

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

TUESDAY, OCTOBER 16, 2007

SESSION OF 2007 191ST OF THE GENERAL ASSEMBLY

No. 77

**SENATE**

TUESDAY, October 16, 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, Reverend CRAIG GILES, of Triumph Baptist Church, Sewickly, offered the following prayer:

May we bow our heads.

Dear God, who was and is to come, today we come to You at this critical juncture of history, at such a unique crossroads in the life of this Commonwealth and our nation, seeking Your guidance and direction. You command and teach us to pray for our leaders and for those who are in authority over us, so today we ask that You would grant the Members of this legislative body wisdom and vision, along with a sense of purpose and manifest destiny in the way that they conduct the duties of their respective offices and in the way that they develop and vote on bills and budgets that affect the lives of the people of this Commonwealth and nation.

Guide them to do this work that You have blessed them with the privilege to perform in a just and upright fashion. Let them serve and legislate for the corporate good of the people, in cooperation and not in competition, in fairness and not with favoritism, with compassion and not with corruption. Let them serve as faithful servants and stewards, and let them represent the entire constituency of this Commonwealth, those native to this State, as well as those who have migrated here, from the lightest of complexion to the darkest, from those who speak the loudest to those who cannot speak for themselves, from the most well to do to those who need the most, and from those already born to those not yet born.

I pray that You will bless and guide and direct these men and women with all the integrity, character, and courage that they need today, and that they will need for the days ahead. Let them legislate with a sense of accountability, knowing that one day You will judge their actions and intentions.

Now, O God, we submit ourselves to You. Help these men and women to lead well with a servant's heart, that this body may so shine as a beacon of light in the way that they serve and lead, that it illuminates the course of this Commonwealth, this nation, and the nations of the world.

Please bless our soldiers, those who sacrifice, that we may enjoy our liberty and freedom, and I ask You to unify us, unify

us as a people, not as conservatives or moderates or liberals, but as one nation under God, indivisible with liberty and justice for all.

We thank you for all that you have done, and we ask this blessing in the name that is above every name. In Your name, O God, we pray, and we all say, Amen.

The PRESIDENT. The Chair thanks Reverend Giles, who is the guest today of Senator Orié.

**PLEDGE OF ALLEGIANCE**

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

**GENERAL COMMUNICATION**

**THE PHILADELPHIA PARKING AUTHORITY  
FISCAL YEAR 2007 AUDIT REPORT**

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

THE PHILADELPHIA PARKING AUTHORITY  
3101 Market Street  
Philadelphia, PA 19104-2895

October 11, 2007

**Certified Mail RRR No. 7099 3220 0002 7736 8007**

Honorable Mark Corrigan  
Secretary of the Senate  
Senate Box 203053  
Harrisburg, PA 17120-2020

**Re: The Philadelphia Parking Authority  
Fiscal Year 2007 Audit Report**

Dear Secretary Corrigan:

As you are aware, Section 6 of Act 2004-94 requires The Philadelphia Parking Authority ("Authority") to submit to a fiscal audit of its books, accounts, and records by a certified public accountant on an annual basis. Enclosed please find the Authority's Fiscal Year 2007 Audit Report, approved at the Authority's Board of Directors meeting on August 23, 2007.

If you have any questions or concerns, please do not hesitate to contact me.

Respectfully yours,  
The Philadelphia Parking Authority

DENNIS G. WELDON, Jr.  
General Counsel

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

### APPOINTMENT BY THE PRESIDENT PRO TEMPORE

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

Ms. Michele Denk as a member of the Tobacco Use Prevention and Cessation Advisory Committee.

### SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Transportation to add Senate Bill No. 1133 to the agenda of its off-the-floor meeting.

### BILLS REPORTED FROM COMMITTEE

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

#### SB 305 (Pr. No. 341)

An Act amending the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act, further providing for permit and license application requirements and for enforcement orders; and providing for repeat violations.

#### SB 1017 (Pr. No. 1269)

An Act amending the act of July 5, 1989 (P.L.166, No.31), known as the Phosphate Detergent Act, further providing for exclusions and exceptions.

#### SB 1068 (Pr. No. 1372)

An Act amending the act of October 18, 1988 (P.L.756, No.108), known as the Hazardous Sites Cleanup Act, further providing for the fund and for civil penalties.

#### SB 1069 (Pr. No. 1373)

An Act amending the act of July 2, 1993 (P.L.359, No.50), known as the Keystone Recreation, Park and Conservation Fund Act, further providing for annual reports; and making editorial changes.

#### SB 1086 (Pr. No. 1378)

An Act amending the act of August 7, 1936 (1st Sp.Sess., P.L.106, No.46), referred to as the Flood Control Law, further providing for contracts and acquisition of property; and providing for annual adjustment and for evasion of advertising requirements.

