

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, MAY 22, 2007

SESSION OF 2007 191ST OF THE GENERAL ASSEMBLY

No. 36

SENATE

TUESDAY, May 22, 2007

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

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

PRAYER

The Chaplain, Father SPERATUS KAMANZI, of Alvernia College, Reading, offered the following prayer:

I feel quite honored this afternoon to have been invited to be a guest Senate Chaplain. I sincerely thank Senator Mike O'Pake, who, through this special invitation, has not only honored me, but also Alvernia College where I minister and teach under the Missionary Institute over the Apostles of Jesus, to which I belong.

When Solomon was anointed to be king over Israel, he humbly prayed to God saying, O God, You have made me a king of this great nation, a people You have chosen. I ask You, give me, Your servant, an understanding mind to govern Your people that I may discern between good and evil. The Lord God was pleased with Solomon's humble request and granted him not only a wise and discerning mind, but also riches and honor.

With confidence and trust in God's unfailing providential guidance to his people, I also pray for this Senate session this afternoon in a similar manner. Lord God, grant that these dedicated men and women of the Pennsylvania State Senate who gather to exercise the power bestowed upon them by the citizens of this great State to be guided by Your wisdom in their discernments. Make our Senators the channels of Your wisdom, peace, love, and the prosperity throughout the Senate and beyond. Encourage them when their duties and responsibilities become burdensome, and accomplish in them what makes this world a better place to live in. We entrust all this in You, O Lord, our God, who is unique and one, the source and the destiny of our being.

Amen.

The PRESIDENT. The Chair thanks Father Kamanzi, who is the guest today of Senator O'Pake.

PLEDGE OF ALLEGIANCE

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

HOUSE MESSAGE

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 21**, with the information the House has passed the same without amendments.

BILLS REPORTED FROM COMMITTEES

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

SB 737 (Pr. No. 806)

An Act amending the act of December 3, 2002 (P.L.1144, No.141), entitled "An act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for purchase, consumption, possession or transportation of liquor or malt or brewed beverages and for inducement of minors to buy liquor or malt or brewed beverages," repealing expiration provision.

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

SB 612 (Pr. No. 663)

An Act amending the act of January 24, 1966 (1965 P.L.1527, No.535), known as the Landscape Architects' Registration Law, further providing for application for license and qualifications and experience requirements of applicants and for continuing education.

SB 844 (Pr. No. 978)

An Act amending the act of February 19, 1980 (P.L.15, No.9), known as the Real Estate Licensing and Registration Act, defining "qualified association"; further providing for prohibited acts and for duties of licensee generally; and providing for handling of deposits and other escrows.

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

SB 877 (Pr. No. 1039)

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, in public assistance, adding definitions; and further providing for prepayment for contracted medical services and for established drug regimens.

LEGISLATIVE LEAVE

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

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

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

LEAVE OF ABSENCE

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

SPECIAL ORDER OF BUSINESS JOURNALS APPROVED

The PRESIDENT. The Journals of the Sessions of April 30, 2007, May 1, 2007, and May 2, 2007, are now in print.

A quorum of the Senate being present, the Clerk will read the Journals of the Sessions of April 30, 2007, May 1, 2007, and May 2, 2007.

The Clerk proceeded to read the Journals.

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

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

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

YEA-49

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

NAY-0

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

The PRESIDENT. The Journals are approved.

SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR RAPHAEL J. MUSTO PRESENTED TO THE SENATE

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

Senator MUSTO. Madam President, I have the great opportunity to introduce the Speaker of the Legislative Assembly of Ontario, the Honorable Michael Brown.

Speaker Brown is a member of the Provincial Parliament of Ontario, representing Algoma-Manitoulin. He was first elected in 1987 and has been elected for a fifth consecutive term in 2003. While representing his constituents at Queens Park, he has held numerous key posts. He was named Deputy Speaker of the Ontario legislature in 1999.

On October 11, 2005, he was elected as Speaker of the Legislative Assembly of Ontario. He was most recently Parliamentary Assistant to the Minister of Natural Resources, and chaired his Cabinet Committee on Education Policy. He also served as a member of the Legislative Committee on Justice Policy.

The Speaker lives in Kagawong, with his wife, Lynn, and their four daughters. Accompanying him today is his wife, Lynn, Karen Leonard, interparliamentary and public relations director, and her husband, Ken Leonard.

Will the Senate give its usual warm welcome to our very special guests.

(Applause.)

The PRESIDENT. The Chair recognizes the Honorable Michael Brown.

The Honorable Michael BROWN. Madam President, Senator Musto, and Senators, I am delighted to be here today visiting you in Harrisburg. As the Speaker of the Legislative Assembly in Ontario, I want to bring greetings from my colleagues in the assembly. To answer a question someone asked me, we have 103 Members in our assembly, and having no upper house, it is a unicameral legislature.

I have been quite involved in the Council of State Governments in the midwestern conference, and recently, about a year and a half ago, Ontario was delighted to become part of the eastern conference of the CSG because we border all of the Great Lake States, with Pennsylvania being one of them.

We have much in common with Pennsylvania. Ontario has roughly the same number of people as Pennsylvania, with somewhere between 12 and 13 million people, and we have a GDP that would be quite comparable. The U.S. is our major trading partner. As a matter of fact, more goods cross our borders between the States and Ontario than anywhere in the world. I think that is one thing that many of us do not know.

I have been pleased to come and visit in various places in the U.S., which we believe to be our best friends, our cousins, the good folks here in the U.S., and I am just so ever delighted to be here with my wife, Lynn, Karen Leonard from our interparliamentary group, and her husband, Ken. I just want to again bring greetings from all the Members of the Ontario Legislature. Thank you very much for hosting me.

The PRESIDENT. I ask the Senate to stand and welcome the Honorable Michael Brown.

(Applause.)

The PRESIDENT. Thank you so much.

GUESTS OF SENATOR ELISABETH J. BAKER PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentlewoman from Luzerne, Senator Baker.

Senator BAKER. Madam President, it is my distinct honor and privilege to introduce the freshman class of Lake-Lehman High School, located in the heart of Luzerne County and in my hometown.

It is a very special honor for me because among the classmates is my 15-year-old son, Carson, who is joined today by his advisor, Mrs. Gail Honeywell, vice principal Nancy Edkins, John Pollard, Brian Murphy, Jeff Welby, and Tina Maciejczak. I would like to ask my colleagues in the Senate to extend a special welcome to Carson Baker and the class of Lake-Lehman High School.

Thank you.

(Applause.)

The PRESIDENT. Will Carson Baker and the guests from the class of Lake-Lehman High School please rise.

(Applause.)

GUESTS OF SENATOR ROBERT WONDERLING PRESENTED TO THE SENATE

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

Senator WONDERLING. Madam President, I rise today to recognize three interns who are spending their summer with us in the Lehigh Valley portion of our Senate district. They have been spending the day in Harrisburg learning the inner workings of our State government.

Mark Stecker is currently attending Lehigh Valley College studying accounting. He graduated from Emmaus High School in 2002 and lives in Allentown.

Mark is joined by Patricia Cost, who is studying both history and genetic engineering--an interesting combination--at Cedar Crest College. Originally from Richboro, Pennsylvania, she has an interest in politics because she got fed up with her high school social studies teacher and gravitated to D.C.

Jocelyn Lomas, a returning Wondershiper, is in her second year in our internship program. She attends Penn State University, lives in Bethlehem, and is studying supply chain and technology information systems management.

So, I ask that we offer these three interns a hearty Senate welcome.

The PRESIDENT. Will Mark, Patricia, and Jocelyn please rise so we can welcome you.

(Applause.)

GUESTS OF SENATOR GERALD J. LaVALLE PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Beaver, Senator LaValle.

Senator LaVALLE. Madam President, in the gallery today are members of the Pennsylvania Farm Bureau's Women's Leadership Committee.

This committee encourages women to become active members of the Pennsylvania Farm Bureau and to support its goals, objectives, and policy positions. The Women's Leadership Committee is also instrumental in support for Food Check-Out Day in Pennsylvania. To help celebrate Pennsylvania's safe and affordable food supply, each year the Women's Leadership Committee, in

conjunction with county farm bureaus, collect food and cash donations to support Pennsylvania's five Ronald McDonald Houses. It is their way of demonstrating support for children and families dealing with serious illnesses.

The group today includes Mrs. Helen Jackson, a very good friend and constituent of mine from Lawrence County, Sarah Long from Blair County, and Susan Cairns from Dauphin County. Accompanying the group in the gallery are Marjorie Browning, Regional Organization Director of the Pennsylvania Farm Bureau; Nicole Cassel, Director of the Women's Leadership Committee; and Wendy Griest, Community Outreach Director. Please join me in giving this distinguished group the Senate's customary warm welcome for the fine work they do in Pennsylvania.

The PRESIDENT. Will the women from the Pennsylvania Farm Bureau, Helen Jackson, Sarah Long, Susan Cairns, Marjorie Browning, Nicole Cassel, and Wendy Griest, please rise. Welcome.

(Applause.)

GUESTS OF SENATOR ANDREW E. DINNIMAN PRESENTED TO THE SENATE

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

Senator DINNIMAN. Madam President, it is my privilege today to introduce Andrew Husick, who is a student at Conestoga High School. One of the wonderful things about Conestoga High School is that students are allowed in their last 4 weeks before graduation to have various work experiences throughout the community. Andrew is an excellent student who will be going to Brandeis University during the fall semester, and is working with me for his work experience before graduation. I hope you will extend a warm welcome to Andrew Husick.

The PRESIDENT. Will Andrew Husick please rise so we can welcome you.

(Applause.)

GUEST OF SENATOR MICHAEL W. BRUBAKER PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Lancaster, Senator Brubaker.

Senator BRUBAKER. Madam President, it is a real privilege for me to introduce to the Pennsylvania State Senate today our fifty-first Senator, Laura Deets.

Laura was named by her junior class as a Pennsylvania State Senator today, and it is a distinct honor for me to host her as a shadow and a Page. Her favorite activities include theater, singing, dancing, reading, playing tennis, twirling baton, playing the clarinet and saxophone, and maybe most important of all, shopping in Pennsylvania's great shopping networks. Let us say thank you and welcome to Laura.

The PRESIDENT. Will Laura please rise so we can welcome you.

(Applause.)

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

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

Senator O'PAKE. Madam President, we have been visited today by advocates from all over the State who are here on Breathe Easier Day. They are from the American Cancer Society, the American Heart Association, the American Lung Association, and they are lobbying in behalf of Senator Greenleaf's Senate Bill No. 246.

Some of them are in the gallery, and I know that from my area, the Berks-Lehigh Valley area, Melissa Snyder is here with her team, along with Janet Cowan from Ford City. I ask that you recognize these advocates for a healthier Pennsylvania.

The PRESIDENT. Will all the advocates for Pennsylvania Breathe Easier Day from Berks, Lehigh, and Ford City please rise so we can welcome you.

(Applause.)

DISCHARGE PETITION

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

May 22, 2007

A PETITION

To place before the Senate the nomination of Steven D. Mitchell, D.C., as a member of the Board of Trustees of Warren State Hospital.

