

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

WEDNESDAY, APRIL 19, 2006

SESSION OF 2006 190TH OF THE GENERAL ASSEMBLY

No. 28

SENATE

WEDNESDAY, April 19, 2006

The Senate met at 11 a.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, Very Reverend WILLIAM C. FORREY, Secretary of Catholic Life and Evangelism, of the Diocese of Harrisburg, offered the following prayer.

Let us pray.

All merciful and loving God, we gather here before You to offer You praise and thanksgiving for the blessings that flow to us from Your eternal bounty. Open wide for us the door of Your embracing love this day and all days. Give to these public servants wisdom to seek Your ways in accomplishing the work of justice. May they have foremost in their hearts the welfare of our society and the pursuit of the common good. May their constituents respect their labors and appreciate their convictions.

We pray this day that, with Your guidance and direction, we can continue to foster the values of equality, life, and hope, for all those who live in Pennsylvania. Above all, bless our noble efforts as we humbly seek to establish peace in our hearts, peace in our nation, and peace in our world. Almighty God, we ask all these things in Your holy name. Amen.

The PRESIDENT. The Chair thanks Father Forrey, who is the guest today of Senator Piccola.

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 April 18, 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.

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 Punt.

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

Senator O'PAKE. Madam President, I request a legislative leave for Senator Washington.

The PRESIDENT. Senator Brightbill requests a legislative leave for Senator Punt.

Senator O'Pake requests a legislative leave for Senator Washington.

Without objection, the leaves will be granted.

LEAVES OF ABSENCE

Senator BRIGHTBILL asked and obtained a leave of absence for Senator MADIGAN, 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.

BILLS INTRODUCED AND REFERRED

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

April 19, 2006

Senators O'PAKE, TARTAGLIONE, MUSTO, BOSCOLA, C. WILLIAMS, ORIE, RAFFERTY, FONTANA, LAVALLE, LOGAN, RHOADES, STOUT, WOZNIAK, COSTA, KITCHEN, WASHINGTON, STACK and BROWNE presented to the Chair **SB 1183**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, enacting provisions to comply with Federal law relating to child abuse by further providing for grounds for involuntary termination, for definitions relating to child protective services and for release of information in confidential reports; providing for citizen review panels; further providing for annual reports to Governor and General Assembly; and providing for mandatory reporting of infants born and identified as being affected by illegal substance abuse.

Which was committed to the Committee on AGING AND YOUTH, April 19, 2006.

Senators PILEGGI, BOSCOLA, MADIGAN, EARLL, RAFFERTY, COSTA, ERICKSON, C. WILLIAMS, STACK, LEMMOND, O'PAKE, BROWNE and GREENLEAF presented to the Chair **SB 1184**, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for mandated policy coverages and options.

Which was committed to the Committee on BANKING AND INSURANCE, April 19, 2006.

Senators GORDNER, CORMAN, FERLO, FONTANA, LEMMOND, PILEGGI, RAFFERTY, RHOADES, STACK and WOZNIAK presented to the Chair SB 1191, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of scattering rubbish.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, April 19, 2006.

CALENDAR

SB 1161 CALLED UP OUT OF ORDER

SB 1161 (Pr. No. 1600) -- Without objection, the bill was called up out of order, from page 1 of the Third Consideration Calendar, by Senator BRIGHTBILL.

PREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1161 (Pr. No. 1600) -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry and the Department of Community and Economic Development to provide for the expenses of administering the Workers' Compensation Act, The Pennsylvania Occupational Disease Act and the Office of Small Business Advocate for the fiscal year July 1, 2006, to June 30, 2007, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2006.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-47

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

NAY-0

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

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

LEGISLATIVE LEAVES

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

Senator PICCOLA. Madam President, I request a legislative leave for Senator Orie.

The PRESIDENT. Senator Piccola requests a legislative leave for Senator Orie.

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

Senator O'PAKE. Madam President, I request a temporary Capitol leave for Senator Anthony Williams.

The PRESIDENT. Senator O'Pake requests a temporary Capitol leave for Senator Anthony Williams.

Without objection, the leaves will be granted.

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

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

Senator REGOLA. Madam President, I have the distinct honor of welcoming a group of seventh and eighth grade students from the Verna Montessori School in Mount Pleasant. They are accompanied today by two teachers, John Jarocki and Sister Donatella Garreffa. Verna Montessori is a small school in my district with only about 100 students in grades K through 8, but stands tall in the areas of academic and community development. In fact, the seventh and eighth graders are ranked in the top 10 percentile of the nationwide Stanford Test. Some students are winners of the Johns Hopkins scholar awards, and others have received various regional awards of honors, including the Tribune-Review Outstanding Citizen award, and the Daughters of the American Revolution history essay contest. A team from Verna Montessori recently took second place in the prestigious National Engineers Week Future City Competition in Pittsburgh. This was especially notable since this was only the second year they participated in this competition.