#### HB 43 (Pr. No. 68)

An Act amending Title 27 (Environmental Resources) of the Pennsylvania Consolidated Statutes, providing for uniform environmental covenants.

### LEGISLATIVE LEAVES

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

Senator PILEGGI. Madam President, I request temporary Capitol leaves for Senator Baker, Senator Robbins, Senator Tomlinson, Senator Waugh, and Senator Piccola.

The PRESIDENT. Senator Pileggi requests temporary Capitol leaves for Senator Baker, Senator Robbins, Senator Tomlinson, Senator Waugh, and Senator Piccola.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Madam President, I request legislative leaves for Senator Fumo and Senator Stout.

The PRESIDENT. Senator Mellow requests legislative leaves for Senator Fumo and Senator Stout.

Without objection, the leaves will be granted.

### LEAVE OF ABSENCE

Senator MELLOW asked and obtained a military leave of absence, pursuant to Senate Rule XXI(3), for Senator STACK.

### CALENDAR

#### SENATE RESOLUTION No. 190 CALLED UP OUT OF ORDER, ADOPTED

Senator PILEGGI, without objection, called up from page 5 of the Calendar, as a Special Order of Business, **Senate Resolution No. 190**, entitled:

A Resolution designating the week of October 21 through 27, 2007, as "Respiratory Care Week" in Pennsylvania and commending respiratory therapists for their outstanding contributions to health care.

On the question,

Will the Senate adopt the resolution?

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

#### YEA-49

Armstrong	Fontana	O'Pake	Tomlinson
Baker	Fumo	Orie	Vance
Boscola	Gordner	Piccola	Washington
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	Stout	
Folmer	Musto	Tartaglione	

#### NAY-0

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

### LEGISLATIVE LEAVE CANCELLED

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

**SPECIAL ORDER OF BUSINESS  
GUESTS OF SENATOR ROBERT T. REGOLA  
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Westmoreland, Senator Regola.

Senator REGOLA. Madam President, it is with great pride that I introduce to the Senate the 2007 Westmoreland Fair Queen, Emily Farah, of Greensburg. She is an honor student at Greater Latrobe Senior High School, where she is active in a number of clubs and student organizations, including the Leaders of Tomorrow, the Key Club, Interact Club, Letterman's Club, and the Pep Club. Emily is vice president of the Latin National Honor Society and is secretary of the Junior Classical League, where she volunteered for winter Special Olympics at the ski resorts in the Laurel Highlands.

In addition to her academic activities, she is extremely active in the 4-H program in Westmoreland County. She is a member of the 4-H Teens Against Tobacco Use, and won a first-place award in August for her speech on youth tobacco issues in our communities. Emily's other 4-H activities include the Trailblazer's Therapeutic Horseback Riding Club, Harrold Alwine Horse and Pony Club, Veterinary Science Club, and she serves on the Westmoreland 4-H Council. She is joined today in the gallery by her mother, Bernadette Farah.

Madam President, I ask the Senate to extend its usual warm welcome and greetings to Emily Farah, the 2007 Westmoreland County Fair Queen, and her mother, Bernadette.

The PRESIDENT. Will Emily and her mother, Bernadette, please rise so we can welcome you.

(Applause.)

**GUESTS OF SENATOR STEWART GREENLEAF  
PRESENTED TO THE SENATE**

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

Senator GREENLEAF. Madam President, I rise to take the opportunity to introduce and acknowledge the Wissahickon High School Robotics Team, which is in the gallery. They had a press conference today about their involvement in this project. They are very successful, and I would like the Senate to acknowledge them.

The PRESIDENT. Would the Wissahickon High School Robotics Team please rise so we can welcome you.

(Applause.)

**GUESTS OF SENATOR JOHN C. RAFFERTY  
PRESENTED TO THE SENATE**

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

Senator RAFFERTY. Madam President, it is my distinct pleasure today to introduce to the Senate Meredith Buettner, a young lady attending Villanova University and interning in two of the district offices for the 44th District, my Chester County office and also my Collegeville office. She is a senior at Villanova, and in May will graduate with a political science degree. She is from Chester County, where she lives with her parents, Vincent and

Carol. Besides being interested in politics and government, she is a cheerleader for Villanova University football and basketball teams.

Madam President, I ask the Senate of Pennsylvania to join with me in a traditional warm welcome to the halls of the Senate of Pennsylvania to Meredith.

The PRESIDENT. Would Meredith Buettner please rise.

(Applause.)

**GUESTS OF SENATOR ROBERT D. ROBBINS  
PRESENTED TO THE SENATE**

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

Senator ROBBINS. Madam President, today I have the pleasure of introducing Ian Anthony and Nathan Demarest, who are serving as guest Pages in the Senate. Ian and Nathan, both eighth grade students, attend St. Michael School in Greenville.

