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WEDNESDAY, FEBRUARY 15, 2006

SESSION OF 2006 190TH OF THE GENERAL ASSEMBLY

No. 14

**SENATE**

WEDNESDAY, February 15, 2006

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

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

**PRAYER**

The Chaplain, NELLIE CARTER, of Global Outreach Christian Center, Harrisburg, offered the following prayer:

Heavenly Father, You are the supreme authority, the God of order. Thank You, Lord, for the gift of life. I pray today for our Senators, who have been appointed to lead us. Give them understanding, wisdom, and the ability to keep this State in order. Father, I pray that they make decisions that will increase the integrity of our great State of Pennsylvania. Lord, I believe that skillful and Godly wisdom enters into the hearts of our Senators, and that knowledge is pleasant to them, discretion watches over them, and understanding keeps and delivers them.

Lord, I pray for their families, that You keep them healthy, and I pray also for their peace day and night. Father, I pray that all of their needs are met in Jesus' name. Amen.

The PRESIDENT. The Chair thanks Reverend Carter, who is the guest today of Senator Piccola, and her two sisters who are also here with her.

**PLEDGE OF ALLEGIANCE**

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

**JOURNAL APPROVED**

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of February 14, 2006.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator BRIGHTBILL, and agreed to by voice vote, further reading was dispensed with and the Journal was approved.

**HOUSE MESSAGES**

**HOUSE INSISTS UPON ITS AMENDMENTS  
NONCONCURRED IN BY THE SENATE  
TO HB 1318, AND APPOINTS  
COMMITTEE OF CONFERENCE**

The Clerk of the House of Representatives informed the Senate that the House insists upon its amendments nonconcurring by the Senate to **HB 1318**, and has appointed Messrs. BARRAR, TURZAI and JOSEPHS as a Committee of Conference to confer with a similar committee of the Senate already appointed to consider the differences existing between the two Houses in relation to said bill.

**HOUSE CONCURS IN SENATE BILL**

The Clerk of the House of Representatives returned to the Senate **SB 437**, with the information the House has passed the same without amendments.

**HOUSE CONCURS IN SENATE 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 to **HB 1467**.

**HOUSE ADOPTS REPORT OF COMMITTEE  
OF CONFERENCE**

The Clerk of the House of Representatives informed the Senate that the House has adopted the Report of Committee of Conference on **HB 1318**.

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

**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.**

**RESOLUTIONS INTRODUCED AND REFERRED**

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

February 14, 2006

Senators MELLOW, BOSCOLA, LaVALLE, ARMSTRONG, KASUNIC, TARTAGLIONE, BRIGHTBILL, EARLL,

RAFFERTY, FERLO, FUMO, ORIE, CONTI, PIPPY, O'PAKE, COSTA, WONDERLING, ERICKSON, FONTANA, BROWNE, RHOADES, WASHINGTON, MUSTO, WENGER, STOUT, GREENLEAF, LEMMOND, REGOLA, LOGAN and STACK presented to the Chair SR 222, entitled:

A Resolution designating the month of March 2006 as "Deep Vein Thrombosis Awareness Month" in Pennsylvania in memory of journalist David Bloom.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, February 14, 2006.

Senators MELLOW, BOSCOLA, LaVALLE, ARMSTRONG, KASUNIC, TARTAGLIONE, EARLL, RAFFERTY, FUMO, ORIE, CONTI, O'PAKE, FERLO, COSTA, FONTANA, BROWNE, C. WILLIAMS, WASHINGTON, MUSTO, STOUT, LEMMOND, STACK and WONDERLING presented to the Chair SR 223, entitled:

A Resolution recognizing Dr. William S. Auriemma for his achievement as the 128th president of the Lackawanna County Medical Society and designating March 25, 2006, as "Dr. William S. Auriemma Day" in Pennsylvania.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, February 14, 2006.

Senators LEMMOND, EARLL, ERICKSON, PUNT, FERLO, TOMLINSON, FONTANA, TARTAGLIONE, STOUT, WENGER, MUSTO, O'PAKE, KASUNIC, BOSCOLA, ROBBINS, RHOADES, D. WHITE, ORIE, RAFFERTY, BRIGHTBILL, PICCOLA, PIPPY, BROWNE, ARMSTRONG and C. WILLIAMS presented to the Chair SR 224, entitled:

A Resolution designating March 1 as "St. David's Day"; and honoring the many Pennsylvanians of Welsh heritage.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, February 14, 2006.

**BILLS SIGNED**

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

SB 437 and HB 1955.

**REPORT OF COMMITTEE OF CONFERENCE SUBMITTED**

Senator BRIGHTBILL submitted the Report of Committee of Conference on HB 1318, which was placed on the Calendar.

**LEAVES OF ABSENCE**

Senator BRIGHTBILL asked and obtained a leave of absence for Senator VANCE, for today's Session, for personal reasons.

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

**CALENDAR**

**SENATE RESOLUTION No. 221 CALLED UP OUT OF ORDER, ADOPTED**

Senator BRIGHTBILL, without objection, called up from page 5 of the Calendar, as a Special Order of Business, Senate Resolution No. 221, entitled:

A Resolution designating March 6, 2006, as "Lymphedema D-Day" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

**YEA-47**

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

**NAY-0**

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

**SPECIAL ORDER OF BUSINESS GUEST OF SENATOR CONSTANCE H. WILLIAMS PRESENTED TO THE SENATE**

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

Senator C. WILLIAMS. Madam President, today I would like to introduce a new member of my staff, Carly Froshour, who is in the gallery, and is going to be working in our Delaware County office. She has come to get all of her credentials, to visit, and to see what happens in Harrisburg, and I ask the Senate to give her a warm welcome.

The PRESIDENT. Carly, would you please rise so we can welcome you to the Pennsylvania Senate.

(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, as we probably know, this week is Career and Technical Education Week in Pennsylvania. The theme this year is "Open the Door to the

Future, Get a Career in Technical Education." All week in the East Wing Rotunda there are displays that have been set up by various schools and career and technology centers throughout the Commonwealth displaying what they are doing throughout Pennsylvania.

I am happy to introduce some guests from Berks County who have set up two displays. From the Berks Career and Technology Center are students David Prouty, Brian Farrar, Brian Barrow, and Kelly Whitehouse, with their instructor, Todd Heckman, who is a retired chief of police. From Governor Mifflin High School, the students are Billy Campbell and Corey Greth, and their instructor, Britt Reed. They have two fine displays, and we invite all the Senators to come to the East Wing of the Rotunda and perhaps see what students from their districts have set up. I ask the Chair to recognize these students and instructors from Berks County.

The PRESIDENT. Would all of the students and the instructor from the Career and Technology Center and the students and instructor from Governor Mifflin High School please rise so we can give you a nice warm welcome.

(Applause.)

### SPECIAL ORDER OF BUSINESS LINCOLN DAY ADDRESS

The PRESIDENT. The Chair recognizes the gentleman from Lehigh, Senator Browne.

Senator BROWNE. Madam President, in February of each year, the modern American experience is mostly dominated by the celebration of the apex of sports competition with Super Bowl Sunday, and that apex was actually a lot steeper this year because of our champion Pittsburgh Steelers. Yet, it also includes a reflection on the apex of American virtue and leadership. This is why I rise today to pay tribute and honor a truly great American, our 16th President, Abraham Lincoln.

As we gather together to commemorate this collective legacy in the historic Senate Chamber, partially adorned and dedicated in living memory of this American savior, our reflections necessarily surface within a brownstone-faced assembly hall in lower east side Manhattan, where in 1860 ignited a miracle of humanity, a magnificent genesis, a new birth of freedom.

One hundred and forty-six years ago a country lawyer, little known outside his home in Illinois, addressed the Young Men's Central Republican Union at The Cooper Union in New York City. He was testing the waters for a campaign for the presidency of the United States of America. The man appeared before a sold-out auditorium of 1,500 spectators who had gathered to listen to speeches by prospective presidential candidates. Although he stood on the podium with leaders who inspired greatness, expectations for this prairie lawyer were low. One reporter's description reflected the crowd's unflattering mood toward the man: "When he rose to speak, I was greatly disappointed. The long, ungainly figure, upon which hung clothes that...were largely the work of an unskilled tailor; the large feet, the clumsy hands...made a picture which did not fit in with New York's conception of a finished statesman. His voice was high and piercing from the outset." This was the description of the man the people saw. However, let it be known that on that night, Abraham Lincoln challenged mankind forever with these

words: "Let us have faith that right makes might, and in that faith, let us, to the end, dare to do our duty as we understand it." Thunderous applause erupted throughout Lincoln's speech, and when he concluded, the audience, waving hats and handkerchiefs overhead, gave this lowly country lawyer a standing ovation. The seeds of freedom had been sown.

On February 12, 1809, the rail splitter who would go on to become one of the greatest American Presidents and oversee the greatest American tragedy, made his way into the world in the humblest of beginnings. Time often makes the man; rare is the man who makes the time. "How hard," a young Lincoln lamented to a friend, "oh, how hard it is to die and leave one's country no better than if one had never lived for it." How unimaginable it was to this young American that his life and death would forever change the course of human history, as well as the history of his beloved country.

Not so many years ago, Lincoln Day celebrations and parades were commonplace across the country in cities large and small. While many Americans remain interested in Lincoln as a historical figure, few understand him as a source of moral and political wisdom for us, the living. Yet, to America's past and future legacy, Lincoln remains infinitely important. His actions, speeches, and principles, for which he gave the last full measure of devotion, help us understand political philosophy and statesmanship to which we have dedicated ourselves. The 16th President was once asked, what would be the premise of his campaign biography? He responded, "In the tireless annals of a poor man, it is not wealth that counts in the making of the world, but character....Give me the hut that is small enough, the poverty that is deep enough, the love that is great enough, and I will raise from them the best there is in human character." No statement encapsulates Lincoln better, a man like every American, replete with imperfections while endowed with the virtues of America - universal equality and unmitigated liberty, empowered to dream, empowered to achieve. He knew that the American experiment was just simply about people. We are not some French Cartesian model of straight lines. We are not a totalitarian system that contorts us into deception. From Salem to Sacramento, we are simply a collage of humanity.

Madam President, when we look through the eyes of average Americans, we find Lincoln. He was not always courageous. During his tenure in the Illinois State legislator, he bulldozed over a sergeant-at-arms and jumped out of a window to avoid a tough legislative vote. He was not always pure in principle, having first run for office only because he needed the money. He was not always reasonable, having accepted a duel with an opponent after a protracted, nasty political campaign. He was not always sensitive and engaging, having once been cracked across the jaw by Mary Lincoln with a stiff piece of hickory to alert him to her needs. He definitely was not always likeable, having been framed by one of his colleagues as a huckster in politics, a first-rate second-rate man. "If I wanted to paint a despot, a man perfectly regardless of every constitutional right of the people," cried a Delaware Senator, "I would paint the hideous form of Abraham Lincoln." When we view Lincoln, we can hear his laughter. When we picture Lincoln, we can sense his pain. What he was, what defines Lincoln for the ages, was his accepted humanity, coupled with his intellectual and absolute clarity, with

the fundamental human truths which mark the American experience.

Lincoln's life work was dedicated to inspire Americans, that the difference between right and wrong was real, that the pro-slave and anti-slave forces had not merely differing moral opinions, but the Great Emancipator was right and his opponents were wrong. For Lincoln, the proposition that all men are created equal, that human equality is the father of all moral principles, was the define spark of America. Without it, the blood of the patriots of the Continental Army was not worth shedding, the founding documents were not worth printing, the nation was not worth saving.

"I happen temporarily to occupy this big White House," Lincoln proclaimed to his people, poised in the brink of war. "I am a living witness that any one of your children may look to come here as my father's child has. It is in order that each of you may have through this free government which we have enjoyed, an open field and a fair chance for your industry, enterprise and intelligence; that you may all have equal privileges in the race of life, with all its desirable human aspirations. It is for this the struggle should be maintained.... The nation is worth fighting for...." With 4 years of his nation in the abyss, with the Union victory, American's new birth of freedom began. For over 140 years, our fundamental principles of governance have been grounded and extrapolated from the basic human truths declared in 1776, guaranteed by Lincoln fourscore and seven years later. It is our collective charge, our prescribed destiny, to ensure that this sacred legacy, sacrificed and dedicated with the blood of thousands on the altar of freedom, is available to all who seek it.

To Abraham Lincoln, America was a glorious, everlasting monument to the freedom of the human soul, the possession not just of western man, but of a humanity compounded of all colors and every condition. At Independence Hall, Lincoln asked what it was above all else that went forth to the world on July 4, 1776. It was not, he said, the mere matter of the separation of the colonies from the motherland, but something in that declaration, giving hope to the world for all future time. The declaration gave promise that in due time the weights would be lifted from the shoulders of all men, and that all would have an equal chance to dream, equal chance to strive, and equal chance to succeed. These are the principles upon which we must stand in 2006, no less than in 1866.

Amidst the challenge our country currently faces, Lincoln enables us to view it in light of our greatest division, the Civil War. A nation conceived and dedicated to liberty and self-government cannot last if its principles are compromised. Lincoln elevated this theme to the level of cosmic poetry in his Gettysburg Address. With its majestic beginning of "Fourscore and seven years ago," he recalls the King James translation of the 90th Psalm, which placed the lifespan of a man at threescore and ten, with fourscore being the outer limit, as man's life became labor and sorrow. In the midst of the Civil War, Lincoln compares the nation's life with a biblical lifespan, and upon this platform the following questions emerge: Can a nation last longer than any individual within it? Can free men rightly serve a temporal cause greater than themselves? That was Lincoln's challenge, and it remains ours today.

The fact is, Madam President, that these most fundamental challenges today still persist, so in a sense, the Civil War is still being fought. Today, similar to the effects of the cultural revolution, Lincoln observed his nation as early as 1838, geopolitical influences are engulfing contemporary political thought, placing the virtues instilled by past generations of revolutionaries at risk. Yet for the modern-day Abraham Lincoln, there would be no marginalizing the principles of our nation's foundation on the world stage. Tyranny would not be condonable, oppression would not be tolerable, nation states perpetuating a disease on the human condition would not be respectable. He would acknowledge with the same clarity and vision that the stakes of our modern enemy, as with the Confederacy, are no less than the extermination of the human virtues of the Declaration, and our country must have the resolve to face it.

With clear focus on modern-day challenges in light of historical precedent, the spirit and voice of Lincoln at The Cooper Union echoes back across the American landscape: "Let us have faith that right makes might, and in that faith, let us, to the end, dare to do our duty as we understand it."

Madam President, in the face of our nation's 21st century adversary, and a house divided against the necessary means to face it, our charge is no less than the salvation of America. As Lincoln had implored, "Fellow-citizens, we cannot escape history.... No personal significance, or insignificance, can spare one or another of us. The fiery trial through which we pass will light us down, in honor or dishonor, to the latest generation.... We--even we here--hold the power, and bear the responsibility.... We shall nobly save, or meanly lose, the last best hope of earth."

Madam President, we, too, cannot escape history. In our hands is the power and responsibility of government, in our hands is Lincoln's legacy, in our hands is a nation that is still the last best hope of earth. Happy birthday, Mr. Lincoln.

Thank you, Madam President.

The PRESIDENT. Thank you, Senator Browne. That was a most moving, remarkable tribute to our beloved 16th President, Abraham Lincoln, and of this wonderful country. Thank you.

#### 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 Republican caucus, which will begin immediately in the Majority Caucus Room.

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

Senator MELLOW. Madam President, I ask that the Democratic Members report to our caucus room at the rear of the Chamber.

The PRESIDENT. 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 OVER IN ORDER**

**SB 563** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

**BILL ON THIRD CONSIDERATION AND FINAL PASSAGE**

**SB 733 (Pr. No. 1522)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 21, 1939 (P.L.566, No.284), known as The Pennsylvania Occupational Disease Act, providing further benefits.

