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No. 76

**SENATE**

WEDNESDAY, December 14, 2005

The Senate met at 11 a.m., Eastern Standard Time.

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

**PRAYER**

The Chaplain, Reverend PAUL LAUCHLE, of Colonial Park United Methodist Church, Harrisburg, offered the following prayer:

Let us humble ourselves before Almighty God.

God of the ages, we praise You. From the dawn of time You created the world, sending light by Your word to dispel the darkness. Thank You for sending the light to our darkness today, to drive away fear and despair, to dispel hopelessness and helplessness, and instead to rule with peace and justice and holiness and compassionate love.

We especially thank You for the order and beauty of Your creation, for coming to be one of us, for the place You give us in Your continuing creation, for the promise of peace among nations and justice for all peoples, and for Your coming kingdom.

Almighty God, prepare the world for Your rule, for we long for the day when there shall be no more crying or tears, no more hatred, and when sin and death will be destroyed. Help us all to be agents of Your care and mercy in what we say and do.

We especially pray for the leaders of the nations of the earth and peace in the world, for victims and survivors of violence, for those who are sick and suffering, for our families and friends, for our fellow citizens in this Commonwealth, in this great nation, for those who serve You and serve each other, for those serving our nation in the Armed Forces, defending liberty and freedom, and providing for justice.

We pray for those in this Senate Chamber, for the discussion, deliberation, and action that they need to make, for all the support staff and leaders gathered here in this Capitol, for our Lieutenant Governor and Governor, and for our national leaders in all branches of government, we lift our prayers. Strengthen us by the example of our Lord's humility, that we may always be ready to do Your will of bringing peace and goodwill to all. Make ready our hearts for the brightness of Your glory and the fullness of Your blessing in this Christmas season. We ask this through the One whose coming is certain. Amen.

The PRESIDENT. The Chair thanks Reverend Lauchle, who is the guest today of Senator Piccola.

**PLEDGE OF ALLEGIANCE**

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

**LEGISLATIVE LEAVES**

The PRESIDENT. The Chair recognizes the gentleman from Dauphin, Senator Piccola.

Senator PICCOLA. Madam President, I request a legislative leave for Senator Punt, and temporary Capitol leaves for Senator Brightbill, Senator Jubelirer, Senator Wenger, Senator Madigan, and Senator Waugh.

The PRESIDENT. Senator Piccola requests a legislative leave for Senator Punt, and temporary Capitol leaves for Senator Brightbill, Senator Jubelirer, Senator Wenger, Senator Madigan, and Senator Waugh. Without objection, the leaves will be granted.

**JOURNAL APPROVED**

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of December 13, 2005.

The Clerk proceeded to read the Journal of the preceding Session.

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

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

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

**YEA-50**

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

**NAY-0**

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

The PRESIDENT. The Journal is approved.

**SPECIAL ORDER OF BUSINESS  
GUESTS OF SENATOR JOHN C. RAFFERTY  
AND SENATOR MICHAEL A. O'PAKE  
PRESENTED TO THE SENATE**

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

Senator RAFFERTY. Madam President, several months ago I had the opportunity to attend an Eagle Court of Honor for an Eagle Scout, and at that time I met Paul Jokiel and his family - his father, Richard; his mother, Lisa; and his brother, Walt. Paul is from Amity Township, Berks County, and is a 2004 graduate of Daniel Boone High School, where he was also class president. When I had a conversation with Paul, I was very much impressed by his dedication and determination in being an Eagle and his accomplishments in high school. He enrolled in the U.S. Army Reserves and began to attend Albright College when he received notification that he was to be sent to Iraq, where he is currently serving. He is now home on 15 days' leave but will be heading back to Iraq.

Paul has kept in touch with me and Senator O'Pake, and I am happy to have him here today. If I may say, Madam President, Paul is now one of the tens of thousands of men and women wearing the uniform of our U.S. military, defending us and our liberty and freedom, and they are true American heroes.

It is my pleasure today to welcome Paul Jokiel to the Senate of Pennsylvania and to introduce him to my colleagues, and I ask them to join me in giving him our traditional warm welcome.

I shall yield the floor temporarily to Senator O'Pake, and then I will come back to close.

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

Senator O'PAKE. Thank you, Senator Rafferty.

I just want to add my sincere congratulations. I know the Jokiel family, and they are wonderful. Paul is as focused and dedicated a student as I have ever met. I was also at the Eagle Court of Honor, and I predict great things for him in the future. I am encouraged by the fact that he is interested in politics so, John, watch out.

The PRESIDENT. He will not run against you, Senator Rafferty.

Senator RAFFERTY. You heard the Lieutenant Governor.

Senator O'PAKE. Madam President, I would like to join in the salute to Paul Jokiel and thank him for the sacrifices he has already made, and I know he has a great future that lies ahead, hopefully at West Point.

Senator RAFFERTY. Madam President, if I may, there is also a word called "redistricting." I am only kidding.

Madam President, I am very proud to have Paul in the 44th Senatorial District. It was an honor for me to be at his Eagle Court of Honor, to have the opportunity to meet him, and all the qualities and characteristics I saw in him there have been magnified in the time he has spent in the U.S. Army. I am proud to have him with us today, and I ask my colleagues to join me in a

traditional warm welcome of the Senate of Pennsylvania to Paul Jokiel today.

The PRESIDENT. Will our guests please rise.  
(Applause.)

**BILL SIGNED**

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

**SB 712.**

**RECESS**

The PRESIDENT. The Chair recognizes the gentleman from Dauphin, Senator Piccola.

Senator PICCOLA. Madam President, at this time I would like to request a recess of the Senate for the purpose of a Republican caucus. However, for the information of the Members, the caucus will not begin until 2 p.m. in the Majority Caucus Room.

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

Senator O'PAKE. Madam President, the Democrats will be caucusing, and we will announce the time later.

The PRESIDENT. There will be a recess for purposes of Republican and Democratic caucuses. For those purposes, without objection, the Senate will be in recess.

**AFTER RECESS**

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

**BILLS REPORTED FROM COMMITTEE**

Senator ERICKSON, from the Committee on Local Government, reported the following bills:

**SB 928 (Pr. No. 1223)**

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, authorizing certain donations by political subdivisions.

**SB 986 (Pr. No. 1317)**

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further providing for personal property.

**HB 893 (Pr. No. 2994)**

An Act amending the act of April 14, 1949 (P.L.482, No.98), entitled, as amended, "An act authorizing and requiring cities, boroughs, townships, municipal authorities and public utility companies engaged in the supplying of water, to shut off the supply of water for nonpayment of sewer, sewerage, or sewage treatment rentals, rates, or charges imposed by municipal authorities organized by counties of the second class, by cities of the second class, by cities of the second class A, by cities of the third class, by boroughs or by townships of the first or second class; authorizing and requiring them to supply to such authorities lists of metered water readings and flat-rate water bills and other data; authorizing them to act as billing and collecting agents for such authorities; and conferring certain powers upon the Pennsylvania Public

Utility Commission in connection therewith," further providing for shutting off water if sewer charge not paid, for notice and for statement of defense; and requiring certain procedures to be followed in residential buildings.