In addition to their academic achievements, these students are also involved in numerous community activities, including Meals on Wheels, the Salvation Army, and the Boy Scouts. They also participated in the United Nations camp in New York City, and in the People to People program in Washington, D.C.

Madam President, I would like to ask my colleagues to extend their usual warm welcome to our visitors from the Verna Montessori School in Mount Pleasant.

The PRESIDENT. Would all of the students from the Verna Montessori School in Mount Pleasant, Sister Donatella Garreffa, and John Jarocki please rise so we can give you a nice warm welcome.

(Applause.)

GUESTS OF SENATOR DOMINIC F. PILEGGI PRESENTED TO THE SENATE

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

Senator PILEGGI. Madam President, it is my pleasure today to introduce Reginald "Reggie" Rawls, a young man who has served as an intern in my Media and Chester district offices since February of this year, and he is seated in the gallery. Reggie is a senior at Neumann College in Delaware County, and will graduate this May with a bachelor's degree in criminal justice. While at Neumann, he has been an active member of the student body, has served as an orientation leader for new students, and is a coordinator for intramural sports activities. After graduation, Reggie plans to take the Pennsylvania State Police test and become a Pennsylvania State Trooper. He also hopes to return to Neumann to earn a master's degree in criminal justice.

Madam President, I ask that we extend our traditional warm welcome to Mr. Reginald "Reggie" Rawls.

The PRESIDENT. Would Reggie please rise so we can give you a nice warm welcome.

(Applause.)

GUESTS OF SENATOR MICHAEL J. STACK PRESENTED TO THE SENATE ON BEHALF OF SENATOR VINCENT J. FUMO

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

Senator STACK. Madam President, I would like to recognize students from Senator Fumo's district. Although they are not my constituents, they are fourth grade students from a great school in Philadelphia, Our Lady of Mount Carmel School, and they are here for a day at the Capitol. I ask that we give them our usual warm Senate welcome.

The PRESIDENT. On behalf of Senator Fumo, will all the students please rise so we can give you a nice warm welcome.

(Applause.)

The PRESIDENT. Thank you for visiting.

RECESS

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

Senator PICCOLA. Madam President, I request a recess of the Senate for the purpose of a Republican caucus to be held in the Rules room immediately.

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

Senator O'PAKE. Madam President, I ask our Members to report to our caucus room immediately.

The PRESIDENT. There will be a Republican caucus to be held in the Rules room, and a Democratic caucus in their caucus room. 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 RESUMED

PREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1159 (Pr. No. 1608) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-47

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

NAY-0

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

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

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

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

Senator RAFFERTY. Madam President, during our break, I had the opportunity to meet a young man who is here in the Senate of Pennsylvania today on leave visiting his aunt, Sue Salov, one of our integral staff personnel. I had a chance to meet her nephew, Lance Corporal Jeffrey Snell, a graduate of Bishop McDevitt High School in Senator Piccola's district. He is currently serving with the 3rd Battalion, 6th Marine Corps, 2nd Division Marines. He spent the last 10 months in Iraq. After his stay at home, he will report to North Carolina, with the likelihood of returning to Iraq.

Madam President, I had the opportunity to meet and welcome him back to the Commonwealth of Pennsylvania, and I think it

would be appropriate for the Members of the Senate to extend its usual warm welcome to Jeffrey, who is visiting the Senate of Pennsylvania as a returning hero. Madam President, if my colleagues would join me in wishing him well, I would appreciate it.

The PRESIDENT. Would Lance Corporal Jeffrey Snell please rise, and also his brother who is here with him. Would you both please rise.

(Applause.)

LEGISLATIVE LEAVES

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

Senator PICCOLA. Madam President, I request legislative leaves for Senator Scarnati and Senator Earll, and temporary Capitol leaves for Senator Brightbill and Senator Erickson.

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

Senator O'PAKE. Madam President, I request temporary Capitol leaves for Senator Stout, Senator Mellow, and Senator Tartaglione.

The PRESIDENT. Senator Piccola requests temporary Capitol leaves for Senator Brightbill and Senator Erickson, and legislative leaves for Senator Scarnati and Senator Earll.

Senator O'Pake requests temporary Capitol leaves for Senator Stout, Senator Mellow, and Senator Tartaglione.

Without objection, the leaves will be granted.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

PREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1162 (Pr. No. 1601) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-47

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

Fontana	O'Pake	Stout	Wozniak
Gordner	Orie	Tartaglione	

NAY-0

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

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

LEGISLATIVE LEAVE CANCELLED

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILL OVER IN ORDER TEMPORARILY

HB 121 -- Without objection, the bill was passed over in its order temporarily at the request of Senator PICCOLA.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 513 (Pr. No. 1717) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, removing references to elected assessors.

