

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

MONDAY, NOVEMBER 20, 2006

SESSION OF 2006 190TH OF THE GENERAL ASSEMBLY

No. 65

SENATE

MONDAY, November 20, 2006

The Senate met at 2 p.m., Eastern Standard Time.

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

PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

Let us pray.

Lord God, creator and giver of all good things, You have bestowed upon us a great responsibility. We are to care for this world, this State, and one another. At times these duties seem to present overwhelmingly difficult tasks, and we know, dear Lord, that we cannot do it successfully alone. So we take this time to call upon You as we should, to ask Your help, Your strength, Your courage, and above all, Your blessing.

Let us always be mindful and thankful for the counsel and sustaining grace You continually offer. Amen.

PLEDGE OF ALLEGIANCE

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

LEGISLATIVE LEAVE

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

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

The PRESIDENT. Senator Mellow requests a legislative leave for Senator Ferlo. Without objection, the leave will be granted.

LEAVES OF ABSENCE

Senator BRIGHTBILL asked and obtained leaves of absence for Senator PICCOLA and Senator WONDERLING, for today's Session, for personal reasons.

JOURNAL APPROVAL POSTPONED

The PRESIDENT. Without objection, approval of the Journal of the Session of November 15, 2006, will be postponed until the Journal is in print.

JOURNALS APPROVED

The PRESIDENT. The Journals of the Sessions of October 17, 2006, October 18, 2006, and October 23, 2006, are now in print.

A quorum of the Senate being present, the Clerk will read the Journals of the Sessions of October 17, 2006, October 18, 2006, and October 23, 2006.

The Clerk proceeded to read the Journals.

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

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-48

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

NAY-0

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

The PRESIDENT. The Journals are approved.

**SPECIAL ORDER OF BUSINESS
GUEST OF SENATOR JAKE CORMAN
PRESENTED TO THE SENATE**

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

Senator CORMAN. Madam President, I am honored to have Nakita Rager, a student in my district who is a junior at Indian Valley High School in Mifflin County, shadow me today. She has a sincere interest in government and politics, and wants to run for office someday. Listening to her talk and her knowledge about

some of the issues, I would not be surprised if she becomes the first female President of the United States, if we do not have a female President before she is old enough to run. I ask the Senate to give her its usual warm welcome.

The PRESIDENT. Would Nakita Rager please rise so we can welcome you.

(Applause.)

GUESTS OF SENATOR JOHN R. PIPPY PRESENTED TO THE SENATE

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

Senator PIPPY. Madam President, because I represent the western part of the State, my guests had to depart, but I would like to provide a little information. Andrea Molitaris, an intern from Bridgeville, who is the daughter of Tim and Terry Molitaris, was here today. She has been interning in my office since September, and has a great interest in politics. She is a senior at Oral Roberts University, and will be graduating with a Bachelor of Arts degree in government. I have been very impressed by the quality and amount of work she has done, and the fact that she participated in Oklahoma's Collegiate Mock Legislature for four sessions and was elected Senate chair for her school. So it is great to see, as Senator Corman mentioned, more and more women getting involved in government and being successful.

I also want to welcome from my office staff Brittany Scott, who is from Ambridge, just north of us in Beaver County. She was a student at Pittsburgh Technical Institute and interned in my office and did a tremendous job. Brittany will be pursuing her bachelor's degree at Robert Morris in January.

Thank you, Madam President.

The PRESIDENT. Thank you, Senator Pippy. We are sorry Brittany and Andrea were not here to be introduced, but we want them to know we thought about them. Thank you very much.

HOUSE MESSAGES

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

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to House amendments by further amending said amendments to **SB 583**, in which concurrence of the Senate is requested.

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

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 506, 1054, 1139 and 1285** with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule XIV, section 6,

these bills will be referred to the Committee on Rules and Executive Nominations.

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

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate by amending said amendments to **HB 471**, in which concurrence of the Senate is requested.

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

GENERAL COMMUNICATION

AUDITOR GENERAL'S CERTIFICATE

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA
Office of the Auditor General
Harrisburg, PA 17120-0018

November 13, 2006

The Honorable Robert C. Jubelirer
President Pro Tempore
PENNSYLVANIA SENATE
292 Main Capitol Building
Harrisburg, Pennsylvania 17120

Dear Senator Jubelirer:

In accordance with the provisions of Article VIII of the Constitution of the Commonwealth of Pennsylvania and Section 304 of the Capital Facilities Debt Enabling Act (Act 1 of 1999), the Auditor General is required on or before each March 1 and September 1 to make certifications to the Governor and the General Assembly of:

- the average annual tax revenues deposited in all funds in the five preceding fiscal years;
- the amount of outstanding net debt as of the end of the preceding fiscal year;
- the amount of net debt as of the certification date;
- the difference between the limitation upon all net debt outstanding as provided in Section 7(a)(4) of Article VIII of the Constitution of Pennsylvania and the amount of net debt as of the certification date;
- the amount of such debt scheduled to be repaid during the remainder of the fiscal year in which the certificates are being issued;
- the amount of debt authorized by law to be issued, but not yet incurred;
- and the amount of outstanding obligations excluded from outstanding debt as self-sustaining pursuant to Section 7(c)(1), (2) and (3) of Article VIII of the Constitution of Pennsylvania.

A duplicate original of my revised certificate is enclosed, which includes corrected data from the Treasury Department.