TO: The Presiding Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Steven D. Mitchell, D.C., Corry, Pennsylvania, as a member of the Board of Trustees of Warren State Hospital, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert D. Robbins
Joseph B. Scarnati III
Dominic F. Pileggi
Jane C. Orie
Michael L. Waugh

The PRESIDENT. The communication will be laid on the table.

RECESS

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

Senator PILEGGI. Madam President, I request a recess of the Senate for the purpose of a meeting of the Republican caucus to be held immediately. I expect our caucus will not last more than a half hour.

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.

The PRESIDENT. For purposes of Republican and Democratic caucuses to be held immediately in their respective caucus rooms, without objection, the Senate stands in recess.

AFTER RECESS

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

CALENDAR

THIRD CONSIDERATION CALENDAR

SB 815 CALLED UP OUT OF ORDER

SB 815 (Pr. No. 909) -- Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator PILEGGI as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 815 (Pr. No. 909) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 6, 1989 (P.L. 169, No. 32), known as the Storage Tank and Spill Prevention Act, further providing for underground storage tank environmental cleanup program and for underground storage tank pollution prevention program.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-49

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

NAY-0

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

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

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER TEMPORARILY

HB 112 -- Without objection, the bill was passed over in its order temporarily at the request of Senator PILEGGI.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 34 (Pr. No. 1045) -- The Senate proceeded to consideration of the bill, entitled:

An Act permitting a mother the freedom to nurse her child in public; and providing that breastfeeding may not be considered a nuisance, indecent exposure, sexual conduct or obscenity.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

Senator C. WILLIAMS. Madam President, Senate Bill No. 34 will go a long way toward removing obstacles that sometimes keep women from making the decision to nourishing their baby by breastfeeding. It represents a historical first step that Pennsylvania is taking to support mothers and babies. This legislation, by supporting and protecting a woman's freedom to breastfeed her child in a public place and not in a dirty bathroom or in a cold or hot car, winter or summer, will allow breastfeeding to become a viable option for women who choose this as a method for feeding their babies.

Breastfeeding has been shown to lower the rate of sudden infant death syndrome, lower the potential for certain cancers in mothers, and even helps to ensure children have fewer cavities. Breastfeeding is the first method women used for feeding their newborns since the beginning of time. But with all these benefits, should not we make sure that every mom knows about breastfeeding and takes advantage of it today?

I ask for your support for Senate Bill No. 34. Many, many Pennsylvania moms and babies will thank you.

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

Senator DINNIMAN. Madam President, I rise in support of Senator Williams' bill. I just came back from a program that I directed in Mexico where we bring health care workers and nurses to Mexico to help in the health situation of people going back and forth between both countries. One thing to note in Mexico, no mother leaves the hospital without being given the opportunity to breastfeed her child. The infant mortality rate and the health of children has significantly improved within that country as a result of breastfeeding.

I think that by voting and supporting Senator Williams' bill today, we will be improving the health of each and every child and the opportunity for a good life here in the United States and in the Commonwealth.

Thank you.

And the question recurring,
Shall the bill pass finally?

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

YEA-48

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

NAY-1

Eichelberger

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

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

BILL OVER IN ORDER

SB 317 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 691 (Pr. No. 736) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for veteran plates and placard.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

YEA-49

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

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 ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 729 (Pr. No. 1047) -- The Senate proceeded to consideration of the bill, entitled:

An Act requiring the posting of certain governmental salary information on the Internet.

On the question,

Will the Senate agree to the bill on third consideration?

RECONSIDERATION OF AMENDMENT A0754 TO SB 729

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

Senator COSTA. Madam President, I move that the Senate reconsider the vote on amendment A0754 to Senate Bill No. 729, which was defeated on May 21, 2007.

The PRESIDENT. Senator Costa moves that the vote on amendment A0754 to Senate Bill No. 729, which was defeated on May 21, 2007, be reconsidered.

The motion was agreed to by voice vote.

FONTANA AMENDMENT A0754

Senator FONTANA offered the following amendment No. A0754:

Amend Title, page 1, line 1, by striking out "State" and inserting: public employee

Amend Sec. 1, page 1, line 6, by striking out "State" and inserting: Public Employee

Amend Sec. 2, page 1, lines 12 through 17; page 2, lines 1 through 5, by striking out all of said lines on said pages and inserting:

"Governmental body." Any department, authority, commission, committee, council, board, bureau, division, service, office, officer, administration, legislative body or other establishment in the executive, legislative or judicial branch of a State or a political subdivision thereof or any agency performing a governmental function. This term shall include any State-affiliated entity and any State-related institution.

"Public employee." Any individual employed by any governmental body.

"State-affiliated entity." A Commonwealth authority or a Commonwealth entity. The term includes the Pennsylvania Turnpike Commission, the Pennsylvania Housing Finance Agency, the Pennsylvania Municipal Retirement System, the Pennsylvania Infrastructure Investment Authority, the State Public School Building Authority, the Pennsylvania Higher Educational Facilities Authority and the State System of Higher Education.

"State-related institution." The Pennsylvania State University, the University of Pittsburgh, Lincoln University or Temple University.

Amend Sec. 4, page 3, line 4, by striking out all of said line and inserting: the Commonwealth, whether of the Executive, Legislative or Judicial branch of the government.

Amend Bill, page 3, by inserting between lines 12 and 13: Section 5. Online posting of certain salaries.

All other governmental bodies shall post, on their own official Internet websites or make such information available electronically upon request, and update on a monthly basis, the following concerning officers and employees:

(1) Title.

(2) Agency, department or other institution.

(3) Annual salary rate or other rate of compensation.

(4) Supplemental payments other than payments for unused vacation or unused sick leave.

Amend Sec. 5, page 3, line 13, by striking out "5" and inserting: 6
Amend Sec. 6, page 3, line 17, by striking out "6" and inserting: 7

And the question recurring,

Will the Senate agree to the amendment?

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

YEA-19

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

NAY-30

Armstrong	Erickson	Pileggi	Tomlinson
Baker	Folmer	Pippy	Vance
Browne	Gordner	Punt	Waugh
Brubaker	Greenleaf	Rafferty	White, Donald
Corman	Madigan	Regola	White, Mary Jo
Dinniman	McIlhinney	Rhoades	Wonderling
Earll	Orie	Robbins	
Eichelberger	Piccola	Scarnati	

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

And the question recurring,

Will the Senate agree to the bill on third consideration?

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

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.

SB 779 (Pr. No. 875) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a portion of State Route 462 in Lancaster County as the Pennsylvania State Police Trooper Robert D. Lapp, Jr., Memorial 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-49

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

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.

SB 782 (Pr. No. 1046) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 10, 1984 (P.L.688, No.147), known as the Radiation Protection Act, further providing for definitions, for powers of Environmental Quality Board, for licensing and registration fees, for nuclear facility and transport fees, for creation of special funds, for response program and for transportation of radioactive material; and making repeals.

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

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.

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

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

Senator O'PAKE. Madam President, we have been joined by visitors from Berks County who are observing the Senate and House in Session. They are retired State employees visiting the Capitol, and I ask that the Senate please give them its warm welcome and thanks for their service to the Commonwealth.

The PRESIDENT. Will the State employee retirees from Berks County please rise so we can welcome you to the Pennsylvania Senate.

(Applause.)

The PRESIDENT. Welcome to the Senate.

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR

BILLS REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 100 and SB 116 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILLS OVER IN ORDER

SB 8 and SB 87 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

SB 221 (Pr. No. 258) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of firearms not to be carried without a license and for license to carry firearm.

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

BILL REREFERRED

SB 413 (Pr. No. 460) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing for assessment of signs and sign structures; and making related repeals.

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

BILL OVER IN ORDER

SB 632 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION

HB 688 (Pr. No. 774) -- 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 exemptions from jury duty.

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

BILL OVER IN ORDER

SB 726 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON SECOND CONSIDERATION AND REREFERRED

SB 826 (Pr. No. 1009) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for actuarial cost method.

Considered the second time and agreed to,
Ordered, To be printed for third consideration.
Upon motion of Senator PILEGGI, and agreed to by voice vote, the bill just considered was rereferred to the Committee on Appropriations.

BILL ON SECOND CONSIDERATION

SB 831 (Pr. No. 968) -- 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 exemptions from jury duty.

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 Delaware, Senator Pileggi.

Senator PILEGGI. Madam President, I ask for a brief recess for a caucus here at the podium.

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

Senator O'PAKE. Madam President, I ask for a brief recess for the purpose of a Democratic caucus.

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

AFTER RECESS

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

HB 112 CALLED UP

HB 112 (Pr. No. 1633) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Third Consideration Calendar, by Senator PILEGGI.

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

HB 112 (Pr. No. 1633) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for effect of act on existing laws and, in insurance holding companies, for definitions, for acquisition of control of or merger with domestic insurer and for acquisitions involving insurers not otherwise covered; establishing the Insurance Restructuring Board; providing for its powers and duties; establishing an account; providing for health care reporting; and making an inconsistent repeal.

On the question,
Will the Senate agree to the bill on third consideration?

MOTION TO PASS OVER

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

Senator MELLOW. Madam President, I move that House Bill No. 112 go over in its order.

The PRESIDENT. Senator Mellow moves that House Bill No. 112 go over in its order.

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

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

Senator MELLOW. Madam President, just very briefly, this bill was reported from the Committee on Appropriations yesterday and it is an extremely comprehensive piece of legislation, something that the contents of the proposal in part has been voted on before by this body. The vast majority of the Members of this Chamber are probably in favor of some form of House Bill No. 112, but, Madam President, we really have not had the opportunity to be able to do the type of in-depth study we would like to do prior to us casting a final vote on House Bill No. 112 and sending it on to the House for its concurrence based on the amendments that were put into it by the Senate.

It is for that reason, and one more additional reason, Madam President; many years ago we used to have an unwritten rule here in the Senate which we considered to be a very good government rule, and the rule was that a bill that was reported from committee for the first time, and I do realize this is a rereport of a bill, but for the first time basically it is a bill reported as amended from the Committee on Appropriations, that we had an unwritten rule that the bill would never be considered on the first day, for the exact reason, to give Members on both sides of the aisle the opportunity to feel very comfortable with which they are voting.

I am not going to say, Madam President, that we would be opposed to House Bill No. 112, and we certainly would not be opposed to it in total. What I am merely saying is that we have not had an ample opportunity for our staff and for our Members to go through this bill which is very, very significant and very, very important. We have not had the opportunity to go through it in the type of depth that we would want to go through it, and all we would like to do is have it go over until the first day that we come back in the next Session. That is the only reason we are asking for it to go over, for the purpose of being able to understand the bill, to more clearly identify what the issues are, and for the purpose of giving our Members the opportunity of reading it appropriately and being properly briefed. And for that reason, Madam President, I ask for the bill to go over, and I ask for a roll-call vote.

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

Senator PILEGGI. Madam President, I appreciate and respect Senator Mellow's comments. However, this issue has been considered by this Senate originally with Senator White's bill which passed, I believe, in March of this year. We received this House Bill some time ago, and there has been an intensive amount of discussion on this amendment. It is not that extensive an amendment in length, and it is certainly something that the Members had sufficient time to become familiar with in order to vote intelligently on the amendment this afternoon.