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

On the question,
Shall the bill pass finally?

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

YEA-47

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

NAY-0

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

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

SB 514 (Pr. No. 1718) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 21, 1943 (P.L.571, No.254), known as The Fourth to Eighth Class County Assessment Law, providing for the elimination of the office of elected assessor in townships of the second class; and making a related repeal.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEA-47

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

NAY-0

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

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

BILLS OVER IN ORDER

HB 601 and SB 691 -- Without objection, the bills were passed over in their order at the request of Senator PICCOLA.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 707 (Pr. No. 1721) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 3, 1933 (P.L.242, No.86), referred to as the Cosmetology Law, further providing for definitions, for practice of cosmetology without license, for limited licenses, for practice in cosmetology shops only, for temporary licenses, for fees and for regulations; and substituting the term "salon" for the term "shop" throughout the act.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEA-46

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

NAY-1

Ferlo

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.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Earll has returned, and her temporary Capitol leave will be cancelled.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILL OVER IN ORDER

HB 750 -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 935 (Pr. No. 1719) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of failure to provide identification to law enforcement authorities.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEA-46

Armstrong	Greenleaf	Piccola	Tomlinson
Boscola	Hughes	Pileggi	Vance
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	Mellow	Scarnati	Wonderling
Ferlo	Musto	Stack	Wozniak
Fontana	O'Pake	Stout	
Gordner	Orie	Tartaglione	

NAY-1

Washington

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

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

SB 957 (Pr. No. 1720) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of robbery on the premises of a financial institution.

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

On the question,
Shall the bill pass finally?

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

YEA-47

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

NAY-0

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

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

BILLS OVER IN ORDER

SB 1000 and SB 1050 -- Without objection, the bills were passed over in their order at the request of Senator PICCOLA.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1618 (Pr. No. 3724) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for participation by students with disabilities in high school graduation ceremonies.

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

On the question,
Shall the bill pass finally?

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

YEA-47

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

NAY-0

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

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

BILL OVER IN ORDER

HB 2443 -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

SECOND CONSIDERATION CALENDAR

BILLS REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

HB 15, HB 218, SB 1069 and SB 1114 -- Without objection, the bills were passed over in their order at the request of Senator PICCOLA.

PREFERRED APPROPRIATION BILL ON SECOND CONSIDERATION AND REREFERRED

HB 2380 (Pr. No. 3875) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 7, 2005 (P.L. , No.1A), known as the General Appropriation Act of 2005, adding an appropriation to the Attorney General for reimbursement to counties for expenses for full-time district attorneys; and increasing the State appropriation to the

Pennsylvania Housing Finance Agency for the Homeowner's Emergency Mortgage Assistance Program.

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

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

BILLS OVER IN ORDER

HB 137, SB 214 and HB 249 -- Without objection, the bills were passed over in their order at the request of Senator PICCOLA.

BILL ON SECOND CONSIDERATION

SB 631 (Pr. No. 1677) -- The Senate proceeded to consideration of the bill, entitled:

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

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

BILLS OVER IN ORDER

SB 1046, SB 1153 and HB 1834 -- Without objection, the bills were passed over in their order at the request of Senator PICCOLA.

BILL ON SECOND CONSIDERATION AND RECOMMITTED

HB 2319 (Pr. No. 3560) -- The Senate proceeded to consideration of the bill, entitled:

An Act prohibiting the use of illegal immigrant labor on projects; imposing powers and duties on executive agencies of the Commonwealth; and providing for remedies.

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

Upon motion of Senator PICCOLA, and agreed to by voice vote, the bill just considered was recommitted to the Committee on Labor and Industry.

COMMUNICATIONS FROM THE GOVERNOR

RECALL COMMUNICATIONS REFERRED TO COMMITTEE

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

MEMBER OF THE STATE BOARD OF VETERINARY MEDICINE

April 18, 2006

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 9, 2006, for the appointment of Steven M. Radbill, VMD, 3619 Edencroft Road, Huntingdon Valley 19006, Montgomery County, Twelfth Senatorial District, for appointment as a member of the State Board of Veterinary Medicine, to serve for a term of fours *[sic]* years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Patricia Thompson, Lancaster, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF DENTISTRY

April 19, 2006

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 6, 2006, for the appointment of David A. Bresler, D.D.S., 3 Chase Circle, Ft. Washington 19034, Montgomery County, Twelfth Senatorial District, for appointment as a member of the State Board of Dentistry, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Richard C. Howells, D.D.S., Roaring Springs, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF EDUCATION

April 19, 2006

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 19, 2006, for the appointment of Ronald Cowell, 30 Thorncrest Drive, Pittsburgh 15235, Allegheny County, Forty-third Senatorial District, for appointment as a member of the State Board of Education, to serve until October 1, 2008, or until his successor is appointed and qualified, vice Wallace Nunn, Drexel Hill, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF GOVERNORS
OF THE STATE SYSTEM OF HIGHER EDUCATION

April 19, 2006

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 23, 2006, for the appointment of Alvin Richard Kneeder, 1416 Newton Road, Lancaster 17603, Lancaster County, Thirteenth Senatorial District, *[data missing]* as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 2006, and until his successor is appointed and qualified, vice R. Benjamin Wiley, Erie, deceased.

