

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

TUESDAY, APRIL 8, 2008

SESSION OF 2008 192ND OF THE GENERAL ASSEMBLY

No. 22

SENATE

TUESDAY, April 8, 2008

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

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

PRAYER

The Chaplain, Sensei ANTHONY STULTZ, of the Blue Mountain Lotus Society, Harrisburg, offered the following prayer:

We call it for the Pennsylvania State Senate, the readings from the book of The Way and Its Power. For governing a country well, there is nothing better than moderation. The mark of a moderate leader is freedom from the absoluteness of personal ideas. Tolerant like the spacious sky, all-pervading like sunlight, firm like a mountain, and supple like a tree in the wind, he has no predetermined end in view and makes use of anything life happens to bring his way. Nothing is impossible for him, because he is free and has let go of predetermined perceptions. He can care for the people's welfare as a mother cares for her child.

Let us pray. May those who are called to practice the art of politics be filled with compassion. May they be strengthened with wisdom, that, by their ministries, the health of the community may be promoted and the country glorified. And may it be so.

The PRESIDENT. The Chair thanks Sensei Anthony Stultz, who is the guest today of Senator Piccola.

PLEDGE OF ALLEGIANCE

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

HOUSE MESSAGE

HOUSE BILLS FOR CONCURRENCE

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

April 8, 2008

HB 4, HB 5, HB 6, HB 7 and HB 1845 -- Committee on Judiciary.

BILLS INTRODUCED AND REFERRED

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

April 8, 2008

Senators PILEGGI, WONDERLING, CORMAN, WASHINGTON, MADIGAN, PIPPY, M. WHITE, WAUGH, KASUNIC, COSTA, TARTAGLIONE, TOMLINSON, WOZNAK, GORDNER, BAKER, C. WILLIAMS, PUNT, PICCOLA, O'PAKE, ROBBINS, ORIE, ERICKSON, LAVALLE, FOLMER, RAFFERTY, KITCHEN, BRUBAKER, BROWNE, BOSCOLA, RHOADES, VANCE, D. WHITE, ARMSTRONG and FERLO presented to the Chair **SB 1266**, entitled:

An Act amending the act of December 22, 2005 (P.L.474, No.94), known as the Breach of Personal Information Notification Act, further providing for notification of breach.

Which was committed to the Committee on COMMUNICATIONS AND TECHNOLOGY, April 8, 2008.

Senator ORIE presented to the Chair **SB 1329**, entitled:

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

Which was committed to the Committee on JUDICIARY, April 8, 2008.

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

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

Senator Mary Jo White as a Commonwealth Trustee of the University of Pittsburgh.

Mr. Rocco S. Ali as a member of the Conservation and Natural Resources Advisory Council.

BILL REPORTED FROM COMMITTEE

Senator GORDNER, from the Committee on Labor and Industry, reported the following bill:

HB 1096 (Pr. No. 3586) (Amended)

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, defining "council";

establishing the Uniform Construction Code Review and Advisory Council; and further providing for revised or successor codes and for training of inspectors.

RESOLUTION REPORTED FROM COMMITTEE

Senator GORDNER, from the Committee on Labor and Industry, reported the following resolution:

SR 263 (Pr. No. 1922) (Amended)

A Resolution directing the Legislative Budget and Finance Committee to conduct a study relating to the funds collected from the fee from construction or building permits and to report its findings to the General Assembly by June 30, 2008.

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

LEGISLATIVE LEAVES

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

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

The PRESIDENT. Senator Pileggi requests a legislative leave for Senator Tomlinson.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Madam President, I request a legislative leave for Senator Washington.

The PRESIDENT. Senator Mellow requests a legislative leave for Senator Washington.

Without objection, the leaves will be granted.

CALENDAR

SENATE RESOLUTION No. 253 CALLED UP OUT OF ORDER, ADOPTED

Senator PILEGGI, without objection, called up from page 6 of the Calendar, as a Special Order of Business, **Senate Resolution No. 253**, entitled:

A Resolution designating the week of April 14 through 18, 2008, as "Local Government Week" and April 15, 2008, as "Local Government Day" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator REGOLA. Madam President, I rise today to ask my colleagues to support this resolution recognizing and honoring the thousands of Pennsylvanians who selflessly work to improve their communities. This resolution designates the week of April 14 through April 18 as "Local Government Week" and April 15 as "Local Government Day" in Pennsylvania.