Normally, I would like to accommodate the request to go over the bill. However, we will not be back until June 4. This merger that the bill deals with was announced in the end of March. The

papers have been filed with the appropriate State agencies, and I think it is important that we move deliberately and carefully, but not with unnecessary delay in getting legislation that would give this General Assembly and the Insurance Department the appropriate tools to deal with this very important merger that impacts millions of Pennsylvanians in their health insurance and delivery of health care. So I ask for a negative vote on the motion to go over this bill.

LEAVE OF ABSENCE

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

Senator FUMO. Madam President, in order to comply with our rules, which are becoming more and more confusing, I recently have been informed that I may have a conflict of interest on this bill, so I am not going to vote for it and I am asking for personal leave now and I will leave the floor.

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

LEGISLATIVE LEAVE

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

Senator PILEGGI. Madam President, I request a temporary Capitol leave for Senator Tomlinson.

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

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

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

YEA-19

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

NAY-29

Armstrong	Folmer	Pippy	Vance
Baker	Gordner	Punt	Waugh
Browne	Greenleaf	Rafferty	White, Donald
Brubaker	Madigan	Regola	White, Mary Jo
Corman	McIlhinney	Rhoades	Wonderling
Earl	Orie	Robbins	
Eichelberger	Piccola	Scarnati	
Erickson	Pileggi	Tomlinson	

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

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

POINT OF ORDER

The PRESIDENT. The Chair recognizes the gentlewoman from Luzerne, Senator Baker.

Senator BAKER. Madam President, I raise a point of order.

The PRESIDENT. The gentlewoman will state her point.

Senator BAKER. Madam President, until October 2005, I was employed as the executive director of a private foundation endowed by Blue Cross of Northeastern Pennsylvania, which oversaw the use and allocation of resources for its social mission. That employment ended in 2005. Given the provisions of this bill requiring the reporting of social mission for prior years, including a period during which time I was employed by Blue Cross of Northeastern Pennsylvania, I raise a point of order as to whether I am precluded from voting on House Bill No. 112.

The PRESIDENT. Senator, in the situation you just described, the Chair finds that you have no conflict of interest. First of all, there was nothing particularly personal about the work you did. You were one of a number of people or class of people who worked on those projects. Even more importantly, the Chair cannot find how you would benefit or receive any type of pecuniary benefit from passage of this bill. You are no longer and you have not been affiliated with Blue Cross of Northeastern Pennsylvania for quite some time, so the Chair would rule that you do not have a conflict of interest, and that in accordance with the Senate rules, you are compelled to vote on this matter.

Senator BAKER. Thank you, Madam President.

And the question recurring,

Will the Senate agree to the bill on third consideration?

It was agreed to.

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

On the question,

Shall the bill pass finally?

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

Senator D. WHITE. Madam President, I rise today to urge an affirmative vote on House Bill No. 112, which addresses the issue of State oversight of the proposed merger between Highmark and Independence Blue Cross. As you all know, this legislation has been revised a number of times since the announcement of the proposed merger. Over the past few weeks, many individuals and groups have provided excellent suggestions and recommendations which have been incorporated into this bill before us today, and I appreciate the unanimous approval this legislation received from the Committee on Appropriations yesterday.

While there have been many changes in the language since the House passed this bill, its main objective remains the same. House Bill No. 112 insures that any merger involving the Blues will be subject to approval by the Department of Insurance. This regulatory oversight is essential for policyholders to ensure competition is not further diminished within the health insurance marketplace. While we have debated and revised many provisions in this legislation, the oversight provision has remained

consistent throughout this process. This legislation will empower the Insurance Department with final approval or denial authority for this proposed merger.

House Bill No. 112 also establishes an insurance restructuring public interest review board comprised of representatives from the Auditor General's office, the administration, and the four caucuses of the General Assembly, as well as a policyholder or provider of the Blues to provide recommendations to the department. This board will insure the public has an opportunity to comment on the merger and some power to retain an independent financial expert to review the merger. This review will consider the financial aspects of the merger and will help to determine the effect it will have on the new company's savings, reserves, surpluses, and social mission.

We must all remember that the Blues are essentially a creation of the legislature for the express purpose of providing insurance to Pennsylvanians, and in turn they are excused from premium taxes and afforded other statutory advantages under Pennsylvania law. Once the review board submits its recommendations, House Bill No. 112 specifically requires the Department of Insurance to provide explanations of why a board recommendation will or will not be adopted as part of a merger approval or denial. The point being, we do not want the review panel to simply be a token player in the process. This requirement is intended to prevent the department from simply rejecting out of hand any recommendation from the review board without a detailed explanation.

There is no question that the establishment of this board is an extraordinary measure. However, there is also no question that this merger is of an extraordinary magnitude. The potential jointure of these two conglomerates will directly affect the health care of thousands of Pennsylvanians. Moreover, in this new era of openness and transparency, this board will enable citizens and those of us elected to represent them the ability to gain better understanding of the far-reaching consequences this merger will have on every facet of Pennsylvania's health care system. One of the most important provisions of House Bill No. 112 is the requirement for the Department of Insurance to develop a written determination that the merger will result in sustained reduction in health care premiums. The department's written determination must also set forth the reasons why the transaction will be in the public's interest. In my mind, that is the key question we must ask and must be satisfactorily answered: Is this merger in the best interest of everyday Pennsylvanians who are struggling to maintain adequate health care coverage? Plain and simple.

Highmark and IBC contend the merger should be approved based on a premise that it will result in savings. Good. If so, then there must be iron-clad assurances that those savings will occur not only in the short term, but also in the long term. Further, any savings should not be used to support growing operations in other States or in lines of business outside of insurance. Moreover, we need to make sure those savings do not come at the cost of consumers' accessibility to health care and to the doctors, hospitals, pharmacists, and others who provide that care.

House Bill No. 112 also includes a specific good government provision that prohibits any contract or agreement between the Commonwealth and Blue Cross or Highmark relating to the disbursement or spending of the proceeds from the merger or consolidation. It also provides that the spending of any dollars that

are reserved as a result of the merger are spent only on health care related programs, and must be appropriated by the General Assembly. This will ensure all dealings between the department and the Blues are above and beyond reproach. It would be contrary to all that we are working to accomplish if the Blues were permitted to buy a State approval through any type of donation or contribution.

Finally, Madam President, House Bill No. 112 adds a new article to the Insurance Company Act that will require hospital plan corporations and professional health services plan corporations to report annually to the Department of Insurance, as well as the House and Senate Committees on Insurance, all amounts—all amounts—spent on social mission and on advertising. It is obvious to anybody who reads a newspaper or watches television that the Blues spend a significant amount of money in advertising. The blue man, the blue hand. I believe it is in the public interest to review that spending, as well as social mission spending, on an annual basis to ensure that the Blues are properly fulfilling their intended role in the Commonwealth that once again this body gave them.

Madam President, I truly believe the proposed Highmark-IBC merger is a signal point for the future of health care in Pennsylvania. It should not be allowed to occur without extensive review and consideration. Therefore, I ask for an affirmative vote on House Bill No. 112, and I also ask my colleagues in the House and the Governor to act expeditiously to put these safeguards in place. I also want to thank the Members of the Committee on Banking and Insurance, as well as Chairman Stack for his help and consideration through this process. This has not been easy and has been a process of one step forward and two steps back, but I think what we have here is the basis of a very great landmark piece of legislation.

Thank you, Madam President.

LEGISLATIVE LEAVE CANCELLED

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

And the question recurring,
Shall the bill pass finally?

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

Senator A.H. WILLIAMS. Madam President, before I begin, I am proud to be a part of that committee of which the chairman spoke, but let me be very clear at the beginning, the process with which all of us engaged within that committee was an effort to provide bipartisan balance. We are not there yet, and as such I would ask that the President provide me latitude to interrogate the gentleman from Indiana, Senator Don White.

The PRESIDENT. Will the gentleman from Indiana, Senator Don White, permit himself to be interrogated?

Senator D. WHITE. Most certainly, Madam President.

The PRESIDENT. The gentleman indicates he will.

The Chair recognizes the gentleman from Philadelphia, Senator A.H. Williams.

Senator A.H. WILLIAMS. Madam President, as such, I guess the question is obvious, and hopefully the gentleman can explain to us this section which has brought a lot of attention, sustained reduction in health care premiums. Let me first define for the record that the gentleman has an understanding of this language because he has a background in the insurance industry.

Senator D. WHITE. Yes, Madam President.

Senator A.H. WILLIAMS. Madam President, and could the gentleman define that background in the insurance industry for us?

Senator D. WHITE. Madam President, define the background?

Senator A.H. WILLIAMS. Yes, Madam President.

Senator D. WHITE. Madam President, I was a licensed broker of all insurance products in the State of Pennsylvania since 1975.

Senator A.H. WILLIAMS. Madam President, and as such, the language that speaks to sustained reduction in health care premiums means what?

Senator D. WHITE. Madam President, that means whether we find that it is vague enough as to whether it is talking about the cost basis or actual reductions in premiums to be effective enough to serve the purpose. In other words, I do not think any company, whether it is a commercial company or Highmark, if you want to get a strict interpretation of what this says, will be able to sustain reductions, but they should be able to sustain cost controls.

Senator A.H. WILLIAMS. Well, Madam President, the language in this speaks to reductions, does it not?

Senator D. WHITE. Yes, Madam President, it does.

Senator A.H. WILLIAMS. And as such, Madam President, there has been a proposal to remove it, and I think the gentleman has been opposed to that to this point. Is that accurate, Madam President?

Senator D. WHITE. Madam President, I am sorry, would the gentleman repeat the question?

Senator A.H. WILLIAMS. Madam President, there has been a proposal to remove that particular part of the language in terms of this bill, correct?

Senator D. WHITE. Yes, Madam President. That has been an object of discussion all day today and also with Senator Stack.

Senator A.H. WILLIAMS. And to my knowledge, Madam President, thus far the gentleman has been opposed to doing that.

Senator D. WHITE. Yes, Madam President. After consideration with our in-house counsel, it was considered adequate.

Senator A.H. WILLIAMS. So, Madam President, the question I have again is what exactly does this mean? I got three different meanings out of what the gentleman just explained, so I want to be clear what we are debating here so that the public, the consumers, can understand what they would expect if this piece of legislation is passed. What does that mean from the gentleman's perspective and what does the gentleman interpret this to mean for consumers?

Senator D. WHITE. Madam President, I think it is reductions in premium whether the merger occurs or even if the merger does not occur. That should always be, in my opinion, the mission of a nonprofit health care provider.

Senator A.H. WILLIAMS. But Madam President, this speaks to specifically if a merger occurs, and I am reading, "a written determination that the merger, consolidation or other acquisition of control will result in a sustained reduction in health care premiums for Pennsylvania policyholders." That goes a little bit farther, as I understand it, that speaks directly to the outcome and control. There is no measure of vagueness here, it speaks directly to there has to be a reduction in health care premiums, does it not, Madam President?

Senator D. WHITE. Madam President, the gentleman is absolutely right, but I think the basis of this entire language and this entire piece of legislation is that we want to ensure that the benefits of this merger are going to benefit those who pay the rates.