Ian is the son of my Greenville district office manager, Denise Anthony, and her husband, Frank. He serves as class treasurer and is a member of the school's soccer team. He also competes in the "Equations" and "Mr. President" competition at the academic games. Additionally, he is a member of the Commodore Perry High School Wrestling Team, Greenville major league baseball, and the BUCS traveling baseball team. His hobbies include golf and hunting.

Nathan is the son of Charles and Lisa Demarest. He is the eighth grade class president, is a member of the school choir, plays the trumpet and piano in the school band, and is also a member of the school soccer team. Additionally, Nathan participates in the MATHCOUNTS! competition, and is an altar server at Saint Michael's Church.

Ian and Nathan are accompanied here today by their school-teacher, Nancy Kremm, and Ian's mother, Denise Anthony, who are seated in the gallery.

Madam President and fellow Members, please join me in welcoming my special guests to the Senate of Pennsylvania.

The PRESIDENT. Will Ian Anthony, Nathan Demarest, Nancy Kremm, and Denise Anthony all please rise so we can welcome you to the Senate.

(Applause.)

**GUESTS OF SENATOR JOHN R. GORDNER  
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Columbia, Senator Gordner.

Senator GORDNER. Madam President, each year I have the opportunity to host students from Bloomsburg University who spend the day studying House and Senate actions. They are members of a State government class and are joined by their professor, Dr. Gloria Cohen-Dion. This year, again, the Chair was very gracious to take the folks into her office and talk to them about some of the history of the office of Lieutenant Governor, and they also certainly appreciated seeing the House and Senate close up and learning about the legislative process. This afternoon, they met with folks from DEP to learn about water resources.

So, at this time, it is my privilege and honor to introduce students from the State government class at Bloomsburg University.

The PRESIDENT. Will the students from Bloomsburg University and Dr. Gloria Cohen-Dion please rise so we can welcome you.

(Applause.)

### LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator Baker, Senator Tomlinson, and Senator Waugh have all returned, and their temporary Capitol leaves are cancelled.

### SPECIAL ORDER OF BUSINESS PORTRAIT OF THE HONORABLE ROBERT C. JUBELIRER UNVEILED

The PRESIDENT. As a special order of business, the Senate will now proceed to unveil the official portrait of the former President pro tempore of the Pennsylvania Senate, Senator Robert C. Jubelirer of Blair County.

The Chair now recognizes the current President pro tempore, the gentleman from Jefferson, Senator Joe Scarnati.

The PRESIDENT pro tempore. Madam President, Senator Jubelirer, Renee, Jeff, Laurie, family, friends, thank you for including us and being here for this special occasion of the unveiling of your portrait to hang in the halls of the Senate and to be part of the history of the Capitol. There are a lot of facts, tabulations, and statistics that I am sure we could quote and talk about Senator Jubelirer and his tenure as President pro tempore of the Senate. I think, without a doubt, the fact that speaks loudest about the man is that he was the longest-serving President pro tempore in the history of the Senate. That speaks volumes about the individual, and as I was reflecting a bit today about what my remarks might be, I had to reflect back on my first meeting with Senator Jubelirer in his office.

It was back in 1996, when I was running for an open seat of the Senate, and I was in Harrisburg and wanted to introduce myself to Senator Jubelirer. As I walked into that ornate office, Senator Jubelirer was sitting in one of his two wingback chairs, next to the leather sofa, in front of the fireplace, and he did not know who I was. I am sure he had a lot more important things to do that day, but he took the time to meet with me. He was gracious, he listened, and he made me feel like I was the top priority of his day. When you left that office, you felt good. Bob made you feel good about who you were and what you did, because he really cared about the Members of this body, and he really cared about the institution.

I think each of us can recount memories of Bob, and being with Bob, and those personal touches that he always had. He never failed, when you had a family member who was ill, to ask about that family member. He never failed to ask about how you were doing personally, he never failed to touch you in some way to make you feel it was personal, because it was personal. It was, because he cared about each Member in this Chamber. He cares about this institution. Without a doubt, he loves this institution.

One of my colleagues, with whom I have had the pleasure to serve for a number of years, Senator Jake Corman, coined the phrase, "well, you got called up to the woodshed." That was a nice way to say, well, maybe I said something I should not have said and Bob wants to talk to me about it. We would go up to the

woodshed, and, of course, he could talk to us in a very stern, fatherly way, but he was always understanding and he was always caring. He always, once again, listened and made you feel that you were the most important part of his day, and that speaks volumes. It speaks volumes about the institution that he loved so much. I think that there is not one part of this Senate, one part of this Chamber, or one Member here that he has not taken a sincere interest in, and I know that has carried through not only in his tenure as President pro tempore, but also in his retirement from the Senate.

Bob, although the two wingback chairs and the leather sofa have since been moved out of the office, your heart will always remain here in this building, and your compassion and caring will always stay here. We want to thank you for your service, thank you for this time, and thank you for allowing us to share this unveiling of your portrait that will adorn the halls of the State Capitol.