## CALENDAR

### THIRD CONSIDERATION CALENDAR

#### BILL AMENDED

**SB 170 (Pr. No. 167)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, eliminating the office of Lieutenant Governor from primary elections.

On the question,

Will the Senate agree to the bill on third consideration?

Senator PICCOLA offered the following amendment No. A5282:

Amend Sec. 1 (Sec. 902), page 2, line 1, by striking out "Lieutenant Governor and"

Amend Sec. 1 (Sec. 902), page 2, lines 7 through 11, by striking out "Each candidate for Governor," in line 7, all of lines 8 through 10 and approval of the candidate's political party," in line 11

Amend Sec. 1 (Sec. 902), page 2, line 16, by inserting after "President.": The Lieutenant Governor shall be chosen jointly with the Governor by the casting by each voter of a single vote applicable to both offices, for the same term, as otherwise set forth in this act. Notwithstanding the provisions of this article, each candidate for Governor shall indicate the candidate for Lieutenant Governor upon filing a nomination petition of candidates at primaries. For the purposes of this section, candidates for Governor and Lieutenant Governor shall be nominated by one nomination petition. The candidates for nomination of the office of Governor and Lieutenant Governor shall present a nominating petition containing at least as many signatures as required for the office of Governor pursuant to section 912.1. Each sheet shall have appended thereto the affidavit of circulator pursuant to section 909. There shall be appended to the nomination petition offered for filing an affidavit of each candidate nominated therein pursuant to section 910.

Amend Sec. 2 (Sec. 912.1), page 2, line 26, by inserting after "Governor": and Lieutenant Governor

On the question,

Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentleman from Dauphin, Senator Piccola.

Senator PICCOLA. Madam President, just by way of explanation, this amendment would change the date upon which the gubernatorial candidate and the lieutenant governor candidate would be paired together from after the primary, which is in the bill now, to before the primary, so that in the primary the two candidates would run as a team.

#### LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator Brightbill, Senator Wenger, and Senator Madigan have returned, and their temporary Capitol leaves are cancelled.

And the question recurring?

Will the Senate agree to the amendment?

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

Senator MELLOW. Madam President, I understand this amendment is to have in the gubernatorial election of 2006 a candidate for governor and candidate for lieutenant governor run together in the primary election, which basically would disenfranchise the people of the Commonwealth of Pennsylvania of the opportunity of nominating the person whom they think is the most qualified in their party to become their nominee for the position of lieutenant governor.

Madam President, I believe that there are elections to be held in Iraq tomorrow, and our country has spent untold hundreds of billions of dollars and thousands and thousands of lives of young Americans have been taken, not to mention the number of Americans who have been so severely injured in the war that they may never be able to function as they did prior in the war, and it was done, Madam President, in order to give democracy and free elections in the country of Iraq and the Middle East. Yet tonight on the floor of this Senate, we are taking the extraneous step of removing that right from the people of the Commonwealth of Pennsylvania, and we are saying that even though in the last two administrations, not counting this administration, both Lieutenant Governors were independently nominated by their party in the primary election, both individuals, Lieutenant Governor Mark Singel and Lieutenant Governor Mark Schweiker, had the opportunity of serving as Governor during their term of office, and we are saying that it is not important for the people of the Commonwealth to be able to nominate the individual that they would like to have represent their party.

What this amendment does, I assume, is have the individual who is running for governor select the person that he or she would want to run for lieutenant governor. I am not clear, Madam President, if there are multiple candidates for governor, can each one make the same selection for lieutenant governor candidate, which means that you probably could guarantee who the lieutenant governor candidate would be, but then possibly not guarantee who the governor candidate for a particular party is going to be.

Madam President, I have been here since right after the Constitutional Convention took place in Pennsylvania in the late 1960s, and without--

Madam President, could we have some order in the Chamber, please?

The PRESIDENT. Would the Senators please take their seats.

Senator MELLOW. Madam President, I do not care if they sit or stand, but when you have sidebar conversations taking place on an issue that is so important, sometimes the debate is lost.

Madam President, since the Constitutional Convention in the late 1960s in the length of time I have served here, we have never once had a problem with the election of the lieutenant governor on either side. In fact, on at least one occasion, the individual who was nominated to serve as lieutenant governor, represent the party as lieutenant governor, was not the individual who was the selection of the person who was returning for governor, yet it

gave a good check and balance through that administration, and things worked out very well.

I have no idea, Madam President, what the Majority party in the Senate is trying to get at by offering this amendment, but I can only say that by acceptance of this amendment and disenfranchising the people in Pennsylvania of both parties the opportunity to go to the polls and nominate the individual whom they would want to select to be their lieutenant governor candidate in the general election of 2006 is not the right thing to do, especially if we listen to what is being preached to us by the Federal government of this great country of ours, asking for open and free democratic elections in the country of Iraq so that the people can have the proper type of representation and input in that representation.

By this amendment, what we are doing is taking that independent right away from the people of Pennsylvania in both parties, by saying whomever that person is to serve as lieutenant governor must be an individual selected by the person running for governor and they must run as a team in the primary election. They must be one team, based on the Constitutional Convention, in the general election, which is the way it should be, but in the primary election, the people of Pennsylvania are very smart, they know exactly what the problems are in this Commonwealth. They realize full well that the person they nominate could very easily become the next governor of the Commonwealth of Pennsylvania if the person elected governor for some reason cannot fulfill his or her term of office.

For those reasons, I ask for a negative vote on the amendment offered by Senator Piccola.

The PRESIDENT. The Chair recognizes the gentleman from Dauphin, Senator Piccola.

Senator PICCOLA. Madam President, I somewhat agree with the gentleman's remarks, and that is actually the reason I offered the amendment, because the way the bill is presently constructed, no one has any idea who the candidate for lieutenant governor is going to be until sometime after the primary election. I thought that was a fatal provision in the bill, as it is presently written, and that is why I offered this amendment, so that the candidate who is running for governor must select his or her running mate and run together in the primary election so that the primary voters have the opportunity to pass upon that candidate for lieutenant governor, as well as governor. So I somewhat agree with the gentleman.

My amendment does not really have anything to do with 2006, because I do not address the effective date, although I do know there is another amendment coming up that will change the effective date to 2007, after next year's election, and I support that amendment as well. But this amendment, I think, gives the people the opportunity to cast their vote for the executive branch team that is going to run the Commonwealth in the primary election, as opposed to the way the bill is presently constructed, where they only get that opportunity in the general election, after the primary.