Sincerely,

JACK WAGNER
Auditor General

AUDITOR GENERAL'S CERTIFICATE

(REVISED)

Pursuant to

ARTICLE VIII, Section 7(a) (4)

of the

CONSTITUTION OF PENNSYLVANIA

and

Section 304 of the Capital Facilities Debt Enabling Act

To The Governor and The General Assembly:

I, Jack Wagner, Auditor General of the Commonwealth of Pennsylvania, pursuant to Article VIII, Section 7(a)(4) of the Constitution of the Commonwealth of Pennsylvania and Section 304 of the Capital Facilities Debt Enabling Act (Act 1 of 1999, as amended) certify as follows:

The average annual tax revenues deposited in all funds in the five fiscal years ended preceding the date of August 31, 2006 \$27,536,515,720

(i) The amount of outstanding net debt as of the end of the preceding fiscal year \$ 6,487,618,757

(ii) The amount of such net debt as of August 31, 2006 \$ 6,399,655,454

(iii) The difference between the limitation upon all net debt outstanding as provided in Article VIII, Section 7(a) (4) of the Constitution of the Commonwealth of Pennsylvania and the amount of such net debt as of the date of August 31, 2006 \$41,789,247,056

(iv) The amount of such debt scheduled to be repaid during the remainder of the current fiscal year \$ 371,462,789

(v) The amount of debt authorized by law to be issued, but not yet incurred \$57,015,471,468

(vi) The amount of outstanding obligations excluded from outstanding debt as self sustaining pursuant to Article VIII, Section 7(c) (1), (2) and (3) of the Constitution of the Commonwealth of Pennsylvania \$ 4,779,120,224

IN TESTIMONY WHEREOF, I have hereto set my hand and affixed the seal of the Auditor General, this 9th day of November 2006.

JACK WAGNER
Auditor General
Commonwealth of Pennsylvania

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

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

Mr. Evans Rose, Jr., Esq., as a Commonwealth Trustee of the University of Pittsburgh.

Mr. Leonard M. Ross as a member of the State Transportation Advisory Committee.

Mr. William J. Rossman as a member of the State Transportation Advisory Committee.

Mr. Joseph Mangarella as a member of the State Transporta-

tion Advisory Committee.

APPOINTMENT BY THE MINORITY LEADER

The PRESIDENT. The Chair wishes to announce the Minority Leader has made the following appointment:

Mr. Howard J. Wein, Esq., as a member of the Environmental Hearing Board Rules Committee.

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. When caucus is over, we will have meetings of the Committee on Appropriations and the Committee on Rules and Executive Nominations. What we will discuss in caucus are the bills proposed for the Committee on Rules and Executive Nominations and the Committee on Appropriations. Caucus will begin immediately, which means now, and I assume caucus will take at least 45 minutes to an hour.

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

Senator MELLOW. Madam President, I request that the Democratic Members report to our caucus room.

The PRESIDENT. For purposes of Republican and Democratic caucuses, and then at approximately 5 p.m., there will be meetings of the Committee on Rules and Executive Nominations and the Committee on Appropriations. Without objection, the Senate stands in recess.

AFTER RECESS

The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.

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

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Appropriations to meet in the Rules room to consider House Bill No. 1427.

RECESS

The PRESIDENT pro tempore. For the purpose of a meeting of the Committee on Appropriations to begin immediately in the Rules room at the rear of the Chamber, without objection, the Senate will stand in recess.

AFTER RECESS

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

The PRESIDENT. The time of recess having expired, the

Senate will come to order.

BILLS REPORTED FROM COMMITTEES

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

HB 105 (Pr. No. 4937) (Amended) (Rereported)

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, consolidating provisions of The Administrative Code of 1929 relating to escalation of cost of capital projects; providing for cooperative purchase of fire, rescue and ambulance company supplies; and making a related repeal.

HB 446 (Pr. No. 4754) (Rereported)

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for the definition of "eligible entity," for limiting number of retail licenses to be issued in each county and for surrender of restaurant, eating place retail dispenser, hotel, importing distributor and distributor license for benefit of licensee.

HB 1427 (Pr. No. 4938) (Amended) (Rereported)

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for delegation of taxing powers.

HB 2296 (Pr. No. 4939) (Amended) (Rereported)

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for retention of licenses of persons entering military service.

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

SB 180 (Pr. No. 2238) (Rereported) (Concurrence)

An Act providing for protection from identity theft, for security freezes, for procedures for access after imposition and removal of security freezes and for related matters.

SB 439 (Pr. No. 2203) (Rereported) (Concurrence)

An Act providing for a sexual assault evidence collection program and for powers and duties of the Department of Health and the Pennsylvania State Police; and establishing civil immunity.

SB 583 (Pr. No. 2214) (Rereported) (Concurrence)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further defining "racketeering activity"; and further providing for arson and related offenses and for the offense of unsworn falsification to authorities.

SB 655 (Pr. No. 2171) (Rereported) (Concurrence)

An Act amending the act of May 23, 1945 (P.L.913, No.367), known as the Engineer, Land Surveyor and Geologist Registration Law, further providing for general powers of the State Registration Board for Professional Engineers, Land Surveyors and Geologists; and providing

for continuing education requirements.

SB 770 (Pr. No. 2215) (Rereported) (Concurrence)

An Act amending the act of December 16, 1999 (P.L.971, No.69), known as the Electronic Transactions Act, providing for the definition of "United States Postal Service Electronic Postmark"; and further providing for acceptance and distribution of electronic records.

SB 811 (Pr. No. 1814) (Rereported) (Concurrence)

An Act amending the act of August 31, 1971 (P.L.398, No.96), known as the County Pension Law, further providing for transfers between certain classes and for additional class options.

SB 860 (Pr. No. 2091) (Rereported) (Concurrence)

An Act amending the act of June 23, 1993 (P.L.128, No.29), known as the Plain Language Consumer Contract Act, further providing for contractual requirements.

SB 944 (Pr. No. 2099) (Rereported) (Concurrence)

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for conduct relating to sex offenders and for loss of property rights by certain offenders; further providing for failure to comply with sexual offender registration requirements, for the offense of unlawful contact with a minor and for sentences for offenses against infant persons; providing for sentences for sex offenders and for sentence for failure to comply with registration of sexual offenders; further providing for registration and for registration procedures and applicability; providing for global positioning system technology; and further providing for the duties of the Pennsylvania Board of Probation and Parole.

SB 1104 (Pr. No. 2127) (Rereported) (Concurrence)

An Act amending the act of December 10, 1974 (P.L.852, No.287), referred to as the Underground Utility Line Protection Law, further providing for the title of the act, for definitions, for duties of facility owners and for the duties of the One Call System; providing for liability, fees and governance of the One Call System; further providing for applicability; providing for the duties of project owners and for rights of the Auditor General; further providing for the governing board of the One Call System, for fines and penalties and for applicability to certain pipeline systems and facilities; providing for a voluntary payment dispute resolution process, for best efforts, for removal or tampering with a marking, for determination of position and type of lines and for impairment of rights and immunities; further providing for expiration; repealing provisions of the act of June 19, 2002 (P.L.421, No.61), known as the Propane and Liquefied Petroleum Gas Act, concerning the prohibition of certain liquefied petroleum gas facilities or distributors from being subject to the Underground Utility Line Protection Law; and making an editorial change.