Thank you, Bob, and God bless.

(Applause.)

The PRESIDENT. The Chair recognizes another former President pro tempore of the Senate, the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Madam President, thank you very much for giving me the opportunity to be able to say a few words on behalf of my good friend and my always-to-be colleague, Senator Bob Jubelirer. I would also like to congratulate his lovely wife, Judge Renee Cohn, who is here with him, and his wonderful family, who shared a lot of his thoughts, his memories, and his dreams of what has taken place in this very august body for so many years.

Senator Scarnati was absolutely correct about taking someone out behind the woodshed, because on more than one occasion, Bob Jubelirer took me out behind the woodshed, and I only beat him a couple of times. Ninety-nine percent of the time, he whipped my butt, but I think on one or two occasions we might have been a little bit successful, but I know exactly what you are talking about as far as being taken out behind the woodshed as a person on the other side of the aisle, but as his friend, I experienced that on more than one occasion.

Bob and I both came in here around the same period of time. I was just elected a few years before him, and had the opportunity of serving with him until November of 2006. I must tell you that my relationship with Bob Jubelirer grew dramatically, especially over the last half dozen years that we had the opportunity of serving together. We shared many of our own personal thoughts and what had taken place with our families, and also some suggestions about what may be happening here in State government in dealing with the proper type of legislation. I always very strongly admired him in the way that he handled himself. I can remember Bob when he served as the Majority Leader of the Pennsylvania Senate and then serving as the President pro tempore of the Pennsylvania Senate.

He and I can share a story with you on what took place in November of 1992, when we had a little bit of an uprising here in the Senate, and I was elected President pro tempore of the Senate. He will joke about it and we can laugh about it now, but we could not do it some 15 years ago. We had a judge sequestered in the caucus room, and at midnight, a gentleman walked

across the back of the Senate and said to me, you are going to have one opportunity to reorganize the Senate. I was standing at the podium right here and Senator Lincoln was sitting at the desk, and as he started to walk by, I said to Bill Lincoln, I am getting away from the podium, you come up to the podium and you immediately move to reorganize the Senate. This was, I believe, November 21 or 22 of 1992, and it was pushing midnight, and as the gentleman started walking down here, Bill Lincoln gave me that look like I was nuts. In any event, he got Senator Jubelirer's attention, who then was presiding officer of the Senate, and he moved to reorganize the Senate. I think that at that point, Bob Jubelirer was ready to fall down. God bless him, he turned white, and over the next 20 minutes or so, or maybe even a little longer than that, we had a little bit of a discussion and took a roll call. Then the question was, there was not going to be any judge around to swear Senator Mellow in as President pro tempore of the Senate. As he said that to me, like the episode in "The Phantom of the Opera," all of a sudden, the doors opened up and the guy in the black dress walked out. That was history for the next year and a half, but it was something that we can look back on today and joke about and share what had taken place, but it was something that, at that point in time, will probably go down in the history of this august body forever.

There are many things that really have literally excited me about the accomplishments of Bob Jubelirer, and I am going to mention a few of them today. I had the opportunity, and I mean this sincerely when I tell you it was one of the highlights of my career, when the Blair County tourist people had a dinner for Bob back in February of this past year, and they asked me if I would come and be one of those individuals who would offer a few remarks. I did, and I took Senator Musto with me, and we flew from the Scranton-Wilkes-Barre airport on a day that was a little overcast and landed on a day that was horrific with the wind and snow blowing. It was an incredible night, we attended the dinner at the Blair County Convention Center, which is an absolutely beautiful place, and I had the opportunity that night of saying from my heart exactly what I feel and what Bob Jubelirer means to me. I am going to say some of those things here today, because I sincerely mean this, that one of the finest friends I have today is my good friend, Bob, who will always be my colleague, and will probably, in all due respect to you, Senator Scarnati, always be my President pro tempore of the Pennsylvania Senate.

When I look at his history and the things that he accomplished, I wonder how one person can, in a period of 30-plus years, accomplish all that he has accomplished legislatively, and how would I like to be able to be in a position where I could say that I have accomplished a lot of the same things. So, I have listed just a few of them, because I think they bear being repeated.

I talked about the fact that I was able to speak at the Blair County Convention Center. Well, I knew about it because he had talked to me about it when it was done legislatively through a capital budget, but never did I realize how beautiful it was until that day when I was able to attend the dinner on his behalf, which was attended by hundreds and hundreds and hundreds of people on a very snowy, windy evening, and it showed their love and affection for Senator Jubelirer. Then I saw firsthand what he said to me in word, and I now was able to see it in vision.

I had the opportunity a few years ago of attending a baseball game for the Altoona Curve, and I could not believe that all of a sudden, I am driving into Altoona and there was this magnificent baseball stadium, and it was built because of the ingenuity and interest of one particular individual, and that was Senator Bob Jubelirer.