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?

**LEGISLATIVE LEAVE**

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

Senator BRIGHTBILL. Madam President, I request a temporary Capitol leave for Senator Punt.

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

And the question recurring,  
Shall the bill pass finally?

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

**YEA-47**

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

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

**REPORT ADOPTED**

**HB 1318 (Pr. No. 3587)** -- 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 compensation of district election officers, 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; further providing for nominations by political bodies and for affidavits of candidates; and further providing 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.

Senator BRIGHTBILL. Madam President, I move that the Senate adopt the Report of the Committee of Conference on House Bill No. 1318.

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

The PRESIDENT. The Chair recognize the gentleman from Luzerne, Senator Lemmond.

Senator LEMMOND. Madam President, I rise to speak in support of the approval of the conference report on House Bill No. 1318 dealing with all of our voting rights. I begin by thanking Senator Anthony Williams, who, as we met last evening in the conference committee, expressed very gracious compliments to Senator Brightbill and to myself on the cooperation which he and his supporters have had on the bill, and that many good compromises have been made, which indeed they have. I, in turn, thank him for his comments, and I compliment him on the many concessions and compromises that have been made. At the end of the day, we came within one subject of being unanimous on what this does, and I just want to, for the record, go into some of the nitty-gritty of something that affects all of us as we move forward into this most important election cycle.

We started out by unanimously approving on behalf of the Commonwealth a statement of voters' rights, which must be posted in the polling places, and heretofore was not. The statement provides, and we all agree that each voter must have the right to cast his or her vote without the use or threat of force, violence, threat of infliction or injury, or coercion, a mandate we will now place before the voters of Pennsylvania for their benefit. A quick synopsis of some of the items that will improve our voting procedures in the Commonwealth of Pennsylvania would include certain requirements in the candidate's affidavit, on which we all agree. It would extend the deadline for the receipt of absentee ballots cast by our military electors. It would limit the location of polling places in private homes, or rooms where alcoholic beverages are served, and eliminate the use of the

homes or offices of party or public officials. It increases the minimum election day compensation rate for local election officers, which had not been addressed. We have heretofore, on the other end, increased the compensation allowed. This increases the minimum compensation to which our election officials are entitled. It requires the voter to sign the voters' certification in a certain color of ink, in the interest of uniformity and order in the process. It establishes, as I have mentioned, a statement of rights. It imposes penalties on individuals who assist someone in filling out an absentee ballot whom he or she knows is not a qualified absentee voter. One of the compromises we have been asked to make, and one which appears in this conference report, is the issue of felony voting.

We have succeeded in this conference committee in maintaining the position which was unanimously agreed to here in the Senate Chamber. I think that both parties are in agreement with everything that I have mentioned, and there is only one issue that divides the parties to some extent, and that is the issue of voter ID, voter identification. The law will require that photo or nonphoto identification be produced at elections as our voters turn out to vote. We have a list of some eight photo identification items which are usable, and we have another list of nonphoto identifications, several of which are without cost to anyone and are readily available. Not everyone who wants to vote in Pennsylvania can show up at the polls and vote. You have to take the time to register, and what we are asking is that when you come to the polls, you show either the voter registration that you have, your driver's license, so many other things, a utility bill, a current bank statement, a paycheck. Some may say, we checked into our voter registration office this morning, we have lost our voter ID, may we vote? Would you send us a substitute, and is there any cost? Yes, we can send a substitute, and, no, there is no cost. So without cost, anyone, anyone who is registered to vote has the means to access what will be their ticket to vote in the election in which they desire.

There are miscellaneous items that came up and are covered. The main thrust of the opposition appears to be the requirement for voter identification. The consensus of that idea comes from a bipartisan commission established by the President, which reported it at the end of last year. It was called the Carter-Baker Commission. Carter is obvious, he was the former Democratic President, and Jim Baker was highly placed in the Reagan administration. One of their strong suggestions to the country was that a Federal plan be put in place to require some type of identification to ensure that everyone who is registered may vote, but if you are not registered, you cannot vote more than one time. The Carter-Baker Commission recommends, and we are following along in Pennsylvania, to require some form of identification as you vote. It is a good bill. It moves us many, many steps forward. It is a result of much compromise. I think that the felony voting was a major step that we all agreed on and was something that we did to move the process forward.

Madam President, there is much to recommend, the adoption of the conference report and moving ahead as we go into this election cycle. On behalf of all the voters, those who wish to vote will vote, and I strongly recommend that the Senate adopt the report of the committee on conference, which was adopted last evening by the House.

Thank you so much.

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

Senator A.H. WILLIAMS. Madam President, I also want to thank Senator Lemmond, as he praised me. I really do suggest that on this issue, as on many other issues, he will be missed for his decorum, his style, his consideration of others' perspectives. Even if he does not agree with you, he has the ability to let you down in a way that you are not offended by that process. This was and is a bill that divides sometimes on party, sometimes on geography, sometimes just on philosophical differences, and I thank him publicly again, and Senator Brightbill again, for their consideration and input that all of us wanted to make on this bill, and I believe that he was right. There is substantial agreement on many parts of the bill, but I will suggest that the issue that still compels us to have a cautionary sign is in the area of voter ID.

While I respect the fact that President Carter and Mr. Baker came together in some form of agreement on this, I would suggest that they, as all of us, are not perfect people, and their vision may not necessarily reflect the values of Pennsylvania. I would suggest that the values of Pennsylvania are steeped in trust and consideration, and while it is appropriate for those of us who go to vote to present identification, after the 20th time that someone has seen me, it is going to be very difficult for me to say, hey mom, pull out that voter card because without such, you are not allowed to vote. Or, hey, Joe or Jane, who is my neighbor for 20 or 30 years, you have to pull out that voter identification card because I am not sure you are who you are. That is just not the way it works in this State. We are not Florida, and frankly, we are not where President Carter and Mr. Baker come from, the South. We are from Pennsylvania.

Those people who have a great work ethic, people who get up, pay their taxes, are respectable citizens and deserve to be treated as such when they go vote. I definitely agree that it is appropriate for some period of time to present identification. It is very reasonable. So, if there had been a number attached to it that would say, you know, for the first X number of times one has to present identification because the people who are at the voting place do not know them, or if there is a new executive or officer there who does not know somebody, I thought it would be perfectly appropriate. But for those of us who know how this works, and I do not care whether you are a Democrat or a Republican, it will work the same time. When somebody shows up for the umpteenth time and they know that person, they are not going to require them to pull out that voter identification card. They are going to say, oh, go ahead, I know you are in a rush to get to work, or you are tired because you are coming home from work or, by the way, you are a senior citizen and can barely stand up, so go on in, I know who you are. That is what is going to happen, and sure as heck, somebody is going to challenge that vote and somebody is going to challenge that election, because on that particular occasion they did not present ID. I just do not feel that the integrity of the voting process is compromised and democracy is threatened because Joe knows Jane or Jamal knows anybody in that process. It is just not fair. What is fair is for common sense to prevail.

Common sense did prevail in parts. The portion that said felons who served their time and still could not vote was

removed. Those folks who understand that we are not dispensing liquor from bars or country clubs, or any other place, at the time an election goes on and that there are limited places where you can hold an election, that was compromised. The sites, as long as it is not a partisan site and people are not intimidating others, there was compromise across the board, because common sense prevailed. Republican ward leaders, Democratic ward leaders, committee people, lay people, a variety of people participated in making contributions to reshaping the bill. I thought it was great, and how we worked on the bill really inspired me.

In this particular area, while it may not be major in the eyes of those who are supporting its advance, understand that when it comes to the everyday process of how this works, it can, and I want to tell you, it will result in voter suppression. We have a small race that will occur in the fall of this year. I believe it is called the governor's race. I would hate to see people come out in record numbers across Pennsylvania, and people participate in record numbers across Pennsylvania, and because somebody who shows up in Philadelphia County and Clearfield County with a voter watcher's certificate and was sitting at a polling place, and because somebody came from their farm and was tired because they had worked particularly hard all day, went into a booth, Jeb knows Jane, and Jeb said, hey, come on, I have to get this done. I have to go back out and finish working in the field. And Jane says, Jeb, go on in and vote. Do not worry about it. I have known you for 20 years, you pay your taxes, you are an okay citizen, go on in and vote. Well, you know that trial lawyer from Philadelphia who is now in Clearfield County as a watcher is now going to guarantee that it is done correctly. Guess who is not going to get the right to vote? Jeb. I would hate to see that happen, and I think that somebody else on the other side of the aisle would hate to see that happen, but that is a possibility. That is the practical outcome of this.

So, for those reasons, we on this side of the aisle just want to have as many people be able to participate as possible. We on this side of the aisle want to make sure that Pennsylvanians know that we trust them, that we believe in them. When they present their ID for the first several times and we get to know them as neighbors, we look at them first as neighbors, not a vote. We believe in them in that manner first. We believe that this process should represent that, and for those reasons, Madam President, I, unfortunately, have to stand in opposition to this particular piece of legislation.

Thank you.

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

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

YEA-27

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

NAY-20

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

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  
SENATE RESOLUTION ADOPTED**

Senators D. WHITE, BRIGHTBILL, FONTANA, ARMSTRONG BOSCOLA, BROWNE, CONTI, CORMAN, COSTA, EARLL, ERICKSON, FERLO, GORDNER, GREENLEAF, HUGHES, JUBELIRER, KASUNIC, KITCHEN, LaVALLE, LEMMOND, LOGAN, MADIGAN, MELLOW, MUSTO, O'PAKE, ORIE, PICCOLA, PILEGGI, PIPPY, PUNT, RAFFERTY, REGOLA, RHOADES, ROBBINS, SCARNATI, STACK, STOUT, TARTAGLIONE, TOMLINSON, WASHINGTON, WAUGH, WENGER, M.J. WHITE, A. WILLIAMS, C. WILLIAMS, WONDERLING and WOZNIAK, by unanimous consent, offered **Senate Resolution No. 229**, entitled:

A Resolution memorializing the President and Congress of the United States to maintain the force structure, troop strength and combat capabilities of the National Guard.

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, on January 18, the Secretary of the Army announced that he planned to eliminate six combat brigades from the Army National Guard and to reduce its troop strength by 17,000.

It is hard to believe that today, when American forces are serving around the world and our military resources are stretched so thin, the Secretary of the Army would even consider such a drastic move of scaling back our National Guard component.

I have a resolution here that I have worked on with Senator Brightbill, and I know we will have a lot of cosponsors on it. It will be available at the Secretary's desk after we are finished, but I think it is important, if anything, at this time and stage in our country's history, that we should be working to enhance and increase the ranks of our citizen soldiers at every possibility.

Therefore, Madam President, I offer this resolution, urging the Secretary of the Army, the Secretary of Defense, Congress, and the President to reconsider this proposed cutback, and I say this for a lot of reasons, and I appreciate my colleagues' support on this. We have two very active brigades, the 2nd and 55th, which are on the list to be eliminated. One plan would remove one heavy combat brigade and portions of the aviation brigade from the Pennsylvania National Guard and would mean a loss of over

4,000 jobs for our soldiers. The Scranton Brigade provides a portion of the Pennsylvania Quick Force, a force capable of responding with a battalion-sized element within 6 hours, which is essential during any kind of natural disaster or attack. Pennsylvania has the largest and most-deployed Guard in the nation. Since September 11, 2001, more than 15,000 members of the Pennsylvania National Guard have been deployed in support of the global war on terror, and dollar for dollar, looking at the economic impact of this, Madam President, the National Guard is the most effective force of the Armed Forces, as it uses less than 5 percent of the defense budget.

Our National Guard is ready and reliable. We know that, and in the Commonwealth of Pennsylvania, we are first and foremost, and we always have been. Also, let us not forget that the National Guard is Pennsylvania's sixth largest employer, and these cutbacks would have a direct impact on our economy.

Thank you, Madam President, for the time to speak on this issue.

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

Senator BRIGHTBILL. Madam President, it is a simple fact, for every brigade that a State loses, such as Pennsylvania, we lose \$50 million of revenue. So while the Secretary of the Army might be looking for priorities and how they impact on the United States of America, and we of course are interested in that, too, the simple fact is that from a very parochial point of view, if we lose a brigade, we lose \$50 million; if we lose two brigades, we lose \$100 million. That is not just one part of the State, that is something that impacts across our State, and particularly impacts the area I represent, Indiantown Gap, and also the Scranton area and western Pennsylvania, so I ask for an affirmative vote on this resolution.

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

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

## CONSIDERATION OF CALENDAR RESUMED

### THIRD CONSIDERATION CALENDAR RESUMED

#### BILLS OVER IN ORDER

**HB 750 and SB 780** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

#### BILL RECOMMITTED

**HB 893 (Pr. No. 3579)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, requiring State and local approval for terminations or transfers by municipal authorities; and consolidating 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; requiring certain procedures to be followed in residential buildings; and making a related repeal.

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

#### BILLS OVER IN ORDER

**SB 935 and SB 1003** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 1025 (Pr. No. 1523)** -- The Senate proceeded to consideration of the bill, entitled:

An Act limiting the authority of the Environmental Quality Board over the Pennsylvania Clean Vehicles Program; establishing the Pennsylvania Clean Vehicles Program; imposing duties and responsibilities on the Department of Transportation and the Department of Environmental Protection; and abrogating a regulation.

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 Delaware, Senator Erickson.

Senator ERICKSON. Madam President, on December 2, 2005, the Environmental Protection Agency sent a letter to the Commonwealth. In that letter, EPA indicated that we have already adopted the California car, or CA-LEV, as it is called, and that the Pennsylvania Clean Vehicles program is a federally enforceable part of our State implementation plan. Apparently, this amendment will allow car manufacturers to opt into the weaker Tier 2 standard. In the southeast, we are in a nonattainment area. Anything that we can do to ratchet down pollution coming from cars and mobile sources will be to our benefit relative to economic development, in terms of the stationary sources.

The bill as amended has, I think, a number of laudable parts in it. It authorizes, as I said, the continued use of the Federal Tier 2 vehicle emission standard as a compliance alternative, and that would weaken the standard and potentially cause increased air pollution as compared to the California car. It does have, as I



said, some laudable parts. It requires stakeholders to get involved in developing data. I would suggest then that we delay action on this bill and develop that data so that we really have a grasp of what we are talking about because of what we have at stake in the southeast in terms of economic development. Therefore, I urge a negative vote on this bill.

Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Bradford, Senator Madigan.

Senator MADIGAN. Madam President, I rise to encourage support for this bill. Some of the things that have been outlined by Senator Erickson are in the amendment, which was placed in the bill, which gives time to take a look at what is the real impact, and we have to look across the fencepost to see what is the difference between Federal Tier 2 and the CA-LEV, as far as cleaning up our air. I think we in the legislature are abdicating our responsibility for oversight because we are letting a bureaucracy make a decision here in Harrisburg which will mandate on the drivers of the Commonwealth of Pennsylvania what type of car they can buy that is done by a bureaucracy in California, and we have no input.

I think as we look over this past year, our constituents are saying to us, we want more input, and if we as legislators and the General Assembly fail to take that legislative oversight and take a good look and request some solid information that we can utilize in making a sound decision as to where we go, I think it is a moving target that we are involved in, and if we get committed to California standards, we have no way of getting out. I certainly encourage a positive vote on this, and will appreciate the support of all of the Members.