SB 1206 (Pr. No. 2253) (Amended) (Rereported) (Concurrence)

An Act amending the act of June 15, 2006 (P.L.200, No.47), entitled "An act designating the bridge carrying State Route 1025 over Interstate 79 in North Strabane Township, Washington County, as the Canon-McMillan Alumni Bridge," further providing for the Canon-McMillan Alumni Bridge designation; designating State Route 830 extending from Interstate 80 to the DuBois-Jefferson County Airport in Washington Township, Jefferson County, as the Francis H. "Bud" Scherer Memorial Highway; designating the portion of U.S. 6 in

Linesville Borough, Crawford County, as the U.S. 6 "Gateway to the West" and "Gateway to Pennsylvania" and designating the portion of U.S. 6 in Matamoras Borough, Pike County, as the U.S. 6 "Gateway to the East" and "Gateway to Pennsylvania"; designating the bridge on Interstate 79 crossing U.S. Route 6N in Washington Township, Erie County, as the Dr. Ray F. Birchard Memorial Bridge; designating Front Street, from Allegheny Avenue to Rocky Grove Avenue in the Borough of Sugarcreek, Venango County, as the Mayor John D. McClelland Honorary Highway; designating SR 255 from SR 948, Fox Township, Elk County, to the former St. Marys Borough line in Elk County, as the William F. Renwick Memorial Highway; and renaming the portion of State Route 837 in the city limits of Clairton, Allegheny County, as the Dominic P. Serapiglia Memorial Highway.

SB 1285 (Pr. No. 2251) (Amended) (Rereported) (Concurrence)

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for credited State service and for classes of service.

HB 854 (Pr. No. 4867) (Rereported) (Concurrence)

An Act relating to confidential security information of public utilities; and imposing penalties.

HB 2134 (Pr. No. 4868) (Rereported) (Concurrence)

An Act limiting the collection of Social Security numbers on State and local government forms; prohibiting health insurers from using Social Security numbers; and further providing for duties of the Department of Transportation.

RESOLUTION REPORTED FROM COMMITTEE

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

SR 382 (Pr. No. 2244)

A Resolution directing the Joint State Government Commission to study the issue of violent crime, to establish an advisory committee to review proposals that address the issue of violent crime and to report to the Senate with its findings and recommendations.

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

HB 183, HB 881, HB 1631, HB 2003, HB 2133 AND HB 2563 TAKEN FROM THE TABLE

Senator BRIGHTBILL. Madam President, I move that House Bill No. 183, Printer's No. 4383, House Bill No. 881, Printer's No. 4851, House Bill No. 1631, Printer's No. 2016, House Bill No. 2003, Printer's No. 2754, House Bill No. 2133, Printer's No. 4822 and House Bill No. 2563, Printer's No. 3806, 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 bills will be placed on the Calendar.

LEGISLATIVE LEAVES

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

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

leave for Senator Kitchen, and a temporary Capitol leave for Senator Anthony Williams.

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 1

SENATE CONCURS IN HOUSE AMENDMENTS TO SENATE AMENDMENTS

SB 583 (Pr. No. 2214) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further defining "racketeering activity"; and further providing for arson and related offenses and for the offense of unsworn falsification to authorities.

On the question,

Will the Senate concur in the amendments made by the House to Senate amendments, to Senate Bill No. 583?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate amendments to Senate Bill No. 583.

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-48

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

NAY-0

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 180 (Pr. No. 2238) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for protection from identity theft, for security freezes, for procedures for access after imposition and removal of security freezes and for related matters.

On the question,
Will the Senate concur in the amendments made by the House to Senate Bill No. 180?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 180.

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-48

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

NAY-0

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 439 (Pr. No. 2203) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for a sexual assault evidence collection program and for powers and duties of the Department of Health and the Pennsylvania State Police; and establishing civil immunity.

On the question,
Will the Senate concur in the amendments made by the House to Senate Bill No. 439?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 439.

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-48

Armstrong	Fumo	Musto	Stout
Boscola	Gordner	O'Pake	Tartaglione
Brightbill	Greenleaf	Orie	Tomlinson

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

NAY-0

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 655 (Pr. No. 2171) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 23, 1945 (P.L.913, No.367), known as the Engineer, Land Surveyor and Geologist Registration Law, further providing for general powers of the State Registration Board for Professional Engineers, Land Surveyors and Geologists; and providing for continuing education requirements.

On the question,
Will the Senate concur in the amendments made by the House to Senate Bill No. 655?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 655.

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-47

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

NAY-1

Fumo

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.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 770 (Pr. No. 2215) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 16, 1999 (P.L.971, No.69), known as the Electronic Transactions Act, providing for the definition of "United States Postal Service Electronic Postmark"; and further providing for acceptance and distribution of electronic records.

On the question, Will the Senate concur in the amendments made by the House to Senate Bill No. 770?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 770.

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-48

Table listing names of senators who voted 'YEA' for SB 770, including Armstrong, Fumo, Musto, Stout, etc.

NAY-0

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 811 (Pr. No. 1814) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 31, 1971 (P.L.398, No.96), known as the County Pension Law, further providing for transfers between certain classes and for additional class options.

On the question, Will the Senate concur in the amendments made by the House to Senate Bill No. 811?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 811.

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-48

Table listing names of senators who voted 'YEA' for SB 770, including Armstrong, Fumo, Musto, Stout, etc.

NAY-0

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 860 (Pr. No. 2091) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 23, 1993 (P.L.128, No.29), known as the Plain Language Consumer Contract Act, further providing for contractual requirements.

On the question, Will the Senate concur in the amendments made by the House to Senate Bill No. 860?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 860.

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-48

Table listing names of senators who voted 'YEA' for SB 860, including Armstrong, Fumo, Musto, Stout, etc.