I respectfully request the return to me of the official message of nomination on the premises.

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF GOVERNORS
OF THE STATE SYSTEM OF HIGHER EDUCATION

April 19, 2006

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 23, 2006, for the reappointment of Kim E. Lyttle, 598 Decker's Point Road, Marion Center 15759, Indiana County, Forty-first Senatorial District, *[data missing]* as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 2008, and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

EDWARD G. RENDELL
Governor

MAGISTERIAL DISTRICT JUDGE

April 19, 2006

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 6, 2006, for the appointment of Jennifer Bierly, Esquire, 702 West Aaron Drive, State College 16803, Centre County, Thirty-fourth Senatorial District, for appointment as Magisterial District Judge, in and for the County of Centre, Magisterial District 49-2-01, to serve until the first Monday of January 2008, vice Bradley P. Lunsford, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

EDWARD G. RENDELL
Governor

RECESS

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

Senator PICCOLA. Madam President, I request a brief recess of the Senate for the purpose of a Republican caucus to be held in the Rules room immediately.

The PRESIDENT. There will be a recess of the Senate for a Republican caucus in the Rules room. Without objection, for that purpose, the Senate stands in recess.

AFTER RECESS

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

LEGISLATIVE LEAVE CANCELLED

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

COMMUNICATIONS FROM THE GOVERNOR
REPORTED FROM COMMITTEE ON RULES
AND EXECUTIVE NOMINATIONS

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

MEMBER OF THE STATE BOARD OF DENTISTRY

April 19, 2006

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 6, 2006, for the appointment of David A. Bresler, D.D.S., 3 Chase Circle, Ft. Washington 19034, Montgomery County, Twelfth Senatorial District, for appointment as a member of the State Board of Dentistry, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Richard C. Howells, D.D.S., Roaring Springs, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF EDUCATION

April 19, 2006

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 19, 2006, for the appointment of Ronald Cowell, 30 Thorncrest Drive, Pittsburgh 15235, Allegheny County, Forty-third Senatorial District, for appointment as a member of the State Board of Education, to serve until October 1, 2008, or until his successor is appointed and qualified, vice Wallace Nunn, Drexel Hill, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF GOVERNORS
OF THE STATE SYSTEM OF HIGHER EDUCATION

April 19, 2006

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 23, 2006, for the appointment of Alvin Richard Kneeder, 1416 Newton Road, Lancaster 17603, Lancaster County, Thirteenth Senatorial District, [data missing] as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 2006, and until his successor is appointed and qualified, vice R. Benjamin Wiley, Erie, deceased.

I respectfully request the return to me of the official message of nomination on the premises.

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF GOVERNORS
OF THE STATE SYSTEM OF HIGHER EDUCATION

April 19, 2006

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 23, 2006, for the reappointment of Kim E. Lyttle, 598 Decker's Point Road, Marion Center 15759, Indiana County, Forty-first Senatorial District, [data missing] as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 2008, and until his successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

EDWARD G. RENDELL
Governor

MEMBER OF THE PENNSYLVANIA BOARD
OF PROBATION AND PAROLE

April 17, 2006

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 3, 2006, for the appointment of B.J. Clark, 611 East Darby Road, Harvertown [sic] 19083, Delaware County, Seventeenth Senatorial District, [data missing] as a member of the Pennsylvania Board of Probation and Parole, to serve for a term of six years or until his successor is appointed and qualified, but not longer than ninety days beyond that period, vice Allen Castor, Lansdale, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD
OF VETERINARY MEDICINE

April 18, 2006

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 9, 2006, for the appointment of Steven M. Radbill, VMD, 3619 Edencroft Road, Huntingdon Valley 19006, Montgomery County, Twelfth Senatorial District, for appointment as a member of the State Board of Veterinary Medicine, to serve for a term of four [sic] years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Patricia Thompson, Lancaster, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

EDWARD G. RENDELL
Governor

MAGISTERIAL DISTRICT JUDGE

April 19, 2006

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 6, 2006, for the appointment of Jennifer Bierly, Esquire, 702 West Aaron Drive, State College 16803, Centre County, Thirty-fourth Senatorial District, for appointment as Magisterial District Judge, in and for the County of Centre, Magisterial District 49-2-01, to serve until the first Monday of January 2008, vice Bradley P. Lunsford, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

EDWARD G. RENDELL
Governor

NOMINATIONS RETURNED TO THE GOVERNOR

Senator ROBBINS. Madam President, I move that the nominations just read by the Clerk be returned to His Excellency, the Governor.