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

Senator FERLO. Madam President, first of all, I think there are a lot of great activities and programs and aspects of the State of California that we certainly would want to emulate, and I think, likewise, there are many great aspects of the great State and Commonwealth of Pennsylvania that those residents in California would likewise like to emulate. I am very disappointed in this amended piece of legislation. I strongly urge that we vote "no" on this amended legislation, and I am operating on the basic question and simple statement of what type of environmental legacy and environment and economy do we want to leave our families, our loved ones, our children and our communities, the constituents whom we were elected to represent. The amended bill, to me, is a significant step backwards, and I think a lot of the rhetoric that has been thrown around in back room halls and meetings on this legislation is much ado about nothing, in terms of the specter of the great California standard, and somehow we are giving up our sovereign right. I do not think anything can be further from the case.

I think it is important to draw attention to a memo from Secretary McGinty, of the Department of Environmental Protection, who sent a letter urging an explanation of the amendment that passed yesterday, and I want to read some of her memo to the Senate, and I quote the following: "The Department of Environmental Protection has now reviewed the amendment to SB 1025. I am writing to communicate to you our continued opposition to the bill. The amendment still has the effect of

barring us from realizing and being able to secure federal credit for the full level of tailpipe emission reductions we could achieve from the California standards that are now part of the Pennsylvania Clean Vehicles Program. The upshot remains that factories, power plants and other employers in Pennsylvania will have to bear the brunt of achieving the additional required pollution reductions."

Now my own editorializing on that, coming from the southwestern Pittsburgh area, we know that will eventually mean significant capital infrastructure and utilities in the coal industry in particular, and I, for one, have been fighting the high level of utility rates with a tremendous number of individuals, who have now been cut off because of the backward legislation that the legislature approved a year ago now known as Chapter 14, we are talking about significant rate increases that will be passed on ultimately to the utility customers. It would seem more logical, fair, and reasonable that we should require the auto industry itself to advance the quality of the car that they would be selling in the next decade, not only in California and in Pennsylvania, but, in fact, that they would be producing.

I can remember back many years ago when there was the typical argument about seatbelt legislation, and the industry itself would hem and haw and say, well, it is going to be \$600, \$700 a vehicle if we institute laws requiring seatbelts. In the end, it ended up being something a little over \$40 per vehicle. We have to pay to clean up the environment and clean up the air, and as Secretary McGinty's letter further goes on to explain, and I quote, "The amendment may appear to be a compromise since it seems to retain the California standards as in the current program. The problem, however, is that it then makes it optional for automakers to meet those standards -- it enables automanufacturers to revert to the less exacting federal standards if they so desire. It is this optionality that causes the problem. The bottom line is that EPA will only give us credit for emission reductions that are permanent and enforceable. Allowing automanufacturers to revert to the federal standards means that EPA will only give us pollution reduction credit equivalent to the lesser standard."

I just want to conclude with her letter that "There are other serious issues presented by the amendment to SB 1025. Given that we have been told the full Senate may be called upon to act on this measure..." obviously, we are about to do that right now, "...we wanted to share this most critical issue." She concludes here, "We urge your continued support for the Pennsylvania Clean Vehicles Program that, since its promulgation by Governor Ridge, has served Pennsylvania well." She respectfully asks our Senate colleagues to oppose this repeal effort.

And once again, I reiterate a basic simple question, what type of environmental legacy do we want to leave our children? I do not think it is contained in the amended version of Senate Bill No. 1025. At some point, we have to step up to the plate and take some responsibility for cleaner air. I think we need to do that not only as citizens and Commonwealth residents, and I hope that at some point we have a more progressive administration in the White House that will understand its international responsibility for the United States itself to participate in the world community of having cleaner air, a cleaner environment, and building a sustainable future.

Thank you.

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

Senator C. WILLIAMS. Madam President, I rise in support of my colleague's remarks from southeastern Pennsylvania. I urge a "no" vote on this bill. There is a saying, I may not be right, but I am never wrong, but sometimes we here in this body are not right, unfortunately. We sometimes make mistakes in what we do, and I think that the idea to go ahead with the CA-LEV standards are very important. They are important for the future of our children. They will take a burden off us, our industries, as my colleague from the western part of the State stated. We are very lax in our consideration of how we drive our cars and how many cars we each have, and the fact that we do not car pool. We are also fortunate, Madam President, that we have a very competitive auto industry here, and I think the concern is that if we adopt the standards, the cost of buying cars is going to go up. The auto manufacturers, it is a competitive market, work on market price, and I think there will always be automobiles in every price range for every Pennsylvanian to afford.

With all this in mind, I urge for the future of our children, for our health, for the health of our children and our grandchildren, that we vote "no" on this amendment.

Thank you.

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

Senator M.J. WHITE. Madam President, I rise to correct a few misconceptions. If we do not adopt the California car, that does not leave us without clean car standards. It means we adopt the Federal Tier 2 standards, which were promulgated by the Clinton administration to great fanfare. The difference between the two, EPA has estimated that the difference between the California car and the Federal Tier 2 car in Clean Air Act standards is a 2- to 3-percent difference. The administration disagrees with that and says it might be 8 or 9 percent, but one thing we heard from the auto manufacturers is that the price difference between the Federal Tier 2 standard and the California car will be \$1,000 to \$3,000 per vehicle.

Now, you know, when this bill was first introduced, we introduced it to say you may not adopt the California car standard in Pennsylvania, you may not mandate it as the standard. In the spirit of cooperation, we prepared the amendment that was voted and passed in this body yesterday, which said you can keep the California car on the table, but we need more data as to the cost benefit analysis of this. Even if we were to adopt the California car, it will not bring certain parts of this State into compliance with the Clean Air Act. More will still have to be done.

So all we are saying here today is to convene your stakeholder groups, get your people together for those areas that will not be in attainment, which is principally in the southeast, sit down and come up with the best ways we can to get into compliance. If the California car, at the end of the day, is part of that mix and part of that recommendation, recognizing that the mandate will be statewide, bring it back to the legislature and we will reconsider it. Under the current rule, with DEP moving forward at the EQB to adopt the California car immediately for the entire State, not only do we have to accept California's rules and regulations

today and tomorrow, but the legislature has absolutely no role in making clean air decisions for Pennsylvania in the future. This is a bigger than just a car, this is a Clean Air Act issue for the State of Pennsylvania, how we get there, and who is going to have oversight over what is done. This is a legislative issue and it should remain in the legislature. Under our bill, it comes back, including the California car, to be considered once we have all the data and information.

I urge an affirmative vote here. I think we should not abrogate our responsibilities to California or to non-elected individuals. This is our decision, this is our responsibility, and it should be done here in this legislature. I urge a "yes" vote. Thank you.

Madam President, I also have comments to submit for the record.

The PRESIDENT. The remarks will be spread upon the record.

*(The following prepared statement was made a part of the record at the request of the gentlewoman from Venango, Senator MARY JO WHITE:)*

Senate Bill No. 1025 will enact the Pennsylvania Clean Vehicles Program. In working with Senator Madigan, Senator Stout, and Senator Musto, it is our collective intent with Senate Bill No. 1025 to ensure that Pennsylvanians can continue the current practice of purchasing and registering in Pennsylvania vehicles which meet the strict Federal Tier 2 vehicle emission standard. Nothing in this legislation prohibits any citizen who wishes to purchase vehicles meeting California's standards from doing so. Furthermore, it is our intent that the Department of Environmental Protection and the Governor take the necessary and appropriate steps to modify, if necessary, the Commonwealth's State Implementation Plan as submitted to the U.S. Environmental Protection Agency to ensure that the State Implementation Plan reflects the Federal Tier 2 vehicle emission standard as the Commonwealth's official standard.

As this legislation lays out, in the coming years, Commonwealth agencies will undergo an extensive process to evaluate our current attainment status under the Federal Clean Air Act, and the Department of Environmental Protection will advise the General Assembly what steps it believes are necessary to bring nonattainment regions into compliance.

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

Senator STOUT. Madam President, all of us stood at that rail up front and put our hand on the Bible and swore to support the Constitution of Pennsylvania. How can we now give up our commitment to the Constitution of Pennsylvania and abrogate that to California, 3,000 miles away, for a non-elected board to make the decisions of what we will have to meet here in the Commonwealth of Pennsylvania? We cannot do that. This issue has been around for several decades now, and when we originally put it through, California car was only a back-up reference in that legislation, because the Federal car was not authorized, and now it is finally complete. What happened was we put it into the law at that time, and right now, if you totally know what is going on with the California car, it is based on reformulated fuel in the State of California. We put that in to prevent reformulated fuel here in Pennsylvania, because right now it costs over 50 cents a gallon more. Now all of us know what gas prices have done. Are we going to lay another burden on Pennsylvania motorists?

Gasoline spiked in the last year. Do you want it to spike even higher?

The projected cost increases for a car has a significant impact upon the motorists of Pennsylvania, so I cannot see where we can abrogate our responsibilities to somebody 3,000 miles away. They have different environmental conditions and climatic conditions than we have here in Pennsylvania, and those California CA-LEV II cars have not been certified yet. They are in court and it has not come together yet, so I do not know what we are going to have to comply with in the future. We should keep that responsibility here in Pennsylvania and not walk away from it and hand it over to someone else.

So I strongly support the passage of Senate Bill No. 1025, as amended, because it is important to the Commonwealth of Pennsylvania and to the motorists of this Commonwealth. I know that some people are distorting the facts. The EPA said there is only a 1- or 2-percent difference between the CA-LEV II car and the Federal Tier 2 car, so the significant price burden will be placed upon the motorists of this Commonwealth. I strongly suggest that we pass the bill and get the other data so we can make a decision. This does not actually come in effect until the 2008 cars are on the market. It is not right now. It comes into effect in 2007 when the 2008 cars come on the market. We have time to get all the information and the data and projections of the environmental impact this will have. I urge support for Senate Bill No. 1025, as amended.

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

Senator A.H. WILLIAMS. Madam President, for the benefit of the record, let us understand that all the discussion about California and all the conversation about abrogating rights and comments to the contrary about us allowing a bureaucracy to take over, understand that the people in California did not wake up one day, bureaucrats in particular, and say, you know what, I want to do this because I think it is something good to do. The reality is that California is now confronted with an environmental crisis, and when you look at their energy costs, their black-out situations, and several measuring marks, that is why they are required to do something today.

Another interesting phrase is let us buy time. California does not have any more time. Pennsylvania is right next to California in terms of not having time. The reason we are talking about California cars is because Pennsylvania did not do it, or any other State, for that matter. That is why we are talking about California, because California has recognized they have run out of time, they are no longer talking about their children, they are talking about their own existence, and pollution is real, cancer rates are real, inhalation of carcinogens is real. It is not a concept or some soft science or some plea about feeling better about where we will be tomorrow. Frankly, it is not about the cost of a car. It is the condition of and what human beings are doing to the places they reside. California has run out of time.

Now, for those of us who would like it to be the Pennsylvania car, then let us spend the hours here and do the work. If people are so hellbent on demanding that we as a body have to do this, then spend the time to do it. Philadelphia has a real issue and the southeastern region has a real issue with regard to pollution. It is not just talking about it, it is data. It is talked about in clear air

arguments every day in Washington. By the way, Pittsburgh, cities bordering Ohio are also part of that conversation. It is not about whether we are going to buy time. We do not have time to buy. Our children will not be able to talk about or deal with this environment that we say is so great. That is just not a reality.

So with all due respect to the conversations, if you want to vote for it, fine, vote for it. If you want to say it is \$2,000 or \$3,000 or \$4,000 more for a car, and you think 20 years from now you are going to have an environment where you can argue about \$4,000 more for a car, do it. We are not going to have this place to argue about 20 years from now. People think this is something we can keep putting off. It is like a bad debt that keeps increasing. It is not something you can put off. For those of us who are passionate about it, it is because we understand the facts about it. The facts are, let us make it a Pennsylvania standard. This discussion about the difference between a California car and Federal car only being 3 percent, can I hear somebody stand up and say we have pollution problems in Pennsylvania? We are contaminating the environment. Anybody who is a sports lover, an outdoors lover, and I hear this all the time, that the great thing about Pennsylvania is the great outdoors. Do you understand that you are killing it? You go across Pennsylvania, look at the streams in Pennsylvania, not Philadelphia, go to the middle of Pennsylvania where there are streams that you can no longer fish in, ponds that you can no longer use. Do you think this happens by accident?

There is a connection, and this is a first step, not the final step, but this is the first step, and it is a small step. If we cannot do this then, God forbid, what is down the road for us? If we cannot do this, and I understand it is difficult because there are those who want to contain what they have, they are truly concerned about their employment base, they are truly concerned about those who live there who are currently working. I understand all that. But just like anybody who now buys groceries on a credit card, it is going to run out. You have to pay the bill if you run it up.

In the last 20 years we have destroyed the ozone layer, not damaged it, but destroyed it. And we in this country, we in this State, we in this Capitol have a responsibility to do something about it. So the heck with California. If you want to have a standard that is definitely responsible, then stay here and do something about it. Do not abrogate it to the bureaucrats. Do not turn it over to the people in California. Do something about it here today.

Thank you, Madam President.

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

Senator COSTA. Madam President, I think for the sake of time, I will just submit my comments for the record.

Thank you, Madam President.

The PRESIDENT. The remarks will be spread upon the record.

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

The legislation as amended by the Senate yesterday appears to retain the California standards for motor vehicles in the current program adopted by Pennsylvania through its State implementation plan.

However, the amendment makes it optional for vehicle manufacturers to meet those standards. Rather, it enables auto manufacturers to revert to the less exacting Federal standards for vehicle emissions.

The problem that this presents is that the Environmental Protection Agency will only give Pennsylvania credit for emission reductions that are permanent and enforceable. Allowing auto manufacturers to revert to the Federal standards means that EPA will only give us pollution reduction credit equivalent to the lesser Federal standard, not the higher California standard. The result of this means that the additional 6-percent to 12-percent reductions in the VOCs and 9-percent reduction in NOX the current Pennsylvania Clean Vehicles Program would achieve would need to be made up by other sectors of our economy, namely stationary sources such as power plants and factories.

The California car standards previously adopted will improve air quality by 9 percent to 12 percent. That is the difference in pollution in the air when the fleet will consist entirely of California standard cars. These are real reductions. Opponents of California cars argue that California cars reduce pollution by only 1 percent more than using the Federal Tier 2 standards. In reality, both statements are true. It depends on what pollution level is used as the base. But the reduction in nitrogen oxide and other pollutants will be at least 9 percent greater between the Tier 2 and California car standards.

As to the added cost to consumers in Pennsylvania, I believe that there will be some additional cost. Opponents, however, may be overstating the additional cost. A survey done by DEP found that 20 of the most popular models have no additional cost. Audi cars will have an additional cost of \$150. Cars that meet the California standard may be more expensive in the first instance, but they are more fuel efficient, resulting in less gasoline consumption by consumers. This will save car owners money over the life of the vehicle. The Union of Concerned Scientists estimates that consumer savings would be about \$279 per year, assuming a gas price of \$2.25 a gallon. At \$2.50 a gallon, the savings are \$310 annually. As gasoline prices continue to remain high, these savings become more important. Even the President most recently admonished in his State of the Union Address that America must end its addiction to oil, and moving toward using the most fuel-efficient vehicles helps us do just that.

An argument has also been made about conceding our sovereignty to a bunch of wild-eyed California environmentalists who may serve on the California Air Resources Board. It should be pointed out that if we accept the Federal Tier 2 standards, then we have chosen to let the nameless bureaucrats in the Environmental Protection Agency in Washington determine our emission standards rather than the bureaucrats on the California Air Resources Board. Further, with the Senate amendment, we may also have surrendered our decisionmaking authority regarding environmental issues to the big car manufacturers in Detroit, Japan, and Germany. Is there really any difference? If Pennsylvania chooses to use the California standards and they make changes that are too costly to Pennsylvania's consumers, we can opt back to the Federal Tier 2 standards.