We as State legislators tend to look at the big picture when it comes to enacting laws in the Commonwealth. We look at Pennsylvania as one big government entity, but we must never forget

that our Commonwealth is made up of 2,565 separate municipalities, each with their own specific strengths, issues, and concerns. The truth is government begins at the local level. Municipalities are there to address neighborhood concerns and provide for the well-being of the people of their community. With that in mind, the Governor's Center for Local Government Services hosts "Local Government Week" each year as a way to recognize the accomplishments of local officials. I am pleased to support this effort. As part of the week's activities, the Governor's Award for Local Government Excellence is presented to local officials for taking action to improve their communities.

As a former local official, I was pleased to play a role in Hempfield Township, the city of Greensburg, South Greensburg Borough, and Southwest Greensburg Borough, working together to develop a multi-municipal plan to guide growth with coordinated land use and transportation planning. The plan addressed key regional issues, including core community redevelopment, enhancing transportation corridors, preserving open space, and economic development. In 2006, these four Westmoreland County communities were recognized for their efforts in winning the Award for Local Government Excellence for Innovative Planning and Sound Land Use Practices. I learned a lot through that experience, and I believe it provided me with a unique perspective on intergovernmental affairs, and it continues to guide me in my current role as the chairman of the Senate Committee on Local Government.

Madam President, our local government officials provide a valuable service to their communities, and I ask my colleagues to honor those men and women with an affirmative vote on this resolution. Thank you.

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

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

YEA-50

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

NAY-0

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

SENATE RESOLUTION ADOPTED

Senator D. WHITE, by unanimous consent, offered **Senate Resolution No. 288**, entitled:

A Resolution recognizing Indiana County on being named as one of the 2008 100 Best Communities for Young People by America's Promise Alliance.

On the question,
Will the Senate adopt the resolution?

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

Senator D. WHITE. Madam President, it is with great pleasure that I rise today and ask my colleagues to support a resolution recognizing a recent honor bestowed upon Indiana County. As you know, Indiana County is most noted as the birthplace and hometown of the great Jimmy Stewart, as well as being the Christmas tree capital of the world. It is also a wonderful place to live, work, and raise a family. Because Indiana County residents enjoy such a high quality of life, we recently earned national recognition. It is with great pride that I introduce this resolution honoring Indiana County for being selected as one of the 100 Best Communities for Young People for 2008 as determined by America's Promise Alliance, the nation's largest alliance dedicated to children and youth.

There were many reasons why Indiana County was selected from hundreds of communities across all 50 States that were up for consideration for this honor. All of the competing communities were required to submit detailed information on existing community programs and initiatives that helped deliver five promises, specifically: caring adults, safe places, healthy starts, effective education, and opportunities for young people to help others. The Children's Advisory Commission of Indiana County had ample material to show that the community meets all five of the promises, with efforts such as the Family Fun Fest to provide new parents with early childhood information so their children can have a healthy start in life. The county also embraces the new Ways to Enhance Children's Activity and Nutrition, or the "We Can!" program, which promotes healthy eating and physical activity for young people. These are just two of the many programs and services available for young people in Indiana County. All of these programs and the people who make them possible deserve kudos for helping the community receive this honor.

GUESTS OF SENATOR DONALD C. WHITE PRESENTED TO THE SENATE

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

Senator D. WHITE. Madam President, I would like to recognize a group of my constituents who are in the gallery today. They have truly helped to make Indiana County what I believe to be one of the best communities around for young people. First of all, chairman of the Indiana County Commissioners, Rodney Ruddock and his lovely wife, Ellen; three students who submitted essays to America's Promise Alliance, Mike Dixon, Sam Kimmel, and Jimmy Orr; Kathy Abbey Baker, from the Children's Advisory Commission of Indiana County; and Breanna Angrove and Lauri Schiffbauer, from the Evergreen Boys' and Girls' Club. In recognition of their dedication toward making Indiana a better place, I ask the Senate to give them their usual warm welcome.

And now, Madam President, I call on my colleagues to show our appreciation for the efforts of all of the groups and individuals who truly make Indiana County one of the top 100 communities for young people. I ask for an affirmative vote on this resolution. Thank you very much.

The PRESIDENT. Would all the guests of Senator Don White from America's Promise, the Alliance for Youth, the Boys' and Girls' Club from Indiana County, and the officers please rise so we can welcome you.

(Applause.)

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

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

SPECIAL ORDER OF BUSINESS 2007 PENNSYLVANIA BITUMINOUS COAL QUEEN PRESENTED TO THE SENATE

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

Senator STOUT. Madam President, it is my pleasure today to again have the special honor to introduce a special guest to the Senate of Pennsylvania. As many of you know, for the past 54 years, the King Coal Association, located in Carmichaels, Greene County, has had a Coal Queen Pageant in connection with the King Coal Show in order to select a young lady to represent the bituminous coal industry of southwestern Pennsylvania. This year, Miss Ali Nelson is the 2007 Pennsylvania Bituminous Coal Queen, and she is located in Greene County, Pennsylvania, in the 46th Senatorial District.