Then, every year since I have had the very fortune of being elected as the Democratic Leader as the Senate, and for a brief period of time as the President pro tempore of the Senate, we would go ahead and negotiate the budget. Prior to the negotiation of the budget, I could never realize why the school districts in Bob Jubelirer's district did not have to increase millage. Altoona School District has not increased millage since Hitler was a lance corporal. I could not understand how this was happening. The cost of education has increased dramatically, the cost of salaries for those people who work in school districts are increasing dramatically, people's costs were increasing, yet Altoona School District, which obviously does have a pretty decent tax base, was not going up. Until I had the opportunity of participating in my first budget negotiation with regard to public education, I then knew full well, and that was back in the mid-1980s, that as long as Bob Jubelirer was President pro tempore of the Senate, that the cost of running the Altoona School District through millage would never increase to the people of the great school district of Altoona.

Then, we got into things like judicial reform, and what a champion he was on judicial reform. I am sure that stems from the fact that he is a practicing lawyer, or at least he is a lawyer, and I am sure he is now practicing his profession, which I believe he did then, but he had total commitment to judicial reform and total commitment to trying to adopt something that would permanently reduce property taxes for the people of Pennsylvania. Now, that is a very, very difficult topic, because reduction to some is increase to others, and people want to take reform, which we have talked about, we are going to have property tax reform, and they want to take property tax reform as saying reform means reduction. Reform does not necessarily mean reduction, it means that it is going to assess your ability to pay your taxes in a more equitable manner. Some will pay more and some will pay less, but Bob Jubelirer was a champion when it came to establishing rules, regulations, and the laws dealing with property tax reform, and it took a long time to go ahead and put those things in place.

Then, I recall very vividly when he was sworn in as the Lieutenant Governor, and I think he was the only one, I am positive of this, he was the only one in the history of the Commonwealth who served both as the Lieutenant Governor with awesome responsibilities, being the next in line if something would have unfortunately happened to Governor Schweiker at the time, he would have been the Governor of the Commonwealth of Pennsylvania, but also to maintain his responsibilities to the Senate of Pennsylvania as the President pro tempore of this particular body. He did a great job in trying to blend everything together, realizing full well that he was a constitutional officer of Pennsylvania and, therefore, had to understand the issues that every Member of this body had as President pro tempore, and in the same token, he had to be very supportive of Governor Schweiker at that particular point in time because he was also serving as his Lieutenant Governor.

We talked a lot today about openness in government and open records, but the guy who championed the cause initially on open records in State government was Bob Jubelirer. We had the discussion before the Pennsylvania newspaper publishers on more than one occasion, and we always talked over and over about what Bob was interested in, and how we could open government by making it more available to people and allowing people to be able to participate in an open form of government.

I think, as fate would have it, that when I was sworn in as President pro tempore of the Senate, one of the things suggested to me, because we had talked about it and worked on it for quite a period of time, is why we passed a resolution that would allow our Sessions to be televised live, and those of you who may be here for the first time, if you look around the Chamber you will see there are a number of TV cameras located in various parts of the Chamber, all of our Sessions can be televised live on PCN, and I hope today, for the student of history in Pennsylvania and for the students of Pennsylvania, that they are broadcasting this particular Session so they can hear the words of Senator Jubelirer and the unveiling of his portrait, because it will be very important for the history of the Commonwealth. I was fortunate enough as President pro tempore to have the resolution passed where we would have the cameras installed; the day Bob Jubelirer came back as President pro tempore of the Senate was the day the cameras were turned on, so both of us played a major part in making sure that we would have openness in this particular facility, to open it up to live television coverage, and on the first day that Bob served as President pro tempore on his second go-around as President pro tempore, these particular cameras were turned on.

I could go on and on and talk about lobbyist registration and a number of other things, but I am going to conclude with just a couple additional remarks. I had the opportunity of basically sparring with Bob Jubelirer, with debating with Bob Jubelirer, with battling with Bob Jubelirer for many, many years, and I read a quote from a fellow who I believe was one of the greatest athletes possibly ever in the history of not only this country, but also probably boxing in the world, and that was a quote of Muhammad Ali, when he was asked why he was finally retiring from boxing, and he simply said, quote, "There are more pleasant things to do than beat up people," end of quote. Well, I found out that there were more pleasant things to do with Bob Jubelirer than be involved in political differences which, unfortunately, in many cases had no validity, because the things that we were interested in were the common interests of the people whom we represent.