Changing the standard from California to the Tier 2 standard, which is what Senate Bill No. 1025 does, will require changing our State Implementation Plan (SIP). The SIP demonstrates how Pennsylvania intends to reach its air quality goals. If we use the less stringent Tier 2 standard, then that planned loss will have to be made up through other means. It just makes more sense to utilize the more stringent California standards that will provide significantly cleaner air at a reasonable cost.

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

Senator M.J. WHITE. Madam President, just one clarification. There is absolutely nothing in this bill that prohibits anyone who wants to from going out and buying a California car at any time in the future, as soon as those cars are available. Senator Madigan has one now, ask him how he likes it. What we are talking about here is mandating the California car across the State of Pennsylvania. We do have time. The compliance dates for the vehicle emissions programs, whichever car you use, are 2014. All we are asking for is to get more information to find out

if we are going down the right path and if this is a cost benefit, a sensible thing to impose upon the motorists of Pennsylvania. At this time, we do not know that it is, and I ask for a "yes" vote.

Thank you.

LEGISLATIVE LEAVE

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

Senator BRIGHTBILL. Madam President, I ask for a temporary Capitol leave for Senator Armstrong.

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

And the question recurring,  
Shall the bill pass finally?

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

YEA-27

|            |         |         |                |
|------------|---------|---------|----------------|
| Armstrong  | Kasunic | Orie    | Scarnati       |
| Brightbill | LaValle | Piccola | Stout          |
| Browne     | Lemmond | Pippy   | Wenger         |
| Corman     | Logan   | Punt    | White, Donald  |
| Earll      | Madigan | Regola  | White, Mary Jo |
| Gordner    | Mellow  | Rhoades | Wozniak        |
| Jubelirer  | Musto   | Robbins |                |

NAY-20

|          |           |             |                      |
|----------|-----------|-------------|----------------------|
| Boscola  | Fontana   | Pileggi     | Washington           |
| Conti    | Greenleaf | Rafferty    | Waugh                |
| Costa    | Hughes    | Stack       | Williams, Anthony H. |
| Erickson | Kitchen   | Tartaglione | Williams, Constance  |
| Ferlo    | O'Pake    | Tomlinson   | Wonderling           |

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 LAID ON THE TABLE

SB 1050 (Pr. No. 1441) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring manufacturers to disclose information relating to vehicles equipped with event data recorders or sensing and diagnostic modules.

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

SB 1050 TAKEN FROM THE TABLE

Senator BRIGHTBILL. Madam President, I move that Senate Bill No. 1050, Printer's No. 1441, be taken from the table and placed on the Calendar.

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

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

**BILL OVER IN ORDER**

**SB 1062** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

**RECESS**

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

Senator BRIGHTBILL. Madam President, at this time I ask for a brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations, which will begin immediately.

The PRESIDENT. There will be a brief recess of the Senate for a meeting of the Committee on Rules and Executive Nominations. Without objection, the Senate stands in recess.

**AFTER RECESS**

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

**REPORT FROM COMMITTEE ON  
RULES AND EXECUTIVE NOMINATIONS**

Senator WENGER, from the Committee on Rules and Executive Nominations, reported the following nominations made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

**JUSTICE, SUPREME COURT OF PENNSYLVANIA**

January 3, 2006

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, The Honorable Cynthia A. Baldwin, Esquire, 2009 McClintock Road, White Oak 15131, Allegheny County, Forty-Fifth Senatorial District, for appointment as Justice of the Supreme Court of Pennsylvania, to serve until the first Monday of January 2008, vice The Honorable Russell Nigro, whose term expired.

EDWARD G. RENDELL  
Governor

**VICTIM ADVOCATE**

January 3, 2006

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, Carol L. Lavery, 253 Reyburn Road, Shickshinny 18655, Luzerne County, Twentieth Senatorial District, for appointment as Victim Advocate, to serve until May 22, 2007, and until her successor is appointed and qualified, but not longer than ninety days beyond that period, vice Mary A. Achilles, Mechanicsburg, resigned.

EDWARD G. RENDELL  
Governor

**NOMINATIONS LAID ON THE TABLE**

Senator WENGER. Madam President, I request that the nominations just read by the Clerk be laid on the table.

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

**EXECUTIVE NOMINATIONS****EXECUTIVE SESSION**

Motion was made by Senator WENGER,

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.

**NOMINATION TAKEN FROM THE TABLE**

Senator WENGER. Madam President, I call from the table a certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

**JUSTICE, SUPREME COURT OF PENNSYLVANIA**

January 3, 2006

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, The Honorable Cynthia A. Baldwin, Esquire, 2009 McClintock Road, White Oak 15131, Allegheny County, Forty-Fifth Senatorial District, for appointment as Justice of the Supreme Court of Pennsylvania, to serve until the first Monday of January 2008, vice The Honorable Russell Nigro, whose term expired.

EDWARD G. RENDELL  
Governor

On the question,

Will the Senate advise and consent to the nomination?

**LEGISLATIVE LEAVES**

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

Senator BRIGHTBILL. Madam President, I ask for a legislative leave for Senator Earll, and temporary Capitol leaves for Senator Robbins and Senator Don White.

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

And the question recurring,

Will the Senate advise and consent to the nomination?

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

Senator LOGAN. Madam President, I rise today to offer my strong and unequivocal support for the confirmation of Judge Cynthia Baldwin to serve on the State Supreme Court of Pennsylvania. As you know, she is a constituent of mine, but

more importantly, she is a friend. Judge Baldwin is an outstanding jurist who has an impeccable record of achievement. She has demonstrated the necessary balance and judicial temperament to be an invaluable member of the bench in Allegheny County for many years. But even more important than Judge Baldwin's record of distinguished service is her ability to be a visionary, defining reasonable, legal judgments from often complicated cases. Madam President, she makes the difficult reasonable and the reasonable rational. Litigants, while perhaps not agreeing with her decisions, nevertheless, understand the foundation of her rulings. This clarity of thought and ability to communicate distinguishes Judge Baldwin.

Madam President, as you know, she is a trailblazer. She was the first African American woman to be elected to the bench in Allegheny County, and she was the first African American woman elected to the Board of Trustees of Penn State University. She has met challenges head on and overcome obstacles. She is a role model for generations of young men and women, black and white. Born and raised in the district that I represent in the city of McKeesport, she brings a strong work ethic and a rugged sensibility to the bench. Her experience growing up amid the towering steel furnaces and with the working men and women of the Mon Valley have had a great and indelible impact on her life. Well grounded in the value of hard work, instilled by an education at Penn State and Duquesne University, Judge Baldwin has been a leader and a valued advocate.

I was pleased to stand with Governor Rendell a few months ago at the Allegheny County Courthouse when he nominated Judge Baldwin, and I am equally as pleased and proud that I can stand here on the floor and ask you to support Judge Baldwin's confirmation. She is an outstanding jurist, but more importantly, she is an outstanding person and would be a credit to all Pennsylvania as a Justice of the State Supreme Court.

Thank you, Madam President.

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

Senator PICCOLA. Madam President, I stand here, sadly and reluctantly, to explain why I intend to vote "no" on the nomination of Judge Baldwin to the Pennsylvania Supreme Court. I really cannot disagree with anything that Senator Logan just said about her. She is an outstanding nominee. I think the Governor made an excellent choice. From all appearances and the few opinions of hers that I have read, she has a well-reasoned ability to come to a decision in the law. In fact, one of the sad parts about this is that she has made a pledge not to seek election to the court, and unfortunately, if it were up to me, I would not have required her to make that pledge, because I think people like her should have the opportunity to seek a full term.

However, Madam President, the reason that Judge Baldwin is before us today is because the people of Pennsylvania, for the first time in history, created a vacancy on that court by voting "no" on the retention of a Justice to the Supreme Court because the Chief Justice got himself involved, and in my view inappropriately, in a political and legislative matter, and in a very public way, and because of that, Madam President, the courts, and particularly the Supreme Court of Pennsylvania, are not held in highest esteem by the people of Pennsylvania. I think it is incumbent upon every person on that court, as well as the

nominees to that court, to make sure that they abide by the Code of Judicial Conduct that is set forth in the Rules of Civil Procedure, rules that are promulgated, I might add, by the Supreme Court of Pennsylvania.

To lay the foundation for the reasons I believe Judge Baldwin has not abided by these canons, this Code of Judicial Conduct, I would like to read into the record a portion of those rules. I quote from Canon 5(B), subsections (1) and (2):

B. Civic and Charitable Activities. Judges may participate in civic and charitable activities that do not reflect adversely upon their impartiality or interfere with the performance of their judicial duties. Judges may serve as an officer, director, trustee, or nonlegal advisor of an educational, religious, charitable, fraternal, or civic organization not conducted for the economic or political advantage of its members, subject to the following limitations:

(1) Judges should not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before them or will be regularly engaged in adversary proceedings in any court.

I emphasize the words "in any court." Now, there is a note under that section, and that note reads as follows:

Note: The changing nature of some organizations and of their relationship to the law makes it necessary for judges regularly to reexamine the activities of each organization with which they are affiliated to determine if it is proper for them to continue their relationship with it. For example, in many jurisdictions charitable hospitals are now more frequently in court than in the past. Similarly, the boards of some legal aid organizations now make policy decisions that may have political significance or imply commitment to causes that may come before the courts for adjudication.

(2) Judges should not solicit funds for any educational, religious, charitable, fraternal, or civic organization, or use or permit the use of the prestige of their office for that purpose, but they may be listed as an officer, director, or trustee of such an organization. They should not be a speaker or the guest of honor at an organization's fund raising events, but they may attend such events.

Finally, Madam President, the third canon that I would like to refer to is Canon 5G, which refers to extra-judicial appointments.

G. Extra-judicial appointments. Judges should not accept appointment to a governmental committee, commission, or other position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice. Judges, however, may represent their country, state, or locality on ceremonial occasions or in connection with historic, educational, and cultural activities.

There is a note under that canon as well, Madam President.

Note: Valuable services have been rendered in the past to the states and the nation by judges appointed by the executive to undertake important extra-judicial assignments. The appropriateness of conferring these assignments on judges must be reassessed, however, in light of the demands on judges created by today's crowded dockets and the need to protect the courts from involvement in extra-judicial matters that may prove to be controversial.

Madam President, Judge Baldwin, to her credit, sits as the president of the Board of Trustees of Penn State University, and I might add, parenthetically, that I believe her actions in this regard, to want to continue in that position, may be guided in part

by the fact that the Chief Justice of the Supreme Court sits in the same position at the University of Pittsburgh. However, Madam President--

#### POINT OF ORDER

Senator MELLOW. Madam President.

The PRESIDENT. For what purpose does the gentleman rise.

Senator MELLOW. Madam President, point of order. I would just like the Chair to notify the speaker that this has nothing to do with the Chief Justice of the Supreme Court. This is the second time the gentleman has basically gone a little too far in impugning the character and integrity of the Chief Justice of the Supreme Court, Justice Cappy, and I believe, if not admonished, it should be suggested to the gentleman that this has nothing to do with Justice Cappy, it has to do with the confirmation of future Justice Cynthia Baldwin. I think he should confine his remarks to the quality, to the character, and to the type of individual that Judge Baldwin is, and should refrain from any further comments about the Chief Justice of the Pennsylvania Supreme Court.

The PRESIDENT. The question before the Senate is the confirmation of Judge Cynthia Baldwin for Supreme Court Justice.

Does the gentleman have anything further to say?

Senator PICCOLA. Madam President, on the question before the Senate, as I said, Judge Baldwin sits as the president of the Board of Trustees of Penn State University. In that position, and I might add, Penn State University is a very large, if not the largest, public institution of higher education that we have in the Commonwealth of Pennsylvania. According to a recent report of the Joint State Government Commission, the annual budget of Penn State University is over \$1.3 billion a year, and it has numerous campuses. It owns and operates a law school, and in particular, it owns and operates a medical facility, a hospital, which I might add is the subject of much litigation, oftentimes in the area of medical malpractice. Penn State University is involved in litigation throughout this Commonwealth. Judge Baldwin, in her confirmation proceedings yesterday, indicated that she did not think it would be a problem because only 12 cases in the last 10 years, I think it is her testimony, involving Penn State got to the Pennsylvania Supreme Court.

However, Madam President, the issue is not whether or not a case actually gets to the Supreme Court, Canon 5(B)(1) says that judges should not serve in a position if the organization upon which they are serving will be engaged in proceedings that would ordinarily come before them or would be regularly engaged in adversary proceedings in any court. I might add, Madam President, that if 12 cases involving Penn State got to the Supreme Court in the last 10 years, there must be thousands of cases out there involving Penn State University, because very few, percentage wise, of cases that are filed ever get to the Supreme Court.

In addition, Madam President, the Supreme Court of Pennsylvania has a lot of administrative and disciplinary roles to play vis-a-vis all of the courts and all of the judges of the Commonwealth. It is the chief administrative court for all of the courts of Pennsylvania. Even if a case is only in a common pleas

court, the fact of the matter is that the Supreme Court has indirect jurisdiction over the discipline and the administration of justice in those lower courts.

With respect to the issue of raising money, to her credit, the judge produced a letter, and I certainly agree and would not quibble that she is not involved in fundraising. However, Madam President, I would like to submit for the record the bylaws of the Penn State University Board of Trustees, under which the president of the board is an ex officio member of every standing committee, including the finance committee of that university. I do not know what the finance committee does, but the question arises, is she in fact involved in the financial operations of the university? I will take her word that she is not, but the question is there.

Finally, Madam President, Canon 5(G), which indicates that judges should not accept an appointment to a governmental committee or commission or other position that is concerned with issues of fact or policy matters, I think specifically precludes her service as the president of the Board of Trustees of Penn State University. I asked Judge Baldwin if she would step down as the president of the Board of Trustees of Penn State, and she indicated that she would not. She does not read the Canons of Ethics, the Code of Judicial Conduct the way I do. I think judges, in the climate that we are in today, need to read very carefully these canons that they have promulgated, and to abide by them so as to reestablish the trust and confidence of the people of Pennsylvania in their judicial system. Therefore, Madam President, I am going to have to very reluctantly and sadly vote "no" on this nomination, since Judge Baldwin indicates she will continue to serve as the president of the board of trustees.

The PRESIDENT. The Chair recognizes the gentleman from Blair, Senator Jubelirer.

The PRESIDENT pro tempore. Madam President, I certainly respect every Member's right and privilege to express their own opinion and the opinion of their constituents in this body. That is what we are all about. With all due respect to the previous speaker, I could not disagree more.

Madam President, the first issue that each and every one of us has to face is the issue of integrity, and the issue of integrity transcends all things. I listened to Senator Piccola's reading of the Code of Judicial Conduct, of which I am somewhat familiar. I do not think there is anything in that code whatsoever that would preclude Judge Baldwin, and I reiterate, she is a judge who serves on the Court of Common Pleas of Allegheny County. She has been a judge for a number of years, and we are being asked to elevate her to the highest court in Pennsylvania.

Madam President, I have had the privilege of knowing Judge Baldwin for a number of years. I have known her, her husband, her family. She so far surpasses the issue of integrity that no one would ever question it. She comes to this body as probably one of the most qualified nominees that I have seen in my many years in this body. I think that the people of Pennsylvania would want to have a judge not sit in an ivory tower because, frankly, if you read the Code of Judicial Ethics in its strictest interpretation, its absolutely strictest, anybody can make the case that they cannot be involved in anything. I think that is wrong. I think we need judges, frankly, involved in the community, involved in charitable events without raising money, because they cannot

raise money, involved in activities that do not have any repercussions or have any influence on them being a judge. I think, without question, that a judge has the responsibility to recuse in the event that a conflict comes up, and I doubt that there is a judge on the court, in the appellate courts and in the courts of common pleas, that has not had, at one time or another, the responsibility to recuse.