Before I came to the microphone, I had to console my good friend and colleague, Senator Kasunic, because we have a little contest, and he has not gotten to introduce the Coal Queen recently because they all have come from Greene County, not Fayette County, because Greene County is where the coal is located.

I am very pleased to have Miss Nelson here this morning and afternoon and her parents, Dave and Heidi Nelson; her brother, Derek; and the ladies from the Coal Queen Pageant, Becky Mitchell and Jean Hockenberry; and also Mr. Joe Scaffoni, the head of Deep Mine Safety for the Pennsylvania Bituminous Coal Industry of DEP. I would like them all to rise to be recognized by the Senate.

The PRESIDENT. Would you all please rise.
(Applause.)

Senator STOUT. Also accompanying the Coal Queen is Ms. Mary Flaherty of my staff, who has coordinated the activities for the Coal Queen here this afternoon.

Miss Nelson is very familiar with the coal industry because her father, Dave, has been employed by Consol Energy for the past 26 years. Ali is a senior at Waynesburg Central High School and is very active in school activities and is a member of the National Honor Society. She is a 2-year member of the National Honor Society with a 3.85 grade point average. She has also been trained in dancing for the past 16 years and has performed in Las

Vegas, Walt Disney World, and New York City and has received many awards for her dancing talents. Last evening, the Pennsylvania Coal Association hosted a reception and dinner in her honor at the Hilton Hotel.

Madam President, I know we are in general Session. I know we have the Special Session coming up. Maybe I should have done this then, because coal is the energy that drives Pennsylvania. Fifty percent of the electricity is produced from coal right here in Pennsylvania, and Greene County produces close to 50 million tons of coal annually. It is the second largest coal-producing county in the nation.

Therefore, Madam President, to honor our 2007 Bituminous Coal Queen, I would like the Senate to give her our traditional warm welcome.

Thank you, Madam President.

The PRESIDENT. The Chair recognizes Miss Ali Nelson.

(Applause.)

Miss NELSON. Thank you. The coal industry has been a big part of my life. My father attended Penn State University and received a degree in mining technology. He has been employed by Consol Energy for the past 26 years, where he is currently the quality control supervisor. I have many friends and neighbors whose lives have flourished because of the coal industry.

I live in the most southwestern county in the State, Greene County. The top two employers in my county are coal companies. If you visited my home, we would travel within a 10-mile radius and pass a coal mine. It is safe to say that, not only our ancestors, but also currently, we have all been touched by the use of coal through locomotives, heating, and lighting of our homes. Through the advancement of technology, by the year 2016, the United States Air Force will be using coal in liquid technology to fuel their jets. Coal is not only one of Pennsylvania's richest natural resources but may play a part in our national security by not depending on foreign fuels.

My role as Coal Queen 2007 has been simply amazing. The night of my crowning will be one I remember forever. Soon after I was crowned, my duties began. I helped the Carmichaels firefighters serve food and helped eat and serve funnel cakes at the King Coal Festival. I also had the honor of riding on the Queen's float with the rest of the Coal Queen court at the King Coal Parade. That moment has been a dream of mine since as long as I can remember.

On November 1, I had the opportunity of going underground at Foundation Coal's Cumberland mine, located in Kirby, Pennsylvania. I never in a million years would have imagined how dark, damp, and cold it was down there. While I was underground, I rode the man trip to the face, where I operated the long-wall machine, signed my name on a crib that helps hold up the ceiling, and finally visited with some of the miners on their lunch break in a makeshift lunchroom 500 feet below the surface. That day in the mine really allowed me to better understand what coal miners go through on a day-to-day basis.

At Christmastime, I rode on the back of a fire truck with Santa Claus and helped pass out over 400 treats to children in Carmichaels. Being Coal Queen has provided me with so many opportunities to meet people whose lives have been changed by the coal industry. It has also given me an experience, like this one, that I will never forget.

On May 30, I will graduate from Waynesburg Central High School, and in the fall, I plan on attending Point Park University Conservatory of Performing Arts in Pittsburgh and major in dance with an emphasis on jazz, and one day I hope to dance professionally and own my own dance studio so I can share my love of dance with others.