Thank you, Madam President.

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

Senator MELLOW. Madam President, I think the gentleman's argument goes hand in hand with what is wrong with the bill in

its entirety. We are removing from the people of Pennsylvania the opportunity to select who is going to represent them in running this body as lieutenant governor, who will be the next person in the line of succession if the governor, he or she, cannot fulfill their term, for whatever reason. I do not believe that we should put the selection of the person who could serve as the governor of Pennsylvania in the hands of one person, which the amendment does. We should allow the people of Pennsylvania to be able to, in both parties, select who they believe should be the nominee of their party.

Thank you, Madam President.

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

Senator CORMAN. Madam President, I was not going to speak on the amendment, although I support the amendment, but as the sponsor of the bill, I just want to address some of the comments that were made earlier.

There certainly are valid points on both sides of this argument. Right now in the United States I believe we have about 15 or 16 States that do it presently the way we do it. Right now there are 15 or 16 States that do it the way I am suggesting we do it, and there are a few States that elect the governor and lieutenant governor completely separate, different parties, it does not matter. I think if we follow Senator Mellow's argument that it would take away the people's right to vote, then I think he would be advocating they should vote separately in the fall as well. If he really wants people to have a choice of who the lieutenant governor should be, then they should have that same choice in the fall and not just the spring, in the primary.

So my thought was, when I introduced this piece of legislation, that an administration is a very important thing, and the governor and lieutenant governor are a team. If you put two people together who are theoretically and philosophically completely opposite, not implying anything about the current administration or the previous administrations, it would make an administration not run as smoothly as it should run. This is the way we do it at the Federal level. Our President goes out and looks for a nominee, works all the processes of being nominated, and once they are nominated by the party, then they select a vice presidential candidate and they run as a team in the fall. That was my motivation when I introduced this piece of legislation. And to make sure it was not just a partisan idea, because I did not want to run this on a partisan level, I introduced this originally 3 years ago, right after, I guess, the 2002 election. Senator Allen Kukovich, who is still the Democratic chair of the State committee, or was just recently, cosponsored it with me and stood up at a press conference to support this piece of legislation, because he thought it was a fair way of providing a solid administration for the future.

Certainly, I understand the reservations about taking away a person's right to vote in a primary. I think Senator Piccola's amendment addresses that in a very good way, and again, the next amendment that I think will be offered, maybe we offered them out of order, will take the effective date out of the 2006 election. I think that is fair. Now that we are so close to the election, we should not change the rules this late in the game. I am more interested in the idea. I am not interested in the current players, I am interested in the idea for the future, and I think in the future it sets up a much better administration if the governor

and lieutenant governor run as a team so that we know who they are and they can have an idea of who they want to be together and have a very solid administration once they get into government. So that was the motivation.

I certainly understand people's hesitation. The country is mixed on this. I thought it was a good thing to have a debate on this. I am glad it finally got on to the floor after so long, and I certainly understand every Member's right to vote how they choose. But my idea behind it, at least my motivation, was not about current players, as was suggested recently in a press conference. It was not about trying to disenfranchise anyone. It was trying to set up, for administrations in the future, what would work most effectively together. That is why I introduced it, and I support Senator Piccola's amendment.

Thank you.

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

Senator MELLOW. Madam President, I realize we are not supposed to speak more than twice on one particular issue, but I do believe it is important that I just try to give the gentleman a little bit of history of the Commonwealth of Pennsylvania, because it is obvious that the gentleman is not aware of what took place prior to the 1968 Constitutional Convention in Pennsylvania.

In the election of 1966, there were four candidates running for governor and lieutenant governor, one of each in both parties. The candidates for governor were Milton Shapp and Ray Shafer, who was Lieutenant Governor to Governor Bill Scranton. The candidates for lieutenant governor were Raymond Broderick, who later became a Federal judge, and Leonard Staisey, who later became a county commissioner in Allegheny County. In the general election in 1966, they did not run together, they ran separately, and in 1966, Ray Shafer was elected Governor of the Commonwealth of Pennsylvania and Ray Broderick was elected Lieutenant Governor. Ray Shafer beat Milton Shapp by several hundred thousand votes for governor. Ray Broderick beat Leonard Staisey by less than 50,000 votes for lieutenant governor.

In the 1968 Constitutional Convention, some of these same individuals were members, and I believe former Governor Bob Casey, Governor Scranton, and Governor Leader served as co-chairmen of the Constitutional Convention. The one thing they did was removed a provision where you would run separately for governor and lieutenant governor in an election, and at least the individuals running for governor and lieutenant governor in an election would be running together in the same party, and in that way, to the best of their ability, eliminate any political bickering by having a governor of one party and a lieutenant governor of a different party, such as what they have in many States, including the largest State in this country, California. They changed the Constitution then to bring about the system that basically takes place today, that they run together in the general election.

The Constitution does not even address the fact of the election of a lieutenant governor, and perhaps if we do not need a lieutenant governor in the Commonwealth after this next year's election, maybe we should introduce legislation, which I would be only too happy to support, conduct public hearings throughout the Commonwealth, and find out what the will of the people would be and whether they feel they would like to elect a lieutenant

governor, have both of them run together, or maybe have no lieutenant governor at all, and have the President of the Senate, which takes place in other States, in case the governor cannot fulfill his or her term, then the President pro tempore of the Senate would move up to Governor. That has happened in other States, including States bordering the Commonwealth of Pennsylvania. But to do it this way, with no public input, without talking to individuals outside of the 50 Members of this body, and to disenfranchise individuals now by saying that you are not going to be able to vote for lieutenant governor, I think is an improper thing to do. It was resolved in a Constitutional Convention, a much bigger arena than what we have here discussing this at a quarter to 6:00 on this Wednesday evening.

This is a very, very important question, because the last two lieutenant governors, not taking our current Lieutenant Governor into consideration, had the opportunity of serving as governor of the Commonwealth, one because of illness, and the other one because the gentleman was able to resign to take a higher position in the Federal government. So the history lesson in Pennsylvania is very clear. We did what the gentleman is talking about. Perhaps it is the right thing to do in the future, but only if we have the proper type of input and we have public hearings and hear what the people of Pennsylvania want to say and not what 50 politicians in this Pennsylvania Senate tonight want to say. That is the point I am trying to make.

Thank you, Madam President.

#### LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator Jubelirer and Senator Waugh have returned, and their temporary Capitol leaves are cancelled.

#### LEGISLATIVE LEAVES

The PRESIDENT. The Chair recognizes the gentleman from Dauphin, Senator Piccola.

Senator PICCOLA. Madam President, I request a temporary Capitol leave for Senator Conti.

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

The Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Madam President, I request legislative leaves for Senator Fumo, Senator O'Pake, Senator Stack, and Senator Tartaglione.