NAY-0

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 944 (Pr. No. 2099) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for conduct relating to sex offenders and for loss of property rights by certain offenders; further providing for failure to comply with sexual offender registration requirements, for the offense of unlawful contact with a minor and for sentences for offenses against infant persons; providing for sentences for sex offenders and for sentence for failure to comply with registration of sexual offenders; further providing for registration and for registration procedures and applicability; providing for global positioning system technology; and further providing for the duties of the Pennsylvania Board of Probation and Parole.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 944?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 944.

On the question,

Will the Senate agree to the motion?

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

Senator RAFFERTY. Madam President, I encourage an affirmative vote to concur in House amendments to Senate Bill no. 944. This is a bill that Senator Orie and I worked on for almost a year now, known as Jessica's Law. Senator Orie and I plan to revisit this in January to get the 25-year mandatory sentence for sexually violent predators, those who prey on children 13 years of age and under, reinstated. Right now the penalty is a little less than the 25-year mandatory, but we will revisit that in January. The bill that was originally passed by the Senate, along with the amendments made in the House, is a good bill and a big step forward, and we encourage an affirmative vote.

Thank you, Madam President.

And the question recurring,

Will the Senate agree to the motion?

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

YEA-48

Armstrong	Fumo	Musto	Stout
Boscola	Gordner	O'Pake	Tartaglione
Brightbill	Greenleaf	Orie	Tomlinson
Browne	Hughes	Pileggi	Vance

Conti	Jubelirer	Pippy	Washington
Corman	Kasunic	Punt	Waugh
Costa	Kitchen	Rafferty	Wenger
Dinniman	LaValle	Regola	White, Donald
Earll	Lemmond	Rhoades	White, Mary Jo
Erickson	Logan	Robbins	Williams, Anthony H.
Ferlo	Madigan	Scarnati	Williams, Constance
Fontana	Mellow	Stack	Wozniak

NAY-0

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 1104 (Pr. No. 2127) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 10, 1974 (P.L.852, No.287), referred to as the Underground Utility Line Protection Law, further providing for the title of the act, for definitions, for duties of facility owners and for the duties of the One Call System; providing for liability, fees and governance of the One Call System; further providing for applicability; providing for the duties of project owners and for rights of the Auditor General; further providing for the governing board of the One Call System, for fines and penalties and for applicability to certain pipeline systems and facilities; providing for a voluntary payment dispute resolution process, for best efforts, for removal or tampering with a marking, for determination of position and type of lines and for impairment of rights and immunities; further providing for expiration; repealing provisions of the act of June 19, 2002 (P.L.421, No.61), known as the Propane and Liquefied Petroleum Gas Act, concerning the prohibition of certain liquefied petroleum gas facilities or distributors from being subject to the Underground Utility Line Protection Law; and making an editorial change.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 1104?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 1104.

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-48

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

NAY-0

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 6**

BILL AMENDED

HB 881 (Pr. No. 4851) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further defining "agricultural building"; further providing for administration and enforcement, for applications and inspections, for changes in Uniform Construction Code, for appeals, for education and training programs and for exemptions.

On the question,

Will the Senate agree to the bill on third consideration?

Senator GORDNER offered the following amendment No. A10505:

Amend Sec. 3 (Sec. 502), page 9, line 8, by striking out "FACILITIES AND/OR"

Amend Sec. 3 (Sec. 502), page 9, lines 9 through 11, by striking out "A PUBLIC UTILITY OR" in line 9 and all of lines 10 and 11 and inserting: public service agencies.

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 BRIGHTBILL.

BILL OVER IN ORDER TEMPORARILY

HB 1631 -- Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 2003 (Pr. No. 2754) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for assistant county solicitors.

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-48

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

NAY-0

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

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

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 2133 (Pr. No. 4822) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for special registration plates, for identification card, for periods for requiring lighted lamps, for authority to use flashing or revolving blue lights, for permit for movement during course of manufacture and for permits for movement of certain feed and grain.

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-48

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

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 ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2563 (Pr. No. 3806) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, providing for possession of firearm for protection of self or others.

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

Table listing names of Senators who voted 'YEA' for HB 2563, including Armstrong, Fumo, Musto, Stout, etc.

NAY-1

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 2

SENATE CONCURS IN HOUSE AMENDMENTS TO SENATE AMENDMENTS

HB 854 (Pr. No. 4867) -- The Senate proceeded to consideration of the bill, entitled:

An Act relating to confidential security information of public utilities; and imposing penalties.

On the question, Will the Senate concur in the amendments made by the House to Senate amendments to House Bill No. 854?

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. 854.

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-48

Table listing names of Senators who voted 'YEA' for HB 854, including Armstrong, Fumo, Musto, Stout, etc.

NAY-0

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

SENATE CONCURS IN HOUSE AMENDMENTS TO SENATE AMENDMENTS

HB 2134 (Pr. No. 4868) -- The Senate proceeded to consideration of the bill, entitled:

An Act limiting the collection of Social Security numbers on State and local government forms; prohibiting health insurers from using Social Security numbers; and further providing for duties of the Department of Transportation.

On the question, Will the Senate concur in the amendments made by the House to Senate amendments to House Bill No. 2134?

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. 2134.

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-48

Table listing names of Senators who voted 'YEA' for HB 2134, including Armstrong, Fumo, Musto, Stout, etc.

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

NAY-0

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 6, RESUMED**

HB 1631 CALLED UP

HB 1631 (Pr. No. 2016) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of Supplemental Calendar No. 6, by Senator BRIGHTBILL.

BILL AMENDED

HB 1631 (Pr. No. 2016) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for vehicles exempt from registration.

On the question,
Will the Senate agree to the bill on third consideration?
Senator CONTI offered the following amendment No. A9918:

Amend Title, page 1, line 3, by removing the period after "registration" and inserting: ; and prohibiting operators from using handheld mobile telephones.

Amend Bill, page 1, by inserting between lines 16 and 17:
Section 2. Title 75 is amended by adding a section to read:
§ 3316. Prohibiting use of handheld mobile telephones.

(a) General rule.—Except as provided in subsection (b), no driver shall operate any moving vehicle on a highway of this Commonwealth, which shall include Federal, State and municipal highways, while using a handheld mobile telephone. This subsection shall not prohibit the use of a hands-free mobile telephone while operating a motor vehicle.

(b) Exception.—This section shall not apply to law enforcement officers and operators of emergency vehicles when on duty and acting in their official capacities.

