

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, WOZNIAK, 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	Wauh
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

underlying bill and ask that if any of my colleagues want to join me in a negative vote, they can do that.

Thank you, Madam President.

And the question recurring,
Shall the bill pass finally?

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

YEA-33

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

NAY-17

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

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

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

BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 998 (Pr. No. 1840) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, providing for clinical social work services.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
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.

Earll	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

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

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

SB 1020 (Pr. No. 1871) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 15, 1945 (P.L.547, No.217), known as the Conservation District Law, further providing for declaration of policy, for the State Conservation Commission, for creation of conservation districts, for designation of district directors, for appointment, qualifications, compensation and tenure of directors, for organization of directors, for powers of districts and directors, for Commonwealth agencies to cooperate and for discontinuation of districts; and making a repeal.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
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.
Earll	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

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

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

SB 1033 (Pr. No. 1880) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for the composition of the State Veterans' Commission.

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

On the question,
Shall the bill pass finally?

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

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
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.
Earll	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

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

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

HB 1152 (Pr. No. 1400) -- The Senate proceeded to consider-
ation of the bill, entitled:

An Act amending Title 13 (Commercial Code) of the Pennsylvania
Consolidated Statutes, extensively revising preliminary provisions and
provisions relating to warehouse receipts, bills of lading and documents
of title; further providing, in secured transactions, for definitions, for
perfection and priority in deposit accounts and for perfection upon
attachment; and making editorial changes.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
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.
Earll	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

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

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

SB 1225 (Pr. No. 1876) -- The Senate proceeded to consider-
ation of the bill, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania
Consolidated Statutes, providing for mutual aid.

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

On the question,
Shall the bill pass finally?

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

Senator PIPPY. Madam President, I will be very brief.

The PRESIDENT. That is okay, take your time.

Senator PIPPY. Thank you. I appreciate that.

Senate Bill No. 1225 creates a system of interstate mutual aid
between participating political subdivisions within our Common-
wealth. These agreements are very important in enabling effec-
tive and rapid response to manmade and natural disasters that
require actions beyond the capacity or capability of the host mu-
nicipality or organization.

At present, Pennsylvania is one of only 15 States that does not
have a statewide mutual aid agreement, so this is a very impor-
tant bill. It will help clarify the roles and responsibilities across
Pennsylvania's municipalities but, I think even more importantly,
start with the integration of State, city, local, military, and other
organizations in putting a task force together to help make sure
Pennsylvania is prepared, whether it is another Hurricane Ivan or
other natural or manmade disasters.

The reason I am speaking, though, is this would not have hap-
pened without a lot of effort, and I want to thank a couple of
organizations: PEMA, the Pennsylvania Emergency Management
Agency, for what they have done; the State Fire Commissioner;
the University of Pittsburgh's Institute of Politics; and the Gover-
nor's Office, for their input in drafting this bill. And a special
thanks goes to Senator Baker for her leadership on this issue and
also what she has done with other Senate Resolution No. 60 rec-
ommendations. She has really done a great job, and I think we
should commend her for her efforts.

Thank you, Madam President.

And the question recurring,
Shall the bill pass finally?

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

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
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.
Earll	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

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

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

BILL OVER IN ORDER

SB 1269 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1278 (Pr. No. 1844) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for child medical support, annual fees, review of orders of support, effect of incarceration, pass-through of support and assignment of support.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEA-50

Armstrong	Fontana	O'Pake	Tartagliene
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.
Earll	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

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

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

SECOND CONSIDERATION CALENDAR

PREFERRED APPROPRIATION BILLS ON SECOND CONSIDERATION

SB 1344 (Pr. No. 1900) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 2008, to June 30, 2009, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2008.

Considered the second time and agreed to,

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

SB 1345 (Pr. No. 1901) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 2008, to June 30, 2009, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2008.

Considered the second time and agreed to,

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

SB 1346 (Pr. No. 1902) -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto.

Considered the second time and agreed to,

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

SB 1347 (Pr. No. 1903) -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry and the Department of Community and Economic Development to provide for the expenses of administering the Workers' Compensation Act, The Pennsylvania Occupational Disease Act and the Office of Small Business Advocate for the fiscal year July 1, 2008, to June 30, 2009, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2008.

Considered the second time and agreed to,

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

SB 1348 (Pr. No. 1904) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission.

Considered the second time and agreed to,

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

SB 1349 (Pr. No. 1905) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Consumer Advocate in the Office of Attorney General.

Considered the second time and agreed to,

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

SB 1351 (Pr. No. 1906) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Small Business Advocate in the Department of Community and Economic Development.

Considered the second time and agreed to,

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

BILL ON SECOND CONSIDERATION, AMENDED

SB 9 (Pr. No. 1915) -- The Senate proceeded to consideration of the bill, entitled:

An Act requiring identification of lawful presence in the United States as a prerequisite to the receipt of public benefits.

On the question,

Will the Senate agree to the bill on second consideration?

Senator SCARNATI offered the following amendment No. A6663:

Amend Sec. 3, page 4, by inserting between lines 19 and 20:

(d) Assistance to be provided to applicants.--

(1) An agency that administers public benefits shall provide assistance to all persons applying or renewing applications for public benefits who claim they are eligible for such benefits but lack the documents required under subsection (a)(1), including, but not limited to:

(i) Assistance with completion of all forms necessary to apply for or obtain documents required under subsection (a)(1) where the applicant has difficulty due to disability, limited English proficiency or low literacy.

(ii) Transportation to sites necessary to obtain documents required under subsection (a)(1) where the applicant has difficulty accessing the sites without assistance.

(iii) Payment or, where applicable, waiver of all fees required to obtain documents required under subsection (a)(1), as well as any documents needed to obtain one of these documents, such as a birth certificate.

(2) No application or renewal of public benefits shall be denied if a person has met all other conditions of eligibility for a public benefit and is cooperating with the agency in obtaining the documents required under subsection (a)(1). Every 60 days, the agency shall establish contact with such person to determine whether the individual is continuing to cooperate in obtaining the documents.

(3) Any individual denied a public benefit under this act shall have access to any and all administrative review provided by the agency or political subdivision in question, with right of appeal to the relevant Commonwealth agency or appropriate court of law.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the bill on second consideration, as amended?

It was agreed to.

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

BILL ON SECOND CONSIDERATION

SB 232 (Pr. No. 1916) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for criminal history record expungement.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

HB 239, SB 428, HB 675 and HB 780 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL AMENDED

SB 820 (Pr. No. 1712) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 4, 1996 (P.L.911, No.147), known as the Telemarketer Registration Act, providing for the definition of "automatic dialing-announcing device"; further providing for definitions of "telemarketing" and "telephone solicitation call," for registration requirement and for unwanted automatic political calls.