The PRESIDENT. Without objection, the leaves for Senator Fumo, Senator O'Pake, Senator Stack, and Senator Tartaglione will be granted.

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

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

## YEA-23

Armstrong	Greenleaf	Punt	Waugh
Brightbill	Jubelirer	Rhoades	Wenger
Conti	Lemmond	Robbins	White, Donald
Corman	Madigan	Scarnati	White, Mary Jo
Earll	Piccola	Thompson	Wonderling
Erickson	Pileggi	Tomlinson	

## NAY-27

Boscola	Hughes	O'Pake	Tartaglione
Browne	Kasunic	Orie	Vance
Costa	Kitchen	Pippy	Washington
Ferlo	LaValle	Rafferty	Williams, Anthony H.
Fontana	Logan	Regola	Williams, Constance
Fumo	Mellow	Stack	Wozniak
Gordner	Musto	Stout	

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?

Senator M.J. WHITE offered the following amendment No. A5135:

Amend Sec. 6, page 7, line 1, by striking out "immediately" and inserting: January 1, 2007

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

## REQUEST FOR RECESS

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

Senator BRIGHTBILL. Madam President, at this time I ask for a recess of the Senate for the purpose of a meeting of the Committee on Appropriations, which will begin immediately in the Rules room.

## AMENDMENT A5135 TEMPORARILY WITHDRAWN

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

Senator MELLOW. Madam President, I thought we had an amendment before us. Is it withdrawn?

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

Senator M.J. WHITE. Madam President, I will temporarily withdraw the amendment until after recess.

## RECESS

The PRESIDENT. For a meeting of the Committee on Appropriations, without objection, the Senate will stand in recess.

## AFTER RECESS

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

And the question recurring,  
Will the Senate agree to Senate Bill No. 170 on third consideration?

Senator M.J. WHITE offered the following amendment No. A5135:

Amend Sec. 6, page 7, line 1, by striking out "immediately" and inserting: January 1, 2007

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

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

Senator M.J. WHITE. Madam President, basically, my amendment changes the effective date of the act to January 1, 2007, which will be after the next gubernatorial election.

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

Senator MELLOW. Madam President, not to delay the final vote on the amendment, but the arguments that were made on the amendment that was offered by Senator Piccola are the same arguments and discussion that I would make on the amendment that is offered by Senator Mary Jo White. It does the same thing. It really basically disenfranchises people from casting their vote for an elected lieutenant governor in the election. It just delays implementation from the election of 2006 to the election of 2010, and if we did the proper type of public hearings and public input, perhaps this would be the right thing to do, but doing it here on the Senate floor this evening is not the proper thing to do. It disenfranchises the voter of Pennsylvania, for both political parties, and for that matter, I ask for a negative vote.

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

Senator M.J. WHITE. Madam President, certainly changing the effective date of the bill does not disenfranchise anyone. I think it makes it a better bill, people can vote "no" on the bill, but this amendment simply does exactly that. It changes the effective date until after the next gubernatorial election, and it does not disenfranchise anyone.

Thank you.

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

Senator MELLOW. Madam President, perhaps I misspoke when I said the amendment disenfranchises the voter, the bill disenfranchises the voter. The only thing the amendment does is delay that disenfranchisement from 2006 to 2010.

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

Senator FERLO. Madam President, I just want to say one thing in all due respect. I do not know what we just learned about the recent pay raise debacle, but apparently not much. Are we so afraid to hear and listen and learn from the electorate directly on this issue? Is there something so horrendous, something so bad, something so undemocratic to actually allow others to weigh in on this issue? I respect the fact that it is now being considered as prospective, something that would happen in the future, and I agree with my colleagues who stated earlier that there are argu-

ments that can be made reasonably on both sides of the issue. But I do not know why we are rushing to judgment on this bill, why we will not take the time in the incoming year of 2006 to allow many other individuals, from partisan parties, both Republican and Democratic committees, other Independent and third party committees, others who have expressed views about governance issues, from the League of Women Voters to other special interest groups to Common Cause, I do not know why we cannot allow individuals, including our own constituents, to express their views. I would like an opportunity to hear from our constituents on how they feel about this issue.

Fundamentally, it does take away the right to vote, and I believe the bill is self-serving, so I hope it is defeated.

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

Senator BRIGHTBILL. Madam President, I understand the sensitivities of the gentleman from Allegheny. I would note that what this amendment does is delay the implementation of the bill for 4 years, and I understand the gentleman's concerns. What we intend to do is adopt this amendment and then perhaps reconsider the Piccola amendment, but even if both of these amendments are adopted, at this time we would simply go over the bill. We have no intention of running the bill. We think this is an important idea, an important concept, and we think that public input is indeed very important, so what we would like to do is have Senate Bill No. 170 reprinted with the two amendments in so that we can get public input. It would go out, it is not an issue for next year, it is not an issue for 4 more years, but meanwhile, Senate Bill No. 170 would be amended to include a later date and to include a somewhat different public process.

I personally support the bill as amended with Senator Piccola's amendment, but I am not comfortable with the bill as it is currently written. All we are trying to do is exactly what the gentleman from Allegheny wants to see us do, which is to get some public input, but get public input on a bill that we think perhaps makes a little more sense.

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

Senator FERLO. Madam President, may I interrogate the Majority Leader briefly for one question?

Senator BRIGHTBILL. Madam President, I would love to answer Senator Ferlo's questions.

Senator FERLO. Madam President, the Majority Leader made reference to two amendments. I believe one amendment was just defeated, so the only amendment I presume we are actually talking about is Senator Mary Jo White's amendment? Is that what the gentleman is talking about?

Senator BRIGHTBILL. Madam President, we are presently offering Senator Mary Jo White's amendment, which would delay this 4 years, and then we may or may not reconsider Senator Piccola's amendment, but even if both amendments are adopted, we would then go over the bill and not take the bill up under any circumstances until next year. As written then, it would not apply in the next gubernatorial election, it would be 4 years away. So what we really would be doing here is simply providing a vehicle to create public debate.

Senator FERLO. Madam President, in all due respect, and obviously, I appreciate the Majority Leader's response and clari-

fication in that matter, but to be quite honest and clear, I would still obviously vote against the measure. What I would strongly suggest is that various pieces of legislation be offered by elected officials, be they in the House or Senate, and they be put out in the public arena through the media and elsewhere, and they be the subject of formal public hearings around the State. That would include Senator Piccola's bill with the respective amendment he suggested, albeit it was defeated, that would include Senator White's suggestion. There may be other variations on the theme. There was a question earlier about whether or not we could conceivably have multiple candidates jockeying for different positions. In other words, could you have a gubernatorial candidate seek to be put on the ballot with more than one lieutenant governor candidate, or could more than one lieutenant governor candidate seek the ability to run with different mixes and matches of gubernatorial candidates?

