license sales.

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

**HB 2317 (Pr. No. 4311) (Amended) (Rereported)**

An Act providing for the capital budget for the fiscal year 2005-2006; itemizing public improvement projects, furniture and equipment projects, transportation assistance projects, redevelopment assistance capital projects, flood control projects, Keystone Recreation, Park and Conservation Fund projects, Environmental Stewardship Fund projects, Motor License Fund projects, State forestry bridge projects, Pennsylvania Fish and Boat Commission projects, Manufacturing Fund projects and federally funded projects to be constructed or acquired or assisted by the Department of General Services, the Department of Community and Economic Development, the Department of Conservation and Natural Resources, the Department of Environmental Protection, the Pennsylvania Fish and Boat Commission, the Pennsylvania Game Commission and the Department of Transportation, together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed, acquired or assisted by the Department of General Services, the Department of Community and Economic Development, the Department of Conservation and Natural Resources, the Department of Environmental Protection, the Department of Transportation, the Pennsylvania Fish and Boat Commission or the Pennsylvania Game Commission; stating the estimated useful life of the projects; providing an exemption; and making appropriations.

Senator RAFFERTY, from the Committee on Law and Justice, reported the following bill:

**SB 1207 (Pr. No. 1895) (Amended)**

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing for the Pennsylvania State Police; and making a repeal.

Senator EARLL, from the Committee on Finance, reported the following bills:

**SB 292 (Pr. No. 1892) (Amended)**

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for collection of taxes, for audits of earned income taxes, for earned income taxes, for suits for tax collection, for penalties and for delinquent tax collection costs.

**SB 993 (Pr. No. 1893) (Amended)**

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 assessment, for reassessment, for review by Board of Finance and Revenue, for appeal to Commonwealth Court, for refund of sales tax attributed to bad debt, for refund or credit for overpayment, for restriction on refunds, for refunds, for refund petition, for review by Board of Finance and Revenue, for appeal to Commonwealth Court and for extended time for filing special petition for refund; further providing, in personal income tax, for assessment, for jeopardy assessments, for procedure for reassessment, for review by Board of Finance and Revenue, for appeal to Commonwealth Court, for restrictions on refunds and for limitations on refund or credit; further providing, in corporate net income tax, for definitions, for reports and payment of tax; for changes made by Federal Government, for settlement and resettlement and for enforcement relating to corporate net income tax; providing, in corporate net income tax, for assessments, for jeopardy assessments, for limitations on assessments, for extension of limitation period, for audit by Auditor General and for collection; further providing, in gross receipts tax, for imposition; further providing, in realty transfer tax, for determination and notice, for lien and for refunds; further providing, in mutual thrift institutions tax, for imposition and report; providing, in malt beverage tax, for assessment by department; providing for procedure and administration; further providing, in general provisions, for estimated tax, for underpayment, for refund petitions and for timely filing; and providing, in general provisions, for assessments to be made by department.

**SB 1148 (Pr. No. 1894) (Amended)**

An Act amending the act of May 22, 1935 (P.L.233, No.99), referred to as the Second Class City Policemen Relief Law, further providing for benefits for pensioners, surviving spouses, children and parents of police officers.

**HB 10 (Pr. No. 4304) (Amended)**

An Act amending the act of July 10, 1981 (P.L.214, No.67), known as the Bingo Law, further providing for rules for licensing and operation.

**HB 11 (Pr. No. 4305) (Amended)**

An Act amending the act of December 19, 1988 (P.L.1262, No.156), known as the Local Option Small Games of Chance Act, fur-

ther providing for definitions, for prize limits, for limited sales and for recordkeeping; repealing certain provisions relating to advertising; and further providing for eligible organizations' use of locations for conducting small games of chance and for separate individual prize limitations.

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

**SB 808 (Pr. No. 1888) (Amended)**

An Act providing for long-term care patient access to pharmaceuticals; and conferring powers and duties on the State Board of Pharmacy.

**SB 1045 (Pr. No.1889) (Amended)**

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, providing for home infusion therapy to be available to all eligible recipients and adding a definition of "home infusion therapy."