A special thank you to Representative DeWeese, Senator Stout, Senator Kasunic, Lieutenant Governor Knoll, the King Coal Association, and the Pennsylvania Coal Association for making my trip to Harrisburg make me feel truly like a queen. I thank everyone.

(Applause.)

SPECIAL ORDER OF BUSINESS 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, I am proud to introduce students and officials from Misericordia University in Dallas, Luzerne County. This university was elevated to its status in 2007. College Misericordia has a long history in the Dallas community.

Today we are joined by the President, Dr. Michael MacDowell, and Mr. Brian Carso and a number of students who were here talking about the importance of PHEAA and providing affordable higher education within Pennsylvania. So I ask my colleagues to join me in offering a warm welcome to Dr. MacDowell, Mr. Carso, and all the students from Misericordia University.

The PRESIDENT. Will Dr. MacDowell, Mr. Carso, and the students please rise so we can welcome you.

(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 pleasure to introduce some students from West Chester University and some professors from the Political Science Club at West Chester University. Professor Kennedy, Professor Stangl, and some of the students have been down here meeting with some of the Senators and Representatives. So thank you, Madam President, and please give them a nice welcome.

The PRESIDENT. Would Professor Kennedy, Professor Stangl, and the students from West Chester University please rise so we can welcome you.

(Applause.)

GUEST OF SENATOR ROBERT C. WONDERLING PRESENTED TO THE SENATE

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

Senator WONDERLING. Madam President, I also have a student visiting today, yet another member of our Wondership Program for the spring, and he is Jarrett Haring, who is currently

a senior at Muhlenberg College in the Lehigh Valley portion of my Senate district. Jarrett hails from Virginia and is currently studying political science and business and, despite his time with me this morning, still aspires to elected office. So indeed, Madam President, we ask for a hearty welcome for Jarrett.

The PRESIDENT. Jarrett Haring from Muhlenberg College, would you please rise so we can welcome you.

(Applause.)

GUESTS OF SENATOR DOMINIC F. PILEGGI PRESENTED TO THE SENATE

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

Senator PILEGGI. Madam President, it is my special pleasure this afternoon to introduce the Chester High School Boys' Varsity Basketball Team, the 2008 PIAA Class AAAA State champions. The Chester High School Clippers had an impressive season with 33 wins and only 1 loss. They played around the country and were ranked third in the nation in USA Today and Sports Illustrated polls. By a score of 81 to 77, the Clippers defeated Norristown in the State championship game held at the Bryce Jordan Center at Penn State University on March 15.

In addition to being recognized as State champions, the Clippers are the Delaware Valley League champions for the 10th consecutive year and District 1 champions for the 7th consecutive year. All eight seniors and one junior have been accepted to or are now being recruited by a number of colleges and universities. Senior Nasir Robinson has signed with the University of Pittsburgh. This is also Chester High School Basketball coach Fred Pickett's third State championship, and Chester High School's sixth State championship. Coach Pickett will retire as head coach this year.

In addition to the boys' basketball team, the Chester High School Girl's Track Team State champions in the 4 x 400-meter relay are with us today. Coach Alfred Thompkins and teammates Shaniel Chambers, Michele Robinson, Quanesha Miller, and Rayiana Johnson are here with us today.

Madam President, I am pleased to recognize these young athletes and coaches who, through their outstanding achievements, bring great distinction to themselves, their communities, and to the Commonwealth. The boys' basketball team, the girls' track team, the cheerleaders, and the coaches are with us today in the gallery. Madam President, I ask that we extend our traditional warm welcome to our guests from Chester High School.

The PRESIDENT. Will the Chester High School Boys' Varsity Basketball Team and the Girls' Track Team, cheerleaders, and coaches all please rise so we can welcome you to the Pennsylvania State Senate.

(Applause.)

GUESTS OF SENATOR JAKE CORMAN PRESENTED TO THE SENATE

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

Senator CORMAN. Madam President, a few years ago I had the honor of introducing the Bald Eagle Area High School wrest-

ling team, who had just won the national championship. Unfortunately, we do not have the team to talk about today, but we do have one of their great athletes who has made a little history of his own. Today with us, Madam President, is Quentin Wright, Bald Eagle Area's first ever two-time PIAA State wrestling champion. Unlike the best football player in the State, Terrell Pryor, who decided to leave the Commonwealth to go to college, Quentin decided to stay in Pennsylvania as he is going to attend Penn State University. To show you that he has a lot more on the ball than just his athletic skills, he has been accepted into the Smeal College of Business at Penn State to ensure a bright future after his wrestling career is over.