I would suggest rather that we do the democratic thing and we err on the side of participation and democracy, all colleagues would be allowed to offer amendments and submit legislation, and let those be subject to hearings around the State.

POINT OF ORDER

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

Senator M.J. WHITE. Point of order, Madam President.

The PRESIDENT. Senator Ferlo, will you please yield for a point of order.

Will the gentlewoman state her point of order.

Senator M.J. WHITE. Madam President, all of this discussion is on the bill. Senator Brightbill indicated we are not going to move the bill tonight, so all of this debate is inappropriate. All we are voting on at this moment and all that is before this body is my amendment on the effective date, so I believe all of this debate is out of order.

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

The yeas and nays were required by Senator M.J. WHITE and were as follows, viz:

YEA-28

Armstrong	Gordner	Pippy	Tomlinson
Brightbill	Greenleaf	Punt	Vance
Browne	Jubelirer	Regola	Waugh
Conti	Lemmond	Rhoades	Wenger
Corman	Madigan	Robbins	White, Donald
Earl	Piccola	Scarnati	White, Mary Jo
Erickson	Pileggi	Thompson	Wonderling

NAY-22

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

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

**BILL OVER IN ORDER TEMPORARILY  
AS AMENDED**

Senator BRIGHTBILL. Madam President, I ask that we go over Senate Bill No. 170 temporarily.

The PRESIDENT. Without objection, the bill will go over temporarily.

**BILLS ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**SB 398 (Pr. No. 1404)** -- The Senate proceeded to consideration of the bill, entitled:

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

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 Costa.

Senator COSTA. Madam President, I would like to take a few brief moments to comment about this important piece of legislation that we are about to vote on this evening.

First, I would like to take a moment to thank Senator Armstrong, Senator Thompson, Senator Stack, and Senator Fumo for helping move this legislation along to the full Senate. Without their commitment and interest in this endeavor, we would not be considering it here this evening. I would also like to thank the staff of Major General Wright and the personnel at the Department of Military Affairs for their assistance with the drafting of this legislation and the amendment that was offered earlier in time.

Madam President, the members of the Pennsylvania National Guard and the Pennsylvania Air National Guard have always provided exemplary service to the citizens of this Commonwealth, and now more than ever, this extraordinary service by citizen soldiers and airmen is evident as they have been deployed in many parts of the world, including areas that are experiencing hostile conditions. In fact, Madam President, over the last few years, there have been more National Guardsmen and women deployed around the world, fighting the global war on terrorism, than any time since World War II and the Vietnam War.

In an effort to both recognize and address the needs of these citizens and their families, I have introduced legislation that will provide additional benefits to these brave men and women, as well as their families. It is estimated that approximately 3,000 Guardsmen and Airmen remain deployed in locations around the world, particularly in the Middle East. This legislation is intended to provide the maximum insurance benefit to families of

members of the Pennsylvania National Guard and the Pennsylvania Air National Guard in the event that they make the ultimate sacrifice during their service to our great country. This legislation provides that the Commonwealth would pay the monthly premium for the maximum amount of insurance coverage for eligible members of the National Guard under the Servicemen's Group Life Insurance that is not paid for currently by the Federal government.

Currently, the maximum insurance allowed is \$400,000, and for those individuals who were deployed and killed in action between September 11, 2001, and the effective date of this act, the Commonwealth will pay the greater of the following: Premiums paid by the individual to secure maximum insurance coverage for that period, or maximum coverage in effect for the period of time, \$250,000. The legislation defines an eligible member of the Pennsylvania National Guard as well as one ordered to active Federal service for 30 or more consecutive days, while preparing to deploy, deploy, or demobilize from deployment in zones of combat or combat operations as designated by the United States Department of Defense and the Secretary of Defense.

I would like to thank my colleagues and hope to have my colleagues' support for their consideration of this legislation and, hopefully, we can move it through the House and on to the Governor's desk for a signature as quickly as possible as a way of recognizing the brave men and women serving our nation and our State in defending the democratic values we hold so dearly.

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

**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 437 (Pr. No. 1306)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 28, 1935 (P.L.477, No.193), referred to as the Enforcement Officer Disability Benefits Law, extending benefits to corrections employees; and making an editorial change.

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

**NAY-0**

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

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

**BILLS OVER IN ORDER**

**SB 563, SB 856 and HB 894** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

**SECOND CONSIDERATION CALENDAR**

**BILL ON SECOND CONSIDERATION**

**HB 87 (Pr. No. 81)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of January 19, 1968 (1967 P.L.992, No.442), entitled, as amended, "An act authorizing the Commonwealth of Pennsylvania and the local government units thereof to preserve, acquire or hold land for open space uses," defining "municipal corporation"; further providing for property acquired in fee simple and for local taxing option; and making an editorial change.

Considered the second time and agreed to,

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

**BILLS REREFERRED**

**HB 213 (Pr. No. 3115)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for agricultural crop destruction; and adding an offense and a civil action relating to ecoterrorism.

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

**SB 255 (Pr. No. 1419)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, making repeals to eliminate county boards of assistance; and providing for an advisory board for county assistance office.

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

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

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

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

**HB 459 (Pr. No. 3305)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 7, 1947 (P.L.1368, No.542), known as the Real Estate Tax Sale Law, further providing for property subject to or exempt from claim and for content of claims entered; and providing for public record lists and for report of nonpayment of taxes.

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

**BILL ON SECOND CONSIDERATION**

**HB 477 (Pr. No. 1076)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, establishing a civil action to recover damages caused by terrorism.

Considered the second time and agreed to,

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

## BILL OVER IN ORDER

**SB 553** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

## BILL REREFERRED

**SB 592 (Pr. No. 1418)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, defining "alternative investment" and "alternative investment vehicle"; and further providing for administrative duties of the board.

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

## BILL OVER IN ORDER

**SB 660** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

## BILL ON SECOND CONSIDERATION

**HB 750 (Pr. No. 841)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for compulsory arbitration.

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

## BILL REREFERRED

**HB 801 (Pr. No. 963)** -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of Health to establish a Cervical Cancer Task Force to evaluate and make recommendations for education, prevention and detection of cervical cancer.

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

## BILLS OVER IN ORDER

**SB 819, SB 935 and SB 957** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

## BILL REREFERRED

**HB 1504 (Pr. No. 3308)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, providing for reduced license fees for former prisoners of war.

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

## RECESS

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

Senator BRIGHTBILL. Madam President, I ask for a recess of the Senate for purposes of a meeting of the Committee on Rules and Executive Nominations, to be followed by a Republican caucus in the Rules room.

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

Senator COSTA. Madam President, there will be no need for a Democratic caucus at this point.

Madam President, could the Majority Leader determine when we could expect to return to the floor for additional votes?

Senator BRIGHTBILL. Madam President, the meeting of the Committee on Rules and Executive Nominations will take about 5 minutes, and we expect our caucus to last about 15 minutes.