Senator A.H. WILLIAMS. Madam President, I think we all agree with that. I am speaking specifically to the language, and I am not being vague or trying to be general, I am speaking to how we move this process forward so that consumers will benefit from a merger or it will be decided that a merger will not happen. To that end, this particular language is of great importance, so I want to make sure that we are both saying the same thing. Is the gentleman saying that this language means that there will be a sustained reduction in health care premiums? Does that mean the consumer at home, as my dear friend Senator Wozniak talks about Joe and Jane Pfuffna, because they want to understand what we are talking about today, does this mean their premiums will always be decreased?

Senator D. WHITE. Madam President, that should be the goal of this potential merger, and that is what the Department of Insurance is regulated to observe and provide.

Senator A.H. WILLIAMS. Madam President, how many years has the gentleman been in this industry?

Senator D. WHITE. Thirty years, Madam President.

Senator A.H. WILLIAMS. Madam President, I am sure a policyholder or two has called the gentleman up to say, how do I reduce my premiums and how do I get a guarantee? Has the gentleman ever provided such a policy?

Senator D. WHITE. Yes, Madam President, with reduced benefits.

Senator A.H. WILLIAMS. Exactly, Madam President, with reduced benefits.

Senator D. WHITE. Yes, Madam President, and that is one of the reasons for this entire process is the fact that in parts of this State, you have plans that are your only alternative. When your client complains and the taxpayer complains about a higher premium, you must go back to that same company because you have no other option and get a cheaper plan with the same company.

Senator A.H. WILLIAMS. But, Madam President, as my grandmother would say, apples compared to spinach do not add up. In this case, we are not talking about reducing benefits or taking anything away, we are talking about a merger that results in savings and for premiums for an indefinite period of time. To my knowledge, unless I am wrong, there has never been a policy written in Pennsylvania that I am aware of that sustained reductions and benefits have existed ad infinitum. That means forever. Is that accurate, Madam President?

Senator D. WHITE. Madam President, that is accurate.

Senator A.H. WILLIAMS. Therefore, Madam President, I am not quite sure we are asking something of a process and a merger

that we have never done in the State of Pennsylvania. As a matter of fact, I do not think we have ever done it in America. If somebody can point out from that side of the aisle where we have done this in America, I would be happy to sign on, but to my knowledge, we have never asked this of anybody in this country and any insurance provider, whether a merged entity or non-merged entity. By the way, why are we not asking this of Independence Blue Cross in their current construct and Highmark in their current construct? As a matter of fact, why do we not forget the merger, come back to this floor and introduce legislation that would require them to do that now?

Senator D. WHITE. Madam President, we have never had a merger of this magnitude in the history of this Commonwealth of two nonprofits, and the Department of Insurance still has to determine whether or not the merger will overall, that is part of their mission, to overall be beneficial on the impact on premium payments made. I do not understand the confusion. In other words, other than the sustained reduction in health care premiums, which I think everybody on that side of the aisle as well as my side of the aisle is for, that should be a goal of ours, to sustain continuing cost reductions across the board for all Pennsylvanians, which has not been the case for at least the last decade. So, I do not see where, I do not think rates need to be less than they would have been if the merger is not approved.

Senator A.H. WILLIAMS. Madam President, that is exactly the point I just made. If the merger did exist or did not exist, the substance of what the gentleman is talking about is to protect consumers and have rate reductions in Pennsylvania in terms of insurance. As a matter of fact, we have been talking about that over 40-some-odd years, even before I got here. We still have not done it. For some reason, because a merger comes up, we decide that we can stick it in this particular piece of legislation.

With all due respect to those who are participating, it is all about money. I want to make sure everyone who listens to this knows, it is simply about money and who is going to share in that process. If I could be confident that at the end of the day the gentleman or I could come up with a construct that would guarantee rate reductions forever, forever, trust me, Pennsylvania would be the envy of the nation, we would be delivering somebody from this senatorial body to the presidency of the United States, and further, we would be curing cancer for all people in the world. That is not true.

Frankly, the confusion that I have is why are we spending so much time on this particular section at all, why not do what the gentleman wants to do, and that is move forward, study this, have a panel, remove the language, and present to consumers what they are really concerned about, and that is that they do not get ripped off. This does not do much of anything, in my opinion, other than suggest that we are going to give something to somebody that they are not going to get, because from the gentleman's own mouth to God's ears, the gentleman said that this language means that rate reductions will be in place forever. That means somebody watching television today will understand the gentleman just said that when we vote for this and it passes and a merger occurs, they will no longer have to pay increased premiums in Pennsylvania. As a matter of fact, they will pay decreased premiums forever.

I do not know how you do that in this country. I do not know how you do not make some level of income on something and pay for employees or make some level of money and pay for expense. I do not know how you do not make some money and provide for an outcome. That is just not possible. So when I asked the gentleman for his interpretation, the gentleman said that means rates go down. That is what the gentleman said. I did not say it. That means rates go down forever and that ultimately means it ends up in nothing. That is what the gentleman said. If it does not mean that, if it means something vague, why is it here? Who is it benefitting, what are the rules, and who really wants to have this language here? Those are the questions I have.

Senator D. WHITE. Madam President, there is, by their own estimates, \$1 billion in savings that will occur because of this merger, and all I am trying to do is make sure that \$1 billion goes where it is supposed to go, and not into their for-profit businesses, not into their advertising. I want it to go back in some capacity and some form to the ratepayers in reduced premiums. That is my goal and that is what I think the language does.

(Applause.)

Senator A.H. WILLIAMS. Madam President, I hope they applaud me when I come up with my answer. All commercials aside, this is serious business. This is very serious business, and so it is nice to say that we are going to clap for something that is hollow, because frankly, it is not something we have responded to each other on. The \$1 billion we are talking about, because now we are getting down to the issue at hand, what is going to happen with the \$1 billion in savings? Well, let us put that clearly in the language. Because guess what, even with the \$1 billion, we understand that even \$1 billion is not an infinite amount of money, is it not? It ends at some point in time. What happens at the end of the \$1 billion? The language says the premiums have to continue to go down. That is what this language says. So at the end of the \$1 billion, if the gentleman wants to make sure that the \$1 billion goes toward ratepayers, then say the \$1 billion goes to the ratepayers. Why do we not say that? Why are we sitting here suggesting that the reduction of premiums continues forever as a goal, whatever that means, and we do not speak about the \$1 billion?

Thank you.

(Applause.)

Senator D. WHITE. Madam President, I do not think the gentleman asked a question there.

Senator A.H. WILLIAMS. I did, Madam President, but they were busy talking to the gentleman trying to come up with an answer, so I will ask it again, because they should have come up with one by now. The \$1 billion ends at some point in time. Why do we not have the \$1 billion in the language? This language speaks to forever. If the gentleman wants to do what the gentleman wants to do, take the \$1 billion and apply it to the premiums. Apply it as long as it exists, like we did with the tobacco settlement or like we have done with anything else that ends. We put language to it that says spend it this way. That is not what this does. This sets up a false Trojan horse. This does not guarantee what we are suggesting. It is not a guarantee, it is a goal we are trying to achieve. Speak to what the gentleman is speaking to and we will support it. That means, put your money where your mouth is, put the \$1 billion in here and let us talk about the cash.

That is what we should do.

Senator D. WHITE. Well, Madam President, the suggestion that was made for the replacement of the language was sustained benefits.

Senator A.H. WILLIAMS. Madam President, we got that. I asked the gentleman what it meant and we went back and forth about the sustained benefits. We are both clear, it is vague and at best, it might suggest a reduction in premiums. Then we got to the issue at hand, the \$1 billion.

POINT OF ORDER

Senator CORMAN. Madam President, I rise to a point of order.

The PRESIDENT. The gentleman from Centre, Senator Corman, will state it.

Senator CORMAN. Madam President, in trying to follow the rules as was talked about earlier, I think both gentlemen should be referring all their comments to the Chair and allowing the Chair to direct the questions to one another and allow them to answer in a timely fashion instead of the banter back and forth. I believe that is what the Senate rules call for, and I ask the Chair to enforce the rules.

The PRESIDENT. The gentleman's point is well-taken.

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

Senator A.H. WILLIAMS. Madam President, I will ask this, I know that the gentleman from Centre, Senator Corman, might be bothered, but Senator Don White and I know each other quite well, and frankly, I thought it was rather broad and I do not believe he was insulted by it and I am not insulted by it, but guess what, consumers are enlightened by it because all this language back and forth and all the niceties do not have a doggone thing to do after we either kill this merger or increase premiums on consumers. So, with all due respect, I want to get to my questions. I do not want to play by the rules, I want to get to my questions, and if the gentleman does not mind, I do not mind.

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

Senator D. WHITE. Madam President, I have all the respect in the world for my colleague across the aisle. I have no problem with this dialogue. I wish maybe we would have had it off the floor first, but this is fine. I think we are on the same wavelength.

The PRESIDENT. We have Senate rules, Senator.

Senator D. WHITE. Madam President, I understand. If that is the way it needs to be done, that is the way we will do it, but I have no problem with the dialogue Senator Williams and I are having.

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

Senator A.H. WILLIAMS. Thank you, Madam President. I will conclude my remarks. The bottom line is this, if one is truly concerned about the \$1 billion and where the savings go, I think all of us are concerned about that, I do not think any of us want it to necessarily go to television or a PR guy getting all the money, we want the savings to go to the consumers. Frankly, I suggest that this language gets replaced. That is all I am suggesting. This language needs to get replaced with where that \$1 bil-

lion needs to be spent and understanding that the \$1 billion ends, and we cannot constrain industry, be it nonprofit or for-profit, and they are capped by some language that does not allow them to move forward. If one is concerned about the merger and thinks there may be any benefit, and \$1 billion is a benefit, and premiums can be reduced by such, I agree with that. I am only concerned that this language does not speak to that, so I suggest the gentlemen seriously consider replacing this language, amending it, and putting in the \$1 billion.

Thank you, Madam President.

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

Senator MELLOW. Madam President, I think the discussion that we just heard is the greatest indicator of why this bill should not be considered on final passage this afternoon. Madam President, just 24 hours ago this bill was reported from the Committee on Appropriations, a committee that does a great job in deliberation of legislation where costs are affected, but not a committee that should be used to make any substantive changes in legislation. Heretofore, it was not used in that manner.

The bill, to have received a substantive change in the amendment, should have properly been sent back to the Committee on Banking and Insurance so that the chairman of the Committee on Banking and Insurance, along with the minority chairman of the Committee on Banking and Insurance, would have then been able to appropriately go through the amendment and then make a proper type of insertion of that amendment into the bill. It then could have gone to the Committee on Appropriations for whatever fiscal note was deemed necessary and then to the full Senate for its consideration.

Madam President, when I listened to the remarks of Senator Don White, I think the gentleman made the greatest argument as to why we should not be considering this bill here this afternoon. There are many parts of this proposal. As was just explained by the debate between Senator Anthony Williams and Senator Don White, there are areas that are not totally understood. I have a problem trying to completely put into my mind why we in the spirit of reform, of which we talked about so much since the November 7 election, are not properly implementing that today in the right type of reform so that the people will know exactly that we know what we are doing here in Harrisburg with regard to any potential merger, especially the merger by Highmark and Independence, which as of yet has not taken place.

Therefore, it is an extreme possibility that if this particular proposal does become law, that merger may in fact never take place and may never officially be filed, and therefore, if that does happen, those particular cost savings that Senator White is talking about will in fact never take place.