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

The PRESIDENT. The nominations will be returned to the Governor.

LEGISLATIVE LEAVES

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

Senator O'PAKE. Madam President, I request a temporary Capitol leave for Senator Hughes.

The PRESIDENT. Senator O'Pake requests a temporary Capitol leave for Senator Hughes. Without objection, the leave will be granted.

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

Senator ROBBINS, 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:

MEMBER OF THE COMMONWEALTH OF
PENNSYLVANIA COUNCIL ON THE ARTS

January 23, 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, Stewart Russell Cades, Meadow Rise Farm, P.O. Box 184, Carversville 18913, Bucks County, Tenth Senatorial District, for appointment as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 2008, and until his successor is appointed and qualified, vice Clyde M. McGeary, Camp Hill, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF
CHEYNEY UNIVERSITY OF PENNSYLVANIA OF
THE STATE SYSTEM OF HIGHER EDUCATION

January 11, 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, Gary Neal Horton, 1344 East 36th Street, Erie 16504, Erie County, Forty-Ninth Senatorial District, for appointment as a member of the Council of Trustees of Cheyney University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified, vice Charles Greene, Philadelphia, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD
OF DENTISTRY

January 6, 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, Philip T. Siegel, D.D.S., 84 Norristown Road, Blue Bell 19422, Montgomery County, Forty-fourth Senatorial District, for appointment as a member of the State Board of Dentistry, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Veasey B. Cullen, Jr., D.M.D., York, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD
OF EDUCATION

January 19, 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, Francis Bonner, 677 North Vine Street, Hazelton [sic] 18201, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the State Board of Education, to serve until October 1, 2010, or until his successor is appointed and qualified, vice Richard Bunn, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD
OF EDUCATION

January 23, 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, Esther L. Bush, 1304 N. Sheridan Avenue, Pittsburgh 15206, Allegheny County, Thirty-Eighth Senatorial District, for appointment as a member of the State Board of Education, to serve until October 1, 2010, or until her successor is appointed and qualified, vice The Honorable Sam E. Hayes, Jr., Warriors Mark, resigned.

EDWARD G. RENDELL
Governor

NOMINATIONS LAID ON THE TABLE

Senator ROBBINS. 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 ROBBINS,

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

Which was agreed to by voice vote.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

MEMBER OF THE COUNCIL OF TRUSTEES OF
CHEYNEY UNIVERSITY OF PENNSYLVANIA OF
THE STATE SYSTEM OF HIGHER EDUCATION

January 11, 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, Gary Neal Horton, 1344 East 36th Street, Erie 16504, Erie County, Forty-Ninth Senatorial District, for appointment as a member of the Council of Trustees of Cheyney

University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified, vice Charles Greene, Philadelphia, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD
OF DENTISTRY

January 6, 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, Philip T. Siegel, D.D.S., 84 Norristown Road, Blue Bell 19422, Montgomery County, Forty-fourth Senatorial District, for appointment as a member of the State Board of Dentistry, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Veasey B. Cullen, Jr., D.M.D., York, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD
OF EDUCATION

January 23, 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, Esther L. Bush, 1304 N. Sheridan Avenue, Pittsburgh 15206, Allegheny County, Thirty-Eighth Senatorial District, for appointment as a member of the State Board of Education, to serve until October 1, 2010, or until her successor is appointed and qualified, vice The Honorable Sam E. Hayes, Jr., Warriors Mark, resigned.

EDWARD G. RENDELL
Governor

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

QUESTION DIVIDED

The PRESIDENT. The Chair recognizes the gentleman from York, Senator Waugh.

Senator WAUGH. Madam President, I move to divide the question.

The PRESIDENT. The Chair hears no objection, the question is divided.

On the question,
Will the Senate advise and consent to the nominations of Gary Neal Horton and Esther L. Bush?

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

YE A-47

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

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.

On the question,

Will the Senate advise and consent to the nomination of Philip T. Siegel?

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

YE A-46

Armstrong	Greenleaf	Piccola	Tomlinson
Boscola	Hughes	Pileggi	Vance
Brightbill	Jubelirer	Pippy	Washington
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	Mellow	Scarnati	Wonderling
Ferlo	Musto	Stack	Wozniak
Fontana	O'Pake	Stout	
Gordner	Orie	Tartaglione	

NAY-1

Waugh

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

Ordered, That the Governor be informed accordingly.

NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

MEMBER OF THE COMMONWEALTH OF
PENNSYLVANIA COUNCIL ON THE ARTS

January 23, 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, Stewart Russell Cades, Meadow Rise Farm, P.O. Box 184, Carversville 18913, Bucks County, Tenth Senatorial District, for appointment as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 2008, and until his successor is appointed and qualified, vice Clyde M. McGear, Camp Hill, whose term expired.