So, after all those years of being both a political opponent and his friend, I am very honored now to say that I am just Bob Jubelirer's friend. Bob is a political giant who leaves a legacy of strong government and strong leadership. His outstanding public service and his long legislative record of success will leave a lasting mark for generations to follow. He will also leave many other things to people. If you can take his example of what it is to be an elected official, how to handle yourself appropriately as an elected official, to never, ever compromise for things that are not of the good of the people and to never compromise your integrity, and if you just take that one little thing from Bob Jubelirer, today will be a great day. We are paying tribute to a great man who gave up over 30-plus years of his life and has

taken time away from his family to serve the people of his constituency, and I am very proud to be able to say that Bob Jubelirer and I are friends who will maintain being great friends, long after the history books are written, and long after each and every one of us will be out of this Senate, and those individuals who are here just to witness the ceremony today, Bob and I will have had the unique privilege of hanging each other in the corridors. I will be on one side and he will be on the other, so, forever in the history of the Commonwealth in the Senate corridor, Bob Jubelirer and Bob Mellow will be hanging side by side, exactly where we belong, and I want to thank Bob and his family, and especially Bob for his years of tremendous service as an outstanding elected official and an outstanding Member of this body.

Thank you very much.

(Applause.)

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

Senator PILEGGI. Madam President, it is truly a privilege for me to be able to participate in this happy and historic occasion honoring the career of Senator Bob Jubelirer. Listening to Senator Mellow's outline of decades of service, and it is just an outline, it is an impressive career, and looking at the history of Pennsylvania, obviously it is a career that will be in the history books for generations to come. As we unveil this portrait today, I was thinking about that corridor with the portraits that we have, and you can walk by there and I would bet even Members of this Chamber can maybe name two or three, and some of the newer Members like myself might not even get past two or three, and how do you personalize those people who gave so many years of service to this Commonwealth? How do you get beyond the facts and figures of bills passed and projects that have been funded, friendships made and issues advanced, and to get into what that person has meant to the institution?

We have so many people here who have come back for this celebration - family, friends, co-workers - and that is a tribute in itself, but what strikes me about the personal characteristics of Bob Jubelirer, and it will be interesting to see whether the artist has been able to capture any of these in the picture, is the kind of passion that he brought to his position as Senator and as the representative of this institution in the Commonwealth as the President pro tempore, and one little aspect of that was how quick Senator Jubelirer was to come to tears. When I first saw that, I was a little taken aback and thought, well, maybe it was just that issue, but I have seen that over and over again, and I have not seen too many folks who have been able to get so emotional, so passionate about so many issues, and it was sincere. It was not a Hollywood type of tear, it was a reflection of how deeply he felt about the issues that he was advocating, and I have always admired that, that he brought that dedication and passion every day to the job of representing his constituents, representing the Members of this Chamber, representing, most importantly, this institution in Pennsylvania, and representing it proudly. Where some people might take the easier road of being a little bit cynical or a little bit joking, Bob always took the responsibility of representing this institution within the branches of government and outside these walls among the citizens of the Commonwealth, representing it well, and he did that not only well, but also doing

it for so long. That is just a remarkable career, and I want to add my personal thanks to you, Bob, for your service not only to this Chamber, but also to the citizens of this Commonwealth.

Thank you.

(Applause.)

The PRESIDENT. To Senator Jubelirer, to the Honorable Judge Renee Cohn, and family and friends, I also would like to offer my personal congratulations on such a distinguished career and so many years in the Senate. As many of you know me from my years as Treasurer, and I guess you all know that I worked for 8 years with Senator Jubelirer, we started many of the new programs, including the Tuition Account Program, which I guess we have become the most famous for, because now all our children and grandchildren have had the Tuition Account Program, but we actually started here after so many meetings. It was good, and just think, across the country we were the first State to do so. It was a real, real change that we put through. It is all called building history.

I have to apologize, because former Governor and Lieutenant Governor Mark Schweiker could not be here, but he did send a letter. He apologizes, he is very upset, you know things happen, and he says, (*Reading:*)

Dear Bob:

While a long-standing conflict prevents my attendance today, it still delights me to write and offer heartfelt congratulations to my colleague and friend on this auspicious occasion.

As an accomplished executive and visionary, you have served the Commonwealth of Pennsylvania with distinction for more than 30 years. Whether serving your district residents or speaking to the broader needs of the Commonwealth, your political success and statesmanship will not be forgotten. Certainly, the presence of your portrait in the Pennsylvania State Chamber guarantees this.

Along with your guests and friends, Kathy and I and the Schweiker children are pleased to provide our warmest wishes as your portrait is unveiled. Again, congratulations!

Sincerely,

Mark Schweiker

The Chair would now like to invite former Senator and President pro tempore of this body, the Honorable Robert C. Jubelirer of Blair County, to come to the rostrum to offer any remarks he may care to make.

The Chair now recognizes Senator Jubelirer.

(Applause.)

Senator JUBELIRER. Thank you so much, Senator Scarnati, Senator Mellow, Senator Pileggi--Joe, Bob, Dominic--for your very kind remarks. As many of you asked, Bob, are you going to cry again today? I said, no promises. This is quite an emotional day for me, as you can imagine, coming back to a body that I love so deeply and people whose friendship I cherished over so many years. Before I make remarks, I would like to introduce my family, if I could, who are very special to me. First of all, someone who came into my life nearly 6 1/2 years ago and has been the love of my life, the brilliant Commonwealth Court judge, but without a doubt someone whose love, whose friendship, whose support has meant everything to me, my wife, Judge Renee Cohn Jubelirer.