Madam President, I did have an opportunity of reading the summary of the filing, and the summary of the filing does talk about the type of economic benefit that will take place on the economies of scale if this merger takes place. It is not talking about \$1 billion, it is in fact talking about \$1.25 billion as the economies of scale which would take place with that merger. Of that money, \$650 million would be used to guarantee the uninsured and the underinsured programs in Pennsylvania. What do those programs mean? They mean the ABC program and the adultBasic coverage program in Pennsylvania. It also means the

CHIP program, the Children's Health Insurance Program in Pennsylvania. So, \$650 million of that program, based on the filings, and we do not need legislation to tell us that, would be utilized for the purpose of guaranteeing coverage for the uninsured and the underinsured in Pennsylvania.

In addition, based on the filings, there will be an additional \$600 million that will be used to cost-average savings to the residents of Pennsylvania. Now what does that mean, Madam President? What does it mean to say cost-average to Pennsylvanians in savings? It means that we will be able to hold down, not necessarily reduce, the increase in premiums so that we can make health insurance in Pennsylvania more affordable to the 12.5 million people who reside here.

Madam President, Senate Bill No. 550 passed this body on March 28, 2007. Senate Bill No. 550 and House Bill No. 112 are significantly different. Each and every one of us voted for Senate Bill No. 550. Probably, if we have the opportunity to fully discuss this and debate it more at length and give our staff the opportunity to go through and find out really what is in this proposal, there is a good chance that the vote on the floor of the Senate, with the exception of Senator Fumo, would be a vote of 49 to 0.

Today, we are not comfortable with what is in this proposal. In the spirit of reform only, this bill should not be considered today. We are not yet prepared to properly send this bill to the House of Representatives for their final consideration. Perhaps they would concur and send it to the Governor, perhaps they would nonconcur and send it to a conference committee. All we are asking for the people of this great State of ours who want reform, who want insurance coverage, who would like to have those uninsured or underinsured protected, who basically because of what it could mean to the business impact to the Commonwealth, would like to see the merger take place between Highmark and Independence, because everything that we have talked about here as far as cost savings, about money that is going to be used for the insured, for the underinsured and the uninsured, none of that will be possible if in fact the merger does not take place.

So, all we are asking for, and I once again ask Senator White to reconsider, to communicate with his leadership, to just give us another working day. Another working day will be June 4 when this august body comes back into Session. There is nothing that will be done in the House of Representatives between now and June 4 on this proposal, but there is a lot of work to be done here in the Senate. We are not opposed to the concept. We think some of the things in this bill are excellent. The oversight should be done. Many of the things in this proposal should have been law in the Commonwealth before today to protect the consumer. We are just not sure this bill goes far enough, and we are not looking for the opportunity of having to cast a "no" vote, except that we have been put in that position because we have no choice. We do not know if this bill is appropriately written, is not appropriately written, whether it does go far enough, whether we could go further, and whether it does give the actual guarantees to the people that they said it gives.

This is not a partisan bill. This is not a difference between Democrats and Republicans, it is a bill that should be supported on a bipartisan basis, and on a bipartisan basis we are asking in

the spirit of reform, in the spirit of trying to protect the 12.5 million people who live in this State, in the spirit of trying to guarantee that underinsured and uninsured people will be able to receive a benefit, and keep in mind some of those are innocent children who have been born to families where both parents work and have multiple jobs but not a job that has any type of health insurance, so guaranteeing that \$650 million will be put in those programs means that some of those children who are not being covered today and some of the adults who are on the waiting list with the ABC program would be given the proper kind of coverage.

All we are asking for is to give us one more legislative day for the proper type of discussion and the proper type of investigation within our Caucus and within our individuals who are responsible for bringing this about before we finally pass it in this Senate. We do not want to make a mistake. The stakes here are entirely too high if we do not do the right thing, and all we are asking for is the additional time of one day for further consideration to protect the public consumers of this great Commonwealth of ours.

Madam President, I cannot ask for the motion to table or the motion to pass over to be reconsidered, but what I am asking for is that perhaps the Republican Party, the majority party of the Senate and who has been very, very cooperative on every possible issue, would just give us another day for our consideration and for our deliberation. In this posture, I would once again have to ask for a negative vote on the bill.

Thank you, Madam President.

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

Senator WONDERLING. Madam President, for the benefit of my colleagues, I will be very brief.

First of all, I am guilty as charged, as I think we all are. I wish I had 50 cents for each time either I or anybody in this body used the word "reform." It is a much-used term, and perhaps this afternoon slightly abused.

I want to publicly thank Chairman White and his committee for getting a bill in place and in a position to vote today. The reason that I think it is critical to cast an affirmative vote for health care consumers today is what we are doing in this representative form of government is making the General Assembly a partner with the executive branch to review in great detail the aspects of this proposed merger.

Earlier today I heard individuals crying and complaining that we are going to be asking the insurers, the Blues in particular, to pay in triplicate for study, for data collection to determine how those premium dollars are being used, what those surpluses are being used for, how they are spending their money on advertising. I say, so be it. We are doing this because we have a megamerger being proposed by the two largest Blues providers, not-for-profits, and created by this General Assembly. Chairman White and his committee have done their work. They have brought a bill here that does not end the process, but begins a process to create, on a bipartisan basis, the mechanism for a detailed and exhaustive review of this merger so we can, on a bipartisan basis, do what I think we all want to do, and that is to lower health care costs.

Thank you, Madam President.

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

Senator STACK. Madam President, I think I am going to receive the scorn of my colleagues and not be that short, but I will not be that long. I just wanted to make a few remarks as the Democratic Chair of the Committee on Banking and Insurance.

I want to thank Senator Don White for all his work on this merger issue involving Highmark and Independence Blue Cross. I think the bill we have here before us today is absolutely a step in the right direction. I really do. The legislation renames and reworks the insurance restructuring board. It transforms the board from a regulatory board with veto powers to an advisory board with the authority to review, make recommendations, and have input into the merger and consolidation of health plan corporations and professional health service plan corporations.

Even with the improvements, the administration and others, including our Caucus and consumers, have concerns with the legislation. The concerns include language that make it impossible for a fair, impartial review of health plan corporation mergers and consolidations.

I believe we need a fair, impartial review of the proposed merger pending between two health plan corporations because the mergers and consolidations may give Pennsylvanians over \$1 billion in benefits. That is over \$1 billion to provide insurance across the board from the adult Basic program to the Cover All Kids program. We must reduce the number of uninsured in the State of Pennsylvania, because if we do not, one way or another the costs get passed on to all of us, because all of us know that those without insurance make their first entrance into the health system through the emergency room doors.

I am also concerned that this legislation restrains the department from carrying out their duties to review the merger and disapprove or approve it. Under the legislation, the Department of Insurance must wait 60 days after its response to the board's recommendations to approve or disapprove the merger. We are concerned that this undermines the original intent of House Bill No. 112 and Senate Bill No. 550, which was to give the Department of Insurance greater powers to review and approve, or disapprove, the merger during a transparent 1 1/2- to 2-year review.

Madam President, I understand the desire of many Members to move the issue forward due to the Highmark and IBC merger filing with the Department of Insurance. I agree with everyone that this merger needs a substantial and thorough review that ensures Pennsylvanians benefit from any and all mergers and consolidations.

Once again, I applaud Senator White for trying to get us there. I applaud the Majority Leader, Senator Pileggi, for trying to get us there as well, but I have heard from the administration, my colleagues, and many others, that this bill, while well-intentioned, may not have the intended effect. It may make any merger simply impossible.

While today's bill is a step in the right direction, I do not believe that we are there yet. I do not believe that we have addressed all the concerns and we have not made this the best bill that it can be. Due to our inability to address these concerns, I intend to vote "no" on the legislation. I think we have time, as a number of my colleagues have said, on this most crucial issue of a megamerger between Blue Cross and Highmark, to make this the most extensive, fair, and thorough bill it can be. We are not doing that now. I wish we would.

Thank you, Madam President.

LEGISLATIVE LEAVES

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

Senator MELLOW. Madam President, I request temporary Capitol leaves for Senator Musto, Senator O'Pake, and Senator LaValle.

The PRESIDENT. Senator Mellow requests temporary Capitol leaves for Senator Musto, Senator O'Pake, and Senator LaValle. Without objection, the leaves will be granted.

And the question recurring,
Shall the bill pass finally?

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

Senator D. WHITE. Madam President, just a point of clarification. I listened to my colleagues today. The point is that this language has been in the hands of my friends across the aisle since last Thursday. The administration, with whom I met and consulted on a daily basis, and who I helped come to the compromise agreement in regard to the veto board and withdrawing that stipulation, has never said one word about any opposition to the sustained reduction. It only came about because it was brought to their light by Highmark.

I do not know if we can say whether or not this proposed merger is a good thing or a bad thing, but I think the process that we are going through is a very positive thing, and for the people who are here in the Chamber, and those who were also in the Chamber in 1996 when we allowed the merger to occur that actually created this 800-pound gorilla back in 1996, it went right by our nose and we did not do a thing. We owe it to the people this time to make sure we do it right, and I think that is what this bill provides, and I hope to get unanimous support from my colleagues.

Thank you, Madam President.

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

Senator MELLOW. Madam President, just for clarification for Senator White, the language that we were given on Thursday has repeatedly been changed until the amendment was actually on file yesterday. So, we do not want the record under any circumstances to reflect that the language we were given on Thursday is the same language that was considered yesterday in an amended version. That language was repeatedly changed, and therefore the language that was given to us less than 24 hours ago, which is the official part of the bill today, is not the same substantive language that was given to us on Thursday.

Furthermore, Madam President, that language, that information, and that study should not have been done by the Committee on Appropriations, which is only responsible on this particular piece of legislation for a fiscal note. That language should have been given and should have been discussed in total by the Committee on Banking and Insurance, which is their responsibility, under the direction of Senator White, to discuss that language, to formulate it appropriately, and to put that amended form into the bill before it comes to the Senate.

So there is no misunderstanding, the language we got on Thursday is not the same language that was in the amendment on Monday. It has changed substantially since.

Thank you, Madam President.

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

Senator PILEGGI. Just briefly for the Members, there were some comments made about the proper role of the Committee on Appropriations and the intimation that we might be rushing this process through. Those comments are curious. If you look at the record of this amendment, this bill was scheduled to be reported out of the Committee on Appropriations yesterday on the 21st at its meeting to be held at 12:30 p.m. At the request of the minority chair of the Committee on Banking and Insurance, the bill was gone over so that there could be further review and study of the bill.

The Committee on Appropriations reconvened at approximately 5:30 p.m. yesterday afternoon to consider the bill, and the bill was reported out unanimously. None of these objections that we are hearing so extensively today were made either before the Committee on Appropriations' meeting yesterday or at the meeting, and in fact, the bill was reported out and amended unanimously, and one of those votes was the minority chair of the Committee on Banking and Insurance. So, I would suggest that if these are such serious concerns, they should have been brought up at the appropriate time or have been reflected in the votes of the Members during the meeting of the Committee on Appropriations when there was an opportunity to question the language, to vote "no," to propose additional amendments rather than waiting until a vote on final passage and asking for additional time or questioning the process.

I urge an affirmative vote on this bill.

LEGISLATIVE LEAVES

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

Senator PILEGGI. Madam President, I request temporary Capitol leaves for Senator Piccola and Senator Punt.