(c) Defense.—It shall be a defense to a prosecution brought for a violation of this section that the driver had reason to fear for the driver's safety, was reporting a traffic accident or was making a "911" emergency call.

(d) Penalty.—A person who violates this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$250.

(e) Secondary offense.—No person shall be convicted of a violation of subsection (a) unless the person is also convicted of another violation of this title which occurred at the same time.

(f) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:
"Engage in a call." Talking into or listening on a handheld mobile

telephone. This term shall not include holding a mobile telephone to activate, deactivate or initiate a function of such telephone.

"Handheld mobile telephone." A mobile telephone other than a hands-free mobile telephone with which a user engages in a call using at least one hand.

"Hands-free mobile telephone." A mobile telephone that has an internal feature or function, or that is equipped with an attachment or addition, whether or not permanently part of such mobile telephone, by which a user engages in a call without the use of either hand, whether or not the use of either hand is necessary to activate, deactivate or initiate a function of such telephone.

"Immediate proximity." The distance permitting the operator of a mobile telephone to hear telecommunications transmitted over the mobile telephone, but without requiring physical contact of the mobile telephone with the operator's ear.

"Mobile telephone." The device used by subscribers and other users of wireless telephone service to access such service.

"Using." Holding a mobile telephone to, or in the immediate proximity of, the user's ear.

"Wireless telephone service." The two-way real time voice telecommunications service that is interconnected to a public switched telephone network and is provided by a commercial mobile radio service, as defined by 47 CFR 20.3 (relating to definitions).

Amend Sec. 2, page 1, line 17, by striking out "2" and inserting: 3

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

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

Senator CONTI. Madam President, I rise to express to the Members that this is the cell phone amendment that we went over several months ago. I am asking for another consideration of this, and I thank the Members for their support.

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

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

YEA-29

Armstrong	Ferlo	O'Pake	Tomlinson
Boscola	Fontana	Orie	Vance
Brightbill	Gordner	Pileggi	White, Donald
Browne	Greenleaf	Punt	White, Mary Jo
Conti	Hughes	Rafferty	Williams, Constance
Costa	Jubelirer	Regola	
Dinniman	Kitchen	Rhoades	
Erickson	Logan	Stack	

NAY-18

Corman	Madigan	Scarnati	Wenger
Fumo	Mellow	Stout	Williams, Anthony H.
Kasunic	Musto	Tartaglione	Wozniak
LaValle	Pippy	Washington	
Lemmond	Robbins	Waugh	

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

The PRESIDENT. The bill will go over as amended.

**SPECIAL ORDER OF BUSINESS
GUEST OF THE PRESIDENT
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair would like to welcome former Senator Tim Murphy, now the Congressman for the 18th District of Pennsylvania. Welcome back to the Senate, Congressman Murphy.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 5**

BILLS ON SECOND CONSIDERATION

HB 105 (Pr. No. 4937) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, consolidating provisions of The Administrative Code of 1929 relating to escalation of cost of capital projects; providing for cooperative purchase of fire, rescue and ambulance company supplies; and making a related repeal.

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

HB 183 (Pr. No. 4383) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of January 19, 1968 (1967 P.L.992, No.442), entitled, as amended, "An act authorizing the Commonwealth of Pennsylvania and the local government units thereof to preserve, acquire or hold land for open space uses," further providing for local taxing options; and providing for land trusts.

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

HB 2296 (Pr. No. 4939) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for retention of licenses of persons entering military service.

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

**COMMUNICATION FROM THE GOVERNOR
REPORTED FROM COMMITTEE ON RULES
AND EXECUTIVE NOMINATIONS**

Senator ROBBINS, from the Committee on Rules and Executive Nominations, reported a communication from His Excellency, the Governor of the Commonwealth, recalling the following nomination, which was read by the Clerk as follows:

**MEMBER OF THE STATE
TRANSPORTATION COMMISSION**

October 30, 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 September 22, 2006, for the appointment of B. J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, as a member of the State Transportation Commission, to serve for a term of six years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Robert Pease, Pittsburgh, whose term expired.

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

EDWARD G. RENDELL
Governor

NOMINATION RETURNED TO THE GOVERNOR

Senator ROBBINS. Madam President, I move that the nomination 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 nomination will be returned to the Governor.

**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 BOARD OF TRUSTEES
OF ALLENTOWN STATE HOSPITAL**

July 14, 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, James J. Holzinger, Esquire, 1204 West Market Street, Bethlehem 18018, Lehigh County, Eighteenth Senatorial District, for reappointment as a member of the Board of Trustees of Allentown State Hospital, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

STATE CHARTER SCHOOL APPEAL BOARD

August 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, Ann R. Schweighofer, 212 Bunnell Pond Road, Honesdale 18431, Wayne County, Twentieth Senatorial District, for appointment as a member of the State Charter School Appeal Board, to serve until June 14, 2010, and until her successor is appointed and qualified, vice Stephanie A. Salinger-Lerner, Philadelphia, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE ERIE COUNTY
CONVENTION CENTER AUTHORITY

September 25, 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, Roger W. Richards, 969 Dutch Road, Fairview 16415, Erie County, Forty-ninth Senatorial District, for reappointment as a member of the Erie County Convention Center Authority, to serve for a term of four years and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MEMBER OF THE PENNSYLVANIA
HOUSING FINANCE AGENCY

September 18, 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, Thomas Hagen, 5727 Grubb Road, Erie 16506, Erie County, Forty-ninth Senatorial District, for reappointment as a member of the Pennsylvania Housing Finance Agency, to serve until July 20, 2012, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MEMBER OF THE PENNSYLVANIA
HOUSING FINANCE AGENCY

September 18, 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, Howard B. Slaughter, Jr., 205 Tilford Road, Pittsburgh 15235, Allegheny County, Forty-third Senatorial District, for appointment as a member of the Pennsylvania Housing Finance Agency, to serve until July 20, 2007, and until his successor is appointed and qualified, vice Ronald S. Mintz, Esquire, Horsham, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD
OF MEDICINE

October 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, Ollice Bates, Jr., M.D., 309 Jade Avenue, Danville 17821, Montour County, Twenty-seventh Senatorial District, for reappointment as a member of the State Board of Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL
Governor