Madam President, Quentin is here with us today along with his very proud mother, Nola Wright; his Bald Eagle wrestling coach, Skip Pighetti; and friends, Tim Young, Jade Thompson, and Ed Hockenberry. I ask the Senate to give them all their usual warm welcome.

The PRESIDENT. Will Quentin Wright, the wrestling champion, and his mother, coach, and friends all please rise so we can welcome you.

(Applause.)

GUESTS OF SENATOR CONSTANCE WILLIAMS PRESENTED TO THE SENATE

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

Senator C. WILLIAMS. Madam President, I was intending to introduce the fifth grade of Torah Academy, which is in Wynnewood, Pennsylvania. They have left the visitor's gallery now, but they were here with their teachers to see what goes on in Harrisburg. We had a lovely chat before, but they have gone. So just in recognition for the record, welcome to Torah Academy of Wynnewood.

The PRESIDENT. Thank you, Senator Connie Williams, and welcome to the fifth grade of Torah Academy.

(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, also visiting us today were a group of students from Albright College in Reading, with their distinguished president, Dr. Lex McMillan, Dr. Thomas Brogan, and quite a few students. They are here to argue the case for increased funding for higher education opportunities in Pennsylvania. They may have left the gallery by now, but I would like the Chair to note for the record their presence and to extend a warm welcome to Albright College and its president and students.

The PRESIDENT. For Senator O'Pake, we recognize Albright College's president and students from Reading. Thank you for coming.

(Applause.)

GUESTS OF THE PRESIDENT PRESENTED TO THE SENATE

The PRESIDENT. I also have to recognize De Sales University from the Lehigh Valley, Father Bernard O'Connor, and his five students. Welcome to all of you.

(Applause.)

GUESTS OF SENATOR JOHN N. WOZNIAK PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Madam President, as we all know, it is common knowledge that the most beautiful and talented women of all the world come from Pennsylvania. We have here today Miss Johnstown. The Miss Johnstown contest is sponsored by local people by the names of the Weaver family, and we have Paul and Ronnie and their son, Jared, a very nice young man, and we have, she is going to be Miss Pennsylvania, but Miss Johnstown. The Weavers own the bridal suite in Richland Township.

Interestingly enough, Miss Carmen Bloom, who is Miss Johnstown, I can perhaps extrapolate her political persuasion because of the internships she has had. At one time, she was Senator Bob Casey's intern, and presently she is an intern for the Lieutenant Governor, Catherine Baker Knoll. Will the Senate please recognize this fine young lady who is majoring in political science at Kutztown University, and hopefully the future Miss Pennsylvania, Miss Johnstown, Carmen Bloom

The PRESIDENT. Will you all please rise and recognize Senator Wozniak's guests.

(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 Republican caucus to be held in the Majority Caucus Room. I expect the caucus to last no more than 90 minutes.

The Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Madam President, the Democrats will caucus in our caucus room at the rear of the Senate.

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

BILL AMENDED

SB 822 (Pr. No. 1842) -- The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing integrated amendments to the Constitution of the Commonwealth of Pennsylvania, further providing for disqualification to hold other office and for vacancy in the office of Lieutenant Governor.

On the question,

Will the Senate agree to the bill on third consideration?

Senator COSTA offered the following amendment No. A6383:

Amend Sec. 1 (Sec. 14), page 2, line 13, by striking out "A MAJORITY" and inserting: two-thirds

Amend Sec. 1 (Sec. 14), page 2, line 22, by striking out "A MAJORITY" and inserting: two-thirds

On the question,

Will the Senate agree to the amendment?

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

Senator COSTA. Madam President, I offer a few remarks on the amendment that I have just proposed to my colleagues as an amendment to Senate Bill No. 822. While I support the general intent of Senate Bill No. 822, I believe a measure that clarifies the succession line to the office of Governor and Lieutenant Governor, I believe there is one more change that needs to take place in this legislation. The amendment that I am offering today to Senate Bill No. 822 will provide all of us in this Chamber additional protections that preserve what I believe to be a very important balance of government envisioned by the Framers of our Constitution. This amendment requires a two-thirds approval of the Senate for appointment to the office of Lieutenant Governor.

Madam President, recently, my colleagues in the judicial appointment process have communicated to the Governor the importance that this body has, and should have, in the appointment process. The Constitution of this Commonwealth authorizes this body to, quote, "advise and consent," closed quote, to executive nominations of the Governor. Madam President, that means the entire body of the Senate. The office of Lieutenant Governor is a statewide office, as is the Attorney General, the Auditor General, and the State Treasurer. However, Madam President, the appointment of a person to a vacancy of one of those statewide offices, as we all know, requires a two-thirds majority approval of this Chamber. In essence, it requires the advice and consent of Members of both parties here in this Senate, Republican and Democratic.