EDWARD G. RENDELL
Governor

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

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

Senator ROBBINS. Madam President, I request a "no" vote on the nomination.

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

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

YEA-21

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

NAY-26

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

Less than a constitutional majority of all the Senators having voted "aye," the question was determined in the negative.

Ordered, That the Governor be informed accordingly.

LEGISLATIVE LEAVE CANCELLED

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

NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

MEMBER OF THE STATE BOARD
OF EDUCATION

January 19, 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, Francis Bonner, 677 North Vine Street, Hazelton [sic] 18201, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the State Board of Education, to serve until October 1, 2010, or until his successor is appointed and qualified, vice Richard Bunn, whose term expired.

EDWARD G. RENDELL
Governor

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

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

Senator ROBBINS. Madam President, I request a "no" vote on the nomination.

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

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

YEA-21

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

NAY-26

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

Less than a constitutional majority of all the Senators having voted "aye," the question was determined in the negative.

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Senator ROBBINS. Madam President, I move that the Executive Session do now rise.

The motion was agreed to by voice vote.

CONSIDERATION OF CALENDAR RESUMED

HB 121 CALLED UP

HB 121 (Pr. No. 3818) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator PICCOLA.

BILL AMENDED

HB 121 (Pr. No. 3818) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for period of disqualification, revocation or suspension of operating privilege; providing for passing and overtaking streetcars and for snow and ice dislodged or falling from moving vehicles; and further providing for ignition interlock.

On the question,

Will the Senate agree to the bill on third consideration?

Senator BOSCOLA offered the following amendment No. A7372:

Amend Sec. 2 (Sec. 3720), page 3, lines 10 and 11, by striking out "INJURY OR PROPERTY DAMAGE" and inserting: death or serious bodily injury as defined in section 3742 (relating to accidents involving death or personal injury)

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

UNFINISHED BUSINESS

RESOLUTION REPORTED FROM COMMITTEE

Senator PICCOLA, from the Committee on Rules and Executive Nominations, reported the following resolution:

SR 273 (Pr. No. 1701)

A Resolution designating the month of May 2006 as "Community Action Month" in Pennsylvania.

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

SENATE RESOLUTIONS ADOPTED

Senators CONTI, BOSCOLA, WONDERLING, FONTANA, KASUNIC, TARTAGLIONE, PUNT, PIPPY, O'PAKE, C. WILLIAMS, M.J. WHITE, TOMLINSON, ERICKSON, BRIGHTBILL, RAFFERTY, KITCHEN, STOUT, EARLL, MELLOW, WASHINGTON, D. WHITE, MUSTO, WENGER, REGOLA, ORIE and GREENLEAF, by unanimous consent, offered **Senate Resolution No. 278**, entitled:

A Resolution designating April 20, 2006, as "Care By Celebrating Children Day" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator CONTI. Madam President, today I rise to seek support for a resolution that will recognize April 20, 2006, as

"Care by Celebrating Children Day." This is an idea that came up in Buckingham Elementary School in my district in response to the tragedy at Columbine High School in Colorado many years ago. On this day, instead of focusing on the many negative aspects in our society that are going on with our children, we recognize the goodness in our students and encourage them to take pride in their achievements, scholastic endeavors, and contributions to the community. It is a wonderful day, and I look forward to participating in it many more times, and I seek the unanimous support of my colleagues.

Thank you.

The PRESIDENT. Thank you, Senator Conti, for recognizing "Care by Celebrating Children Day" on April 20.

And the question recurring,

Will the Senate adopt the resolution?

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

Senators COSTA, WENGER, C. WILLIAMS, PIPPY, FONTANA, STOUT, LOGAN, BRIGHTBILL, TARTAGLIONE, GREENLEAF, MELLOW, ORIE, ERICKSON, BOSCOLA, O'PAKE, FERLO, KITCHEN, MUSTO, D. WHITE, PILEGGI, STACK, RHOADES, LEMMOND, RAFFERTY, EARLL, BROWNE and WASHINGTON, by unanimous consent, offered **Senate Resolution No. 279**, entitled:

A Resolution designating the week of May 1 through 7, 2006, as "Juror Appreciation Week" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator COSTA. Madam President, I rise this afternoon to ask unanimous consent for the following resolution designating the week of May 1 through May 7 of this year as "Juror Appreciation Week."