Madam President, I have seen over these past months the absolute tearing down of our judiciary, the likes of which I have never seen before, and I realize I come here perhaps looked at as someone who is married to a judge and therefore I am making these comments. People will have to judge for themselves. I come here because, as I have said many times, I am not just a husband of a judge, I am the son of a judge. Some have called me son of other things, but I am the son of a judge. My father was a distinguished jurist as the president judge of Blair County. I was raised in a family of lawyers and judges. I have the utmost respect, and I was taught at an early age that the judiciary is a body and a part of our system that absolutely must serve in the highest, the highest tradition. You do not have the option of being questioned. You do not have the option of being like anyone else, you must rise to a higher standard. To see what has happened in these last months, tearing down the judiciary and of some outstanding people, is very painful. And I am sure that I can expect an editorial from one of my favorite newspapers when I get done with these remarks, and frankly, so be it.

I must tell you, Madam President, I think it is important that we have judges on that bench who rise to that standard, who have set the bar high, who believe in the integrity of the system that the law rises above all. We are not a body and a jurisprudence of men and women, we are a body of laws. Judge Baldwin is the poster child for that, Madam President. She comes to us asking our support with hands that are clean, with a mind that is absolutely brilliant, and with integrity that is absolutely impeccable.

As I listened to the Code of Judicial Ethics as set forth by Senator Piccola, I thought to myself, this is a person we want on the bench. This is a person who can make a difference. This is a person who we are fortunate offers herself up as a candidate for our highest, highest court. How do you get people to run today? How do you get judges to run today with the attack on the courts? They come into today's environment with two strikes against them, they all must be crooks, the tearing down of the system.

Well, Madam President, as I said, I started off as a young boy literally worshipping a father who was a brilliant attorney and a brilliant judge, and I want to tell you, I stand here today looking forward to casting a vote for someone who will make a difference, someone who honors each and every one of us here, and someone who will honor every Pennsylvanian, and I say to her, because she is sitting in the gallery, thank you, Judge Baldwin, because we are fortunate to have people like you. I look forward to voting for her confirmation and look forward to having other candidates for the Supreme Court, the appellate courts, and every other court in the jurisdiction of this State to rise to the level that Judge Baldwin sets today.

Madam President, I do not have to urge Members of this body to support Judge Baldwin, she will be overwhelmingly

confirmed, and every Pennsylvanian will be better for it.

Thank you, Madam President.

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

Senator COSTA. Madam President, the President pro tempore set a very high bar to follow, and I cannot agree with him more, particularly first and foremost his comments about Judge Baldwin, but also about his comments and beliefs, which I agree with, about the attack on our courts today. Before I get into some of Judge Baldwin's qualifications for the Supreme Court of Pennsylvania, I would like to set the record straight relative to a couple of issues that my colleague from Dauphin County mentioned earlier.

First and foremost, as we all know, this is not the first time that a Penn State chairperson or trustee has been confirmed and served on an appellate court. A number of years ago, James A. Beaver, in fact, the namesake of Beaver Stadium at Penn State, was a Pennsylvania Superior Court Justice and also a chairman of the university's board of trustees, and there are a number of other individuals across this Commonwealth throughout the years who had the privilege of serving in both instances.

The second point that I want to raise, Madam President, is the issue relative to what my colleague from Dauphin County referenced to the Supreme Court, and I did not get a chance to write down everything that was stated, other than its involvement in legislative matters, and I think I need to set the record clear. There was a finding and ruling by the Judicial Conduct Board that cleared Justice Cappy of any wrongdoing or any perceived wrongdoing relative to his involvement in an issue that was raised, discussed, and voted on here in July of 2005. I want to make certain that those two particular issues were made very clear.

I also rise, Madam President, as I indicated, to support Judge Baldwin in her quest to become the next Supreme Court Justice in Pennsylvania. We heard a lot of wonderful things about her, and I will tell you that they are all true. I think myself and my colleague from Allegheny County, Senator Orié, are the only two people in this room who have had the privilege of working in her courtroom in one capacity or another. As attorneys in Allegheny County, we saw firsthand the type of temperament that Judge Baldwin possesses. We saw the intellect in terms of her judicial proceedings. We also saw her diligence in terms of how hard she worked. She is one of the hardest working judges in Allegheny County, and that is just on the judicial side, Madam President.

As you all know and as we found out in our hearings of the Committee on Judiciary yesterday, Judge Baldwin is very, very active on a variety of other stages as well. You are not going to find a person who is more involved in her community in a variety of ways, both locally in the Mon Valley community where she comes from, from the White Oak area, but also more on a national and a world stage, so to speak, and she has been a strong advocate and involved in a number of issues that have taken her to other parts of the world.

Madam President, I also would like to share with my colleagues a survey. What we do in Allegheny County as members of the Bar Association, our Allegheny County Bar Association provides a survey, asks the lawyers to rate the judges in our county, which is based on a scale of 1 to 5. The areas that



are judged are impartiality, legal ability, diligence, and temperament. We have 40-some judges, and we rate the Federal judges as well. Madam President, Judge Baldwin recently went through that process, and she scored well over 4 in that category, one of the highest scores of all the judges in Allegheny County. She is extremely well-regarded by the Allegheny County Bar, and lawyers from outside of Allegheny County who have the opportunity to practice in her courtroom. She clearly is one of western Pennsylvania's best, and I am very, very proud to be able to support her for this nomination.

As was stated earlier by my colleagues, the terms that they used, and I think Senator Jubelirer used the one that I think is most appropriate, and that is "integrity." You will not find a person of greater integrity than Judge Baldwin. So I am very honored and pleased to support her. Like Senator Jubelirer, I do not believe we need to encourage the Members to support her. I believe she possesses the requisite qualities to be an outstanding Justice, and deserves our support.

The PRESIDENT. The Chair recognizes the gentleman from Bradford, Senator Madigan.

Senator MADIGAN. Madam President, I was not planning to speak, and I cannot speak as eloquently as the President pro tempore, but I am coming from a little different direction. I served 22 years as a trustee of Penn State University and continue as a trustee emeritus, and I have worked with Judge Baldwin since she has been a member of that board, since she has been in a leadership position. I have been tremendously impressed with her ability as a leader, her integrity, and her fairness, which I believe makes her a quality candidate to serve on our Supreme Court, and I wish her the best.

Thank you, Madam President.

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

Senator FERLO. Madam President, I want to take exception to the comments of my colleague from Dauphin County earlier, because I believe he engaged in what amounts to silver-tongued double talk, and I believe his comments actually rise to vituperative innuendo.

I once again ask for a unanimous, or at least a near unanimous, vote in the Senate to confirm Judge Baldwin to be a distinguished member of the Pennsylvania Supreme Court. I have had the pleasure of knowing Judge Baldwin and her family for over 25 years, having probably been one of her rank-and-file campaign workers many years ago, and I can think of no one more eloquent and elegant than Judge Baldwin, and certainly no one with greater legal acumen and skill and expertise who will make a significant contribution to all residents of our great Commonwealth.

Thank you, Madam President.

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

Senator KITCHEN. Madam President, I rise to strongly, strongly support this confirmation, and I guess I can sum this up from a paragraph that was in the press release. It states that Judge Cynthia Baldwin will be a great addition to the court. She brings the respect and admiration of her peers, and a commitment to making Pennsylvania a better place to live and work. She is an extremely talented, intelligent, and dedicated professional, and

I urge the Senate to confirm her today.

In 1989, Cynthia Baldwin became the first elected African American female judge on the Allegheny County Court of Common Pleas, after serving as a family and juvenile court judge, and I think after all that has been said today by my colleagues, with the exception of one, but everybody else here today, I think we understand what kind of person we will be confirming here this afternoon.

Thank you, Madam President.

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

Senator WASHINGTON. Madam President, I also rise today to support Judge Cynthia Baldwin's nomination to the Pennsylvania Supreme Court. I have had the opportunity to work with her as chair of the board of Penn State University. She was appointed by former Governor Casey to the Pennsylvania Commission on Crime and Delinquency, where she served for 12 years. She is also a past member of the Pennsylvania Commission on Sentencing. She is ultimately qualified and widely respected, and will be a valued addition to the Pennsylvania Supreme Court. If not Cynthia Baldwin, then who?

I urge all my colleagues to unanimously support Cynthia Baldwin for the nomination to the Supreme Court.

Thank you, Madam President.

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

Senator HUGHES. Madam President, I did not want to have to get up here and go through this, but quite frankly, when you have the best and brightest, and the way I perceive it, the character of this individual has been impugned by some false misinterpretation of the Pennsylvania Code of Judicial Conduct. Canon 5(B) says simply, a judge may serve as a trustee of an educational organization not conducted with economic or political advantage of its members. This is a lady, excuse me, this is a judge whom we need to be talking about, who does not even need to be on the Supreme Court of Pennsylvania. She is the kind of person who needs to go to Washington, D.C., and be on the United States Supreme Court. That is the kind of person of character whom we have here, and some bogus interpretation of the Pennsylvania Code of Judicial Conduct is not worthy of conversation on this floor.

If you look at her resume, look at what she has done, and I am only going through this, Madam President, because we need to have this on the record, because we are making history today. It needs to be on the record. Hopefully, I pray to God, that the gentleman will reconsider his vote and make this a unanimous vote, because that is what this young lady deserves. All right? But if that is not the case, let the record show she was on the Pennsylvania Conference of State Trial Judges, "Media and Courts: Evidence Beyond the Basics." That is some of the education she has. The American Academy of Judicial Education, "The Judge as Factfinder and Decisionmaker," Whitefish, Montana, in 2000. She was an instructor at Widener University Law School, where, by the way, she received no compensation, if we want to deal with the issue of ethics. In August of 1998, she was a planner and lecturer in case management and administration in China - Shanghai, Wuhan, and

Beijing, the National Committee on US-China Relations. It needs to be on the record.

She was an instructor at Widner University Law School for the Intensive Trial Advocacy Program. In August of 1995, she was a planner and lecturer in judicial education for the United States-Africa Judicial Exchange Program - Malawi, Uganda, and Tanzania. She received no compensation. This is what she did on her own. Nobody paid her to do this, but this was the commitment that she had, and it needs to be on the record for the history of time because of some of the comments that were made earlier. She was a lecturer at a national judicial college, the United States-Africa Judicial Exchange Program, on constitutional law, in Nevada. In June of 1994 through September of 1994, this is about whom we are talking, Madam President, she was a Fulbright scholarship lecturer, "Jurisprudence, Constitutional Law and Trial Advocacy," the University of Zimbabwe, Harare, Zimbabwe, consultations with the Chief Justice of Zimbabwe's Supreme Court, Anthony Gubbay, other Justices of the Supreme Court, judges of Zimbabwe's high court, and members of the legal community in Zimbabwe on the legal system and types of cases coming before each court. This is who we are talking about here, Madam President, page after page after page. I could go on and on and on. Attorney in charge of the Commonwealth of Pennsylvania, Office of Attorney General, Western Regional Office, Consumer Protection.

This is a real person, a real live person who has been fully engaged in the life of judiciary. She used to be a schoolteacher, and this is the beautiful thing about it, Madam President, she did not teach grade school kids, first, second and third graders. They are easy to teach. She did not teach high school students, where the issues are kind of confined on what you have to deal with, she taught those strange kids in middle school, sixth and seventh graders. It sounds like a lot of people know what I am talking about, when in sixth and seventh grades, the hormones are going all over the place, and you do not know what is going to happen with these kids. She stuck it out and taught those kids. Then we want to ask questions.

You know, she is on the board of directors of the Association of Governing Boards of Colleges and Universities, the National Association of Women Judges, the Pennsylvania Bar Association Commission on Justice Initiatives. She was a member of the International Association of Women Judges in Dublin, Ireland, Conference 2002; Entebbe, Uganda, Conference 2004, International Women's Forum. She was on the board of governors of Homer S. Brown Law Association. From 1996 to the present, she is even working with the Animal Friends Advisory Board.

Come on now. Come on now, let us be real about this. As we go through all of this in detail, I want the people of Pennsylvania to watch this, and anyone who can see this all over the world, they need to see this on the Internet, that the kind of person we have before us and whom we need to have, and I said it before, I will be quite honest with you, serving on the Supreme Court of Pennsylvania is beneath her privilege. She needs to be in Washington, D.C. Given some of the folks who just were confirmed down there, she can handle them in a heartbeat.

Madam President, if we could get a unanimous vote, that would be a great and wonderful thing, and I would know once again that miracles do happen. Her record of service needs to be reflected in great detail to the millions of people across the country, her commitment to law, the ethical standards that she has established for herself and the standard, as Senator Jubelirer said earlier, the standard that she sets for all kinds of people who enter the judiciary. If she can serve on the judiciary in Allegheny County and they do not have a problem with her being on Penn State's board, why are we having a problem with it now? What is the issue? What is the real issue? Is there something else going on here? Is there something else hidden here in this dialogue and conversation of the lone opposition? Is there something else?

Be that as it may, let us confirm this woman, let us get her on the Supreme Court. She says she is not going to run in a year and a half, great. Let us figure out a way to get her on the United States Supreme Court and make all of Pennsylvania proud.

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

Senator A.H. WILLIAMS. Madam President, I want to be clear that I am proud that we are sitting in a body that represents how times change. I happen to be an African American male who grew up in Philadelphia County, and things were sometimes very divided. In a moment, we are going to confirm a woman, and a person of color. I really have to point out something that moved me to speak today, the comments of Senator Jubelirer and Senator Madigan, because they served with my father. And, quite frankly, and unfortunately, I have watched people come to this State and talk about it in very negative terms. I have even listened to one person who represented the Democratic Party describe Pennsylvania as a State with Philadelphia on one side and Pittsburgh on the other side, and Alabama in between. You see, Senator Jubelirer and Senator Madigan come from a generation that requires them to think beyond just the physical areas that they come from. Their comments today represent what Pennsylvania really is about, to see people for who they really are, and what they really represent. The possibilities of our future really exist in our past, and I really was moved by the comments of Senator Jubelirer and Senator Madigan. While one was certainly eloquent and stylish, and the other was more earthy and grounded, both of them represented the ability to look through artificial obstacles. Both of them looked at the heart of the matter, what was best for Pennsylvania. What is best for all of us? Excellence, opportunity, and advancement.

While this person is not going to serve past a year and a half, she does represent for our children, for somebody like me who is sitting in the Philadelphia school system today, for some young woman, whether she be Asian, Latino, Polish, Irish, African American, for her it represents the possibility that if I do well, if I work hard, if I put my nose to the grindstone, I, too, may be presented an opportunity one day.

Our highest achievement is being bestowed upon someone not because it was given to her, but because she worked for it. Many people in this Chamber understand not only what it represents to her, but what it represents to us, and we are about to confirm her in large numbers.

I want to thank Senator Jubelirer, I want to thank Senator Madigan, and I want to certainly thank all my colleagues who

came to the mike and those who are going to vote for her. I want to thank them for what they are doing for all of us in Pennsylvania.

Thank you.

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

Senator CORMAN. Madam President, I do not know if I should bring this up, but when the Senator from Philadelphia said that teaching first, second, and third grade was easy, as the husband of a first grade teacher, I take exception to that comment. I think a day in the classroom might do the gentleman some good to understand. It may not be as difficult, but it is not easy.

I do not want to reiterate a lot of things said here today. There was a lot of passion for the qualifications of the current nominee. The only thing I would like to add is the fact that under her tutelage as president of the Board of Trustees of Penn State University, the Nittany Lions were 11-1, won the Orange Bowl, placed third in the nation, and that is better than some of her predecessors there, so she has my vote.

Thank you, Madam President.

The PRESIDENT. The Chair recognizes the gentleman from Bucks, Senator Conti.