(Applause.)

My children, who are here today, my daughter, Laurie, and my son-in-law, Chuck, whose youngest son Andy, named after my

late son Andy, was sick last night, and they did not know if they were going to be able to come, but Andy being the resilient guy he is, was great this morning and they are able to be here. So, Laurie and Chuck are here, and we are all thinking of Sam, Becca, and Andy as well.

Also, here is my son Jeff. Jeff's wife, Tracey, is a pediatric oncologist on call today at Children's Hospital in Philadelphia and is not able to be here, but I certainly want to recognize Tracey and my newest grandchild, my granddaughter Sofie. By the way, Sofie will be an older sister in March, so there is another one on the way. I am so glad that my wonderful children could be here somehow.

(Applause.)

I have never been nervous in this body before, but I am now. My wonderful mother-in-law and father-in-law, Renee's parents, Dr. Samuel and Trudy Levine, my newest son Jonathan, Renee's son Jonathan Cohn, who is here not only on his own behalf, but also representing his brothers Gideon and Michael. Jonathan, who, I might tell you, Senator White, will handle you on the golf course.

(Applause.)

I would like to ask, if I could, sitting in the audience are some remarkable people without whose support, whose help, whose friendship, whose advice, whose willingness to tell me when I was wrong, which was many times, my former Senate staff, who are almost all here today and deserve a great round of applause for putting up with me for all those years, I wish they would stand.

I love you all.

(Applause.)

In my new life--and there is life afterwards--I have been very fortunate to work with a wonderful group of people at Obermayer, Rebmann, Maxwell, and Hippel, and I ask Bob Whitelaw, Jeff Rotwitt, Jeff Batoff, Walter Cohen, and Kevin Kehner to please stand and let me acknowledge them and thank them for their support since I have left.

(Applause.)

And the last introduction, because it is my last opportunity to speak, I would like Sally Ullman to stand. Sally is the artist/photographer who did this portrait, and I have to tell you, I think she did a remarkable job. It was an intense time, but we got through it, Sally, and I want to thank you and Stuart for putting up with me as well.

(Applause.)

Well, for those who truly enjoyed nearly a year without listening to a Bob Jubelirer speech, I promise to be considerate and merciful today. I am extremely grateful for the generous words, fond recollections, and the many courtesies you have extended. I think I said to Joe Scarnati, I almost feel like a father who turned the business over to his son and is so proud to watch all of you, as his children, run this body. I think you have done a remarkable job under the most difficult circumstances, and I am extremely proud as I look at the work you have done. My family is quite grateful that this event is not being held posthumously, I might tell you, frankly, as these things often are, as we look at the portraits down there. Well, at least that is what they told me this morning. I am not so sure.

As some of our former colleagues have demonstrated, there is indeed life after the Senate. Though time passes, you never forget how wonderful it was to serve in the Senate. Even after walking through the doorway thousands of times--and fortunately, I did not have to duck, Stewart--it is still a goosebumps moment coming into this beautiful, magnificent Chamber. You see the murals that depict crucial moments in our history, you read inspiring words that are part of our intellectual inheritance, you see people young and old up in the gallery, and you freshly understand the impact of our work and the virtue of the continuity in our system of government. Legislative leadership is not something that many aspire to when young. Appearing on a Topps baseball card or being a firefighter seems much more appealing. In fact, tell your friends that you want to be President pro tempore when you grow up and they will suspect you took a nasty header off the jungle gym.

The position is a special honor to have, with the trust, support, and responsibility it entails. It is an awesome responsibility to serve those who elected you from the district and those who elected you from this body. When we are writing legislation, debating policies, and solving problems, we are not thinking about ending up with a head-and-shoulders portrait, we are thinking of the footprint we leave of good laws passed, of sensible policies put in place, of opportunities encouraged, of lives enhanced, and of the public interest served.

When we held these ceremonies in the past, we were reminded that the Senate is not a forum for individual achievement. Our work, you see, and our actions are collective in nature. Politics is a team sport, and in the Senate, two teams put up a common score. In this vein, the portrait that truly matters is the panorama shot of the Senate Members taken every 2 years, for the record built by all 50 Members is where the Senate gets its reputation and its respect. Each individual who serves here leaves a mark in a very, very substantial way. Some people walk away from their professional passion and never look back. Not for me. I will always care about the district, where my home still is, and I will always care about what happens here, where my heart still is.