COMMONWEALTH TRUSTEE OF THE UNIVERSITY
OF PITTSBURGH OF THE COMMONWEALTH
SYSTEM OF HIGHER EDUCATION

October 5, 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, Morgan K. O'Brien, 4455 East Lawnview Avenue, Pittsburgh 15227, Allegheny County, Thirty-seventh Senatorial District, for reappointment as a Commonwealth Trustee of the University of Pittsburgh of the Commonwealth System of Higher Education, to serve until October 5, 2010, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE
TRANSPORTATION COMMISSION

October 30, 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, Robert Pease, 326 Dewey Street, Pittsburgh 15218, Allegheny County, Forty-third Senatorial District, for reappointment as a member of the State Transportation Commission, to serve for a term of six years and until his successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD
OF VETERINARY MEDICINE

August 2, 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, Beth A. VanHorn, 221 Berry Drive,

Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Veterinary Medicine, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Barbara Pinker, Reading, 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 BOARD OF TRUSTEES OF ALLENTOWN STATE HOSPITAL

July 14, 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, James J. Holzinger, Esquire, 1204 West Market Street, Bethlehem 18018, Lehigh County, Eighteenth Senatorial District, for reappointment as a member of the Board of Trustees of Allentown State Hospital, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

STATE CHARTER SCHOOL APPEAL BOARD

August 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, Ann R. Schweighofer, 212 Bunnell Pond Road, Honesdale 18431, Wayne County, Twentieth Senatorial District, for appointment as a member of the State Charter School Appeal Board, to serve until June 14, 2010, and until her successor is appointed and qualified, vice Stephanie A. Salinger-Lerner, Philadelphia, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE ERIE COUNTY CONVENTION CENTER AUTHORITY

September 25, 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, Roger W. Richards, 969 Dutch Road, Fairview 16415, Erie County, Forty-ninth Senatorial District, for reappointment as a member of the Erie County Convention Center Authority, to serve for a term of four years and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MEMBER OF THE PENNSYLVANIA HOUSING FINANCE AGENCY

September 18, 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, Thomas Hagen, 5727 Grubb Road, Erie 16506, Erie County, Forty-ninth Senatorial District, for reappointment as a member of the Pennsylvania Housing Finance Agency, to serve until July 20, 2012, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MEMBER OF THE PENNSYLVANIA HOUSING FINANCE AGENCY

September 18, 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, Howard B. Slaughter, Jr., 205 Tilford Road, Pittsburgh 15235, Allegheny County, Forty-third Senatorial District, for appointment as a member of the Pennsylvania Housing Finance Agency, to serve until July 20, 2007, and until his successor is appointed and qualified, vice Ronald S. Mintz, Esquire, Horsham, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF MEDICINE

October 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, Ollice Bates, Jr., M.D., 309 Jace Avenue, Danville 17821, Montour County, Twenty-seventh Senatorial

District, for reappointment as a member of the State Board of Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL
Governor

COMMONWEALTH TRUSTEE OF THE UNIVERSITY
OF PITTSBURGH OF THE COMMONWEALTH
SYSTEM OF HIGHER EDUCATION

October 5, 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, Morgan K. O'Brien, 4455 East Lawnview Avenue, Pittsburgh 15227, Allegheny County, Thirty-seventh Senatorial District, for reappointment as a Commonwealth Trustee of the University of Pittsburgh of the Commonwealth System of Higher Education, to serve until October 5, 2010, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE
TRANSPORTATION COMMISSION

October 30, 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, Robert Pease, 326 Dewey Street, Pittsburgh 15218, Allegheny County, Forty-third Senatorial District, for reappointment as a member of the State Transportation Commission, to serve for a term of six years and until his successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD
OF VETERINARY MEDICINE

August 2, 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, Beth A. VanHorn, 221 Berry Drive, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Veterinary Medicine, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Barbara Pinker, Reading, resigned.

EDWARD G. RENDELL
Governor

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

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

YEA-48

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

NAY-0

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

EXECUTIVE SESSION RISES

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

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

SENATE CONCURS IN HOUSE AMENDMENTS
AS AMENDED

SB 1285 (Pr. No. 2251) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for credited State service and for classes of service.

On the question,
Will the Senate concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 1285?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 1285.

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-48

Armstrong	Fumo	Musto	Stout
Boscola	Gordner	O'Pake	Tartaglione
Brightbill	Greenleaf	Orie	Tomlinson
Browne	Hughes	Pileggi	Vance

Conti	Jubelirer	Pippy	Washington
Corman	Kasunic	Punt	Waugh
Costa	Kitchen	Rafferty	Wenger
Dinniman	LaValle	Regola	White, Donald
Earll	Lemmond	Rhoades	White, Mary Jo
Erickson	Logan	Robbins	Williams, Anthony H.
Ferlo	Madigan	Scarnati	Williams, Constance
Fontana	Mellow	Stack	Wozniak

NAY-0

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

ANNOUNCEMENT BY MAJORITY LEADER

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

Senator BRIGHTBILL. Madam President, for the information of the Members, there is another Supplemental Calendar.

**UNFINISHED BUSINESS
SENATE RESOLUTIONS ADOPTED**

Senator ROBBINS, by unanimous consent, offered **Senate Resolution No. 383**, entitled:

A Resolution honoring the life and extending condolences for the supreme sacrifice of Sergeant First Class Daniel A. Brozovich, a member of the 1st Battalion, 107th Field Artillery Battalion, 28th Infantry Division, Pennsylvania National Guard, who tragically lost his life in service to our country in Iraq on October 18, 2006.

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

Senator ROBBINS, by unanimous consent, offered **Senate Resolution No. 384**, entitled:

A Resolution honoring the life and extending condolences for the supreme sacrifice of Army Specialist Timothy J. Lauer, a member of the 1st Battalion, 67th Armor Regiment, 2nd Brigade, 4th Infantry Division, who tragically lost his life in service to our country in Iraq on October 14, 2006.

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 Gregory Marki by Senator Boscola.

Congratulations of the Senate were extended to Timothy E. Hunt and to Matthew S. Cerino by Senator Conti.

Congratulations of the Senate were extended to Arthur M. Peters, Jr., by Senator Gordner.

Congratulations of the Senate were extended to the Altoona Curve Baseball Club by Senator Jubelirer.