More importantly, Madam President, than the political participation in providing advice on who would be an appropriate appointee to the office of Lieutenant Governor would be the importance associated with the position of the office of Lieutenant Governor. As we have often said, both in this Chamber and outside this Chamber, the Lieutenant Governor is literally one heartbeat away from being Governor. And while we wish good health on any and all of those people who hold the office, there are times, as we know, in this Chamber and during my tenure here, when events outside of this Chamber and outside this General Assembly outpace our wishes or expectations.

The very reason we are considering this amendment at all is a perfect example of that. More than 6 years ago, our nation was

under attack, and those events set off a chain of events that reverberated into this Chamber. Then, our Governor, Tom Ridge, left office to serve as the nation's very first Director of Homeland Security. Lieutenant Governor Schweiker assumed the office of Governor, and Senator Bob Jubelirer served in the dual capacity of Lieutenant Governor as well as Senator of this General Assembly.

Madam President, as you know, the Lieutenant Governor also has important responsibilities under the Constitution and the laws of this Commonwealth that require that person to serve in a variety of capacities including, but not limited to, chair of the Board of Pardons. Therefore, Madam President, it is my opinion that it is important that a person nominated to such a very important office be able to demonstrate the qualifications necessary to satisfy the entire Senate that must pass on these qualifications by consenting to that nomination.

Madam President, I ask the question to my colleagues, is the office of Lieutenant Governor any less meaningful in our scheme of government than the Attorney General, the Auditor General, or the State Treasurer? Or for that matter, Madam President, is Lieutenant Governor any less important than a statewide member of the bench, whether it be the Commonwealth Court, Superior Court, or Supreme Court, or a member of the regular county bench, the Court of Common Pleas bench, or a member of the Pennsylvania Turnpike Commission? And Madam President, later today, we are going to be looking at a list of executive nominations, and essentially, what we are doing with approval of the legislation as it stands, without the amendment I am offering, would put the Lieutenant Governor in the same light and require the same confirmation as those members who are being appointed later today to the Constables' Education and Training Board, the State Board of Optometry, the Board of Trustees for the Scotland School for Veterans' Children, the State Transportation Commission, or to the Board of Trustees of Wernersville State Hospital. We are putting the Lieutenant Governor into that same category with respect to the confirmation that needs to take place.

I submit to you, Madam President, and I submit to my colleagues, that is a category that I think is not worthy of the position of Lieutenant Governor. I believe that the Lieutenant Governor's position deserves to be on the same level as the Attorney General, the Auditor General, as well as State Treasurer and our appellate courts across this Commonwealth.

Madam President, the reason we have two-thirds majority approval of those statewide offices is because those offices are accountable to every Pennsylvania citizen, not just one-half plus one in this Commonwealth. Two-thirds majority approval by the Senate ensures that the person appointed by the Governor to be Lieutenant Governor enjoys broad support. Support extends well into both the full range of opinion that is represented by both senatorial caucuses, a person who has the credentials to work among all of us in this Chamber. The current language of the bill only requires a simple majority for confirmation, as I have indicated. This provision does not protect, of course, the minority party in this Chamber, and quite frankly, it flies in the face of other succession lines for statewide offices that currently, and will continue to, provide and require two-thirds majority approval.

Madam President, the real question before us with this amendment is whether we believe that the appointment to the office of Lieutenant Governor, a position literally one heartbeat away from being Governor, should receive the same level of approval of this body as a member of a county board of assistance, as I indicated, a membership on the Pennsylvania Council on the Arts, or a professional board. The amendment I offer would honor our obligation to ensure that all are heard and all are represented in this process. By amending Senate Bill No. 822 to mandate that a person appointed to this position, this important office, receive confirmation by two-thirds of the Senate, we uphold the same standard applied to other statewide officeholders and put into place a confirmation standard consistent with the importance of this office.

Madam President, I ask for an affirmative vote on this amendment to Senate Bill No. 822. Thank you, Madam President.

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 Punt.

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

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

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

Senator CORMAN. Madam President, I just want to make a comment on the amendment. I think it is a very well-intentioned amendment. My good friend from Allegheny County is offering it on the basis of good government. When I heard about the amendment, I thought about it for a good while, and for a while, I did go back and forth on the merit of it.