Senator CONTI. Madam President, I also rise for a couple of quick thoughts, because nobody can top the President pro tempore's remarks. I thought they were extremely moving, and I am very supportive of them, but I worry a little when we try to interpret electoral results, and the idea that Justice Nigro's loss was tied to Justice Cappy's involvement is pretty much of a stretch. Of course, if that is true, then I guess the people of Bucks County, by a 2 to 1 margin, supported Justice Cappy, so I think we should be careful when we get into those things since they voted to confirm Justice Nigro.

The other thing is, just hearing my colleague from Dauphin, it is clear that I would not want to be a judge, and I do not know who would want to be a judge, and a third thought would be that we have to change the canon. I do not know who does that, I guess the courts do that themselves, but if there is some gray area of interpretation, we certainly should change it so that people like Judge Baldwin can be brought to this Chamber for confirmation. And I think as my friend and colleague from Philadelphia said, I think Judge Baldwin is going to have a nice stint on our State Supreme Court that, hopefully, will prepare her for a trip to Washington and a future venue. So I rise in support of Judge Baldwin.

Thank you, Madam President.

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

Senator GREENLEAF. Madam President, there has been much said, and I think that the Senate will obviously confirm Judge Baldwin, as we should, in a few moments.

For the record, I think it is important to put some of the information that the Senate Committee on Judiciary had before it when we recommended that she be approved by the full Senate. I have a letter from Robert Racunas, the president of the Allegheny County Bar Association, dated February 7, which is addressed to me. It says, "The Allegheny County Bar Association Judiciary Committee has completed its evaluation of Judge

Cynthia A. Baldwin, who is seeking appointment to the vacancy on the Pennsylvania Supreme Court." Obviously, this is an association that has dealt with her, both as a practitioner and as a judge. In one of the paragraphs, its evaluation indicates, "After review of the extensive candidate questionnaire and other pertinent documentation provided, and based upon an intensive interview process, the Judiciary Committee has given its highest rating, 'Highly Recommended' to Judge Baldwin." Obviously, all the issues that have been raised here today, both pro and con, I am sure were considered by the Bar Association.

I would also like to point out that in reviewing some of the canons, clearly she had a letter, she does not solicit funds. In fact, before she was ever nominated to the Supreme Court but was a judge, she indicated very clearly to Penn State that she would not be involved and did not want to be involved in raising money for that institution. This letter is dated January 23, 2006, signed by the president, the vice president, and secretary of the university, and I think it is important to read into the record. It says, "We are writing to confirm that, prior to your election as vice chair of Penn State's Board of Trustees on January 2001; and reiterated prior to your election as chair of Penn State's Board of Trustees in January 2004, you confirmed that, in accordance with Judicial Canons, you would not be able to be involved in the solicitation of funds for Penn State or for any educational, religious, charitable, fraternal, or civic organization, or use or permit the use of the prestige of your judicial office for that purpose."

This was long before she was ever considered for the Supreme Court. Long before there was a vacancy, she clearly indicated to Penn State Trustees that she could not be involved in such activities, under the Canons of Ethics, and it shows that she has abided by those canons, and if there is ever a conflict that would occur while she is there, she can easily recuse herself, or as she has indicated, disqualify herself in that matter if anything involving Penn State would come before her.

The PRESIDENT. Thank you, Senator Greenleaf, who is the chair of the Senate Committee on Judiciary.

The Chair recognizes the gentleman from Allegheny, Senator Logan.

Senator LOGAN. Madam President, I just wanted to clear a reference that was made by my colleague from Dauphin County when he referenced that there was a requirement that Judge Baldwin not run for the seat once the term expired in a year and half or so. That was never a requirement by Governor Rendell or the Senate Democratic Caucus, so I just wanted to clear that for the record.

#### LEGISLATIVE LEAVES

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

Senator O'PAKE. Madam President, I request legislative leaves for Senator Boscola and Senator Kasunic

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

#### LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator Robbins and Senator Armstrong have returned, and their temporary Capitol leaves are cancelled.

And the question recurring,  
Will the Senate advise and consent to the nomination?

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

**YEA-46**

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

**NAY-1**

Piccola

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

**GUESTS OF SENATOR SEAN F. LOGAN  
PRESENTED TO THE SENATE**

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

Senator LOGAN. Madam President, it is a privilege and honor to recognize that Judge Baldwin and her husband, Art, are with us in the gallery today.

The PRESIDENT. Would Judge Baldwin and her husband, Art, please stand for a warm welcome.  
(Applause.)

**NOMINATION TAKEN FROM THE TABLE**

Senator WENGER. Madam President, I call from the table a certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

**VICTIM ADVOCATE**

January 3, 2006

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, Carol L. Lavery, 253 Reyburn Road, Shickshinny 18655, Luzerne County, Twentieth Senatorial District, for appointment as Victim Advocate, to serve until May 22, 2007, and until her successor is appointed and qualified, but not longer than ninety days beyond that period, vice Mary A. Achilles, Mechanicsburg, resigned.

EDWARD G. RENDELL  
Governor

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

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

**YEA-47**

|            |           |          |                      |
|------------|-----------|----------|----------------------|
| Armstrong  | Greenleaf | Orie     | Tartaglione          |
| Boscola    | Hughes    | Piccola  | Tomlinson            |
| Brightbill | Jubelirer | Pileggi  | Washington           |
| Browne     | Kasunic   | Pippy    | Waugh                |
| Conti      | Kitchen   | Punt     | Wenger               |
| Corman     | LaValle   | Rafferty | White, Donald        |
| Costa      | Lemmond   | Regola   | White, Mary Jo       |
| Earll      | Logan     | Rhoades  | Williams, Anthony H. |
| Erickson   | Madigan   | Robbins  | Williams, Constance  |
| Ferlo      | Mellow    | Scarnati | Wonderling           |
| Fontana    | Musto     | Stack    | Wozniak              |
| Gordner    | O'Pake    | 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 WENGER. Madam President, I move that the Executive Session do now rise.

The motion was agreed to by voice vote.

**BILL REPORTED FROM COMMITTEE**

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

**HB 1467 (Pr. No. 3588)**

An Act providing for dispute resolution procedures relating to residential construction defects between contractors and homeowners or members of associations.

**RESOLUTIONS REPORTED FROM  
COMMITTEE**

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

**SR 222 (Pr. No. 1531) (Amended)**

A Resolution designating the month of March 2006 as "Deep Vein Thrombosis Awareness Month" in Pennsylvania in memory of journalist David Bloom.

**SR 223 (Pr. No. 1528)**

A Resolution recognizing Dr. William S. Auriemma for his achievement as the 128th president of the Lackawanna County Medical Society and designating March 25, 2006, as "Dr. William S. Auriemma Day" in Pennsylvania.

**SR 224 (Pr. No. 1529)**

A Resolution designating March 1 as "St. David's Day"; and honoring the many Pennsylvanians of Welsh heritage.

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

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

**SENATE CONCURS IN HOUSE AMENDMENTS**

**HB 1467 (Pr. No. 3588)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for dispute resolution procedures relating to residential construction defects between contractors and homeowners or members of associations.

On the question,  
Will the Senate concur in the amendments made by the House to Senate amendments to House Bill No. 1467?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate amendments to House Bill No. 1467.

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

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

**YEA-45**

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

**NAY-2**

Williams, Anthony H. Williams, Constance

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.

**CONSIDERATION OF CALENDAR RESUMED**

**SECOND CONSIDERATION CALENDAR**

**BILL REREFERRED**

**HB 200 (Pr. No. 3555)** -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Ounce of Prevention Program to provide grants to certain entities that provide home visitation and other services to low-income, at-risk expectant first-time mothers and their newborn children and families; and providing for the powers and duties of the Department of Public Welfare.

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

**BILL OVER IN ORDER**

**HB 213** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

**BILL ON SECOND CONSIDERATION**

**SB 243 (Pr. No. 244)** -- 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 the payment of the salary, medical and hospital expenses to sheriffs and deputy sheriffs under certain circumstances.

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

**BILL REREFERRED**

**HB 247 (Pr. No. 3556)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, further providing for definitions; providing for licensure of home care agencies and home care registries; establishing certain consumer protections; and providing for inspections and plans of correction and for applicability of act.

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 659, SB 773, SB 816, SB 845 and SB 866** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

**BILL REREFERRED**

**SB 922 (Pr. No. 1212)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 15, 1988 (P.L.1235, No.151), known as the Children's Trust Fund Act, further providing for the Children's Trust Fund Board, for powers and duties of the board and for powers and duties of the Department of Public Welfare.

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 957** and **SB 1000** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

## BILL REREFERRED

**SB 1033 (Pr. No. 1397)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for requirements for certain job applicants.

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 1063** and **SB 1069** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

## BILL REREFERRED

**SB 1285 (Pr. No. 1966)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, providing for administrative practice and procedure; and making a related repeal.

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

BILL ON SECOND CONSIDERATION  
AND RECOMMITTED

**HB 2054 (Pr. No. 3333)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 26 (Eminent Domain) of the Pennsylvania Consolidated Statutes, providing for limitations on the use of eminent domain; and making a related repeal.

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

Upon motion of Senator BRIGHTBILL, and agreed to by voice vote, the bill just considered was recommitted to the Committee on State Government.

**SENATE RESOLUTION No. 166, ADOPTED**

Senator BRIGHTBILL, without objection, called up from page 5 of the Calendar, **Senate Resolution No. 166**, entitled:

A Resolution recognizing youth mental illness and suicide as a public health crisis and encouraging evidence-based initiatives to screen children and adolescents for mental disorders in order to identify illness and prevent suicide among youths.

On the question,

Will the Senate adopt the resolution?

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

**SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR No. 3****SENATE RESOLUTION No. 222, ADOPTED**

Senator BRIGHTBILL, without objection, called up from page 1 of Supplemental Calendar No. 3, **Senate Resolution No. 222**, entitled:

A Resolution designating the month of March 2006 as "Deep Vein Thrombosis Awareness Month" in Pennsylvania in memory of journalist David Bloom.

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

On the question,

Will the Senate adopt the resolution?

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

**SENATE RESOLUTION ADOPTED**

Senators RHOADES, KASUNIC, FERLO, BOSCOLA, PUNT, STOUT, ERICKSON, GREENLEAF PILEGGI, O'PAKE, MADIGAN, TARTAGLIONE, FONTANA, D. WHITE, REGOLA, LOGAN, SCARNATI, ORIE, WASHINGTON, WENGER, EARLL, MUSTO, WONDERLING, LEMMOND, GREENLEAF, C. WILLIAMS, PIPPY, WAUGH and ARMSTRONG, by unanimous consent, offered **Senate Resolution No. 230**, entitled:

A Resolution recognizing the week of February 19 through 25, 2006, as "Engineers' Week" in Pennsylvania.

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

**SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR No. 3 RESUMED****SENATE RESOLUTION No. 223, ADOPTED**

Senator BRIGHTBILL, without objection, called up from page 1 of Supplemental Calendar No. 3, **Senate Resolution No. 223**, entitled:

A Resolution recognizing Dr. William S. Auriemma for his achievement as the 128th president of the Lackawanna County Medical Society and designating March 25, 2006, as "Dr. William S. Auriemma Day" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

#### **SENATE RESOLUTION No. 224, ADOPTED**

Senator BRIGHTBILL, without objection, called up from page 1 of Supplemental Calendar No. 3, **Senate Resolution No. 224**, entitled:

A Resolution designating March 1 as "St. David's Day"; and honoring the many Pennsylvanians of Welsh heritage.

On the question,  
Will the Senate adopt the resolution?

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

#### **SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. Consent has been given for a meeting of the Committee on Rules and Executive Nominations to consider House Bill No. 1467.

#### **RECESS**

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

Senator BRIGHTBILL. Madam President, I request a brief recess for a meeting of the Committee on Banking and Insurance, which will be held in the Rules room. It will be about a 5-minute meeting, and then the Members will report back here.

The PRESIDENT. There will be a 5-minute recess for a meeting of the Committee on Banking and Insurance in the Rules room. Without objection, the Senate stands in recess.

#### **AFTER RECESS**

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

#### **UNFINISHED BUSINESS CONGRATULATORY RESOLUTIONS**

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

Congratulations of the Senate were extended to Mr. and Mrs. Martin Start, Mr. and Mrs. James Oliver Wenger, Mr. and Mrs. Robert B. Clark, Thomas B. Hyson, Sean Adam Zortman, August Berhaupt and to Sean Scott by Senator Armstrong.

Congratulations of the Senate were extended to Michael Thorley, Anthony Capozzolo, Adriana Trigiani, Vincent Caiazzo, Michael Trigiani and to Erik Stephen Horn by Senator Boscola.

Congratulations of the Senate were extended to Alexandria Manor Assisted Living/Personal Care by Senators Boscola, Browne, and Wonderling.

Congratulations of the Senate were extended to Dorothy Imboden, Martha Saylor, Wayne Ralph Grube, Catherine

Simpson Faxon Mahon and to the Milanof-Schock Library of Mount Joy by Senator Brightbill.

Congratulations of the Senate were extended to Vincent Michael Morrow, Michael Christopher Teti, Brandon Robert Kline, Andrew Ross and to Nurd, Inc., of Allentown, by Senator Browne.

Congratulations of the Senate were extended to Sheer Brick Studio by Senators Browne and Boscola.

Congratulations of the Senate were extended to Jeffrey W. Carlson, Kyle Arslanian and to Jonathan Pepin by Senator Conti.

Congratulations of the Senate were extended to Tam W. St. Claire by Senators Conti and Tomlinson.

Congratulations of the Senate were extended to Mr. and Mrs. Wayne W. Nye, Mr. and Mrs. Marvin I. Lenker, Mr. and Mrs. James W. Taylor, Mr. and Mrs. Albert Heintzelman, Marlin and Romaine Harman, Angela Yen, Taylor William Nordberg, James R. McLaughlin, Brett Andrew Shelley and to the Honorable William R. Ritzman by Senator Corman.

Congratulations of the Senate were extended to Dr. Thomas E. Starzl and to Matthew Joseph Dodgson by Senator Costa.

Congratulations of the Senate were extended to Jacob D. Palo, Jason D. Swartout, John Hill, Christopher Loomis, Gregory T. Winner, Timothy Steadman and to Andrew Lamb by Senator Earll.

Congratulations of the Senate were extended to Dr. Dennis P. Leeper, Frederick W. Sach and to Woodlyn Troop 43, Boy Scouts of America, by Senator Erickson.

Congratulations of the Senate were extended to Raymond F. Grzywinski, Jr., William E. Mitchell, Michael Krzeminski, Donald E. Frantz, Jr., and to Matthew Henry Rosenberg by Senator Ferlo.

Congratulations of the Senate were extended to Neil Francis Schubert by Senator Fontana.

Congratulations of the Senate were extended to Evan Gregory Tobac by Senators Fontana and Pippy.

Congratulations of the Senate were extended to Cynthia Powell, Anna Messina Catania, Emil F. Bucceroni, Alex Rosenthal, James G. McCann and to Communities in Schools of Philadelphia, Inc., by Senator Fumo.

Congratulations of the Senate were extended to Mr. and Mrs. Bert Klinger, Mr. and Mrs. Clair Brosious, Mr. and Mrs. William Roberts, Mr. and Mrs. Stanley Kalejta, Mr. and Mrs. Raymond Stellar, Joseph A. McGranaghan, Jr., Alverta Dapra, Douglas C. Hippenstiel, Allen M. Heimbach, Todd J. Caputo, William Murphy, Reverend Roger Peters, Bertha K. Campbell and to the Southern Columbia Area High School Football Team by Senator Gordner.

Congratulations of the Senate were extended to Dr. Farida Zaid by Senators Gordner, Madigan, and Corman.

Congratulations of the Senate were extended to Dustin MacKenzie, Robert Kuhn, Jared Soltis, Adrian Rodrigues, John Flannery, Ramona Bradney, Robert Bradney and to Thomas Harper Kelly by Senator Greenleaf.