On the question,

Will the Senate agree to the bill on second consideration?

Senator PILEGGI offered the following amendment No. A6640:

Amend Title, page 1, lines 7 through 11, by striking out all of said lines and inserting: further providing for definitions and for registration requirement; and providing for unwanted automatic political calls.

Amend Bill, page 3, lines 24 through 30; pages 4 through 6, lines 1 through 30; page 7, lines 1 through 10, by striking out all of said lines on said pages and inserting:

Section 1. The definition of "list administrator" in section 2 of the act of December 4, 1996 (P.L.911, No.147), known as the Telemarketer Registration Act, amended September 12, 2003 (P.L.105, No.22), is amended and the section is amended by adding definitions to read:

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Automatic dialing-announcing device." A device that selects and dials telephone numbers and that, working alone or in conjunction with other equipment, disseminates a prerecorded or synthesized voice message to the telephone number called.

"Automatic political call." The use of an automatic dialing-announcing device on behalf of any of the following:

(1) A candidate as defined in section 102(a) of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code; a party as defined in section 102(n) of the Pennsylvania Election Code; or a political body as defined in section 102(p) of the Pennsylvania Election Code.

(2) A political committee as defined in section 1621(h) of the Pennsylvania Election Code.

(3) A political organization as defined in section 527(e) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.).

* * *

"List administrator." [A nonprofit] An organization, as designated by contract entered into by the Director of the Bureau of Consumer Protection in the Office of Attorney General, that accepts individual names, addresses and telephone numbers of persons who do not wish to receive telephone solicitation calls and that has been in existence for ten or more years. In the event that the Federal Trade Commission and/or Federal Communications Commission establish a unified national No Call Registry for the purpose of providing consumers with protection from receiving unwanted telephone solicitation calls similar to the protection provided in this act, then the Director of the Bureau of Consumer Protection in the Office of Attorney General may enter into an agreement to utilize the services of the administrator of any such national No Call Registry in lieu of using any nonprofit organization.

* * *

Section 2. Section 3 of the act is amended to read:

Section 3. Registration requirement.

(a) General rule.—In addition to any other requirements imposed by law, a telemarketer or the telemarketing business which employs the telemarketer is required to register with the Office of Attorney General at least 30 days prior to offering for sale consumer goods or services through any medium. This section will not apply, however, to persons or businesses licensed by or registered with a Federal or Commonwealth agency or to a person or business conducting telemarketing through the use of automatic political calls. Notwithstanding any other provision of this act, any business which provides telemarketing services to other entities and has been under the same ownership and control for less than five years shall register under this section.

(b) Unlawful conduct.—It shall be unlawful for any telemarketer to initiate a telephone call to or receive a telephone call from a consumer in connection with the purchase of consumer goods or services unless the telemarketer or the telemarketing business which employs the telemarketer is registered with the Office of Attorney General.

(c) Penalty.—Failure to register as required by this act constitutes a misdemeanor of the second degree.

Section 3. The act is amended by adding a section to read:

Section 5.3. Unwanted automatic political calls.

(a) General rule.—

(1) Except as set forth in subsection (b), beginning 30 days after publication of the notice under paragraph (3), a person may not initiate or cause to be initiated an automated political call to a residential telephone number of a residential telephone subscriber who does not wish to receive telephone solicitation calls and has caused the subscriber's name, address and telephone number to be enrolled on a do-not-call list for political calls maintained by a list administrator.

(2) The list under paragraph (1) shall be developed and maintained separately from the list established under section 5.2.

(3) The list under paragraph (1) shall be completed by September

15, 2008. The list administrator shall transmit a notice of completion to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.

(4) A residential telephone subscriber's name shall be maintained on the list under paragraph (1) as long as the telephone number is valid for the subscriber.

(5) The Office of Attorney General may serve as the list administrator for purposes of this subsection.

(6) If the Office of Attorney General does not serve as the list administrator for purposes of this subsection, the list administrator shall provide the list under paragraph (1) to the Office of Attorney General on a biannual basis.

(b) Exceptions.—Subsection (a)(1) shall not apply to a call on behalf of a political candidate, political party or political body made by an individual and not by an automatic dialing-announcing device.

(c) Listings.—A person that makes automatic political calls shall:

(1) obtain on a biannual basis a listing of residential or wireless telephone subscribers in this Commonwealth who have arranged to have their names, addresses and telephone numbers enrolled on the list under subsection (a)(1); or

(2) use a service provider to obtain the list under subsection (a)(1) in order to restrict the use of automatic political calls.

(d) Fee limitation.—A list administrator may not impose a fee for a copy of the list under subsection (a)(1) which exceeds:

(1) the cost incurred by the list administrator in the production, preparation and distribution of the list; or

(2) the fee authorized by 16 CFR § 310.8(c) (relating to fee for access to the National Do Not Call Registry).

(e) Restriction.—A person may not use the list under subsection (a)(1) for any purpose other than to remove a residential or wireless telephone subscriber from the list.

(f) Investigation, enforcement and reporting.—Investigation, enforcement and reporting shall be conducted in accordance with section 5.2(k).

(g) Violation.—

(1) A violation of this section shall be a violation under section 6.

(2) A violation of this section shall constitute an unlawful act under section 3 of the act of December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade Practices and Consumer Protection Law.

Section 4. This act shall take effect immediately.

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.

BILL ON SECOND CONSIDERATION AMENDED, LAID ON THE TABLE

SB 906 (Pr. No. 1772) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 6, 1951 (P.L.69, No.20), known as The Landlord and Tenant Act of 1951, providing for disposition of abandoned personal property.

On the question,

Will the Senate agree to the bill on second consideration?

Senator BROWNE offered the following amendment No. A6647:

Amend Sec. 1 (Sec. 505.1), page 2, lines 16 through 20, by striking out all of said lines

Amend Sec. 1 (Sec. 505.1), page 3, by inserting between lines 18 and 19:

(c) The following shall apply:

(1) If personal property remains on the premises following the relinquishment of the premises by the tenant and acceptance by the landlord under subsection (a)(1) and the writ of possession contained notice of the provisions under subsection (b), the landlord shall not be required to provide further notice to the tenant.

(2) If personal property remains on the premises following the relinquishment of the premises by the tenant and acceptance by the landlord under subsection (a)(2) and the lease or lease addendum contains notice of the provisions under subsection (b), the landlord shall be required to provide written notice to the tenant that personal property remains on the premises and must be retrieved by the tenant. The notice under this paragraph shall give the tenant ten days from the date of the notice to notify the landlord that he or she will be retrieving the personal property. If the intent is conveyed to the landlord, the personal property must be retained by the landlord, at a site of his or her choosing, for thirty days from the date of the notice. If no communication is made to the landlord within ten days, the property may be disposed of at the end of the ten days at the discretion of the landlord. The notice shall also include a telephone number and address where the landlord can be contacted and shall identify the location where such property can be retrieved. The notice shall be sent by regular mail to the tenant's forwarding address, if provided, or to the formerly leased premises, or by personal delivery to the tenant.