Madam President, I ask for a "no" vote on this amendment based on the fact that the Lieutenant Governor position is not an independently elected position. It is an independently nominated position, but not an independently elected position. What I mean by that, Madam President, is the Lieutenant Governor is part of an administration, and the administration, whoever this Governor is going to be at the time, deserves to have wide latitude on whom they choose to serve with them as Lieutenant Governor, much like they have wide latitude on deciding who their cabinet Secretaries are going to be.

Independently, the Lieutenant Governor position has two responsibilities in the Constitution: presiding over the Senate, as here today, and every day, and also chairing the Board of Pardons. Everything else the Lieutenant Governor does is at the discretion of the Governor. So they need to be a willing, working part of the administration. The examples that my friend brought up about two-thirds votes, being the Attorney General, the Auditor General, the Treasurer, they are all independently elected positions who have discretion of their own outside the administration on how to perform those duties.

If we do have a vacancy in the position of Lieutenant Governor, I think it is important that we fill that vacancy quickly and give the Governor wide latitude, as we do with cabinet Secretaries, and that we do it with a majority vote. So therefore, although the Senator brought up a lot of—I do not want to call them trivial positions, but maybe positions of lesser value that he brought up that were for a majority vote, I would remind him that majority votes are for the Secretary of the Department of Welfare, the Secretary of the Department of Transportation, the Secretary of the Department of Environmental Protection, all very, very important positions, but all part of the administration, as is the Lieutenant Governor. And I just believe that the Governor needs to have wide latitude, he or she, whoever is Governor at the time, picking who their Lieutenant Governor is going to be, because they are going to be part of that Governor's administration. If it were not the case, we would just keep where we are now and ascend the Senate President pro tempore, who could be of the same party or of a different party, which is what we are trying to avoid with this amendment.

I would also say that this mirrors the Federal system. When there is a vacancy in the Vice Presidency, the President nominates, and it is a majority vote of the United States Senate which would confirm the Vice Presidency. So I would say—again, my friend has offered this in the terms of good government—I think because this is part of an administration, and the Governor, he or she, would deserve wide latitude, it should not get broken down into a two-thirds negotiation, as some of the other appointments do that are two-thirds. I think this will work better if we keep it as a majority vote.

Thank you, Madam President.

The PRESIDENT. The Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Madam President, I rise to support the two-thirds vote amendment. As I look at the political make-up of this fine Chamber, 29-21, if some circumstance occurs, a simple majority is 26. One party controls who becomes that Lieutenant Governor. I think that decision should be done in a collaborative effort with the Governor and the Senate as a whole, and a two-thirds vote makes much more sense, at least in my humble opinion.

So we should do it just because the United States Senate makes it a simple majority? I see how Washington operates, and I am not so sure that they are always correct down there. It is important that we do have a preemption and create a plan of succession before a circumstance occurs. And having a two-thirds vote, I think, is prudent. It keeps one party from having absolute control and makes sure that everybody in this Chamber is engaged as to who might be that replacement. So for those reasons, I think it would be incumbent upon us to seriously consider a two-thirds vote for placing a Lieutenant Governor on that pedestal.

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

Senator RAFFERTY. Madam President, I rise to support Senator Corman in his asking for a negative vote. Madam President, I am mindful that we are to reflect the will of the people, and in an election for the Governor or Lieutenant Governor, it is a majority vote. A simple one vote elects a Governor or Lieutenant

Governor statewide. Madam President, you did very well last election and reelection, but there have been very close elections, and that one vote can make the difference. So I favor the majority vote here in the Senate of Pennsylvania, and I join Senator Corman in asking for a negative vote on the proposed amendment.

Thank you, Madam President.

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

Senator COSTA. Madam President, I appreciate the comments of my colleagues, and I would just like to add a few comments and just briefly touch upon some of the comments from my friend, Senator Corman. As it relates to, again, getting back to the two-thirds requirement, I acknowledge that in my remarks I talked about the State Treasurer's position, the Auditor General, and the Attorney General. But again, I go back to my comments also that talked about, we do two-thirds for the Turnpike Commission. We do two-thirds for the LCB board. In my mind, those particular positions do not rise to the level of Lieutenant Governor.

Secondly, the issue about the Secretary of Welfare, the Secretary of the Department of Transportation, and all those other Secretary positions that go through this confirmation process with a majority vote, those individuals are not one heartbeat away from being Governor. And that is a distinction I draw with respect to those individuals. The only person who stands one heartbeat away from being the Governor is the Lieutenant Governor. And that is why we think it is important that that be the case, that it be a two-thirds majority, that more than just a simple majority of this Chamber vote on that particular matter.