**SB 1116 (Pr. No. 1890) (Amended)**

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, further providing for prohibited acts and penalties; and providing for reporting, for confidentiality and for false statements or misrepresentation.

**SB 1121 (Pr. No. 1891) (Amended)**

An Act providing for a program to address the illicit manufacture of methamphetamines in underground laboratories.

**HB 2202 (Pr. No.4285) (Amended)**

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, providing for home infusion therapy to be available to all eligible recipients and adding a definition of "home infusion therapy."

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

**SB 924 (Pr. No. 1897) (Amended)**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for definitions; providing for regulation and operation of neighborhood electric vehicles; and further providing for operation of vehicle without official certificate of inspection.

**SB 1175 (Pr. No. 1664)**

An Act providing for a shared-ride program for persons with disabilities; ensuring Statewide coverage; and making an appropriation.

**HB 901 (Pr. No. 3978)**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for lighting on motorcycles.



**HB 1928 (Pr. No. 4307) (Amended)**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for permit for movement during course of manufacture and for permits for movement of a mobile home or a modular housing unit and modular housing undercarriage.

**HB 2026 (Pr. No. 2803)**

An Act designating a bridge in Coudersport Borough, Potter County, as the Specialist Mike Franklin Memorial Bridge.

**HB 2457 (Pr. No. 3569)**

An Act redesignating the bridge carrying section A80 of the East Side Access Highway, SR 4034, over Fourmile Creek and the Wintergreen Gorge in Harborcreek Township, Erie County, as the Sergeant Donald S. Oaks Memorial Bridge.

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

**SB 896 (Pr. No. 1177)**

An Act amending the act of December 4, 1996 (P.L.911, No.147), known as the Telemarketer Registration Act, further providing for unlawful acts and penalties.

**SB 1052 (Pr. No. 1896) (Amended)**

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, consolidating the act of May 15, 1939 (P.L.134, No.65), referred to as the Fireworks Law; further providing for definitions, for consumer fireworks facilities, for sale of consumer fireworks, for supervised public displays, for local ordinances and penalty and for confiscation; and making a related repeal.

**HB 2303 (Pr. No. 3227)**

An Act amending the act of September 27, 1961 (P.L.1700, No.699), known as the Pharmacy Act, further providing for licensure; and imposing functions on the Commissioner of Professional and Occupational Affairs and the Legislative Reference Bureau.

**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 Northampton Community College Softball Team of Bethlehem by Senator Boscola.

Congratulations of the Senate were extended to Nancy Center by Senator Browne.

Congratulations of the Senate were extended to Mr. and Mrs. Ralph I. Kauffman by Senator Corman.

Congratulations of the Senate were extended to Wayne E. Nothstein, Louis A. Vermillion, Margaret P. Miller, Ann Marie Calabrese and to Pam Moore by Senator Musto.

Congratulations of the Senate were extended to Thomas W. Keating by Senator O'Pake.

Congratulations of the Senate were extended to Steven Cornwell, Jr., by Senator Scarnati.

Congratulations of the Senate were extended to Charles E. Falk by Senator Vance.

Congratulations of the Senate were extended to Mr. and Mrs. Bruce W. Musheno, Sr., Gary John Menett and to Danny Lee Cole by Senator Wozniak.

**BILLS ON FIRST CONSIDERATION**

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

The motion was agreed to by voice vote.

The bills were as follows:

**SB 292, SB 808, SB 896, SB 924, SB 993, SB 1045, SB 1052, SB 1116, SB 1121, SB 1148, SB 1175, SB 1207, SB 1244, SB 1245, SB 1262, HB 10, HB 11, HB 901, HB 1320, HB 1528, HB 1641, HB 1928, HB 2026, HB 2090, HB 2202, HB 2205, HB 2303 and HB 2457.**

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

**PETITIONS AND REMONSTRANCES**

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

Senator FUMO. Madam President, it has been more than 3 years since the United States invaded Iraq, and more than 3 years since George W. Bush announced the end of combat operations. It has also been about 3 years since the people of this nation began to realize that we were not going to find weapons of mass destruction in Iraq. Claims that Saddam Hussein possessed biological, chemical, and nuclear weapons were George W. Bush's main argument for going to war. Since then, he and his administration apologists have told us repeatedly that those claims were not lies to the Congress and the American people, but rather, quote, "failures of intelligence," unquote.