(3) If the lease or lease addendum does not contain notice of the provisions under subsection (b), the landlord, in addition to complying with the requirements of paragraph (2), shall send notice to any emergency contact that may have been provided by the tenant in a lease agreement.

(4) Any notice required under this subsection shall also contain information that the tenant shall be required to pay costs related to the removal or storage of property retrieved by the tenant after ten days under subsection (f).

Amend Sec. 1 (Sec. 505.1), page 3, line 19, by striking out "(c)" and inserting: (d)

Amend Sec. 1 (Sec. 505.1), page 3, line 28, by striking out "(d)" and inserting: (e)

Amend Sec. 1 (Sec. 505.1), page 4, lines 8 through 22, by striking out all of said lines and inserting:

(f) If the landlord has issued the notice to the tenant under subsection (c), the landlord may choose to store the tenant's personal property at another location within reasonable proximity to the leased premises. If the landlord elects to have the property stored at another location, the landlord may remove the property from the premises by any means reasonably calculated to safeguard the property for the time period required by this section. A tenant shall not be required to pay any costs related to the removal or storage of the property by the landlord, if the former tenant retrieves the personal property within ten days of the date of notice. If the former tenant retrieves the personal property after ten days of the date of notice but before the thirty days, the tenant shall be required to pay any reasonable and actual costs related to the removal or storage of the property by the landlord for that time period.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

BILLS OVER IN ORDER

SB 1028, HB 1044, SB 1063, SB 1107 and SB 1149 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

BILL REREFERRED

HB 1214 (Pr. No. 3228) -- The Senate proceeded to consideration of the bill, entitled:

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

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

BILL OVER IN ORDER

SB 1250 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

BILLS ON SECOND CONSIDERATION

SB 1332 (Pr. No. 1866) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in general provisions, providing for form of oaths of office.

Considered the second time and agreed to,

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

SB 1334 (Pr. No. 1867) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for other meeting expenses paid by counties and for annual assessments for county commissioners and others.

Considered the second time and agreed to,

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

SB 1335 (Pr. No. 1868) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing for other meeting expenses paid by county and for annual assessments for county commissioners and others.

Considered the second time and agreed to,

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

SENATE RESOLUTION No. 239, AMENDED

Senator PILEGGI, without objection, called up from page 6 of the Calendar, **Senate Resolution No. 239**, entitled:

A Resolution commending the Pennsylvania State Association of County Fairs for its promotion of Pennsylvania agriculture, 4-H and Future Farmers of American, family values, scholarships and tourism.

On the question,

Will the Senate adopt the resolution?

Senator BRUBAKER offered the following amendment No. A6660:

Amend First Whereas Clause, page 1, line 5, by striking out "is the showcase" and inserting: advocates for the county fairs of Pennsylvania which are the showcases

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

SENATE RESOLUTION No. 285, ADOPTED

Senator PILEGGI, without objection, called up from page 6 of the Calendar, **Senate Resolution No. 235**, entitled:

A Resolution adopting a temporary rule of the senate relating solely to amendments to the General Appropriation Bill and other appropriation bills for the fiscal year beginning July 1, 2008, including any amendments offered to or for supplemental appropriations for prior fiscal years.

On the question,

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	Tartaglione
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.

The PRESIDENT. The resolution is adopted.

HB 500 TAKEN FROM THE TABLE

Senator PILEGGI. Madam President, I move that House Bill No. 500, Printer's No. 3216, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

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

HB 501 TAKEN FROM THE TABLE

Senator PILEGGI. Madam President, I move that House Bill No. 501, Printer's No. 3217, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote.

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

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator ROBBINS,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to by voice vote.

NOMINATIONS TAKEN FROM THE TABLE

Senator ROBBINS. Madam President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

MEMBER OF THE CONSTABLES' EDUCATION AND TRAINING BOARD

March 11, 2008

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Teresa J. O'Neal, 902 Cross Street, Port Royal 17082, Juniata County, Thirty-fourth Senatorial District, for appointment as a member of the Constables' Education and Training Board, to serve until June 4, 2010, and until her successor is appointed and qualified, vice Sandra Miller, Yardley, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF OPTOMETRY

March 10, 2008

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Janet Schwartz, O.D., 1204 Weymouth Road, Wynnewood 19096, Montgomery County, Seventeenth Senatorial District, for reappointment as a member of the State Board of Optometry, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES FOR SCOTLAND SCHOOL FOR VETERANS' CHILDREN

March 6, 2008

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Isiah Anderson, Jr., 4260 English Way, York 17403, York County, Twenty-eighth Senatorial District, for appointment as a member of the Board of Trustees for Scotland School

for Veterans' Children, to serve until the third Tuesday of January 2009, and until his successor is appointed and qualified, vice John W. Mason, Chambersburg, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE
TRANSPORTATION COMMISSION

March 11, 2008

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, George M. Khoury, P.O. Box 531, 190 Grove Circle, Lemont 16851, Centre County, Thirty-fourth Senatorial District, for reappointment as a member of the State Transportation Commission, to serve for a term of six years and until his successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE
TRANSPORTATION COMMISSION

March 11, 2008

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Sharon L. Knoll, 955 Persimmon Court, Fairview 16415, Erie County, Forty-ninth Senatorial District, for reappointment as a member of the State Transportation Commission, to serve for a term of six years and until her successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF WERNERSVILLE STATE HOSPITAL

March 10, 2008

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Carolyn Hausman, 103 Steely Road, Sinking Springs 19608, Berks County, Forty-eighth Senatorial District, for appointment as a member of the Board of Trustees of Wernersville State Hospital, to serve until the third Tuesday of January 2011, and until her successor is appointed and qualified, vice Barry Galley, Sinking Springs, resigned.

EDWARD G. RENDELL
Governor

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

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

YEA-50

Armstrong	Fontana	O'Pake	Tartaglione
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.
Earll	Logan	Rhoades	Williams, Constance
Eichelberger	Madigan	Robbins	Wonderling
Erickson	McIlhinney	Scarnati	Wozniak
Ferlo	Mellow	Stack	
Folmer	Musto	Stout	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.
Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Senator ROBBINS. Madam President, I move that the Executive Session do now rise.
The motion was agreed to by voice vote.

**UNFINISHED BUSINESS
BILL IN PLACE**

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

Senator RHOADES. Madam President, I present in place this bill, and I rise today to give a voice to sportsmen and nonsportsmen alike who are concerned with Pennsylvania's current deer population. Not a day goes by that I have not received some type of correspondence or conversation from hunters, farmers, motorists, or conservationists throughout my Senate district concerning deer management in the Commonwealth. At times, there is more action concerning hunting and the Pennsylvania Game Commission that overrides any other issues we have, and the reason for this controversy is the wide and varying opinions about the health, size, and impact of the deer herd.