Senator COSTA. Thank you, Madam President.

The PRESIDENT. There will be a recess for a meeting of the Committee on Rules and Executive Nominations, to be followed by a Republican caucus. For those purposes, without objection, the Senate stands in recess.

## AFTER RECESS

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

## BILLS REPORTED FROM COMMITTEES

Senator THOMPSON, from the Committee on Appropriations, reported the following bills:

**HB 1318 (Pr. No. 3328) (Amended) (Rereported)**

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, providing for requirements relating to voter identification; further providing for powers and duties of county boards, for polling places selected by county boards, for public buildings to be used where possible and portable polling places and for prohibiting polling places in buildings where malt or brewed beverages or liquors are sold; providing for polling places in other buildings; and further providing for nominations by political bodies, for affidavits of candidates, for opening of polls, posting cards of instruction and notices of penalties and voters' rights and examination of voting machines, for voting procedures, for manner of applying to vote, for date of application for absentee ballots, for canvassing of official absentee ballots and for violation of provisions relating to absentee voting.

**HB 1826 (Pr. No. 2440) (Rereported)**

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, further providing for escrow of deposits or posting of surety bond or letter of credit.

**HB 2041 (Pr. No. 3327) (Amended) (Rereported)**

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, further providing for the Patient Safety Authority; reestablishing the Health Care Provider Retention Program and the Health Care Provider Retention Account; establishing the Commission on the Mcare Fund; and repealing provisions relating to the Health Care Provider Retention Program and the Health Care Provider Retention Account in the Public Welfare Code.

Senator BRIGHTBILL, from the Committee on Rules and Executive Nominations, reported the following bill:

**SB 869 (Pr. No. 1406) (Rereported) (Concurrence)**

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for extension of health insurance benefits for certain military personnel who were full-time students at time of deployment.

**SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR No. 1**

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

**HB 2041 (Pr. No. 3327)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, further providing for the Patient Safety Authority; reestablishing the Health Care Provider Retention Program and the Health Care Provider Retention Account; establishing the Commission on the Mcare Fund; and repealing provisions relating to the Health Care Provider Retention Program and the Health Care Provider Retention Account in the Public Welfare Code.

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

**NAY-0**

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

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

**SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR No. 2**

**BILL ON SECOND CONSIDERATION**

**HB 1826 (Pr. No. 2440)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, further providing for escrow of deposits or posting of surety bond or letter of credit.

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

**SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR No. 3**

**SENATE CONCURS IN HOUSE AMENDMENTS**

**SB 869 (Pr. No. 1406)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for extension of health insurance benefits for certain military personnel who were full-time students at time of deployment.

On the question,  
Will the Senate concur in the amendments made by the House to Senate Bill No. 869?

Senator PICCOLA. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 869.

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

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

**YEA-50**

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

Fumo  
Gordner

O'Pake  
Orié

Tartaglione  
Thompson

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 inform the House of Representatives accordingly.

**SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR No. 4**

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**HB 1318 (Pr. No. 3328)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, providing for requirements relating to voter identification; further providing for powers and duties of county boards, for polling places selected by county boards, for public buildings to be used where possible and portable polling places and for prohibiting polling places in buildings where malt or brewed beverages or liquors are sold; providing for polling places in other buildings; and further providing for nominations by political bodies, for affidavits of candidates, for opening of polls, posting cards of instruction and notices of penalties and voters' rights and examination of voting machines, for voting procedures, for manner of applying to vote, for date of application for absentee ballots, for canvassing of official absentee ballots and for violation of provisions relating to absentee voting.

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 Luzerne, Senator Lemmond.

Senator LEMMOND. Madam President, this bill is about voting. It is about voting, and together with a free press, fair elections are what we are all about. If the business of the Senate is anything, it is about government and free votes, fair votes are at the heart of everything that we do. This does not reach the ultimate pinnacle, it is about some of the nitty-gritty that we have been examining. We promised to improve our system, and hopefully this is a great start. If it is not the ultimate answer, it is certainly worth looking at and considering, and I rise to suggest this is one that we certainly want to adopt.

Because there has not been discussion on the bill on the floor, I will just tell some of the nitty-gritty of the things that will affect all of us, our counties, and all of our voting boards in the counties. We changed the time, for instance, to change a polling place for emergencies, from 10 to 20 days, and require our election boards to post that so that polling places are not changed too close to the election and people are turned away. We require our boards to post those in prominent places, publish them, and distribute them widely.

We require our county boards of election to select polling places that provide all electors with an environment that is free from intimidation and violence. It is almost as though that should go without saying. It is what we expect and it is what we want. We have amended that in the Committee on Appropriations to say that the county boards must make their best efforts in their counties to find such a polling place.

We prohibit polling places in any room where alcoholic beverages are dispensed, and no malt or brewed beverage can be served during the hours that the polling places are open. We require that it be accessible by an entrance that does not require passage through a room where alcoholic beverages are dispensed. We have many citizens who do not want to walk through a bar, they want to find a lady's entrance, do their business, and get out. We require the county board to certify that no public building is available under the requirements of the act. If there is a place, a public building that is not a bar, that is where you have to have it. Under present law, you cannot have it in a bar, but we violate that in most of our counties.

We prohibit private residences as polling places, unless the county board of elections certifies that no public building is available. So, not in private homes, and never, ever do we permit the use of a private residence of a candidate for political office or elected officials. None of us could offer up our homes as a polling place. We have removed a provision that came over from the House, which was of great concern to some of the folks from the cities and elsewhere, on the felon requirements. The law will stay as it is, and I think that is a good resolution, and if we want to revisit it sometime down the line, fine. We prohibit private residences, we keep intact the provisions on felony voting. We make the affidavit of a political body and minor political party conform to the affidavit provisions of the bill. You cannot, under this new revision, be a candidate for an office that you already hold. Now that sounds silly, but it is not, because some folks have resigned their office and chose a friend or someone and then ran for the office for a longer term. You cannot do that.

One of the things I think that is of importance that needs to be said is that we require a notice of voter's rights to be posted at each polling place in the Commonwealth of Pennsylvania. The notice states that a voter shall have the right to cast his vote without the use of threat or force or violence or restraint, without any infliction or threat of infliction of any kind of violence, intimidation, or coercion upon those persons. It is a fundamental voting right that makes our system work. We all expect it; we do not always get it. It is now the law, and violators will be punished.

We require all voters to show a photo ID or a nonphoto ID when appearing to vote. This is a philosophical point of discussion and perhaps a division of some of us, but what we are hoping to achieve is the ideal value that every qualified person has the right to vote, but only people who are properly qualified and who have properly registered. This we feel will be of inestimable help for our election boards to do that. It removes the expiration date of the use of a nonphoto ID. It makes conforming changes to ID sections, and in our present election laws, we have a list of five or six identifying papers. We have added to that in the Committee on Appropriations by adding a voter registration card, and other such things as an electric bill, and that type of thing.