In recent months, however, some people who are in a position to know have come forward and said that the Bush administration had accurate intelligence, but simply chose to ignore it. Evidence also has come forth that there were even people within the administration who had doubts about the WMD claims well in advance of war, and expressed those doubts to George W. Bush. I have briefly referred to weapons of mass destruction claims on this floor over the past year, but today I am going to address the subject in a little more detail because of the information that has come to light in recent months. When you compile all of this evidence in one place, it becomes clear that Bush most likely lied about WMDs.

Two months ago, "60 Minutes" interviewed the CIA's former head of covert operations in Europe, Tyler Drumheller. He is a 26-year veteran of the CIA who retired last year. He told of several instances in which the Bush administration disregarded good intelligence, showing that Saddam Hussein did not have weapons of mass destruction. The first story Drumheller told involved the case of Iraq trying to buy yellowcake uranium from Niger to build a nuclear weapon. He said that when Italian intelligence

services first acquired information about the yellowcake rumor in late 2001, the CIA was immediately skeptical, so they sent Joseph Wilson to check it out, and Wilson concluded, accurately as it turns out, that the story could not have been true. The rumor was scheduled to be included in a speech that Bush was ready to give in Cincinnati, but when the Wilson report came back, the administration was warned to take it out, but that was not the end of it.

In October of 2002, a CIA operative was given documents supposedly proving that the story of Saddam trying to buy yellowcake was true after all. Drumheller said the CIA station chief in Rome told him he thought the documents were fake, and when the documents arrived in Washington, the State Department analyzed them and quickly concluded the same thing. The National Intelligence Council then did a final assessment and reported to the White House in January of 2003 that the rumor was baseless. Just a few weeks later, however, Bush included the yellowcake story among his reasons for invading Iraq in his State of the Union address.

Another Drumheller story showed how Bush simply rejected clear evidence that Saddam Hussein did not have weapons of mass destruction.

Shortly after Wilson first debunked the yellowcake story, the CIA had succeeded in getting Iraq's former ministers to reveal internal secrets. Drumheller was in charge of the operation, and he pointed out to "60 Minutes" that this was someone in Saddam's inner circle, and they took steps to satisfy themselves that he could be trusted. At first the White House was excited to have this new source of information, but their attitude changed when the foreign minister told the CIA that Iraq had no active program to develop weapons of mass destruction. Drumheller said he expected the administration to press for more information. He was surprised when they would not. Said Drumheller, quote, "The group that was dealing with preparation for the Iraq war came back and said they're no longer interested. We said, 'What about the intel?' And they said, 'This isn't about intel anymore. This is about a regime change,'" end quote.

Drumheller also said, quote, "The policy was set. The war in Iraq was coming. And they were looking for intelligence to fit into the policy, to justify the policy."

So here we had an important member of Saddam's inner circle, a man the CIA trusted, telling us outright, no weapons of mass destruction, but Bush disregarded the information during his pre-war propaganda effort. Confirmation of such Bush conduct also comes from another source in England. David Manning, who was British Prime Minister Tony Blair's chief foreign policy advisor during the time leading up to the Iraq invasion, wrote a memo about discussions between Bush and Blair in late 2003, about 6 weeks before the war started. In the memo, Manning said that during this closed-door meeting, Bush made it clear to Blair that he would invade Iraq, whether the United Nations weapons inspectors found weapons of mass destruction or not. At the time, the inspection team was led by Hans Blix, who had no success finding any weapons of mass destruction. In his memo, Manning said Bush and Blair both expressed doubts to each other that weapons of mass destruction would be found. Yet, at a news conference, when the closed-door meeting ended, Bush said to reporters, quote, "Saddam Hussein is not disarming.

He is a danger to the world. He must disarm. And that's why I have constantly said, and the prime minister has consistently said, this issue will come to a head in a matter of weeks, not months."