As a sportsman, when time allows, and a State Senator, I find myself in a position to see things from a couple of viewpoints on this issue. While many issues affect the current deer population, one thing is certain, our forests and farms are vastly different than they were 30 years ago. We have far more mature forests with little browse area than those areas that are regenerating from a recent harvesting. We also have fewer acres in active crop land. Residential developments have also played a role in breaking up the herd within its traditional areas of concentration.

There are also competing interests involved in managing the deer herd. Farmers want a smaller, less destructive herd, as do some homeowners, forest managers, and motorists. Animal rights activists want new management techniques used that seek to eliminate hunting as a legitimate tool for wildlife management. Most sportsmen want more deer, period.

The Game Commission has three goals for their deer management program, and I will be the first to admit that these goals are not easy to accomplish. One, they want to manage deer for a healthy herd, they want to manage deer for a healthy forest habitat, and they want to reduce the deer-human conflict.

I am introducing legislation today that will have our citizens, our sportsmen, our farmers, and our conservationists, once and for all, have a legitimate say in the deer management program. Essentially, the Game Commission has taken the first step by establishing Citizen Advisory Committees consisting of local stakeholder groups to provide a Wildlife Management Unit-specific deer population recommendation. Through their direct participation with a Citizen Advisory Committee, the values of these stakeholder groups will be shared with the Game Commission and its board of commissioners.

My legislation will statutorily establish Citizen Advisory Committees for each Wildlife Management Unit across the Commonwealth. These committees will be required to provide an annual written report to the Pennsylvania Game Commission, as well as the Senate and House Committees on Game and Fisheries, based on their recommendation for the following seasons. In the event that the Pennsylvania Game Commission decides not to implement any or all of the recommendations issued by each Citizen Advisory Committee, they shall set forth in writing the rationale for not doing so and publicly post them on their Internet website.

While the General Assembly is often frowned upon for setting policy affecting the Pennsylvania Game Commission, my legislation would essentially give more clout to Pennsylvania sportsmen and the other stakeholder groups who participate in CACs. I ask the General Assembly to consider this legislation and to take it seriously so we can find an answer to this recurring problem.

Thank you, Madam President.

The PRESIDENT. Senator Rhoades stands in place and presents to the Chair a bill recognizing the Pennsylvania sportsmen's interest in the current deer population and the management of the deer for a healthy herd.

SENATE RESOLUTIONS ADOPTED

Senators TARTAGLIONE, BRUBAKER, FERLO, C. WILLIAMS, STACK, ERICKSON, KASUNIC, REGOLA, DINNIMAN, FONTANA, WASHINGTON, GREENLEAF, PIPPY, COSTA, PUNT, TOMLINSON, WOZNIAK, BAKER, A. WILLIAMS, O'PAKE, ROBBINS, PILEGGI, ORIE, LAVALLE, HUGHES, RAFFERTY, EARLL, LOGAN, WONDERLING, BOSCOLA, BROWNE and D. WHITE, by unanimous consent, offered **Senate Resolution No. 290**, entitled:

A Resolution recognizing April 16, 2008, as "Start! Walking at Work Day" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator TARTAGLIONE. Madam President, each year, it is my honor to come before you in support of the important work

done by the American Heart Association to raise awareness about the nation's leading cause of death, cardiovascular disease. This year, I am pleased to be joined by Senator Brubaker in requesting consideration of a resolution recognizing the "Start! Walking at Work" program. Every year, 1.2 million Americans suffer a new or recurrent coronary attack, resulting in direct or indirect healthcare costs in the billions. This year's estimate is \$448.5 billion.

Madam President, these statistics can be improved by something as simple as increasing our physical activity. Regular walking provides many health benefits, such as lowering both bad cholesterol and high blood pressure, reducing the risk of stroke, and increasing life expectancy. The intent of recognizing April 16, 2008, as "Start! Walking at Work Day" is to get Americans to become more physically active by walking. By increasing the awareness of how important physical activity is, we can save thousands of lives each year.

Senator Brubaker and I ask our colleagues to join us in proclaiming April 16, 2008, as "Start! Walking at Work Day" in Pennsylvania and encourage all the citizens of the Commonwealth to join the fight against heart disease by walking at work, and hopefully, Madam President, next year, I will be able to join the people walking here at work.

Thank you, Madam President.

(Applause.)

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

Senator BRUBAKER. Madam President, I would like to thank Senator Tartaglione again for offering the "Start! Walking at Work Day" resolution today. She is a very inspiring figure. I firmly believe in the value of physical activity, and it is a pleasure to join Senator Tartaglione in support of this fine resolution.

It is hard to believe that such a common activity can have so many benefits and ultimately reduce the risk of cardiovascular disease. For instance, for every hour of vigorous exercise, adults may gain up to 2 hours of life expectancy, while walking 30 minutes each day can also enhance mental and physical well-being and reduce the chance of osteoporosis and type 2 diabetes.

Madam President, next Wednesday, April 16, we will recognize "Start! Walking at Work Day" as a way to encourage everyone to take a first step toward better health. As Senator Tartaglione said, we hope everyone here in this Chamber and in this building and in this State will join us by supporting this resolution to help fight disease and by walking at work.

Thank you, Madam President.

And the question recurring,

Will the Senate adopt the resolution?

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

Senators C. WILLIAMS, WASHINGTON, MELLOW, PILEGGI, FERLO, STACK, STOUT, BAKER, TARTAGLIONE, FONTANA, KASUNIC, DINNIMAN, HUGHES, EARLL, RAFFERTY, LOGAN, GREENLEAF, ERICKSON, A. WILLIAMS, M. WHITE, WONDERLING, TOMLINSON, BOSCOLA, RHOADES, PIPPY, LAVALLE,

FOLMER, O'PAKE, KITCHEN, BROWNE, WOZNIAK, D. WHITE and ARMSTRONG by unanimous consent, offered **Senate Resolution No. 291**, entitled:

A Resolution designating April 24, 2008, as "Take Our Daughters and Sons to Work Day" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator C. WILLIAMS. Madam President, with the support of this body, we can make April 24, 2008, a very important day for Pennsylvania's children. What makes this day different in Pennsylvania for our children and for children across the country? The national observance of "Take Our Daughters and Sons to Work Day" is a program that encourages young people to strive for excellence, to value their education, and to learn more about the world of work which awaits them. This year's theme, "Making Choices for a Better World," reflects the possibilities and empowers young people to begin envisioning how they can create a balanced work and family life.