Madam President, every year the legal profession, along with the Pennsylvania Bar Association and various county bar associations, celebrate the lull during the month of May with a variety of educational and outreach programs. As part of that endeavor, Madam President, we celebrate the participation of our citizens across the Commonwealth who serve on juries. We all know the jury system, as we recognize it today under our American jurisprudence, traces its lineage back to Henry II, who set up a system to resolve land disputes using juries. A jury of 12 free men were assigned to arbitrate in these disputes, and unlike the modern jury of today, these men were charged with uncovering the facts in the case on their own rather than listening to evidence and arguments in court. The use of the jury system as we recognize it also was codified for the first time in 1215 when King John signed the Magna Carta, making trial by jury an implied right of the English citizenry. Article XXXIX of the Magna Carta reads, "No free man shall be arrested, or imprisoned, or deprived of his property, or outlawed, or exiled,

or in any way destroyed, nor shall we go against him or send against him, unless by legal judgement of his peers, or by the law of the land." Many of these colonies adopted the jury trial system, including Pennsylvania, which first included the right to a trial by jury in its Colonial Charter, and later in the various Constitutions adopted in the Commonwealth. The right to a trial by jury was also included in the Bill of Rights adopted in 1791, and jury trials in criminal cases are protected rights in the Constitution and the 5th, 6th, and 7th Amendments, and also the 14th Amendment of our Constitution ensured that the right to a trial by jury applied at the State level for both criminal and civil matters, and a grand jury in some serious cases.

The right to a jury trial has also been described as one of the most fundamental rights of a democratic society because of the fairness and equality of treatment attributed to a trial that is heard and decided by a group of one's peers rather than representatives of one's government. Over the past several years, Madam President, the Pennsylvania Supreme Court and various other groups across the Commonwealth have studied ways to enhance jury service. Various proposals have been introduced, some by my colleagues in this Chamber today, that would do such things as increase juror pay, provide child care services to jurors, as well as a number of other initiatives to make it easier for people to serve on juries.

Madam President, I have had the privilege of working with my colleagues in the General Assembly, but also with members of the judiciary, in particular, President Judge Joseph James from the Court of Common Pleas in Allegheny County, to try to find ways to improve the manner and the way which we select juries in this Commonwealth. Specifically, we introduced Senate Bill No. 668, which has been moved out of the Committee on Judiciary. This legislation is intended to expand jury pools in all counties so that juries are more diverse by race, age, and experience, producing a jury that is truly representative of communities in which a trial is occurring.

Madam President, while it is important to have some of these changes and recognize the history of our jury process here in our country and Commonwealth, it is also important that we recognize the services of people who have served on juries in this Commonwealth and encourage more of our citizens to do so. Jury service is crucial not only to the trial of the particular matter that a jury is called to hear, but also it is critical to our entire system of civil and criminal justice.

So, Madam President, to those jurors who have served or are serving now, we say thank you. Further, we encourage all of our citizens, when having the opportunity, when they are called to participate in this very important civic duty, that they do in fact serve.

Madam President, thank you for the opportunity to speak.

And the question recurring,

Will the Senate adopt the resolution?

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

Senators STACK, C. WILLIAMS, BOSCOLA, STOUT, TARTAGLIONE, FERLO, PIPPY, WONDERLING, WENGER, COSTA, LOGAN, KASUNIC, BRIGHTBILL,

RAFFERTY, MELLOW, EARLL, O'PAKE, FONTANA, PICCOLA, PILEGGI, ERICKSON, ORIE, GREENLEAF, D. WHITE and REGOLA, by unanimous consent, offered **Senate Resolution No. 280**, entitled:

A Resolution proclaiming April 23 through 30, 2006, as "Days of Remembrance of the Victims of the Holocaust" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

Senator STACK. Madam President, I rise to offer a resolution along with my fellow Senator, Connie Williams, proclaiming April 23 through 30 as "Days of Remembrance of Victims of the Holocaust." April 25 is known to Jews around the world as Yom Hashoah, Holocaust Remembrance Day. In Europe, thousands of Israeli students will hold a memorial service at Auschwitz, called the March of the Living. In Israel, air raid sirens will sound, and businesses will close. The whole country will come to a standstill. However, April 25 is not just a day for Jews to remember the Holocaust; it is for everyone, no matter your religious or ethnic background.

Next Tuesday the Pennsylvania Jewish Coalition will hold its annual Holocaust civic commemoration at the Capitol. I hope all my colleagues will be in attendance at this event. We will remember those who perished, honor those who resisted, and most of all pledge, never again.

Thank you, Madam President.

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

Senator C. WILLIAMS. Madam President, many of us know the basic facts of the Holocaust. Six million Jews murdered, millions of others imprisoned and killed, including homosexuals, gypsies, the disabled, as well as political and religious dissidents. Many of us have seen a film or read a book about the Holocaust. However, this is not enough. We cannot ignore humanitarian crises that are going on right now in Africa. We cannot ignore the religious persecution in Asia and the Middle East. We cannot stand aside as certain world leaders continue to deny the facts of the Holocaust. We cannot stand aside as hate groups make spectacles of themselves at military funerals.