The PRESIDENT. Senator Pileggi requests temporary Capitol leaves for Senator Piccola and Senator Punt. Without objection, the leaves will be granted.

And the question recurring,
Shall the bill pass finally?

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

YEA-30

Armstrong	Ferlo	Pileggi	Tomlinson
Baker	Folmer	Pippy	Vance
Browne	Gordner	Punt	Waugh
Brubaker	Greenleaf	Rafferty	White, Donald
Corman	Madigan	Regola	White, Mary Jo
Earll	McIlhinney	Rhoades	Wonderling
Eichelberger	Orie	Robbins	
Erickson	Piccola	Scarnati	

NAY-18

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

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.

COMMUNICATION FROM THE GOVERNOR

RECALL COMMUNICATION LAID ON THE TABLE

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 laid on the table:

MEMBER OF THE BOARD OF TRUSTEES OF WARREN STATE HOSPITAL

May 22, 2007

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 February 6, 2007, for the appointment of Steven D. Mitchell, D. C., 559 E. South Street, Corry 16407, Erie County, Twenty-first Senatorial District, as a member of the Board of Trustees of Warren State Hospital, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified, vice Joann Zartman, DuBois, resigned.

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

EDWARD G. RENDELL
Governor

COMMUNICATION FROM THE GOVERNOR TAKEN FROM THE TABLE

Senator ROBBINS, called from the table a communication from His Excellency, the Governor of the Commonwealth, recalling the following nomination, which was read by the Clerk as follows:

MEMBER OF THE BOARD OF TRUSTEES OF WARREN STATE HOSPITAL

May 22, 2007

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 February 6, 2007, for the appointment of Steven D. Mitchell, D. C., 559 E. South Street, Corry 16407, Erie County, Twenty-first Senatorial

District, as a member of the Board of Trustees of Warren State Hospital, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified, vice Joann Zartman, DuBois, resigned.

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

EDWARD G. RENDELL
Governor

NOMINATION RETURNED TO THE GOVERNOR

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

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

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

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 COUNCIL OF TRUSTEES OF BLOOMSBURG UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

May 4, 2007

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, Marie Conley Lammando, 742 S. 80th Street, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the Council of Trustees of Bloomsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2013, and until her successor is appointed and qualified.

EDWARD G. RENDELL
Governor

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

May 4, 2007

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, Aaron A. Walton, 4283 Forest Glen Drive, Allison Park 15101, Allegheny County, Fortieth Senatorial District, for reappointment as a member of the Council of Trustees of California University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

**MEMBER OF THE CONSTABLES' EDUCATION
AND TRAINING BOARD**

March 20, 2007

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, A.R. DeFilippi, 114 Jenny Lynn Drive, Aliquippa 15001, Beaver County, Forty-seventh Senatorial District, for appointment as a member of the Constables' Education and Training Board, to serve for a term of three years and until his successor is appointed and qualified, vice Joseph Cabraja, Sewickley, whose term expired.

EDWARD G. RENDELL
Governor

**MEMBER OF THE STATE BOARD
OF COSMETOLOGY**

March 22, 2007

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, MaryLou Enoches, 1 Manor Drive, West Chester 19380, Chester County, Nineteenth Senatorial District, for appointment as a member of the State Board of Cosmetology, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Karen Donovan, West Chester, resigned.

EDWARD G. RENDELL
Governor

**MEMBER OF THE STATE REGISTRATION BOARD
FOR PROFESSIONAL ENGINEERS, LAND
SURVEYORS AND GEOLOGISTS**

April 9, 2007

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, Harold Jose Millan, (Public Member), 1705 Christian Street, Philadelphia 19146, Philadelphia County, Eighth Senatorial District, for appointment as a member of the State Registration Board for Professional Engineers, Land Surveyors and Geologists, to serve until December 5, 2011, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Joseph Resta, Philadelphia, resigned.

EDWARD G. RENDELL
Governor

**MEMBER OF THE ERIE COUNTY
CONVENTION CENTER AUTHORITY**

April 19, 2007

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, Susan N. Sutto, 3112 Madeira Drive, Erie 16506, Erie County, Forty-ninth Senatorial District, for reappointment as a member of the Erie County Convention Center Authority, to serve for a term of four years and until her successor is appointed and qualified.

EDWARD G. RENDELL
Governor

**MEMBER OF THE BOARD OF TRUSTEES
OF LINCOLN UNIVERSITY**

May 4, 2007

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 Powelson, 135 Viburnum Drive, Kennett Square 19348, Chester County, Ninth Senatorial District, for reappointment as a member of the Board of Trustees of Lincoln University, to serve until August 31, 2009, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

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

April 17, 2007

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, Nicholas Sacchetti, 813 Dover Road, Wynnewood 19096, Delaware County, Seventeenth Senatorial District, for reappointment as a member of the Board of Trustees of Norristown State Hospital, to serve until the third Tuesday of January 2009, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

**MEMBER OF THE STATE BOARD
OF PHYSICAL THERAPY**

March 22, 2007

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, Timothy M. Schell, P.T., 123 Old Hickory Lane, Grove City 16127, Mercer County, Fiftieth Senatorial District, for appointment as a member of the State Board of Physical

Therapy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice James Irrgang, Murrys ville, 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-48

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

NAY-0

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Senator ROBBINS. Madam President, I move that the Executive Session do now rise.

The motion was agreed to by voice vote.

UNFINISHED BUSINESS SENATE RESOLUTIONS ADOPTED

Senators PIPPY, BOSCOLA, KASUNIC, FONTANA, FERLO, STACK, TARTAGLIONE, LOGAN, ERICKSON, ORIE, M. WHITE, GREENLEAF, O'PAKE, STOUT, FUMO, RAFFERTY, EARLL, LAVALLE, McILHINNEY, PILEGGI, FOLMER, D. WHITE, WONDERLING, ARMSTRONG and COSTA, by unanimous consent, offered **Senate Resolution No. 127**, entitled:

A Resolution designating the month of May 2007 as "Good Chemistry Month" in Pennsylvania in recognition of the dynamism and innovation of the business of chemistry.

On the question,
Will the Senate adopt the resolution?

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

Senator PIPPY. Madam President, I will offer my remarks for the record.

The PRESIDENT. Without objection, the gentleman's remarks will be spread upon the record. The Chair hears no objection.

(The following prepared remarks were made a part of the record at the request of the gentleman from Allegheny, Senator PIPPY:)

Madam President, the evolving science of chemistry is essential to providing alternative energy, enhanced energy conservation, potable drinking water, medicines, protective clothing for emergency, police and military personnel, housing and transportation as well as other necessities; so it is fitting that the Senate designate the month of May 2007 as "Good Chemistry Month" in Pennsylvania in recognition of the dynamism and innovation of the business of chemistry.

Thank you, Madam President.

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

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

Senator McILHINNEY, by unanimous consent, offered **Senate Resolution No. 128**, entitled:

A Resolution commemorating the Father of the United States Navy, Commodore John Barry, whose statue was dedicated in Independence Square in the City of Philadelphia 100 years ago.

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. Jose A. Pabon, Mr. and Mrs. Wilbur Good, Mr. and Mrs. Ivan H. Thomas, Mr. and Mrs. Donald L. Rutt, Mr. and Mrs. Gene Wagner, Ellen C. Mowery, Luke A. Stager and to Bill Rittenhouse by Senator Armstrong.

Congratulations of the Senate were extended to William Court, James R. Laity, Martin A. DiRoberto, Esther Baum Davidowitz, Estella B. Rupp and to William C. Davidowitz by Senator Baker.

Congratulations of the Senate were extended to Mr. and Mrs. Leo W. H. Schweitzer, Brenton P. Russell, Ryan P. Russell and to the Honorable John Callahan by Senator Boscola.

Congratulations of the Senate were extended to Nina Jain, Celia Szuba and to Isha Jain by Senators Boscola, Browne, and Wonderling.

Congratulations of the Senate were extended to Jose Rafael Fajardo, Oscar Assad, Stephen Twigg, John Solomon, Daniel G. Hinderliter, Juliann Kurtz, Jeffrey Wetherhold and to Joe Kovacs by Senator Browne.

Congratulations of the Senate were extended to Robert P. Daday, Dolores Laputka, Noshir Chinoy, Crayola, Greater Lehigh Valley Auto Dealers Association, Victaulic Campaign Team and to PPL Corporation by Senator Browne and others.

Congratulations of the Senate were extended to Mr. and Mrs. Ben Unruh, Mr. and Mrs. Richard Unruh, Mr. and Mrs. Robert Unruh, Mr. and Mrs. John Unruh, Mr. and Mrs. Howard Unruh,

Samantha Santoro, Kendall Zeswitz, Iain M. Ray and to Ruth Miller by Senator Brubaker.

Congratulations of the Senate were extended to John Lewis Hay, Nathaniel Rice, Everett K. Benson, Vera J. Musser, Samantha Futhey, Derek Hartman, Ian David Lindsey, Patricia A. Strouse, Judy C. Spotts, Deanalis Resto, Bradley Joseph Strigle, Jacob David Reddington, Evan Arthur Griffin, Kendra M. Ingram, Matthew Alan Thorwart, Peter Weston Reddington, Ryan Patrick Bisbey, Bradley Ferraco Woodman, Arthur H. Reede, Jr., and to Wesley D. Ripka by Senator Corman.

Congratulations of the Senate were extended to Wayne Lester, Ann Jurgovsky, Henry L. Fiore, St. Clair AA Senior Citizens and to the Western Pennsylvania Jewish Sports Hall of Fame by Senator Costa.

Congratulations of the Senate were extended to Sam Bieller by Senators Costa and Fontana.

Congratulations of the Senate were extended to Bennett James Shakoske by Senators Costa and Logan.

Congratulations of the Senate were extended to Benjamin Ross Loeliger, Henry William Hudson V, George S. Karalis, James E. Koury, John C. Carpenter, Aaron Charles Leitner, David Michael Werner, Sister Rita O'Leary, I.H.M., Sister Joseph Marie Carter, Ed.D, I.H.M., Sister Regina Mauricia, Donald E. Loane, Planned Parenthood of Chester County and to the Volunteer English Program in Chester County by Senator Dinniman.

Congratulations of the Senate were extended to Jen Schoullis, Louis DiPlacido, Dr. Frank G. Pogue and to Karen Howard by Senator Earll.

Congratulations of the Senate were extended to Jessica Walters, Demetri J.M. Patitsas, Scott Fozard, Deborah Krise, Joseph G. Keller and to Anna Harris by Senator Eichelberger.

Congratulations of the Senate were extended to Don Limbaugh by Senator Eichelberger and others.

Congratulations of the Senate were extended to Walter R. Christy and to Raymond Berquist by Senator Ferlo.

Congratulations of the Senate were extended to Andrew T. Henning, Jessica Rose, Matthew A. Shirk, Eric R. Klopp, Joshua C.R. Miller and to Kyle J. Reeser by Senator Folmer.

Congratulations of the Senate were extended to Anthony Silenzio and to Roseann Kelly by Senator Fumo.

Congratulations of the Senate were extended to Zachary D. Neff and to Jordan Ryan Cipala by Senator Gordner.

Congratulations of the Senate were extended to Joseph Shumock by Senators Gordner and Greenleaf.