Millions of employers, ranging from Fortune 500 companies to small employers and government agencies in every State across the country, have participated in this program for 15 years. Through their experiences, Pennsylvania's children will learn the importance of staying in school and will be exposed to the amazing array of careers available to them. But also, by bringing together adults and children, adults can empower the children with confidence in their abilities, as well as show them pathways to future success. Children who participate gain firsthand experience in the world of work and better understand the importance of education. It also allows children to begin envisioning their future and starts them on a path of setting career goals.

It is a wonderful experience, and children get to see what their parents are doing all day long. If you do not have a son or daughter, maybe you can ask a niece or nephew, a grandchild, or even adopt a young person for the day. The few hours that you can give a young person will be priceless to them in terms of learning about the world of work, understanding what they can achieve, and allowing them to see that they can set their goals high and can reach them. One final benefit: employers participating in the day get a better understanding of the challenges, ideas, and issues of the future generation.

I encourage your support for this important day for all of Pennsylvania's children. Thank you, Madam President.

The PRESIDENT. Thank you, Senator Connie Williams, for your resolution designating April 24 as "Take Our Sons and Daughters to Work Day" in Pennsylvania so that our children can make choices for a better world.

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

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

Senators HUGHES, DINNIMAN, A. WILLIAMS, COSTA, TARTAGLIONE, C. WILLIAMS, MUSTO, FERLO,

FONTANA, BROWNE, RAFFERTY, GREENLEAF, PIPPY, ERICKSON, PILEGGI, EARLL, STOUT, KASUNIC, BRUBAKER, FUMO, WONDERLING and ARMSTRONG by unanimous consent, offered **Senate Resolution No. 292**, entitled:

A Resolution recognizing the week of April 7 through 13, 2008, as "National Public Health Week" in Pennsylvania.

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to the members and coaches of the University of Pittsburgh Women's Basketball Team and to the members and coaches of the University of Pittsburgh Men's Basketball Team by Senator Costa.

Congratulations of the Senate were extended to Richard J. Kasper, Michael J. LaRosa and to Zachary P. Shiner by Senator Dinniman.

Congratulations of the Senate were extended to Megan Shields and to Jacklyn McHugh by Senator Erickson.

Congratulations of the Senate were extended to the Snyder County Probation Department and the Snyder County DUI Program by Senator Gordner.

Congratulations of the Senate were extended to the Walter D. Palmer Leadership Learning Partners Charter School of Philadelphia by Senator Hughes.

Congratulations of the Senate were extended to Mr. and Mrs. Frank Browning, Jr., Mr. and Mrs. Robert L. Mundrick, Evan Michael Bull and to DiSalvo's Cafe of Williamsport by Senator Madigan.

Congratulations of the Senate were extended to Colleen Mee, Katie Suyo, Eleanor Barba, Carly Greenstreet, Maria Bruno Havrilla, Elizabeth Roland, Christine Reiss, Jacqueline Neetzow, Sarah Minton and to Tiffany Kirk by Senator McIlhinney.

Congratulations of the Senate were extended to Justin R. Birckbichler by Senator O'Pake.

Congratulations of the Senate were extended to the Foreman Foundation of Zelenople by Senator Orié.

Congratulations of the Senate were extended to Eric Kasunich by Senator Pippy.

Congratulations of the Senate were extended to Lorraine Saunders and to Verda Kathleen Silvis by Senator Regola.

Congratulations of the Senate were extended to Todd G. Miller by Senator Rhoades.

Congratulations of the Senate were extended to Mr. and Mrs. Melvin A. Luhr, Joshua M. Hanes, Cody P. Foster, Tim Crissman and to the Warren Times Observer by Senator Scarnati.

Congratulations of the Senate were extended to Kristi Zoe Munson, Alexandra Collins, Stephanie Collins, Catherine Schweitzer, Erica Silber and to Dianna Koziattek by Senator Tomlinson.

Congratulations of the Senate were extended to Mr. and Mrs. Max Culbertson by Senator Vance.

Congratulations of the Senate were extended to Kekoa Iobst by Senator Wonderling.

BILL ON FIRST CONSIDERATION

Senator FUMO. Madam President, I move that the Senate do now proceed to consideration of the bill reported from committee for the first time at today's Session.

The motion was agreed to.

The bill was as follows:

HB 1096.

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

PETITIONS AND REMONSTRANCES

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

Senator FUMO. Madam President, a major anniversary occurred in my career in the Senate last week. Thursday, April 3, marked 30 years since I took office after winning a special election. I came amid controversy, and I will retire having gone through much adversity, some of which lingers as I complete my final months in the State Senate.

When I took office in 1978, Pennsylvania was on the brink of upheaval. Inflation was wracking the national economy, and our State would be hit especially hard. The domestic steel industry was about to collapse, and much of our manufacturing base was about to disappear. The energy crunch was on the horizon. The affordability of healthcare was just beginning to surface as a widespread problem. Our public infrastructure was beginning to show signs of decay. Although I would help deal with all of these problems and more during my career, we still contend with them today.

I had more immediate concerns when I first came to Harrisburg to take office. I arrived at my swearing-in on April 3 of 1978 with scores of supporters. They proceeded to witness a delay of several hours while one of my fellow Democrats railed against seating me because of an Inquirer story saying that there was an ongoing investigation into the Department of State, where I had previously worked for the Shapp administration. Finally, this Chamber voted to seat me, 48 to 1, and my swearing-in went forward. That investigation never resulted in any charges, but it made my first day in office certainly an interesting one and began my controversial career as a State Senator.

Just 8 months later, I was elected to leadership simply because nobody else wanted to be Caucus Secretary. And I remember that day. They went around the caucus three times, and I raised my hand. Finally, I got the job. Well, I went into my job with great enthusiasm, as I normally do. In fact, that is how the State Police is now under the control of the Committee on Law and Justice, because as a new Senator, when the confirmation came over for the Commissioner, I looked at it, it was law enforcement; I looked at the list, Law and Justice. I did not know that was only for liquor. I sent it over. And it is still there today. Interestingly to note, after I resigned that position later on, there was a mad fight to be Caucus Secretary in my Democratic Caucus.

And here I am, 30 years later, at the opposite end of my career but still involved in controversy. I am retiring from the Senate as

I face an indictment from Federal prosecutors who work for a Justice Department that itself has been subject to investigation.

I have seen this State make great progress since 1978, and I am proud to have personally played a role in many of those achievements. Despite the sometimes bitter partisan disputes that go on in this building and in this Chamber, I can look out across this room and fondly remember that I have worked in cooperation with almost every one of you sitting here today, regardless of political party, as we tried to make life better for the people of Pennsylvania. We often argue over methods and tactics, but I believe that in our hearts, we do not disagree about that solemn, common goal.