There is abundant good work being done in this Senate, so there is no temptation to deliver any back-in-my-day parables. As you debate and deliberate and decide, I will always, always be cheering your successes. My sole bit of advice is that let us always endeavor to convince good people to seek office, people who stand for something, people who have demonstrated an ability to move the favorable forward. The ease of saying "no" was illustrated by Clarence Darrow, who, when asked which side he preferred in a debate, said he will always take the negative because he can argue against anything. The naysayers, unfortunately, are too prevalent these days. I see some group is now objecting to the prayers at the opening of Senate Sessions. Good heavens. So, we will always need people who are able and articulate advocates for the right things, who have the skill and temperament to work together to deliver worthy results.

I am so proud, so very proud, to have encouraged a lot of people to seek a Senate seat. Not all won, but those who did by and large proved talented, motivated, and contributed heavily. I look out and see many of you who are doing just that, both sides

of the aisle. Experience, respect for the institution, and recognition of the many fine moments this body has witnessed are indispensable assets. It is easy to not miss the days when we had what were called the raucous caucuses, but I miss very much the everyday teamwork. I miss the exchange of perspectives, and I miss the collaborative search for the new ways to attack old problems.

Thankfully, thankfully, thankfully, the friendships are forever and I will forever cherish them. Just to think, that a kid from Altoona who grew up in a pretty small area was asked to be the commencement speaker at his alma mater just a little over a year ago, had the opportunity to serve the district and an opportunity to come here, and his colleagues actually elected him to be their highest leader, the constitutional office of President pro tempore. I had the opportunity to be Lieutenant Governor under the most trying of circumstances after September 11, 2001. Just think, when you dream, you allow a dream to come true. When you want something to happen and you dream about it and you want it, it can actually happen and it becomes very special.

Bob Hope's signature song was about a different subject, but the words kind of seem right today: Thanks for the memory. Thank you all for the memory. How lovely it was. Thanks for so many memories, and from the bottom of my heart, I thank you all so very much for the opportunity to serve, to make a difference, and to cherish the friendships that I will always have. God bless you all and thank you for the opportunity to make these remarks.

(Applause.)

The PRESIDENT. Before Senator Jubelirer unveils this, I am just going to ask the former Senators who are here, after he unveils the painting, will you all please stand up front because we would love to have a photo with all of you.

Now the Chair will invite Senator Jubelirer and his lovely wife, Commonwealth Court Judge Renee Cohn Jubelirer, and his family to unveil the portrait, which will then be hung in the first floor gallery of the Presidents pro tempore.

(Whereupon, the portrait was unveiled.)

(Applause.)

## 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 Committee on Transportation to be held in the Rules room, to be followed by a Republican caucus in the Majority Caucus Room.

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 after the meeting of the Committee on Transportation.

The PRESIDENT. For purposes of a meeting of the Committee on Transportation, to be followed by 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****BILLS OVER IN ORDER**

**HB 17** and **HB 33** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

**BILL AMENDED**

**SB 117 (Pr. No. 1457)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the establishment and operation of the Juvenile Court Judges' Commission in the Department of Justice; prescribing its powers and duties; and repealing provisions relating to Juvenile Court Judges' Commission.

On the question,

Will the Senate agree to the bill on third consideration?

Senator COSTA offered the following amendment No. A3593:

Amend Title, page 1, line 4, by striking out "in the Department of Justice"

Amend Sec. 1 (Sec. 6375), page 4, line 6, by striking out "may" and inserting: it deems to

Amend Sec. 3, page 5, line 6, by removing the comma after "Contracts" and inserting: and

Amend Sec. 3, page 5, lines 6 and 7, by striking out "and collective bargaining agreements"

Amend Sec. 4, page 5, line 30, by removing the comma after "Contracts" and inserting: and

Amend Sec. 4, page 5, line 30; page 6, line 1, by striking out "and" in line 30, page 5 and "collective bargaining agreements" in line 1, page 6

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

**BILLS OVER IN ORDER**

**SB 806**, **SB 807**, **SB 808** and **SB 813** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

**BILL OVER IN ORDER TEMPORARILY**

**SB 986** -- Without objection, the bill was passed over in its order temporarily at the request of Senator PILEGGI.

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**HB 1166 (Pr. No. 1640)** -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a portion of State Route 2024, known as Dreshertown Road, in Montgomery County, as the Sergeant James R. Miller 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	Tomlinson
Baker	Fumo	Orie	Vance
Boscola	Gordner	Piccola	Washington
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	Stout	
Folmer	Musto	Tartaglione	

**NAY-0**

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**SECOND CONSIDERATION CALENDAR****BILL REREPORTED FROM COMMITTEE AS  
AMENDED OVER IN ORDER**

**SB 777** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

**BILLS OVER IN ORDER**

**SB 65**, **HB 169**, **SB 351**, **SB 366**, **HB 606** and **HB 642** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

**BILL ON SECOND CONSIDERATION**

**SB 751 (Pr. No. 822)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, prohibiting the imposition of the death Sentence in cases of mental retardation.

Considered the second time and agreed to,

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