Publicly, he said just the opposite of what he actually knew was the truth. That was because from the very first day of the terrorist attacks on September 11, 2001, Bush and his team viewed that event as an excuse to invade Iraq. Long before 9/11, some of the highest ranking members of the Bush administration had declared that Iraq did not have chemical, nuclear, or biological weapons. Just after Bush took office, his new Secretary of State declared flat out that Saddam Hussein did not have weapons of mass destruction. This is what Colin Powell said during a visit to Cairo, Egypt, on February 24, 2001, when answering questions about the effectiveness of U.S.-led sanctions against Iraq. Quote, "We should constantly be reviewing our policies, constantly be looking at those sanctions to make sure that they are directed toward that purpose. That purpose is every bit as important now as it was ten years ago when we began it. And frankly they have worked. [Saddam] has not developed any significant capability with respect to weapons of mass destruction. He is unable to project conventional power against his neighbors. So in effect, our policies have strengthened the security of the neighbors of Iraq."

No wonder that Powell, when he was handed a draft of the speech he was supposed to give to the U.N., became angry at the inadequate sourcing of so-called intelligence. At one point, according to a story in U.S. News and World Report, he threw the pages in the air and yelled, quote, "I am not reading this. This is bullshit." His quote, not mine. But eventually, like the good soldier that he is, Powell went to the U.N. with a redrafted speech and tried to make a case for war, even though he suspected that the Bush administration was cherry picking only the intelligence it wanted to believe, no matter how dubious it was. Most other nations, rightfully, did not buy it. One group who did, however, was the supposedly liberal American news media. They swallowed the Bush administration's spin whole and helped Bush make his case for the war.

Following are some words and phrases that various press outlets used to describe the information of which Powell himself was skeptical: Quote, "a massive array of evidence," "a detailed and persuasive case," "a powerful case," "a sober, factual case," "an overwhelming case," "a smoking fusillade...a persuasive case for anyone who is still persuadable," "an accumulation of painstakingly gathered and analyzed evidence," "only the most gullible and wishful thinking souls can now deny that Iraq is harboring and hiding weapons of mass destruction." "The skeptics asked for proof; they now have it." "Powell's evidence is overwhelming," "ironclad...incontrovertible." "If there was any doubt that Hussein...needs to be...stripped of his chemical and biological capabilities, Powell put it to rest."

We now know this was actually an ironclad case of the news media being gullible, reporting lies as facts, without doing any independent research.

Last fall, in an interview with ABC-TV, Colin Powell said that although he is glad Saddam is no longer in power, his presentation before the U.N. before the Iraq invasion was a blot on his record. If George Bush thought it was important to remove Saddam Hussein from power, then that was his right to so be-

lieve, but he had an obligation to use facts, not lies, not distortions to convince the American people to support his policies. Most likely, he did not tell the truth because he knew that the American public and Congress would not want to invade a country that possessed no chemical, biological, or nuclear threat, and had no connection to 9/11, and at that time had no links to al-Qaeda.

But he did invade, and last week our list of American combat fatalities rose above 2,500. We have now lost 2,504 young men and women in Iraq, another 18,356 have been wounded. Among them are these two Pennsylvania soldiers whose passing I now ask you to honor.

Private First Class Stephen P. Snowberger III, 18, of Lopez, Pennsylvania, died in Baghdad on May 11 when an IED detonated near his Humvee during combat patrol operations. He was assigned to the 3rd Battalion, 6th Field Artillery Regiment, 10th Mountain Division.

Lance Corporal Adam C. Conboy, 21, of Philadelphia, Pennsylvania, died May 12, in a nonhostile incident in Al Anbar province. He was assigned to the 3rd Battalion, 3rd Marine Regiment, 3rd Marine Division, 3rd Marine Expeditionary Force.

Thank you, Madam President.

The PRESIDENT. May I ask everyone to please rise for a moment of silence for our two soldiers, Private First Class Stephen Snowberger III, and Lance Corporal Adam C. Conboy.

(Whereupon, the Senate en bloc stood in a moment of silence in solemn respect to the memory of Private First Class STEPHEN SNOWBERGER III and Lance Corporal ADAM C. CONBOY.)