Some of you were still in grade school when I first arrived in the Senate. I will not name names here, but I did go through the Pennsylvania Manual and count, and there are four of you. And I can recall the many Senators with whom I served and whose relationships I cherished. Many of them have preceded me in retirement, and 27 of my former colleagues since 1978 have passed away. Please bear with me while I take a moment to read their names. If you also served with them, perhaps you will take a moment to enjoy a fond memory of your times together with them:

Clarence Bell, Lou Coppersmith, William Duffield, R. Budd Dwyer, Wilmot Fleming, Freeman Hankins, Ed Holl, John Hopper, Roxanne Jones, Jim Lloyd, Frank Lynch, Clarence Manbeck, Paul McKinney, Henry Messinger, Marty Murray, Tom Nolan, Stanley Noszka, Frank O'Connell, Jeanette Reibman, Jim Romanelli, Jim Ross, Gene Scanlon, John Shumaker, Joe Smith, Dick Snyder, Pat Stapleton, and Bob Thompson. A chill runs up my spine as I mention those names and remember them well. May God rest their souls.

Throughout my career here, while there have been policy defeats as well as victories, and the legislative compromises that I would rather not have had to make--quite a few compromises, as someone who has spent 27 of his 30 years in the Minority--I have remained generally optimistic about Pennsylvania and about America. I have seen people working hard, both those of whom I have served with in the Capitol and the good citizens of our State and the nation. All the while, I had faith that our system of government would protect the ideals of liberty and equal rights for all, that it would create opportunities for every man, woman, and child to pursue the American dream and would thus make those labors worthwhile.

I pray that is still the case. Sadly and alarmingly, however, I have recently witnessed the erosion of American rights and freedom that we have all taken for granted since we were taught about them as children. Many people already regard this Presidential race as an historical election, given the two remaining Democratic candidates. We hear many people say that this is the most important election of their lifetimes. I think that is true no matter who wins. It is important simply because it will result in a change of administration.

Whoever enters the White House come January of 2009, I just want them to lead us out of the black hole of unconstitutional government in which the likes of Bush, Cheney, Rove, Rumsfeld, Wolfowitz, and Gonzales have plunged America. What I want out of this election, more than the victory of any particular candidate or even political party, is an administration that will restore

executive branch adherence to the Constitution and the Bill of Rights for me, my children, and the people of America.

I want a President who will give us back our moral compass and restore our greatness in the eyes of the world, not just because of the strength of our military, but also because of the strength of our principles. As I stand here today, even that military strength is in question. As I achieved a personal milestone last week, our nation had just reached a more tragic plateau. In the 5 years since the invasion of Iraq, we have lost more than 4,000 soldiers, now 4,021 as of today, and another 29,314 wounded as of the end of February. None of this is making our country stronger or safer. Just the opposite.

Admiral Michael Mullen, chairman of the Joint Chiefs of Staff, warned in February during an appearance before Congress, and I quote, "The pace of ongoing operations has prevented our forces from fully training for the full spectrum of operations and impacts our ability to be ready to counter future threats. ... I am extremely concerned about the toll the current pace of operations is taking on them and on their families, on our equipment, and on our ability to respond to crises and contingencies beyond the ongoing operations in Iraq and Afghanistan," end of quote. That from the chairman of the Joint Chiefs of Staff. Mullen also told reporters in January that the Army could cross the "invisible red line," the Army's breaking point, in as little as 6 to 9 months.

The Commission on National Guard and Reserves released a report in January concluding the Pentagon is not prepared to protect our country from a nuclear, chemical, or biological attack inside the U.S. in large part because of the repeated deployments to Iraq and Afghanistan. According to retired Major General Arnold Punaro, the commission chairman, quote, "We looked at [the Pentagon's] plans. They're totally unacceptable.... You couldn't move a Girl Scout unit with the kind of planning they're doing," end of quote.

I do not know which of the remaining three candidates will be our next President, but I do take heart, and I am regaining some of my former optimism about America, because I know that regardless of who wins, it must inevitably be an improvement above what we have suffered from the worst President in American history. But there is a lot of hard work ahead for the new leadership of America and the next generation of leaders in Pennsylvania as we strive to recover from the disaster of these 8 dark years.

Madam President, I ask for a moment of silence at this time.

The PRESIDENT. Wait a minute. First, I want to say thank you, Senator, for sharing your 30 years of memories from April 3, 1978, to now, and everything you have gone through, because we all appreciate your years of service, dedication, and commitment to the people of Pennsylvania.

Senator FUMO. Thank you, Madam President.

The PRESIDENT. We will also think of you. In these last 5 years, I can never remember anyone giving as many comments as you have on the men and women who have lost their lives in Iraq and Afghanistan. It was indeed a good tribute that you have given them, the 4,021 dead and 29,314 wounded. So I submit that we all stand and give a moment of silence to the men and women who have lost their lives, to the wounded, and of course, to our brother, Senator Fumo.

Senator FUMO. And I ask that we remember the 27 Senators who have preceded us.

The PRESIDENT. And the 27 Senators who preceded us. I apologize.

(Whereupon, the Senate en bloc stood in a moment of silence in solemn respect to the memory of the 4,021 American soldiers who lost their lives in the last 5 years, and the 27 Pennsylvania Senators who have passed away since 1978.)

Senator FUMO. Thank you, Madam President. For the record, I will not disappoint you. I will have more to say in the future weeks about Iraq.

The PRESIDENT. Well, you should.

Senator FUMO. I intend to give a farewell speech at the end of the budget cycle. Thank you.

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

Senator WONDERLING. Madam President, I rise this afternoon to speak about Senate Bill No. 1020, but before I do so, I do want to acknowledge Senator Fumo and his comments. In particular, I may have been one of those young lads whom he looked up in the Pennsylvania Manual who was in grade school or junior high when he arrived here, but when I arrived here, Senator Fumo provided me good guidance and assistance. He and I both shared an acquaintance with a very dear friend who has left us, the late G. Fred DiBona, Jr., and I, for one, appreciated the recitation of the Members of this body who have passed through the years and acknowledge the Senators' service.

I also would like to thank, if I might, this body today for unanimously passing Senate Bill No. 1020, which is the first significant rewrite of our conservation district statute and hopefully will become that rewrite in many decades.

Madam President, for a bit of history, the conservation districts were born from the Dust Bowl generation of the 1930s. You may remember reading John Steinbeck's "The Grapes of Wrath" in which, very visibly, we see how, particularly in the Midwest, farmers were literally blown away by not only the weather but perhaps inappropriate practices as it relates to agriculture. So what swept across the nation and here in this Commonwealth in the 1930s was the creation of the Pennsylvania conservation districts, which have had a rich and robust history of assisting farmers throughout this Commonwealth on a whole range of issues and strategies to reap the bounty of the good earth of Pennsylvania.