Congratulations of the Senate were extended to Reverend and Mrs. Robert L. Hargrove, George E. Eldridge, Jr., Elizabeth Young, Hand In Hand, Metropolitan Baptist Church of Philadelphia and to the Monumental Baptist Church of Philadelphia by Senator Hughes.

Congratulations of the Senate were extended to Mr. and Mrs. Richard F. Fisher, Mr. and Mrs. Clarence Clites, Mr. and Mrs. Jacob Ross Metz, Mr. and Mrs. Banks Wesley Wallace, Mr. and Mrs. Clark Sheirer, Mr. and Mrs. Joseph Miller, Mr. and Mrs. William Frey, Mr. and Mrs. Paul F. Bowers, Mr. and Mrs. Dale R. Hartman, Mr. and Mrs. Ned Zimmerman, Dr. Lori J. Bechtel, Reverend Denise Arpino, Richard Clapper, Aileen Parker, Annie Helen Westover, Patricia Ross, Bridget Olivia Collins, Earl E. Cummins, Bobbie Foreman, Karen Volpe, Alice Goodfellow, Lydell Mitchell and Challenge 2006, International Association of Lions Clubs, Pennsylvania Lions District 14-L, and to the United Way of Huntingdon County by Senator Jubelirer.

Congratulations of the Senate were extended to Kenneth A. Masek, Patrick Sarver, Renee Sarver, Lance Umbel, Clarence P. Fowler, Dorothy Boyd, Scott Marra and to the citizens of the Borough of Connellsville by Senator Kasunic.

Congratulations of the Senate were extended to Gail Kass and to the Grover Washington Middle School of Philadelphia by Senator Kitchen.

Congratulations of the Senate were extended to Ambridge Fraternal Order of Eagles Aerie No. 1365 and to the Lawrence County Community Action Partnership by Senator LaValle.

Congratulations of the Senate were extended to Michael I. Butera, Martin D. Popky and to the citizens of the Borough of Honesdale by Senator Lemmond.

Congratulations of the Senate were extended to Sally Lee Sagenkahn, Lee Vincent and to William F. Anzalone by Senators Lemmond and Musto.

Congratulations of the Senate were extended to Honorable Margaret Stevick, John Paul Evans and to the Duquesne High School Football Team by Senator Logan.

Congratulations of the Senate were extended to Mr. and Mrs. Donald Edwards, Mr. and Mrs. James R. Coleman, Sr., Beatrice E. Mason, Doris E. Sebring, Jeanette Stuempfle, Dr. Patricia A. Lowery, Steven P. Johnson, Ethan M. Kilmer, Jenna Wargo and to the citizens of the Borough of Athens by Senator Madigan.

Congratulations of the Senate were extended to Paul Patchoski, Adam Nosak, Raymond S. Angeli and to Kyle Fagan by Senator Mellow.

Congratulations of the Senate were extended to Trina Moss by Senators Mellow and Musto.

Congratulations of the Senate were extended to Mary Wanalista Betsko, Timothy Gryzic, Donny Jones, Earl C. Berger and to Robert P. Collins by Senator Musto.

Congratulations of the Senate were extended to Sara Elizabeth Steinhauer, Robert J. Bator III, Thomas M. Bator, Andrew R. Kase, Scott J. Swope, Sean M. Long, Vincent R. Bruno, Evan Fresco, Entech Engineering, Inc., of Reading, and to Junior Achievement of Berks County by Senator O'Pake.

Congratulations of the Senate were extended to Maevyn Campbell and to Saint Gregory Catholic Church of Zelenople by Senator Orie.

Congratulations of the Senate were extended to Mr. and Mrs. Robert G. Reider, Sr., Lyndelle D. Butler, Gary L. Hoffman, Kelsie Maloney, Georgann T. Kelly, Harrisburg Symphony Orchestra and to the Lions Club of Harrisburg by Senator Piccola.

Congratulations of the Senate were extended to James Joshua Schriver, William Matthew Helner, Michael Joseph Kuhlman, Kevin Wallace Douglas, Robert Clancy and to Alexander Brothers by Senator Pileggi.

Congratulations of the Senate were extended to William Alan Morrow, South Park High School Boys' Soccer Team of Library and to the South Park High School Varsity Football Team of Library by Senator Pippy.

Congratulations of the Senate were extended to the Department of Environmental Studies at Gettysburg College and to the citizens of the Borough of Gettysburg by Senator Punt.

Congratulations of the Senate were extended to William H. Stone, Sr., John Erwin, Patrick Devlin and to the Methacton Warrior 8- and-9-year-old Football Team of Eagleville by Senator Rafferty.

Congratulations of the Senate were extended to Brian Jonathan King, Jason Hendrick, James L. Sapola and to Elmer G. Schartner by Senator Regola.

Congratulations of the Senate were extended to Jeffrey L. Jones, Jr., John F. Gurcsik III, James M. Gurcsik, Jonathan Bednar, Jeffrey R. Phillips, David Mitten, Kellen D. Klee, Brian B. Kahl, Ann Marie Calabrese, David W. Bowen, Barbara Burke, Edward J. Brennan, Jr., Valerie E. MacDonald, Nativity B.V.M. High School of Pottsville and to St. Paul's United Church of Christ of Indianland by Senator Rhoades.

Congratulations of the Senate were extended to Dr. Frank J. Ferrari by Senators Rhoades and Gordner.

Congratulations of the Senate were extended to Mr. and Mrs. Charles L. Burdett, Jack Cress, Heidi Geiwitz and to the Reverend Monsignor Andrew H. Karg by Senator Robbins.

Congratulations of the Senate were extended to Mr. and Mrs. Mark McLean, George Duke, Debbie Airgood, Kane Hardwood, Daniel W. Oaks, Quinn Hetrick, Michael J. Vandervort, Donald D. Morey, Julie Cleland, Delph McNeil, Brookville Lions Club and to Miller Raffaele Veterans of Foreign Wars Post 6221 of Emporium by Senator Scarnati.

Congratulations of the Senate were extended to James D. Morse, Jr., Matthew Clark and to Michael Spivak by Senator Stack.

Congratulations of the Senate were extended to Mr. and Mrs. Paul Stockdale, Helen B. Armstrong, Ronni Marie Kramer and to Frank Jannotta by Senator Stout.

Congratulations of the Senate were extended to Honorable Robert A. Brady, Youth United for Change of Philadelphia and to the Community Academy of Philadelphia by Senator Tartaglione.

Congratulations of the Senate were extended to the Honorable Frank L. Oliver by Senator Tartaglione and others.

Congratulations of the Senate were extended to Honorable Raymond Mongillo, Christopher Matthew Speece, Alexander Morgan Cluck, Robert Michael Sharp, Brian Henzy, Max Eissele, Christopher Freeburn, Glen Cobleigh, Richard Delong, Jeffrey Ludlow, Brian Baltzer, Brian McQue, Edward O'Flynn, Joseph Casey, Benjamin Griscom, Jr., James Brennan, Sr., Joseph Seborowski, Gerald Ketterer, Robert Hickey, Thomas J. Brotherton II, J. Stephen Knapp, Martin Joyce, John Brill, Sean P. Deese, Stephen J. Klucaric, citizens of the Borough of Bristol,



Trevose Fire Company and to the Lower Southampton Fire Department by Senator Tomlinson.

Congratulations of the Senate were extended to Mary Louise Krzywicki Baradziej by Senators Tomlinson and Musto.

Congratulations of the Senate were extended to Mr. and Mrs. Dave Foy, Mr. and Mrs. Fred Potteiger, Mr. and Mrs. Gardner Whitney, Mr. and Mrs. Michael Keane, Mr. and Mrs. George Shank, Mr. and Mrs. G. Book Roth, Mr. and Mrs. Jack Callaghan, Serena Hoffman, Kevin Brothers, Amanda Filler, Michael Matthew Solon, Lydia Martin, Helen Miller, Jonathan Ross Gorski and to the citizens of the Borough of New Cumberland by Senator Vance.

Congratulations of the Senate were extended to Christopher Robert Tull by Senator Washington.

Congratulations of the Senate were extended to Charles A. White, Jr., S. John Laucks, Larry Miller, Casey Morrison, Dr. John Dooley, William J. Shafer II, Jeffrey R. Bodell, Daniel Marchant, Patrick R. Barry, Mildred G. Bennett, Michael W. Reiblich, volunteers of Alert Fire Company No. 1, Station 24, of York, career firefighters of Manchester Township and to the Pennsylvania State Grange by Senator Waugh.

Congratulations of the Senate were extended to Honorable Robert I. Alexander, George R. Marcinko, Timothy Eric Funk, Kayla Solitaria, Dale E. Jerchau, Stephen J. Sweigart and to the Manheim Chapter of the Pennsylvania Young Farmers Association by Senator Wenger.

Congratulations of the Senate were extended to Mr. and Mrs. Angelo Stefanelli, Mr. and Mrs. Russell Cook, Mr. and Mrs. James Arner, Mr. and Mrs. Donald Bussard, Mr. and Mrs. Harold Neigh, Emma Bistok, Zackery Robinson, Justin W. Morgan, Reverend John W. Snyder, Velma Simmers, William L. McHaddon, Thomas D. Essary, Family Life TV of Kittanning and to Welcome to Indiana by Senator D. White.

Congratulations of the Senate were extended to Mr. and Mrs. James Neely, Sr., Mr. and Mrs. Bob Craig, Mr. and Mrs. Thomas Knight, Mr. and Mrs. Donald Rankin, Mr. and Mrs. Charles E. Wyant, Mr. and Mrs. Robert A. Nestor, Sr., Mr. and Mrs. Clarence Karns, Mr. and Mrs. Robert E. Harley, Dr. and Mrs. Glenn R. McElhattan, Mr. and Mrs. John A. Lewis, Sr., Mr. and Mrs. Robert O. Carrow, Travis Stephen Schill, Kellie Claire Staab, Jesse M. Alden, Kyle W. Jones, Trevor E. Crawford, Dawn Alyce Reddinger, Lindsay Walker, Colleen Marie Logue, Brittany Foor, Tyler Truman, Gregory A. Faller, Ryan Cole, Carol Lapinto, Benjamin Alan Carrier, Chad Michael Dolby, Francis J. Palo, Inc., of Clarion, Clarion House Bed and Breakfast and to the Clarion Health Complex by Senator M.J. White.

Congratulations of the Senate were extended to the Honorable Elinor Z. Taylor by Senator M.J. White and others.

Congratulations of the Senate were extended to Dr. Marilyn L. Steinbright, Kyle David Flood, Della Leskin, Diana Krantz, Ryan Lock, Joshua Eckmann and to Scott M. Struthers by Senator C. Williams.

Congratulations of the Senate were extended to the Delaware County Firemen's Association by Senator C. Williams and others.

Congratulations of the Senate were extended to Timothy James Fox, Kevin Hoe, Catherine Speis, James Patrick Finn, Faith United Church of Christ of Center Valley, North Penn High

School Decathlon Team of Lansdale, St. Paul's Lutheran Church of Telford and to the Pennsylvania Association of Conservation Districts, Inc., by Senator Wonderling.

Congratulations of the Senate were extended to Sara E. Steinhauer by Senators Wonderling and Rafferty.

Congratulations of the Senate were extended to Pat Pecora, Steven Boysza, Jodi Gault, Jaret Chilcote, Christopher W. Whiteford and to the Nursing Program at the University of Pittsburgh at Johnstown by Senator Wozniak.

### CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Honorable Ruth DeLoach B. Harper by Senator Kitchen.

Condolences of the Senate were extended to the family of the late Sara Carinci Mazzoleni by Senator Orie.

Condolences of the Senate were extended to the family of the late Joseph Raymond Pokorny, Jr., by Senator Pippy and others.

### POSTHUMOUS CITATIONS

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

A posthumous citation honoring the late Hughie Black was extended to the family by Senators Jubelirer and Lemmond.

A posthumous citation honoring the late Reverend Leon H. Sullivan was extended to the family by Senator Kitchen.

A posthumous citation honoring the late Richard Kooman II was extended to the family by Senator M.J. White.

Posthumous citations honoring the late Pauline Beckley, honoring the late Augustin Flanagan, honoring the late George W. Reed, honoring the late Thomas Evans, honoring the late Charles T. Menoher, honoring the late Boyd Wagner, honoring the late Richard Hartnett, honoring the late Frederick Stouffer, honoring the late John J. Tominac, honoring the late Edward Silk, honoring the late W. Garfield Thomas, Jr., honoring the late Michael Strank and honoring the late James Snedden were extended to the families by Senator Wozniak.

### PETITIONS AND REMONSTRANCES

The PRESIDENT. The Chair recognizes the gentleman from Bucks, Senator Conti.

Senator CONTI. Madam President, we had wonderful thoughts today about Lincoln's birthday, and I would like to submit some comments for the record, if I may.

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

Madam President, I rise today to acknowledge the fine remarks of my colleague about President Lincoln. As I am sure many of my colleagues on the other side of the aisle periodically question the direction of their national party, so do I. I need only to glance at the wonderful mural here in our Chamber of Lincoln giving the Gettysburg Address to reinforce my strong belief that I am a member of the party of Lincoln, a proud member of the party of Lincoln.

Thank you, Madam President.

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

Senator WONDERLING. Madam President, our opening vote earlier today was Senate Resolution No. 221, which establishes March 6 as Lymphedema D-Day in the Commonwealth, and I would just like to explain a little bit about this disease that currently does not have a cure or any type of remedy.

Lymphedema is a disease involving lymphatic fluid that causes extreme pain, discomfort, and deformity. The largest group of Americans and Pennsylvanians who suffer with this very, very crippling disease are those who have gone through cancer, and so it really is a double whammy, particularly for a cancer survivor to go many, many years suffering with lymphedema.

I would like to acknowledge an individual on our Senate staff, Donna Stchur, who first brought this disease to my attention due to the fact that her mother, Theresa Lynch, has suffered with this incurable disease for the past 10 years. I want to thank my colleagues for their unanimous support for this resolution earlier today.

Thank you, Madam President.

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

Senator HUGHES. Madam President, I rise to remind the body and remind all those who are watching that I have in my hand a projected legislative calendar for January through June. This issue, of course, is in reference to the minimum wage and getting a vote on this matter. For those paying attention and those who can see, we were supposed to have a minimum wage vote by this date right here, January 30 or 31. That was supposed to occur. I will flip the page, and now we are into the month of February, and today is February 15, one day after Valentine's Day, and as you can see from the calendar, we are not scheduled to be in Session anymore for the rest of the month of February, and not until the middle of March, March 13. So really, that is basically about one more full month. No more scheduled Session days, no plans for a vote on the minimum wage for another month. Madam President, we will then be a month and a half behind the scheduled agreement, the committed agreement which was agreed to on this floor publicly, and it is on the record. Beyond the fact that we will be beyond this agreement on a vote on the minimum wage, more importantly, we will be beyond the point where folks who are at that wage, at that pay scale, are going to go for a longer period of time without the opportunity for an increase in their pay, or even the opportunity to see a vote, a light at the end of tunnel for a vote on the increase in their pay. We are talking about over 450,000 people, according to Governor Rendell's research on the statistics, over 450,000 people who would be directly impacted by an increase in the minimum wage. It was supposed to happen 3 weeks ago. It did not happen. Now it is February 15, and on the calendar that we received, the days we are supposed to be in Session are marked with an X. As you can see, the X stops here on February 15. We are not in Session the week of Presidents' Day. The Committee on Appropriations comes in the week of February 27, then we come back on March 6, but there are no Xs on those days, so

there are no Session days scheduled, so we cannot vote on it then.