Madam President, Holocaust Remembrance Day is not just about the past, it is about our future. What are we doing about the genocide and intolerance that is taking place today? What are you doing? What are we all doing about Darfur and other areas where our fellow human beings are being murdered? The genocide in Darfur alone has claimed more than 400,000 lives since 2003. More than 100 people a day continue to die, 5,000 each month. In our own country, people continue to be judged by their race, their faith, their sexual orientation. How can we say, never again? The Holocaust, genocide, an intolerance of any sort is a symbol of total disregard for humanity and human rights. It goes against everything our country was founded on.

Madam President, we must find answers to these questions. Next week as we observe the Days of Remembrance in Pennsylvania, everyone should consider that.

Thank you.

The PRESIDENT. Thank you, Senator Connie Williams, and thank you, Senator Stack, for your observations on the victims of the Holocaust and the Days of Remembrance.

And the question recurring,

Will the Senate adopt the resolution?

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

Senators O'PAKE, BOSCOLA, KASUNIC, STOUT, D. WHITE, C. WILLIAMS, LOGAN, PIPPY, ERICKSON, ORIE, FERLO, FONTANA, WENGER, BRIGHTBILL, TOMLINSON, COSTA, EARLL, MELLOW, TARTAGLIONE, MUSTO, GREENLEAF, KITCHEN, WASHINGTON, STACK, RHOADES, CONTI and REGOLA, by unanimous consent, offered **Senate Resolution No. 281**, entitled:

A Resolution designating April 28 through May 28, 2006, as "Sober Graduation Month" in Pennsylvania.

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Curtis Webb II by Senator Boscola.

Congratulations of the Senate were extended to Michael and Gretchen Kresley and to Arcadia Properties, LLC, of Bethlehem, by Senator Browne.

Congratulations of the Senate were extended to the Delaware County Library System by Senators Erickson and Pileggi.

Congratulations of the Senate were extended to Mr. and Mrs. Leland Bond, Mr. and Mrs. Lee Crist, Mr. and Mrs. David Lepore and to William Roy Mock by Senator Jubelirer.

Congratulations of the Senate were extended to Rain Garletts by Senator Kasunic.

Congratulations of the Senate were extended to Sherman Hostetter Auctioneers of Beaver Falls by Senator LaValle.

Congratulations of the Senate were extended to Alaric Eby, Gary R. Shales, Amy Branning, Jessica L. Shaw, Douglas Manning, Nicholas Murley, Jeffrey Davis and to the Honesdale EMS by Senator Lemmond.

Congratulations of the Senate were extended to Mr. and Mrs. Ransom Agnew and to Mr. and Mrs. Robert Chapman by Senator Madigan.

Congratulations of the Senate were extended to Honorable Beverly Merckel, Dominick J. Perini, Elizabeth Kennedy, Raymond J. Ceccotti, Mary Marrara, Robert H. Davis, Melissa Perri and to Therese O'Rourke by Senator Mellow.

Congratulations of the Senate were extended to Mr. and Mrs. Felix Cardascia and to Brittany Tarselli by Senator Musto.

Congratulations of the Senate were extended to Mr. and Mrs. Charles O'Neill, Laurie Ahrenholtz and to Peter Haywiser by Senator Pippy.

Congratulations of the Senate were extended to the Legion of Golden Friends of Philadelphia by Senator Stack.

Congratulations of the Senate were extended to Mr. and Mrs. John and Margaret Brenneman, Sr., Mr. and Mrs. Graham Munkittrick and to Dorothy Shaver Miller by Senator Vance.

Congratulations of the Senate were extended to the Bethany Retirement Village of Mechanicsburg by Senators Vance and Wonderling.

Congratulations of the Senate were extended to William L. Bechtel, Jr., Dr. Bernard W. Sweeney, Karl D. Blankenship and to the York Conference of Lutheran Churches by Senator Waugh.

Congratulations of the Senate were extended to Taylor Fredrick by Senator D. White.

Congratulations of the Senate were extended to Mr. and Mrs. Carl Songer by Senator M.J. White.

Congratulations of the Senate were extended to the Honorable Michael DiNunzio by Senator Wonderling.

Congratulations of the Senate were extended to Merck and Company, Inc., of West Point, by Senators Wonderling and Greenleaf.

Congratulations of the Senate were extended to St. Andrew Catholic Church of 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 Michael Romig, to the family of the late Edward S. Miller and to the family of the late Lee B. Marks by Senator Brightbill.

Condolences of the Senate were extended to the family of the late Jacob Walter Beisel by Senator Lemmond.

RECESS

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

Senator PICCOLA. Madam President, I move that the Senate do now recess until Monday, April 24, 2006, at 2 p.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate recessed at 2:05 p.m., Eastern Daylight Saving Time.