In recent years, our conservation districts have been doing much, much more, from providing conservation strategies for the forest industry, to providing and having the delegated authority to be the local authority for the enforcement of nonpoint source pollution, to even providing advice and having authority dealing with matters related to alternative energy.

So it is with all of these new responsibilities for a modern Pennsylvania that I worked closely with the Legislative Budget and Finance Committee several years ago to really do an analysis of the conservation districts, how they have been working as part of State government, an entity of State government that also works with county government and local government along with the private sector. And what I quickly came to learn, and what I think the Legislative Budget and Finance Committee's report

clearly indicated, is that the conservation districts in this Commonwealth are crying out for modernization, crying out for recalibration and a refocus of what their duties and responsibilities are and being stewards of the good earth and serving us as Pennsylvanians.

So, Madam President, Senate Bill No. 1020, which again passed unanimously today and is on its way to the House, essentially took the findings of the Legislative Budget and Finance Committee and moved them into legislation, doing a number of things related to the appointment powers of the conservation district, the role of the Department of Agriculture, the role of the Department of Environmental Protection, and for the first time, Madam President, the role of the Department of Community and Economic Development, which I think is an important governance initiative as we try to strike the right balance between the creation of jobs and economic growth and being proper stewards of our environment.

This legislation also, Madam President, does something that I think is critically important for the future of environmental stewardship in this Commonwealth, and that is it sets an expectation for standardization, training, and certification of conservation district officers in our 67 counties, so that all of those public servants on the front line of conservation are getting the adequate training and also the same level of training and up-to-date training on how to meet the environmental challenges of today and tomorrow.

In conclusion, Madam President, I would like to highlight and acknowledge and thank a number of individuals who are integrally involved in the development of this legislation. First, to our chairs of the Committee on Agriculture and Rural Affairs, both Senator Kitchen and Senator Brubaker, and to Kristin Crawford of Senator Brubaker's staff, along with Senator Waugh when he chaired the Committee on Agricultural and Rural Affairs. Their support, advice, and effort have been invaluable. Also, Madam President, I would like to acknowledge the outstanding cooperation by both Secretary Wolff at the Department of Agriculture and Secretary McGinty at DEP.

Several years ago when we released the findings of that LB&FC study, I asked both Secretary Wolff and Secretary McGinty if they would work cooperatively to get this legislative initiative underway, and both public servants indicated there was nothing in the report that they saw out of bounds or that we could disagree with. So we have had the cooperative level at the highest levels of this administration in bringing Senate Bill No. 1020 to this point in time. And then also in the Governor's Office of Legislative Affairs, Steve Crawford, as well. Finally, Madam President, I would like to acknowledge Brenda Shambaugh, who represents the Association of Conservation Districts, and John Basial, who is a staff attorney on my staff here in Harrisburg.

Countless others have weighed in to this legislation. Again, I think it is an excellent step forward in taking something that is critical for managing our natural resources in this Commonwealth, an organization dedicated to doing so and modernizing the conservation districts for the 21st century in this Commonwealth.

Thank you, Madam President.

The PRESIDENT. Thank you, Senator Wonderling, for calling attention with a petition to Senate Bill No. 1020 and the cre-

ation of conservation districts in all 67 counties and all of the support you received across the Commonwealth.

The Chair recognizes the gentlewoman from Northampton, Senator Boscola.

Senator BOSCOLA. Madam President, last week, the Public Utility Commission, the PUC, traveled to Bethlehem, in the heart of my senatorial district. For 4 hours, they listened to 250 people who spoke out loud and clear against electric deregulation. I want to thank the PUC for listening to the voices of men and women throughout the Lehigh Valley, because these men and women are the people who have the most at stake when electric rate caps expire in 2010. I want to commend Commissioner Jim Cawley and the administrative law judge who sat through this 4-hour hearing and did not leave until every last person in that room was heard from.

The PUC heard from real people who gave sworn testimony on the record. These people are not just ratepayers or customer ID numbers on the electric bills that they get in the mail every month, but people I am so proud to represent here in Harrisburg. Two hundred and fifty real people. Real working class families. Men and women, senior citizens, young families who brought their children with them to this hearing. Small business owners and employees of some of the largest industrial plants in our Commonwealth. All of them, all of them told their story in their own words. Working two jobs just to be able to afford to pay their electric bill as it is today. Being squeezed by rising gasoline prices and rising grocery prices. Worried about their company closing and losing their jobs. Afraid that their small business will soon be out of business and how their family budget and their bottom line will be decimated in 2010, when PPL's rate caps expire and their electric bill goes up by almost 50 percent.

Electric deregulation and rate caps were not forced on any public utility back in 1996. Some of us who were here remember that the stakeholder-negotiated settlement process was inclusive and exhaustive. As a Member of the House of Representatives, I voted in favor of deregulation in 1996. Five of my House colleagues who serve with me in the Senate today did the same thing, because we were told that customers would be guaranteed a rate decrease because more competition leads to more choices and lower prices. It passed the House by a vote of 171 to 28, passed the Senate by a vote of 40 to 10. And 12 of those Senators who voted for competition are still here serving with me in the Senate today. But no one, I repeat, no one voted for what exists today. Neither did hundreds and hundreds of State legislators in 23 other States who also voted for competition and the promise of choice and lower prices.

There is no free market for electricity today. There is no competition, because electric companies across America changed the rules to benefit themselves. They changed the rules, changed the playing field, kidnaped the umpire, and hijacked the market. They orchestrated FERC Order 888, rewrote the Federal Power Act, and turned the nine regional transmission organizations like PJM into wholly owned subsidiaries. The free market that they promised was killed before it could even start to grow. What now exists is a cartel, and it operates under the PJM pricing scheme known as RPM.

You know, I was thinking about this. At least the sheiks in the Middle East meet and make announcements when they set

OPEC's oil output and global oil prices. They do not even try to hide the fact that they are doing this, the sheiks at OPEC. They do not hide the fact. They control the so-called free market, and so do Pennsylvania power companies. If there is anyone who actually believes that a real market exists today in Pennsylvania, I hate to burst your bubble, but there is no tooth fairy, there is no Santa Claus, there is no Easter Bunny. Not here, not in Illinois, not in Maryland, not in Texas, not in Ohio, not in Kansas, and not in any other deregulated State in this country.

In Texas, electric prices went up 21 percent in the last 6 weeks. In New England, deregulation means that the residents there are paying the highest electric rates of anyone in the continental United States. Residents in New England pay nearly double what Pennsylvanians are paying now, because Pennsylvania still has rate caps in place. But believe me, we could be right where they are when the rate caps expire.