It extends the date to count absentee ballots by 8 days. It applies to spouses of servicemen, citizens overseas, and just helps with our absentee voting, which has been unevenly applied over the years.

What is the timetable? When does this happen? Not right away, except the provisions relating to absentee voters, which would be effective in 30 days, right now, for this election. The rest of the changes will not be effective until July 1, 2006. We believe it will give all of our county boards the opportunity to gear up, to make the inspections, to find the right polling places, and to do all of the things that we have to do.

Is it a good bill? I think it is. It has been significantly amended by what was sent over from the House, following extensive negotiations, Democratic and Republican, just everyone speaking about it. I see our Secretary/Parliamentarian who each day puts out a Senate Calendar, which is just one of the superb things he does, and it has a saying on it, and today's saying, if anyone has not read it, is: "Slight not what's near, while aiming at what's far." This is not perfection, but it is near and it is something we can do tonight. Madam President, I certainly recommend a positive vote on House Bill No. 1318.

Thank you.

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

Senator COSTA. Madam President, I, too, have remarks, and I ask that they be submitted for the record.

The PRESIDENT. Senator Costa wishes to submit his remarks for the record on House Bill No. 1318.

*(The following prepared statement was made a part of the record at the request of the gentleman from Allegheny, Senator COSTA:)*

Madam President, yesterday, the Senate Committee on State Government meeting adopted an amendment to House Bill No. 1318 that markedly improved the bill. Unfortunately, however, even with this amendment, House Bill No. 1318 still creates burdens for some voters, particularly the poor, elderly, and racial minorities. While I appreciate the improvements that have been made to House Bill No. 1318, I believe that further changes should be made so that the legislation will not interfere with the voting rights of thousands of Pennsylvanians who come to the polls on election day.

The amendment adopted in the Committee on State Government removed the section of the bill that would have taken the right to vote away from people convicted of felonies who are still on probation or parole. The amendment also changed provisions relating to the requirements for voter identification. No longer will photo identification be required from every voter. However, every voter will be required to show some form of identification in every election. These forms of identification include a driver's license, a nondriver's license issued by PennDOT at no cost, a photo identification issued by the United States government, a passport, a student ID, employee ID card, an Armed Services ID card, a nonphoto identification issued by the Commonwealth, or any agency thereof, a nonphoto identification issued by the United States government, or agency thereof, a firearm permit, a current utility bill, a current bank statement, a paycheck, or a government check.

Further, some of the types of identification listed in the bill are not ones that some people have or that are easy to obtain. It will also create more work for election day workers. Interestingly, this bill still does not impose identification requirements on people who vote by absentee ballot. Thus, the bill makes it more difficult to vote in person than to vote by absentee ballot.

The sections of the bill concerning provisional ballots were not changed by the amendment. Thus, the bill makes it harder to have a provisional ballot counted. The bill says that if a voter does not have one of the necessary forms of identification, the voter is to vote a provisional ballot. However, if that provisional ballot is challenged, the voter will have to present identification to the county board of elections in order to have the provisional ballot counted. This means that a voter who does not have identification with him/her on election day will have to get the necessary identification and travel to the county board of elections in order to have his/her vote counted. In the 2004 presidential election, Allegheny County had a very difficult time producing a sufficient number of provisional ballots, and parts of the county ran out of provisional ballots early in the day.

Furthermore, thanks to the identification provisions, the bill will also lead to the casting of many more provisional ballots. Thus, we can expect to see even more problems associated with the failure to print a sufficient number of provisional ballots and the loss of the right to vote for people who come to the polls after all of the provisional ballots have been used.

In closing, let there be no doubt, this bill still makes it harder for thousands of Pennsylvanians to vote. The proposed changes in identification requirements and the counting of provisional ballots will unfairly interfere with voting rights in Pennsylvania, and we urge you to oppose this bill as currently written. The Pennsylvania General Assembly can do a better job of protecting everyone's right to vote and have his vote counted in Pennsylvania.

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

Senator C. WILLIAMS. Madam President, will the maker of this bill stand for interrogation?

The PRESIDENT. It is a House bill.

Senator C. WILLIAMS. Will the previous speaker stand for interrogation?

The PRESIDENT. Will Senator Lemmond stand for interrogation?

Senator LEMMOND. Madam President, the gentlewoman asked for the maker of the bill, and I do not have any idea who the maker of the bill is. It is someone over in the House.

Senator C. WILLIAMS. Sorry, Madam President.

Senator LEMMOND. Madam President, I guarantee you that without a corps of lawyers surrounding me, if you are going to turn to subparagraph 19 of page 17, you got me, all right? Other than that, let me try to help, if I may. Number one, I need Dr. Sieminski, my audiologist, because this hearing device just blew out. Is it over?

Come on over here.

(Laughter.)

Senator C. WILLIAMS. Well, Madam President, I want the Senator to hear my question.

Senator LEMMOND. Madam President, where is Shirley Kitchen? She kissed me on the floor for making a change in this bill, but the gentlewoman does not have to do that.

The PRESIDENT. You do not have to kiss him.

Senator C. WILLIAMS. Madam President, I just want to ask if somebody is coming to the polls and they live in a house but the utility bill is not in their name and if they do not have any other form of identification, what are they to do?

Senator LEMMOND. Madam President, there are seven different enumerated forms of identification in the Election Code that you can use. We are looking ahead to the year 2008, I believe, when the Federal government is mandating uniform driver's licenses across the country, and that will be sort of a

uniform identification that hopefully you can have, or you can have whatever you can get now, whether you have a driver's license or not. The answer is that anyone who is entitled to vote can vote. If you show up at a polling place without one of those, and I think, Kelly, if she is still here, would have a list of what will pass for identification. If you do not have one of those, and I have been asked in our Caucus and by others, what do you do? What you do is get a conditional ballot, they just reach in a pile and give you one and say, Connie, sign this, and you can vote. You can vote under the provisions that we passed.

Senator C. WILLIAMS. Madam President, I am just pointing out that there may be some people who do not have gun permits and may not have utility bills in their name, so that could be a concern.

Senator LEMMOND. That is right, Madam President, and let me say that Senator Williams raised that.

Senator C. WILLIAMS. The other Senator Williams, Madam President.

Senator LEMMOND. The other Senator Williams, Madam President, raised that, and his concern was addressed in the Committee on Appropriations just half an hour ago by saying that a voter registration card can now be used. That has been added to this list that you have, so you do not need a firearm permit, a utility bill, a bank statement, a paycheck, a government check, or a driver's license if you have a voter's registration.

Senator C. WILLIAMS. Well, Madam President, it does say an original voter's registration. That is not the original form you get when you register to vote, it just means one that has not been copied. Is that correct?