## COMMUNICATION FROM THE GOVERNOR

### NOMINATION REFERRED TO COMMITTEE

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

#### MEMBER OF THE STATE HARNESS RACING COMMISSION

June 20, 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, Brian Clark, 141 Oak Manor Drive, Natrona Heights 15065, Allegheny County, Thirty-eighth Senatorial District, for appointment as a member of the State Harness Racing Commission, to serve for a term of three years and until his successor is appointed and qualified, vice Richard J. Bolte, Sr., Philadelphia, resigned.

EDWARD G. RENDELL  
Governor

### RECALL COMMUNICATION REFERRED TO COMMITTEE

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

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

#### MEMBER OF THE STATE HARNESS RACING COMMISSION

June 20, 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 April 21, 2006, for the appointment of B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, as a member of the State Harness Racing Commission, to serve for a term of three years and until his successor is appointed and qualified, vice Richard J. Bolte, Sr., Philadelphia, resigned.

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

EDWARD G. RENDELL  
Governor

### CORRECTION TO NOMINATION REFERRED TO COMMITTEE

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

#### STATE CHARTER SCHOOL APPEALS BOARD

June 20, 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 as 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 Setter Run Lane, 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, 2010, and until his successor is appointed and qualified, vice Steven Melnick, PhD., Elizabethtown, whose term expired.

### RESOLUTIONS INTRODUCED AND REFERRED

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

June 19, 2006

Senators WOZNIAK, FERLO, KASUNIC, BOSCOLA, FONTANA, COSTA, STOUT, EARLL, ERICKSON, D. WHITE, PIPPY, ORIE, TARTAGLIONE, CONTI, O'PAKE, C. WILLIAMS, RAFFERTY, GREENLEAF, WENGER, BRIGHTBILL, ARMSTRONG and LOGAN presented to the Chair **SR 303**, entitled:

A Resolution designating the week of May 7 through 13, 2006, as "Charcot-Marie-Tooth Association Awareness Week" in Pennsylvania.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, June 19, 2006.

Senators WONDERLING, TARTAGLIONE, WASHINGTON, FERLO, BOSCOLA, RAFFERTY, EARLL, ERICKSON, CONTI, LEMMOND, ARMSTRONG, STACK and FUMO presented to the Chair **SR 312**, entitled:

A Resolution recognizing the Philadelphia Health Management Corporation as a Pennsylvania Public Health Institute.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 19, 2006.

### ANNOUNCEMENTS BY THE SECRETARY

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

#### SENATE OF PENNSYLVANIA

#### COMMITTEE MEETINGS

#### WEDNESDAY, JUNE 21, 2006

10:00 A.M.	LAW AND JUSTICE (to consider the nomination of Jonathan H. Newman, as Chairman of the Liquor Control Board)	Room 461 Main Capitol
10:30 A.M.	EDUCATION (to consider Senate Bill No. 1147; and Senate Resolution No. 208)	Room 461 Main Capitol
10:30 A.M.	STATE GOVERNMENT (to consider Senate Bills No. 1230 and 1237)	Rules Com. Conf. Rm.
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bills No. 243 and 1150; and certain executive nominations)	Rules Com. Conf. Rm.

#### TUESDAY, JUNE 27, 2006

10:00 A.M.	LOCAL GOVERNMENT (to consider Bills No. 2064, 2065, 2066 and 2441; and any other business that may come before the committee)	Room 461 Main Capitol
11:00 A.M.	TRANSPORTATION (to consider the nominations of Pasquale T. Deon, Sr. and Mitchell Rubin to the PA Turnpike Commission)	Room 461 Main Capitol

#### WEDNESDAY, JUNE 28, 2006

9:00 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (public hearing on radiation levels at landfills)	Senate Maj. Caucus Rm.
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### RECESS

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

Senator BRIGHTBILL. Madam President, I move that the Senate do now recess until Wednesday, June 21, 2006, at 11 a.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.  
The Senate recessed at 5:29 p.m., Eastern Daylight Saving Time.