So I am proud of those 250 people who showed up at Bethlehem last week to call for an end to this charade. Over the next several weeks, I will be working with another group that also has a lot at stake if rate caps are allowed to go up by 50 percent. In fact, I might be coming to your town, a town near you, and I want to invite you to join me if you can, because the issue of rate caps will hurt more than just residential customers, families who are already in dire straits. When the rate caps are lifted, the price of electricity will double for our Commonwealth's largest manufacturers, and that should concern you, because that industrial plant in your district employs 2,000 workers and pays them good wages. But they will not be your largest employer anymore. In fact, they will not be in business anymore.

The presidents and CEOs of these companies want to be heard from. They understand economics and a free market. If they did not, they would not be running successful companies that employ thousands of your constituents, the people who vote for you. I want them to tell their story, just like the 250 people in Bethlehem got to tell theirs. The story you will hear will scare you, because it should. Companies closing down, workers out of work, and those plants that manage to survive will be looking to relocate their plant to a regulated electric State as fast as they can. Not only will your local companies and your local economies suffer, but the entire economy of Pennsylvania will suffer, too. And if you do not think it could happen in your districts, I will take you to an empty Alcoa plant in Maryland that closed down when the rate caps came off. I will take you to a cement plant in my district that is already making plans to move out west, taking hundreds and hundreds of jobs with them, if we do not do something to stop this economic train wreck. For those of you who are true believers in the free market, I will introduce you to corporate executives who have made their living by thriving in a real free market. And they will tell you all about the phony so-called market for electricity in the State of Pennsylvania today.

So I look forward to some of you joining me along the way, joining this fight to save good-paying jobs here in this Commonwealth, looking forward to that fight with everybody on board working together to protect Pennsylvania's economy and the hardworking families of this Commonwealth.

Thank you, Madam President.

The PRESIDENT. Thank you, Senator Boscola, for calling attention to the PUC meeting last week in Bethlehem with constituents who were there to discuss their feelings against the electric deregulation planned for 2010 in Pennsylvania. Thank you.

The Chair recognizes the gentleman from Philadelphia, Senator Stack.

Senator STACK. Madam President, today I join Senator Orie, Senator Kitchen, Senator Tartaglione, and Lieutenant Governor Catherine Baker Knoll, along with some other elected officials and advocates, to promote "Equal Pay Day." "Equal Pay Day" is a day to reflect on a disturbing socio-economic issue. Despite the advances for women's issues over the last century, women are still often underpaid for performing exactly the same job as their male coworkers. We gather today, men and women alike, to raise our voices to say that the time for equality in the work force is now, and that means ensuring that women are compensated fairly to begin with.

In 1979, women earned 63 cents on the dollar compared to their male counterparts for equal work. Now, nearly 30 years later, women are earning a whopping 77 cents on the dollar compared to their male coworkers. How is it, Madam President, after nearly 30 years, women have only progressed a meager 14 cents? Women have progressed greatly in the work force over the last 30 years as far as getting access and being superior performers in every career field, but yet they continue to be underpaid.

This discrepancy does not just hurt women. It hurts families. So many families rely on two paychecks to make ends meet. Gas and food prices are rising, electricity rate caps, as we just heard, will be ending soon, and our economy is suffering. But let us not forget that many families must pay for their healthcare, their day care, education, and many other financial burdens. Pennsylvania families cannot afford this form of discrimination any longer. So I urge all of us here in the Senate and everyone across Pennsylvania to be aware of this issue and to wholeheartedly support efforts to ensure equal pay for women in Pennsylvania. It is imperative that we support this issue for the sake of hardworking women and hardworking families. Together, we can get it done.

Thank you, Madam President.

The PRESIDENT. Thank you, Senator Stack, for calling attention to Senator Orie, Senator Kitchen, and Senator Tartaglione's "Equal Pay Day" in Pennsylvania, and all the Senate and House Members who came to our rally. Thank you very much.

HOUSE MESSAGES

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 638**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule XIV, section 6, this bill will be referred to the Committee on Rules and Executive Nominations.

**HOUSE CONCURS IN SENATE
CONCURRENT RESOLUTION**

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

Weekly recess.

RESOLUTION INTRODUCED AND REFERRED

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

April 8, 2008

Senators LOGAN, STOUT, FONTANA, FERLO, ERICKSON, WASHINGTON, RAFFERTY, HUGHES, DINNIMAN, MUSTO, ORIE, FUMO, PILEGGI, COSTA, MELLOW, TARTAGLIONE, CORMAN, RHOADES, TOMLINSON, C. WILLIAMS, BAKER, BOSCOLA, STACK, EARLL, GREENLEAF, O'PAKE, WOZNIAK, ARMSTRONG, BRUBAKER, PIPPY and A. WILLIAMS presented to the Chair **SR 289**, entitled:

A Resolution encouraging members of the Congress of the United States to take immediate action with respect to the current student lending crisis affecting the ability of Pennsylvania students enrolled in institutions of higher education to obtain the necessary student aid to further their education.

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

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, APRIL 9, 2008

9:00 A.M.	TRANSPORTATION (public hearing on Senate Bill No. 1158, Public-Private Partnerships for Transportation Project Development)	Hrg. Rm. 1 North Off.
9:30 A.M.	FINANCE (to consider Senate Bills No. 1297, 1314 and 1316)	Room 461 Main Capitol
9:30 A.M.	PUBLIC HEALTH AND WELFARE (public hearing on PA Health Clinics)	Room 8E-A East Wing
10:30 A.M.	GAME AND FISHERIES (to consider House Bill No. 69) CANCELLED	Room 461 Main Capitol
Off the Floor	EDUCATION (to consider Senate Resolution No. 289)	Rules Cmte. Conf. Rm.

Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bills No. 638 and 810; and certain executive nominations)	Rules Cmte. Conf. Rm.
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THURSDAY, APRIL 10, 2008

9:30 A.M.	LOCAL GOVERNMENT and URBAN AFFAIRS AND HOUSING (joint hearing on Multi-Municipal Planning and Shared Services)	Greensburg Garden and Civic Center 106 N. Main St., Greens- burg, PA
2:00 P.M.	JUDICIARY (to hear testimony on Senate Bill No. 1250)	Allegheny County Court House 410 - Gold Rm.

TUESDAY, APRIL 15, 2008

10:00 A.M.	PUBLIC HEALTH AND WELFARE (public hearing on PA's Health Clinics)	Clark Center Auditorium Crozer Chester Med. Center 1 Med. Center Blvd., Upland
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TUESDAY, APRIL 29, 2008

9:00 A.M.	COMMITTEE OF CONFERENCE FOR SENATE BILL NO. 246 (to consider Senate Bill No. 246)	Room 8E-B East Wing
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RECESS

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

Senator ORIE. Madam President, I move that the Senate do now recess until Wednesday, April 9, 2008, at 11 a.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate recessed at 5:11 p.m., Eastern Daylight Saving Time.