Congratulations of the Senate were extended to Mr. and Mrs. Frank Kinney, Mr. and Mrs. Francis Kelley, Mr. and Mrs. Charles D. Ditchfield, Mr. and Mrs. John F. Smith and to Mr. and Mrs. Roy E. Schultz by Senator Madigan.

Congratulations of the Senate were extended to the Little League Challenger Division of Lackawanna County by Senator Mellow.

Congratulations of the Senate were extended to Mr. and Mrs. Dennis Kamowski and to Mr. and Mrs. Michael R. Ross by Senator Musto.

Congratulations of the Senate were extended to Berks Women in Crisis of Reading by Senator O'Pake.

Congratulations of the Senate were extended to the Central Dauphin High School Field Hockey Team by Senators Piccola and Punt.

Congratulations of the Senate were extended to Mr. and Mrs. Norman Edward Whirlow, Mark Stephen Elser and to Stephen Patrick Ryan by Senator Pileggi.

Congratulations of the Senate were extended to Lillian C. Hemerly by Senator Rhoades.

Congratulations of the Senate were extended to Mr. and Mrs. Charles Slates by Senator Stout.

Congratulations of the Senate were extended to Mr. and Mrs. Ralph Boeshore by Senator Vance.

Congratulations of the Senate were extended to Kevin M. Stough by Senator Waugh.

Congratulations of the Senate were extended to Mr. and Mrs. Paul Glass and to Casey Joseph Piper by Senator M.J. White.

Congratulations of the Senate were extended to Mr. and Mrs. John Pudliner, Sr., Mr. and Mrs. Robert Homola, Mr. and Mrs. George Werts, Heidi Marie Hostrander, Daniel Polenik and to Clinton County Children and Youth Service by Senator Wozniak.

DISCHARGE PETITIONS

The PRESIDENT laid before the Senate the following communications, which were read by the Clerk as follows:

November 20, 2006

A PETITION

To place before the Senate the nomination of Wrenna L. Watson, Esquire, as Judge, Court of Common Pleas, Allegheny County.

TO: The Presiding Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Wrenna L. Watson, Esquire, Pittsburgh, Pennsylvania, as Judge, Court of Common Pleas, Allegheny County, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert D. Robbins
David J. Brightbill
Jeffrey E. Piccola
Noah W. Wenger
Robert C. Jubelirer

November 20, 2006

A PETITION

To place before the Senate the nomination of Joseph K. Williams, III, Esquire, as Judge Court of Common Pleas, Allegheny County.

TO: The Presiding Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Joseph K. Williams, III, Esquire, Pittsburgh, Pennsylvania, as Judge, Court of Common Pleas, Allegheny County, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert D. Robbins
David J. Brightbill
Jeffrey E. Piccola
Noah W. Wenger
Robert C. Jubelirer

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

PETITIONS AND REMONSTRANCES

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

Senator FUMO. Madam President, the stunning election results from earlier this month were the kind of event that every so often reaffirms our faith in American democracy. I say that not so much because my political party did well at the polls, although I was certainly pleased with the outcome at the national level and at the top of the ticket here in Pennsylvania. Rather, I make that statement because the November 7 elections demonstrated to the world once again that the American people had the ability to express their will through the ballot box. Not only can they select their preferred candidates for public office, but they can also send a powerful message about public policy.

While it is certainly true that many factors go into the voters' decisions and local elections are rarely decided on a single issue, it is undeniable that the American people sent a message this month about the war in Iraq. By an overwhelming majority, they are against it. They want it ended, and they want our soldiers to come home. They may disagree on the precise timetable and they may disagree about the precise manner, but they left no doubt that they want the war to be managed differently than it has been by the current administration.

Many Democrats have ideas about what to do in Iraq, and although as we have heard time and time again, the Democrats have no consensus plan to end the war, the voters made it clear that they are willing to take their chances with new leadership rather than continue with the Bush administration's stay-the-course plan, and that itself is a very powerful statement. The voters' message reverberated loudly in the halls of the Pentagon, where less than 24 hours after the polls closed, one of the main architects of this misbegotten war, Donald Rumsfeld, was shown the door.

According to some news reports, Rumsfeld was cashiered by George W. Bush over the strenuous objections of Dick Cheney. It is especially fitting that Cheney found himself on the losing end of the election-day aftermath, because in the months leading up to the election, he certainly showed tremendous disrespect for the democratic process and the will of the people. On a network television appearance in early September, Cheney again raised the dubious argument that those who disagree with the administration are aiding terrorists. Referring to our allies possibly won-

dering if we are going to finish the job in Iraq, he said, and I quote, "...those doubts are encouraged, obviously, when they see the kind of debate that we've had in the United States. Suggestions, for example, that we should withdraw U.S. forces from Iraq simply feed into that whole notion, validates the strategy of the terrorists," end of quote. So under Cheney's logic, simply having a debate about policy, which is what we do in a free country, helps terrorists. Talk about a guy who does not understand what America is all about and who needed a wake-up call from the voters.

We saw a similar arrogance from our own soon-to-be ex-Senator, Rick Santorum. Throughout the recent campaign, he repeatedly suggested that a vote for his opponent was a vote to make America weaker in the face of terrorism. He continually portrayed himself as some sort of intellectual foreign policy expert, when in fact he demonstrated time and time again that he understood very little about global realities.

When the Bush administration started using the term "Islamic fascists," Santorum jumped right on the bandwagon, even though the terrorists, while they might be bad guys, do not meet the historically accepted definition of "fascists." When even Bush's own State Department asked the White House to stop using that term, Santorum obstinately kept on using it. On October 11, he said during a campaign appearance that the State Department, quote, "...went ballistic because we are offending our allies in the Middle East," end of quote. And he added, quote, "I do not care if we offend our allies in the Middle East," end of quote.

Do not care if we offend our allies in the Middle East? Exactly how did Rick Santorum think we were going to stop terroristic threats if not through the cooperation of our allies in the region? Yet he tried to portray his own reelection as some sort of national security imperative, when in fact the Bush administration's policies he supported have made us less safe. That is not only my opinion, it represents the nonpartisan consensus of many American military leaders and intelligence analysts. Cheney and Santorum did not understand that having a debate in which we are free to disagree with our leaders is not a sign of American weakness, it is a sign of American strength.