As it relates to the discussion about the Federal level, I think it is important that we recognize that it is more than just the Senate that votes in the Federal structure. The Federal structure provides, and the Federal rules of succession provide, that both the Senate and the Congress vote in that particular matter. So we need to distinguish ourselves from what is being done at the Federal level in terms of the appointment that takes place there, because we only have one Chamber voting in our situation, whereas they have both Chambers, the House and the Senate, voting at the Federal level.

Finally, I think it is important that we are clear that the Governor does not have the ability just to pick whomever he or she wants for this position. They would select that individual, but there is still their confirmation process that requires a simple majority. I do not want folks to think that it would simply be the Governor's prerogative to pick whomever he or she wants and that that person ascends to that position. That is not the case.

I think it is important that we recognize the two-thirds vote that is currently taking place for a number of these positions that I made reference to. This particular position of Lieutenant Governor is worthy, in my opinion, and I hope in the opinion of the majority of the Members of this body, that this position is important enough to merit a two-thirds process as opposed to a simple or Constitutional majority.

Thank you, Madam President.

The PRESIDENT. The Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Madam President, just a quick editorial here. The United States Senate is much wiser than I thought it was. While it is a simple majority to make that vote, one individual Member could oppose that, and it has to be overturned by a 60-40 vote. I believe, and my arithmetic is not all that good, that is pretty close to two-thirds right there.

Thank you very much, Madam President.

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

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

YEA-21

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

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
Earll	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?
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 Centre, Senator Corman.

Senator CORMAN. Madam President, in 2001, as was mentioned before, our Governor, Tom Ridge, was called to Washington, D.C., to serve as the new Director of Homeland Security. That put the line of succession in play here in Pennsylvania, when Lieutenant Governor Schweiker then ascended to Governor and then Senator Jubelirer, the President pro tempore of the Senate, was put into the uncomfortable position mandating him to ascend to the Lieutenant Governor position, and then putting him in the precarious position where he either had to resign his Senate seat or serve in two branches of government at the same time, which I think a lot of us were concerned about, just for the separation of powers.

Although it was for a short period of time that Senator Jubelirer did that, I know he himself was uncomfortable about it, and he actually proposed this very legislation the next year. I think changing the succession rules, as this constitutional amendment would do, Madam President, would avoid that and, I think also, importantly, avoid what could be a scenario presently where, just for hypothetical purposes, our Governor Rendell decides to go to Washington, D.C., to serve in an administration. If he so chooses, you yourself would ascend to Governor, and then Senator Scarnati would ascend to Lieutenant Governor, and we would have two different parties in the roles of Governor and Lieutenant Governor.

As I mentioned before, the Lieutenant Governor is part of an administration. It is not just presiding over the Senate and chairing the Board of Pardons. They are part of an administration, and I think it would be a difficult part for the Lieutenant Governor to serve from a different party. The Governor would not be comfortable giving them any other duties. So therefore, I think allowing whomever ascends to the position of Governor the discretion to pick a running mate, so to speak, or a person who can join them as Lieutenant Governor, where they can work together to fulfill the goals of the administration, is a much better way to go. It would allow for the orderly process to proceed.

If, for whatever reason, both the Governor or Lieutenant Governor positions were vacant at the same time, the old rules would go back into place, where the President pro tempore would ascend to Governor. But this allows an administration to stay together and to move forward as one and also keeps the branches of government separate, which I think are very important. So I ask for an affirmative vote on this constitutional amendment.

Thank you, Madam President.

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

Senator COSTA. Madam President, very briefly, let me first begin by stating that I want to commend the gentleman for the work that he has done as it relates to Senate Bill No. 822. And while I generally support a number of the positions that the legislation takes, or the process by which it is laid out in terms of succession as it relates to Governor, Lieutenant Governor, and President pro tempore, for the reasons I articulated during the course of the amendment that I offered, I intend to vote "no" on the measure. I think a critical flaw in the legislation is the absence of a two-thirds majority vote, and I think that is something that needs to be part of that.

In addition, Madam President, as has been indicated, this is a constitutional amendment, and it requires a process of two legislative Sessions. This is the first step. I think it is important that the position of two-thirds be, as I indicated, part of the legislation. But more importantly, I want to make sure it is part of the record that we have before us when, in fact, this measure moves forward to the House for the next step. If in fact the bill comes back to us in the next legislative Session and includes a simple majority, I will look at it possibly differently at that point in time. But at this point, I think it is very important that we include the two-thirds measure. I think it is essential that it be part of the legislation and, at minimum, be part of the record, which we are trying to do here today. I intend to vote "no" on the measure, but recognize and acknowledge the fine work that was done on the