Senator LEMMOND. Madam President, it sounds correct to me. I will ask any one of the 15 lawyers.

Senator C. WILLIAMS. Madam President, so for the record, when it says an original voter's registration--

Senator LEMMOND. Madam President, does a lawyer have any kind of answer to that? I see three of them over there.

Senator C. WILLIAMS. Madam President, my question is, who in this body has their original voter's registration card they received when they registered to vote?

Senator LEMMOND. Madam President, Lisa Boscola. That is priceless, and there is a healthy show of hands.

Senator C. WILLIAMS. Madam President, so for the record, we are just saying it cannot be a photocopy, but can it be a voter's registration form that is given to you at any time through your county board of elections?

Senator LEMMOND. Madam President, yes, that is the substance of the amendment that was passed.

Senator C. WILLIAMS. Thank you, Madam President.

Senator LEMMOND. Madam President, I thank the gentleman for coming over.

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

Senator FERLO. Madam President, I just came to the podium to shake my head in bewilderment and ask for a "no" vote.

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-29

Armstrong	Jubelirer	Rafferty	Waugh
Brightbill	Lemmond	Regola	Wenger
Browne	Madigan	Rhoades	White, Donald
Conti	Orie	Robbins	White, Mary Jo
Corman	Piccola	Scarnati	Wonderling
Earll	Pileggi	Thompson	
Erickson	Pippy	Tomlinson	
Gordner	Punt	Vance	

#### NAY-21

Boscola	Hughes	Musto	Williams, Anthony H.
Costa	Kasunic	O'Pake	Williams, Constance
Ferlo	Kitchen	Stack	Wozniak
Fontana	LaValle	Stout	
Fumo	Logan	Tartaglione	
Greenleaf	Mellow	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 return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

### CONSIDERATION OF CALENDAR RESUMED

#### SB 170 CALLED UP

**SB 170 (Pr. No. 167)** -- Without objection, the bill, which previously went over in its order temporarily as amended, was called up, from page 1 of the Third Consideration Calendar, by Senator PICCOLA.

#### BILL OVER IN ORDER

**SB 170** -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

### UNFINISHED BUSINESS SENATE RESOLUTION ADOPTED

Senators CORMAN, HUGHES, WONDERLING, ERICKSON, MELLOW, COSTA, CONTI, WENGER, WOZNIAK, KITCHEN, BROWNE, TARTAGLIONE, GREENLEAF, FERLO, MUSTO, PILEGGI, LEMMOND, FONTANA, BOSCOLA, ROBBINS, ARMSTRONG, STACK, KASUNIC, PUNT, D. WHITE, C. WILLIAMS, STOUT MADIGAN, THOMPSON, O'PAKE, PIPPY, RAFFERTY and ORIE by unanimous consent, offered **Senate Resolution No. 210**, entitled:

A Resolution congratulating the Pennsylvania Department of Health on the occasion of the 100th anniversary of its founding and recognizing the Department of Health's centennial celebration from April 27, 2005, through April 26, 2006.

On the question,  
Will the Senate adopt the resolution?

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

Senator CORMAN. Madam President, just briefly. Senator Hughes and I are fortunate enough to chair the Committee on Public Health and Welfare, and on behalf of Senator Hughes and myself, I would like to wish the Department of Health well on their 100th anniversary. They do great work over there, and we enjoy working with them.

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 LOGAN, MADIGAN, COSTA, PIPPY, ORIE, M. WHITE and KASUNIC, by unanimous consent, offered **Senate Resolution No. 211**, entitled:

A Resolution declaring support for a high-speed maglev industry in the Commonwealth of Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

Senator LOGAN. Madam President, very briefly, the support will be sent to the Secretary of the Transportation. As we know, high-speed MAGLEV runs from Greensburg to Monroeville, to the city of Pittsburgh and out to the airport, and we want to make sure the folks in Washington know that we support it.

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.

### 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 Gregory Alan Dorn by Senator Browne.

Congratulations of the Senate were extended to Zack S. Morgans by Senator Costa.

Congratulations of the Senate were extended to Mr. and Mrs. Derwood Karchner, Margaret J. Duceman and to Francis Patrick Callahan, Sr., by Senator Gordner.

Congratulations of the Senate were extended to Honorable Dwayne D. Woodruff and to the Honorable Franklin B. Libson by Senator Orie.

Congratulations of the Senate were extended to Catherine Galie by Senator Tomlinson.

Congratulations of the Senate were extended to the Round Hill Presbyterian Church of Felton by Senator Waugh.

Congratulations of the Senate were extended to Mark O'Neill by Senator C. Williams.

### BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

**SB 928, SB 986 and HB 893.**

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

### COMMUNICATION FROM THE GOVERNOR

#### NOMINATION REFERRED TO COMMITTEE

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

#### MEMBER OF THE BOARD OF TRUSTEES OF LINCOLN UNIVERSITY

December 14, 2005

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, Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as a member of the Board of Trustees of Lincoln University, to serve until August 31, 2006, and until her successor is appointed and qualified, vice Christopher R. Booth, Jr., Wyncote, resigned.

EDWARD G. RENDELL  
Governor

### HOUSE MESSAGES

#### SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 895**, 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 5, this bill will be referred to the Committee on Rules and Executive Nominations.

#### HOUSE CONCURS IN SENATE AMENDMENTS BY AMENDING SAID AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate by amending said amendments to **HB 111**, in which concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule XIV, section 5, this bill will be referred to the Committee on Rules and Executive Nominations.

### HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 163, 1539, 1686 and 1690.**

### HOUSE CONCURS IN SENATE BILLS

The Clerk of the House of Representatives returned to the Senate **SB 618 and 1034**, with the information the House has passed the same without amendments.

### BILLS SIGNED

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

**SB 618, SB 869, SB 1034, HB 163, HB 603, HB 1539, HB 1686 and HB 1690.**

### ANNOUNCEMENTS BY THE SECRETARY

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

#### SENATE OF PENNSYLVANIA

#### COMMITTEE MEETINGS

#### THURSDAY, DECEMBER 15, 2005

Off the Floor	BANKING AND INSURANCE (to consider Senate Bill No. 1007; and Senate Resolution No. 151)	Rules Com. Conf. Rm.
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bill No. 895; House Bill No. 111; and certain executive nominations)	Rules Com. Conf. Rm.
Off the Floor	STATE GOVERNMENT (to consider House Bill No. 2054)	Rules Com. Conf. Rm.

### RECESS

The PRESIDENT. The Chair recognizes the gentleman from Dauphin, Senator Piccola.

Senator PICCOLA. Madam President, I move that the Senate do now recess until Thursday, December 15, 2005, at a time immediately following the recess of the Special Session.

The motion was agreed to by voice vote.

The Senate recessed at 9:22 p.m., Eastern Standard Time.