Congratulations of the Senate were extended to William and Thomasina Conaway, Thomas and Theresa Kropinski, Steven E. Levandusky, Daniel Carroll, Brian Spencer Canter, Randy Owen Barndt, Jeffrey Dantzer, Barbara Pond Davis, Sean F. Rapp, Andrew Borkowski and to Thomas Andrew McCullough, Jr., by Senator Greenleaf.

Congratulations of the Senate were extended to Robert Scott by Senator Kasunic.

Congratulations of the Senate were extended to Rodney Wright, Sylvia Washington, Michael D. Rosenberg and to the Reverend Dr. Dominique Joachim, Sr., by Senator Kitchen.

Congratulations of the Senate were extended to the Holy Ghost Orthodox Church of Ambridge by Senator LaValle.

Congratulations of the Senate were extended to the Faith Community United Methodist Church of Columbia Cross Roads by Senator Madigan.

Congratulations of the Senate were extended to Richard and Madeline Zaveta, David Robert Inserra, Domenick Michael Cardarelli, Laurie Borger, Michael C. Stahl, Shirley Miller, Jeffrey Stephen Miller, Jon Martin Miller, Daniel Matthew Zubrzycki, Matthew Grob, Upper Makefield Township and to the Bucks-Mont Katrina Relief Project by Senator McIlhinney.

Congratulations of the Senate were extended to the Reverend and Mrs. David Farina and to Dr. Richard O. Coe by Senators McIlhinney and Tomlinson.

Congratulations of the Senate were extended to Ronald P. Bonacci and to the Friends of the Abington Community Library by Senator Mellow.

Congratulations of the Senate were extended to Kelsey Kolojechick by Senator Musto.

Congratulations of the Senate were extended to Marline and Regina Gouger Miller, John D. Hennessy, William J. Sutton, Erich R. Odenweller, Eric J. Otruba, David C. Minninger, Jr., Zachary L. Railing, members of Keystone Fire Company 1 of Shillington and to the Boyertown Area Times by Senator O'Pake.

Congratulations of the Senate were extended to Adam Christopher Stevenson, Brenden Michael Leard, Jonathan C. Coholich, Steven M. Bizon, Michael A. Balestrino, Stephen Robert Stroyne, Brian Edward Bayer, Sean Zmenkowski, Matthew R. Zellers, Kevin Joseph Sanguigni and to Ryan C. Parrish by Senator Orie.

Congratulations of the Senate were extended to David R. Wary, David A. Weakley, Rita Shearn, Thomas R. Sirolli, Janie M. Phillips and to Elliot Markovitz by Senator Piccola.

Congratulations of the Senate were extended to Dylan Kee, Tim O'Brien and to the Rotary Club of Chester by Senator Pileggi.

Congratulations of the Senate were extended to Paul Fahringer, Naomi Patton, Olga DiNuzzo, Bruce Rothhaar, Chad Hirsh, Frances Mackin, Amy Robinson, Janis Rambo and to Achieving Student Success Through Excellence in Teaching, Inc., by Senator Pippy.

Congratulations of the Senate were extended to Corinne Carothers by Senator Punt.

Congratulations of the Senate were extended to Kevin J. Maguire, Diana Hundley Sosnowski, George V. Carlino, Joseph M. Petrowski, Shawn Ryan, Adam Hampton, Reverend Thomas A. Nasta and to St. Paul African Methodist Episcopal Church of Coatesville by Senator Rafferty.

Congratulations of the Senate were extended to Mr. and Mrs. F. Robert Lilley, Sr., by Senators Rafferty and Brubaker.

Congratulations of the Senate were extended to Daniel E. Landy, Michael Scott Kolonay, Sean Andrew Kolonay, Michelle Timothy and to the Adams Memorial Library by Senator Regola.

Congratulations of the Senate were extended to Sister Bonita M. Mueller, M.S.C., Thomas M. Guastavino, citizens of the Borough of Girardville and to Quandel Enterprises, Inc., of Minersville, by Senator Rhoades.

Congratulations of the Senate were extended to Mr. and Mrs. Howard E. Nichols, Mr. and Mrs. Carl Eldred, Raymond Riley, Thomas E. Smith, Brandon Neil Hinderliter, Daniel Walter Lob,

Travis Lynn Eells, Dominicio S.P. Cuccaro, Ann Hausser, Dr. Hendley D. Hoge, Ben Bisset Chevrolet, Community Counseling Center of Mercer County and to the Immaculate Heart of Mary Church of Mercer by Senator Robbins.

Congratulations of the Senate were extended to Grace M. Truax by Senator Scarnati.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph Berzinsky, Mr. and Mrs. Richard L. Ross, Mr. and Mrs. George Hadanich, Mr. and Mrs. Harry Boiaroff, Mr. and Mrs. William McNeely and to Mr. and Mrs. Walter E. Donaldson, Jr., by Senator Stout.

Congratulations of the Senate were extended to John Kelly by Senator Tartaglione.

Congratulations of the Senate were extended to Kyle David Ciminera, Alex Pucher, Marco Pezzicara, Danielle Smith and to Congregation Ahavath Achim at the Bristol Jewish Center by Senator Tomlinson.

Congratulations of the Senate were extended to The Partnership for The Delaware Estuary by Senators Tomlinson and McIlhinney.

Congratulations of the Senate were extended to Clara Evelyn Mentzer Jumper, Victoria A. Caparella, Ferne Smith Hetrick, Neil T. Devlin, Lynda Rebert, James Schmick, Jeremy Negley and to the Cumberland Valley High School LifeSmarts Team of Mechanicsburg by Senator Vance.

Congratulations of the Senate were extended to Dr. Frank Macaluso, Paul Pellissier, Steven Michael Croucher and to Danny R. Grove by Senator Waugh.

Congratulations of the Senate were extended to Mr. and Mrs. Herbert Jones, Mr. and Mrs. Ellsworth Yankuskie and to Mr. and Mrs. Paul Campbell by Senator D. White.

Congratulations of the Senate were extended to Mr. and Mrs. Ed Osterried, Reverend and Mrs. G. Kenton Shaw, Mr. and Mrs. Kenneth Hanson and to Barbara McCombie by Senator M.J. White.

Congratulations of the Senate were extended to Manuel Malik Lewis, Donald Carl Solomon and to Sarah Renae Brown by Senator A.H. Williams.

Congratulations of the Senate were extended to Nancy Biscardi Case and to Jeffrey Thomas McMenamin by Senator C. Williams.

Congratulations of the Senate were extended to Richard James Miles and to John B. Yerkes, Jr., by Senators C. Williams and Dinniman.

Congratulations of the Senate were extended to Mr. and Mrs. Richard R. Allen, Brian J. Bauer, Michael F. Brodniak, William Otto Peterson and to Edward J. Joseph by Senator Wonderling.

Congratulations of the Senate were extended to Priscilla Payne Hurd by Senator Wonderling and others.

Congratulations of the Senate were extended to Mr. and Mrs. Michael Patrick, David Byron Helsel and to Adams Township Volunteer Fire Company Dunlo, No. 1, by Senator Wozniak.

CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Vincent J. DiEuliis, to the family of the late Honorable John

Berne Hannum and to the family of the late Ethel Young Closson by Senator Dinniman.

Condolences of the Senate were extended to the family of the late Harry Chrusch by Senator Rafferty.

Condolences of the Senate were extended to the family of the late Zach Weber by Senator D. White.

BILLS ON FIRST CONSIDERATION

Senator A.H. WILLIAMS. 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.

The bills were as follows:

SB 612, SB 737, SB 844 and SB 877.

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 Montgomery, Senator Rafferty.

Senator RAFFERTY. Madam President, as we now break for the upcoming holiday, Memorial Day, I would just like to remind the people of the Commonwealth of the importance of this day. Not only is it the beginning of the summer and the chance for outdoor activities, but it is also a day for all of us to reflect upon the men and women who continue to serve, and have served, this Commonwealth and this great country in our U.S. military.

We ought to take a few moments to thank the men and women throughout the world wearing the uniform of the U.S. military, and to reflect upon those who served in the various wars and conflicts throughout our history to preserve our rights and freedoms and allow us the great liberties that we share in this great country of ours.

In a time when we do celebrate, we ought to remember those who made the ultimate sacrifice to ensure our abilities to vote, to worship where we choose, to live where we choose, to work where we choose, and to thank their memories and thank the men and women who continue to serve for their duty, for their protection, for their confidence, and for their ensuring our way of life.

To all in Pennsylvania, a very happy Memorial Day. To the troops serving overseas, may God continue to bless you and keep you.

Thank you, Madam President.

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

Senator LOGAN. Madam President, on behalf of Senator Fumo, I would like to submit the following remarks for the record, and also recognize and ask the Senate to remember two other sons of Pennsylvania who, Madam President, unfortunately sacrificed their lives in the war in Iraq.

Sergeant Edward W. Shaffer, 23, of Mont Alto, died December 27 in Texas of injuries he sustained on November 13 in Ar Ramadi, Iraq, when an IED detonated near his position. Sergeant Shaffer was assigned to the 1st Battalion, 36th Infantry Regiment, 1st Brigade Combat Team, 1st Armored Division.

Private David E. Dietrich, 21, of Marysville, died December 29 in Ar Ramadi, Iraq, of wounds suffered while on combat patrol when his unit came in contact with enemy forces using small-arms fire. Private Dietrich was assigned to the 1st Cavalry Regiment, 1st Brigade Combat Team, 1st Armored Division.

They are among the 3,422 American soldiers killed so far in Iraq, and another 25,378 have been wounded.

Thank you, Madam President.

The PRESIDENT. Thank you both, Senator Rafferty and Senator Logan, for memorializing our veterans.

May I ask our Senators and our staff to please stand for a moment of silence for Sergeant Edward W. Shaffer, 23, of Mont Alto, Pennsylvania, and Private David E. Dietrich, 21, of Marysville, Pennsylvania.

(Whereupon, the Senate en bloc stood in a moment of silence in solemn respect to the memory of Sergeant EDWARD W. SHAFFER and Private DAVID E. DIETRICH.)

Senator LOGAN. Madam President, on behalf of Senator Fumo, I would like to submit the following remarks for the record.

The PRESIDENT. The Chair hears no objection, and the remarks will be spread upon the record.

(The following prepared remarks were made a part of the record at the request of the gentleman from Philadelphia, Senator FUMO:)

In his latest book, "Where Have All the Leaders Gone?" Lee Iacocca, the former chairman of Chrysler, says he is fed up with what is happening in this country. He points out that while he has never been a Commander in Chief, he has been a CEO, and he knows a few things about leadership.

He identifies what he calls the nine C's of leadership. A leader must be curious and creative. He must be able to communicate. He must have character, courage, conviction, charisma, competence, and common sense.

Iacocca believes those qualities are lacking in Washington today. While he makes it clear that he does not exclusively blame liberals or conservatives, Republicans or Democrats for our national failings, he finds the leadership void to be most severe in the Oval Office.

While I will not read the entire section of his book on this topic, I am going to state for the record some of the things Iacocca says about some of his nine points, and how they relate to our current debacle in Iraq, because I believe he provides a perspective that Americans ought to stop and consider.