That brings us back, hopefully, to March 13, at the earliest. There is nothing planned, nothing on the Calendar. I heard there were some negotiations, but no movement there. The Majority controls this process unequivocally. You saw the craziness that occurred in the House of Representatives last night, where it was rereferred to the Committee on Appropriations for a fiscal note, although there is no fiscal impact anywhere. When the issue was before the General Assembly I guess almost 10 years or so ago, there was no need for a fiscal note then. We are waiting. We wait. The majority of the people in Pennsylvania wait. The work force, the 450,000 or so people who are impacted by the potential increase, wait. Bills get higher, prices go up, incomes go down, but no action, no action, Madam President, no action, no hope for the people.

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

Senator BRIGHTBILL. Madam President, I was a little surprised to hear the gentleman's criticism of Governor Rendell. As I paid attention to his State Budget Address, he called upon us to raise the minimum wage effective January 1, 2007. It is February 2006, so the gentleman's rhetoric is interesting, emotional, but not well-taken. Governor Rendell said that January 1, 2007, is the date that he believes that we should raise the minimum wage. We did not say that. We have had a bill on the floor, it has been on the Calendar, and it has been rereferred to committee. The gentleman says it does not need a fiscal note. Well, the gentleman was on the floor when I referenced the fact that the Rendell administration apparently waded into minimum wage without paying any attention to State law and the impact it would have upon State finances. My recollection is that the Pennsylvania Conservation Corps says that it has to pay at least a minimum wage. Now, either Governor Rendell or his administration, when they decided to ask to increase the minimum wage, did not check the impact on Pennsylvania law, or they checked and did not care. And they did not raise the minimum wage, even though they were asking the private business community to raise it, until I called it to their attention, they failed to raise it. They were talking about what someone else should do, and they were not going to do it themselves. Well, when they were embarrassed, they did it, but my recollection is they did not even do it effective for everybody in the program, just for new people in the program.

So yes, there were negotiations. I guess the gentleman was not part of them, because he does not seem to know much about them. Senator Scarnati and Senator Tartaglione were part of them. I guess he was not aware of it. Maybe he should talk to Senator Tartaglione, his colleague, to find out what the negotiations were all about. Many of us have had discussions about this. We are taking this seriously. We said we would move a bill in January, and we did that. There was mutual agreement between the Caucuses that we could recommit that to the Committee on Labor and Industry for discussion. The gentleman asked during prior debate, what is this all about? What is going on here? Well, I am going to ask the gentleman that. What is this all about? The gentleman acts like he is not part of this Chamber.

We know, we have been working on it, we know what is going on.

Thank you, Madam President.

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

Senator HUGHES. Madam President, what we know unequivocally is that nothing has occurred. A commitment was made to vote the legislation out by the end of January, and no vote has occurred. That is what we know. We are fully aware, and we talked to Senator Tartaglione repeatedly, as late as today, all through the month of January, and all through the month of February. We heard that the chairman of the committee could not get the bill out of committee, so they had to go through another process. That conversation occurred right here. All right? We have heard all of that. What we are clear on now, and we are fully aware of what happens on the Senate floor, what we are clear on now is that nothing has happened on the Senate floor, that the commitment that was made has been violated, has been broken. Okay? We were supposed to have a vote by the end of January, and the vote has not occurred. Okay? And you can talk about negotiations, but we also know about something called stalling. All right?

I want to thank the Majority Leader for pointing out the fact that the Governor raised the wages. The gentleman forgot the fact that those individuals were getting a \$1,000 bonus after a certain period of time. He forgot about that and failed to mention that, but I understand sometimes we forget things, that happens. That happens in life. It happens to all of us. We are clear on what the Governor said, January 1, 2007. I have no problem with that, but we have to pass the legislation. We have to pass some legislation. I know the Majority Leader knows that we have to pass legislation. He is an expert at this process and has been around here a long time, but we have to pass some legislation to change the law of the Commonwealth to help out the 450,000 people who are impacted by this, individuals making \$2,000 less than the poverty level. I can only assume, by the lack of action, that the Majority feels that it is okay for folks to be making \$2,000 less than the Federal poverty level. I can only assume that it is okay, because they have no intention of taking action. They have violated their word, they have violated the commitment. They said they were going to do one thing, and we are waiting for one thing to occur, while the days on the Calendar go on and on and on.

Somebody once said that the best prediction of future behavior is past behavior, and what we know about past behavior is that there has been no action, no action for years, no action. I can only assume by the fact that there has been no action in the past that there is probably not going to be any action in the future. So far, so far the concept, the idea that the best prediction of future behavior is past behavior, is holding true. January 31, that is the end of the month of January. In fact, that whole month I will give you an extra day; that whole week, legislatively, is Monday, January 30; Tuesday, January 31; and Wednesday, February 1. We were supposed to have action that week. There has been no action. The people still wait, and \$5.15 an hour is \$2,000 below the Federal poverty level.

You want statistics? You want information? I have a lot of emotion, as you can see, but we have the statistics also. Five

hundred economists say it is a great thing to do, three of them Noble laureates, four of them of them heads of the American Economic Association.

Most of these people are women. They are heads of households. They are not children, they are not teenagers, but if they were teenagers, the gentleman would understand that teenagers are forced to work, taking time away from school, because they have to add income to their family, and \$5.15 an hour is now equal to about \$4.40 an hour. I hope the gentleman understands that. I hope he does not feel, I hope he does not feel that the workers in his district, the workers in my district, the workers across the Commonwealth should be paid \$2,000 below the Federal poverty level. I know he cannot believe that, although he did say it once several months ago, right before Thanksgiving. He may have made a mistake. That is possible. We all make mistakes sometimes.

But working below the Federal poverty level, we are driving folks to leave the State of Pennsylvania and go to New Jersey. Did you know that in New Jersey they make more than \$5.15 an hour? They are on track to \$7.15 an hour. In fact, it might be worthwhile if you were in Pennsylvania and lived close to New Jersey, to take work in New Jersey. You would make more money in New Jersey, or in New York. You know, the interesting thing about New York is that they have a higher minimum wage, and they have a concept that my good friend, Senator Scarnati, talked about on this floor. The gentleman might remember that, something called an earned income tax credit. They increased the minimum wage and they have an earned income tax credit. Now, that is forward thinking.

I know that President Clinton said that the earned income tax credit is a great way, a great way, a fantastic way to lift people out of poverty, and do you know what President Clinton did? He did what New York did. He raised the minimum wage and he put the earned income tax credit program in place, and it was a great time. People were working themselves out of poverty, seeing the light at the end of the tunnel. Then the administration changed and that other guy got into office, and all heck is breaking loose right now. Heck is breaking loose economically, he will not increase the minimum wage. Heck is breaking loose all across the world. It is just terrible, bad all the way around.

Then we have a guy running for governor for the Republican Party who does not believe in increasing the minimum wage. My goodness, he said it right out of his mouth, no, no way. He does not want to study it, he does not want to research it, he said, oh heck, I am not for that. He said it on national TV, not on local TV. He did not even come to Lebanon County or Philadelphia, or any place like that, he went on national TV with George Stephanopoulos, who asked him if he was for an increase in the minimum wage, and he said, nah. Nah.

Are you kidding me? Are you kidding me? Do you think that this really plays for folks who are hustling, working hard, working two or three jobs, trying to make ends meet? Do you think this is really cool for them? Do you think they really like that? Do you think they really enjoy that when they are trying to pull it all together? You know, when you work at that level, when you work for that wage and you are trying to move yourself forward, you have to work more than one job, which prohibits you from going to school to further your education. You know,

we always say, if someone furthers their education and gets more training and skills, they can move themselves up the ladder, but they do not have enough time to do that. I do not know if anyone has checked their utility bills lately and how high they are, because they are looking pretty atrocious everywhere, so you have to work every minute to pull together the resources to try to bring things together. You cannot miss an hour, a day. You cannot get sick, because if you are working at that level, you probably do not have any health insurance, so you really cannot get sick, you cannot miss. Now here they are, waiting, hoping that someone will step up for them.

The gentleman raised the issue, and the Governor acted right away, with expediency. The gentleman made a commitment, but there has been no action. We know about the conversations, we know about the negotiations. Stall ball. That is what they used to have in college basketball a few years ago. It was called a four-corner offense, when one of the five players would stand in the middle and everybody else would stand on a corner, and they would pass the ball around, one to the other, and the defense would have to run around and chase the guy with the ball. Then eventually they would have to foul somebody, but that would be after 15, 16, 17 minutes of the half would play out, and then you would have 3 minutes left in the half. It was interesting, you would have scores at the end of a game, 10 to 9, 7 to 5. It was almost like baseball scores. That is what we are seeing here. It is called stall ball. Pass the ball. It is a moving object, catch and pass, catch and pass, in the committee, out of committee, on the Calendar, off the Calendar, in a different committee, out of that committee, on the Calendar, off the Calendar. That is what is happening with the bill, but nothing is happening for these people. All of them, nothing, except they are getting poorer. It is getting harder. It is getting more difficult for them to scratch an existence and get out of their circumstances. They fall by the wayside. But, I guess for the Majority they are just casualties, they are just casualties in the economic to and fro that happens around here.

We have been able to move this State from 46th to 17th in the 4 years of the Rendell administration in terms of job production, job creation. But for those folks who are on the bottom rung of the economic ladder, there is no balm in Gilead for them. There is no healing for those folks, no help for them. The Majority controls the strings. They control the Calendar and the process. They made a commitment to have it done before Thanksgiving. My good friend and colleague, Senator Costa, stood on the floor and interrogated the Majority Leader, and asked, is that what is going to happen? The Majority Leader said, this is what we are going to do. I stood behind Senator Costa just to confirm it, because in this business you try to hear the commitment more than once, and the Majority Leader said, I said it once, and I am not going to say it anymore. My one time is sufficient. That is what he said. Well, I guess one time was not sufficient.

The days keep on going, the days keep on counting. Here is the Calendar. January, February, days are running out. There are no more voting days in February, days are running out. Now we are into March, the Ides of March. Now we are into March, Madam President, and what is going to happen then? People are tired of this stuff. The problem is they are working so hard, they are trying to pull their lives together to make everything come

together, and they have very little time to raise their level of attention, raise their ire and anger, very little time, because they are out there struggling. Can we believe that they feel good about making \$5.15 an hour, \$200 a week, \$10,000 a year, \$2,000 below the Federal poverty level? P-O-V-E-R-T-Y, that means poor, that means not able to make it through. Can we believe that they are happy about that?

Yeah, I have a lot of emotion, and I am not ashamed of it. It is about time somebody got emotional about these people. It is about time somebody tried to do something for these folks, because the Majority is not trying to do anything, in spite of their commitment. In spite of their commitment, nothing, nothing, nothing has happened, and the days keep going by, day after day, day after day, nothing. Legislation talks; legislation is real. Legislation on the Calendar for a vote, that is substantive. Negotiations are like stall ball, stall ball. Since you have the power, since you are in the Majority, you can control it, you can run the bill. Senate Bill No. 926 is ready to go, \$7.15 an hour for these folks, and they deserve it, or do they not? Should they just stay poor? Is that the Majority's attitude? I will not even interrogate. The gentleman can respond if he wants. I will not even ask for interrogation, because I do not believe the gentleman wants to say that they should stay poor. I will give him the benefit of the doubt on that.

Let us do something. Somebody once said, lead, follow, or get out of the way. Do something. Let us do something for these folks, because they deserve it.

Thank you, Madam President.

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

Senator BRIGHTBILL. Madam President, I am told that the gentleman who just spoke was on television and he made a commitment to introduce this week a bill to reduce--

Senator HUGHES. Madam President, the gentleman is mistaken. I did not make that commitment. He has been informed incorrectly. He can ask Mr. Shivers from the NFIB exactly what I said, and you can play back the tape.

The PRESIDENT. Excuse me, Senator Hughes, let Senator Brightbill speak, and then you will have your turn.

Senator HUGHES. I will not be lied upon on this floor, Madam President.

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

Senator BRIGHTBILL. Thank you, Madam President.

What Mr. Shivers said is that he indicated he would agree to introduce legislation to repeal the PIT increase to help small businesses and workers to take home a little and afford all those higher priced goods. My understanding is that he made that pledge, and I am curious whether he had time this week to introduce that legislation.

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

Senator HUGHES. Madam President, to be correct, in case the gentleman did not see the program, we could get him a copy of the tape, if he would like.

Senator BRIGHTBILL. Madam President, I did not see the program, that is why I am asking.

Senator HUGHES. Madam President, so then I agreed to consider it as a cosponsor. Mr. Shivers came to my office on two occasions, and we agreed to talk about a whole host of things, okay? That is what was discussed. That is what was said. We are talking about an increase in the minimum wage, but I would be happy to look at a conversation and legislation about reducing the PIT. I would love to look at that, love to.

Senator BRIGHTBILL. Madam President, just for the gentleman's edification, it was Ed Rendell in his Budget Address who said that doing this on January 1, 2007, is what he needs, and I think somebody is handing the gentleman a copy of the speech now so he can read it. He can read his words, but that is what I heard.

Senator HUGHES. Madam President, on page 4 it says, "Second, the minimum wage must be increased in Pennsylvania and it must be increased *now*. The economic support for an increase is undeniable. The public will and demand for an increase is overwhelming. And the political willingness for an increase is bi-partisan. I ask you to also pass this month"--he made the speech in February, so "this month" is February--"a minimum wage increase to \$7.15 an hour effective January 2007 to show our support for the 423,000 hard working people who are struggling to make ends meet in our great Commonwealth."

"I ask you to also pass this month...." Now, the Governor is showing a great willingness to work with the Majority Party, those who are in charge, because we know if we had an opportunity for a vote, we would get an overwhelming majority to pass this bill, because last September, at a Labor Day rally in Pittsburgh, the Governor said he wanted the bill passed by the end of the year. So he said, look, all right, we could not get it done then, or the Majority could not get it done then, now he was hoping it would have been done by the end of January. Well, we missed that deadline. Then he asked for it in his Budget Address to be passed by the end of February. We missed that deadline too. He is trying to work with everybody. He is trying, he is opening up his arms and saying look, come on, work with me. You know 84 percent of the people want this to happen. Every one of our Caucuses have polled this issue, the Governor's Office, the labor people, and the business people. In fact, Mr. Shivers said on TV the other night that 86 percent of the people said they wanted an increase in the minimum wage. Even his group, the NFIB, want it. They polled the issue.

So that is the reality. It is February, and we are leaving. I have a resolution that I have to take care of for Senator Mellow in the Special Session, but after that is done, we are out of here. I will come back in 2 weeks for hearings of the Committee on Appropriations, but we do not vote on this floor, and they will be held in the Majority Caucus Room. That is downstairs. They are not held up here, they are held downstairs. They are hearings and we cannot vote on a minimum wage increase there. Although it is a convening of a meeting of the Committee on Appropriations, I guess we could figure out a way to legislatively move something. That would be a great thing, a great statement for the people of Pennsylvania, that we are willing to invest in their pocketbooks. But we do not come back until March 13.

Oh, my goodness. How long do the people have to wait? How long? How long? How long before we take action? Do I even need to ask the question, because if you give me a date, can I

trust that it is going to be the right one? How long? How long do people have to wait and live and work in poverty without even understanding or knowing that there is an opportunity available to them if they stick it out and then they could get themselves through? How long? Too long.

Thank you, Madam President.

### ANNOUNCEMENT OF MAJORITY LEADERSHIP

The PRESIDENT. The Chair has been informed by the Majority Caucus that they have elected as Appropriations Chairman, Senator Wenger; as Caucus Chairman, Senator Conti; and as Majority Policy Chairman, Senator Scarnati.

### BILLS SIGNED

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

**HB 1318 and HB 1467.**

### RECESS

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

Senator BRIGHTBILL. Madam President, I move that the Senate do now recess until Monday, March 13, 2006, at 2 p.m., Eastern Standard Time.

The motion was agreed to by voice vote.

The Senate recessed at 4:28 p.m., Eastern Standard Time.