Iacocca writes:

"A leader has to show CURIOSITY. He has to listen to people outside of the 'Yes, sir' crowd in his inner circle. He has to read voraciously, because the world is a big, complicated place. George W. Bush brags about never reading a newspaper. 'I just scan the headlines,' he says. Am I hearing this right? He's the President of the United States and he never reads a newspaper? Thomas Jefferson once said, 'Were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate for a moment to prefer the latter.' Bush disagrees. As long as he gets his daily hour in the gym, with Fox News piped through the sound system, he's ready to go.

"If a leader never steps outside his comfort zone to hear different ideas, he grows stale. If he doesn't put his beliefs to the test, how does he know he's right? The inability to listen is a form of arrogance. It means either you think you already know it all, or you just don't care.

"A leader has to be CREATIVE, go out on a limb, be willing to try something different. You know, think outside the box. George Bush prides himself on never changing, even as the world around him is spin-

ning out of control. God forbid someone should accuse him of flip-flopping. There's a disturbingly messianic fervor to his certainty. Senator Joe Biden recalled a conversation he had with Bush a few months after our troops marched into Baghdad. Joe was in the Oval Office outlining his concerns to the President, the explosive mix of Shiite and Sunni, the disbanded Iraqi army, the problems securing the oil fields. 'The President was serene,' Joe recalled. 'He told me he was sure that we were on the right course and that all would be well.' 'Mr. President,' I finally said, 'how can you be so sure when you don't know all the facts?' Bush then reached over and put a steady hand on Joe's shoulder. 'My instincts,' he said. 'My instincts.' Joe was flabbergasted. He told Bush, 'Mr. President, your instincts aren't good enough.' Joe Biden sure didn't think the matter was settled. And, as we all know now, it wasn't. Leadership is all about managing change, whether you're leading a company or leading a country. Things change, and you get creative. You adapt. Maybe Bush was absent the day they covered that at Harvard Business School.

"A leader has to be a person of CHARACTER. That means knowing the difference between right and wrong and having the guts to do the right thing. Abraham Lincoln once said, 'If you want to test a man's character, give him power.' George Bush has a lot of power. What does it say about his character? Bush has shown a willingness to take bold action on the world stage because he has the power, but he shows little regard for the grievous consequences. He has sent our troops (not to mention hundreds of thousands of innocent Iraqi citizens) to their deaths. For what? To build our oil reserves? To avenge his daddy because Saddam Hussein once tried to have him killed? To show his daddy he's tougher? The motivations behind the war in Iraq are questionable, and the execution of the war has been a disaster. A man of character does not ask a single soldier to die for a failed policy.

"A leader must have COURAGE. Courage in the twenty-first century doesn't mean posturing and bravado. Courage is a commitment to sit down at the negotiating table and talk.

"If you're a politician, courage means taking a position even when you know it will cost you votes. Bush can't even make a public appearance unless the audience has been handpicked and sanitized. He did a series of so-called town hall meetings last year, in auditoriums packed with his most devoted fans. The questions were all softballs....

"A leader should have CHARISMA. I'm not talking about being flashy. Charisma is the quality that makes people want to follow you. It's the ability to inspire. People follow a leader because they trust him. That's my definition of charisma. Maybe George Bush is a great guy to hang out with at a barbecue or a ball game. But put him at a global summit where the future of our planet is at stake, and he doesn't look very presidential. Those frat-boy pranks and the kidding around he enjoys so much don't go over that well with world leaders. Just ask German Chancellor Angela Merkel, who received an unwelcome shoulder massage from our President at a G-8 Summit. When he came up behind her and started squeezing, I thought she was going to go right through the roof.

"A Leader has to be COMPETENT. That seems obvious, doesn't it? You've got to know what you're doing. More important than that, you've got to surround yourself with people who know what they're doing. Bush brags about being our first MBA President. Does that make him competent? Well, let's see. Thanks to our first MBA President, we've got the largest deficit in history, Social Security is on life support, and we've run up a half-a-trillion-dollar price tag (so far) in Iraq. And that's just for starters. A leader has to be a problem solver, and the biggest problems we face as a nation seem to be on the back burner.

"You can't be a leader if you don't have COMMON SENSE. George Bush doesn't have common sense. He just has a lot of sound bites. You know, Mr. they'll-welcome-us-as-liberators-no-child-left-behind-heck-of-a-job-Brownie-mission-accomplished Bush. Former President Bill Clinton once said, 'I grew up in an alcoholic home. I spent half my childhood trying to get into the reality-based world, and I like it here.' I think our current President should visit the real world once in a while.

"The Biggest C is Crisis. Leaders are made, not born. Leadership is forged in times of crisis. It's easy to sit there with your feet up on the desk and talk theory or send someone else's kids off to war when you've never seen a battlefield yourself. It's another thing to lead when your world comes tumbling down. On September 11, 2001, we needed a

strong leader more than any other time in our history. And what did George Bush do when he'd regained his composure? He led us down the road to Iraq, a road his own father had considered disastrous when he was President. But Bush didn't listen to daddy. He listened to a higher father. He prides himself on being faith based, not reality based. If that doesn't scare the crap out of you, I don't know what will.

"So here's where we stand. We're immersed in a bloody war with no plan for winning and no plan for leaving. We're running the biggest deficit in the history of the country. We're losing the manufacturing edge to Asia, while our once-great companies are getting slaughtered by health care costs. Gas prices are skyrocketing, and nobody in power has a coherent energy policy. Our schools are in trouble. Our borders are like sieves. The middle class is being squeezed every which way. These are times that cry out for leadership.

"But when you look around, you've got to ask: 'Where have all the leaders gone?' Where are the curious, creative communicators? Where are the people of character, courage, conviction, charisma, competence, and common sense?...

"Hey, I'm not trying to be the voice of gloom and doom here. I'm trying to light a fire. I'm speaking out because I have hope. I believe in America. In my lifetime I've had the privilege of living through some of America's greatest moments. I've also experienced some of our worst crises, the Great Depression, World War II, the Korean War, the Kennedy assassination, the Vietnam War, the 1970's oil crisis, and the struggles of recent years culminating with 9/11. If I've learned one thing, it's this: You don't get anywhere by standing on the sidelines waiting for somebody else to take action. Whether it's building a better car or building a better future for our children, we all have a role to play. That's the challenge I'm raising in this book. It's a call to action for people who, like he, believe in America."

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

Senator ORIE. Madam President, before I move to recess, I would like to follow up with Senator Rafferty and Senator Logan in regard to the Memorial Day tribute to our fallen heroes.

Today, they have released the late President Ronald Reagan's diaries, and I think the words of President Reagan back on May 28, 1984, resound in Pennsylvania on this occasion of Memorial Day when he spoke about the unknown soldier and he stated:

About him, we may well wonder, as others have, as a child did he play on some street in a great American city, or did he work beside his father on a farm out in America's heartland? Did he marry? Did he have children? Did he look expectantly to return to a bride?

We will never know the answers to these questions about his life. We do know though why he died. He saw the horrors of war but bravely faced them, certain his own cause and his country's cause was a noble one, that he was fighting for human dignity for free men everywhere. Today, we pause to embrace him and all who served us so well in the war whose end offered no parades, no flags, and so little thanks.

We can be worthy of the values and the ideals for which our sons sacrificed, worthy of their courage in the face of fear that few of us will ever experience by honoring their commitment and devotion and duty to country.

Madam President, I would like to pay tribute to Pennsylvania's fallen heroes who had been dispatched across the globe. May God bless them and may God keep them.

Thank you, Madam President.

The PRESIDENT. May I ask you all to stand up for a moment because it is true, we have lost a lot. Last Friday, I spent a full day down at Walter Reed Hospital, so let us all stand up for a moment for all of our young men and women at Walter Reed Hospital.

(Whereupon, the Senate en bloc stood in a moment of silence in solemn respect to the young men and women at Walter Reed Hospital.)

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 BOARD OF TRUSTEES OF WARREN STATE HOSPITAL

May 22, 2007

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 D. Mitchell, D. C., 559 E. South Street, Corry 16407, Erie County, Twenty-first Senatorial District, for appointment as a member of the Board of Trustees of Warren State Hospital, to serve until the third Tuesday of January 2013, and until his successor is appointed and qualified, vice Joann Zartman, DuBois, resigned.

EDWARD G. RENDELL
Governor

HOUSE MESSAGE

HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bill for concurrence, which was referred to the committee indicated:

May 22, 2007

HB 33 -- Committee on State Government.

BILLS INTRODUCED AND REFERRED

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

May 22, 2007

Senators GREENLEAF, RAFFERTY, PICCOLA, WASHINGTON, WONDERLING, BOSCOLA and PUNT presented to the Chair **SB 861**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the number of judges in the courts of common pleas.

Which was committed to the Committee on JUDICIARY,
May 22, 2007.

Senators GREENLEAF, ERICKSON, WASHINGTON, WAUGH, TARTAGLIONE and FONTANA presented to the Chair **SB 896**, entitled:

An Act allowing nursing facilities to obtain medical assistance certified beds under limited terms and conditions; and providing for functions of the Department of Public Welfare.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, May 22, 2007.

Senators GREENLEAF, VANCE, WASHINGTON, WONDERLING, FONTANA and WAUGH presented to the Chair **SB 897**, entitled:

An Act amending the act of June 15, 1982 (P.L.502, No.140), known as the Occupational Therapy Practice Act, further providing for creation of the board, for practice and referrals and for renewal of licenses; and providing for impaired professionals program.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, May 22, 2007.

Senators GREENLEAF, CORMAN, BOSCOLA, ORIE, ERICKSON, PICCOLA, LOGAN, RAFFERTY, WASHINGTON, ROBBINS and REGOLA presented to the Chair **SB 898**, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, defining "nonpublic school"; and further providing for creditable nonschool service and for creditable work experience.

Which was committed to the Committee on FINANCE, May 22, 2007.

BILL SIGNED

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

SB 21.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, MAY 23, 2007

9:00 A.M.	URBAN AFFAIRS AND HOUSING (public hearing on the fiscal health of PA's cities and Act 47)	Room 8E-B East Wing
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10:30 A.M.	STATE GOVERNMENT (Public Hearing on Senate Bills No. 137 and 346)	Room 8E-A East Wing
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MONDAY, JUNE 4, 2007

9:30 A.M.	STATE GOVERNMENT (public hearing on Senate Bill No. 1 - open records)	Room 8E-B East Wing
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11:00 A.M.	JUDICIARY (joint public hearing with the House Judiciary Committee to hear a presentation from the Council of State Governments Justice Center on correction issues)	Hrg. Rm. 1 North Off.
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TUESDAY, JUNE 5, 2007

10:00 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY and CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (joint public hearing on Energy Policy for Pennsylvanians)	Senate Maj. Caucus Rm.
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WEDNESDAY, JUNE 6, 2007

9:30 A.M.	PUBLIC HEALTH AND WELFARE (public hearing on hospital acquired infections)	Senate Maj. Caucus Rm.
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TUESDAY, JUNE 12, 2007

10:00 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY and CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (joint public hearing on Energy Policy for Pennsylvanians)	Hrg. Rm. 1 North Off.
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RECESS

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

Senator ORIE. Madam President, I move that the Senate do now recess until Monday, June 4, 2007, at 1 p.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate recessed at 4:32 p.m., Eastern Daylight Saving Time.