Then there is Santorum's absurd adherence to the claims that Saddam Hussein actually had weapons of mass destruction. The whole nation, not to mention the rest of the world, now realizes that those claims were false. Yet Santorum tried to use the discovery of some discarded mustard gas and nerve gas from the 1980s as proof that Iraq was a WMD threat, and he held that position even after David Kay, the head of U.S. weapons inspectors prior to the 2003 Iraq invasion, said experts were 100 percent in agreement that these old munitions posed no threat whatsoever. But as usual, Rick knew better than the experts, or so he wanted the voters of Pennsylvania to believe. He ran an election campaign filled with nothing but scare tactics, but the voters saw through those tactics and they defeated Santorum by a majority greater than any incumbent has suffered in a Pennsylvania statewide election in modern history.

Similarly, they saw through the campaign of fear waged by Santorum's close allies, Bush and Cheney, and they saw through the incompetence that this administration has exhibited in military affairs and foreign policy. So they repudiated the Bush-Cheney-Santorum Iraq policy and decided that America had

to head in a different direction. They repudiated the human rights abuses like those of Abu Graib, which make us less safe because they diminish America's moral authority. They repudiated the incompetence of a defense department that cannot properly equip our soldiers in combat. They repudiated the lies that were used to sucker us into this war that was started to fulfill a misguided neoconservative agenda. They repudiated the mass laws of innocent Iraqi lives in a civil war that this administration ignited. They repudiated the billions of dollars in U.S. taxpayer money wasted on Bush administration favorites like the Halliburton Corporation. They repudiated the fairy tales about the war paying for itself through Iraqi oil money. They repudiated the fairy tale that the insurgency is in its final throes. They repudiated "stay the course," and although his name was not on the ballot, make no mistake about it, the American voters repudiated George W. Bush.

American democracy is an orderly but slow process. Thank God that it is. Thank God that we do not change leadership with a sudden coup in the dead of the night. Regrettably, Madam President, the really sad fact is because of morons like Santorum, Bush, and Cheney, our country has suffered an unimaginable loss that will plague us for decades to come. Our children and their children will have to pay for this debacle to the tune of \$4 trillion, and still counting. And we, our children, and their children, will have to suffer unrest and the justified hatred of generations of Iraqis who were killed in their country, and we will have to suffer the loss of our once precious national prestige and honored reputation as a nation that protects and defends freedom and democracy in the world. Because of the criminal actions of people like Bush, Cheney, and Santorum, it will take generations of Americans with good hearts and pure spirits to bring back our country's reputation in the war.

We must now go forward and thoroughly repudiate the acts of this administration and its supporters, just as we had to do the same thing when we finally abolished the shame of slavery in this nation. This stain of Iraq and its illegal invasion that they have placed on America will not soon be removed. We can only hope that this administration and America has learned from the evil acts of this administration and that we never forget them and we never allow them to happen again. Never again should this nation unilaterally and illegally start a war. Never again should this nation take away basic civil rights of our country for any reason. We have much healing to do in the world, and much repealing to do in Washington, of things like the horrendously misnamed "Patriot Act."

Unfortunately, there are those who make the supreme sacrifice to preserve our orderly democracy in ways that we sometimes do not consider or expect. While the American people wait for the government to carry out our will and extricate us from this war, our countrymen who are on the battle lines will continue to die. Some who have given their lives already are from our State, and I ask you now to honor two more of them.

Lance Corporal Jason L. Frye, 19, of Landisburg, died October 6, 2005, from an improvised explosive device while conducting combat operations against enemy forces near Al Karmah, Iraq. Corporal Frye was assigned to the 2nd Battalion, 2nd Marine Regiment, 2nd Marine Division, 2nd Marine Expeditionary Force.

Sergeant Allan R. Bevington, 22, of Beaver Falls, died from injuries suffered in Ar Ramadi, Iraq, on September 21, 2006, when an IED detonated near him during combat operations. Sergeant Bevington was assigned to the 40th Engineer Battalion, 2nd Brigade Combat Team, 1st Armored Division.

Thank you, Madam President.

The PRESIDENT. I ask the Senate and staff to please stand for a moment of silence for Lance Corporal Jason L. Frye from Landisburg, Pennsylvania, and Sergeant Allan R. Bevington from Beaver Falls, Pennsylvania, and from Mercer County, Sergeant First Class Daniel Brozovich, and Army Specialist Timothy J. Lauer from Crawford County.

(Whereupon, the Senate en bloc stood in a moment of silence in solemn respect to the memory of Lance Corporal JASON L. FRYE, Sergeant ALLAN R. BEVINGTON, Sergeant First Class DANIEL BROZOVICH, and Army Specialist TIMOTHY J. LAUER.)

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

Senator HUGHES. Madam President, I want to again thank my good friend and colleague, Senator Fumo, for always keeping us on point about the tragedy that this country and this world is confronting with respect to the incredible misadventure in the Middle East. I also want to thank him for making sure that we not lose sight of the humanity that is lost, especially our Pennsylvania brothers and sisters who are lost in this incredible misadventure.

I rise, as I have been over the last couple of months, to remind the Members and all who are listening and watching and to make sure that it is recorded in the annals of history and the Journal of the Senate of Pennsylvania, of the lives that have been lost as a result of domestic terrorism, a domestic tragedy that exists in this nation, in this State, and that is the tragedy and terrorism of the overwhelming proliferation of firearms that exist in our community. Every day, unfortunately sometimes more than once a day, a life is lost because guns are too accessible in our communities. I have read numerous stories, Madam President, and each one of them tears at our hearts, this one no less than the others, and may even tear at our hearts and consciousness a little bit more. This is a story of a 3-year-old, Madam President, a story of a 3-year-old.

These stories are derived from the reporting of Miss April Saul from the Philadelphia Inquirer and the Philly.com Web site. The story was posted on October 26, 2006. It is the story of Talib Bailey-Hankerson, who, as I said, was 3 years of age. I have a photograph here. You cannot quite see it, but if you go to the Philly.com Web site, P-H-I-L-L-Y.com Web site, you can scroll down and find the series and you can find multiple photographs of little Talib. I will read the very short account of his life and his loss. (*Reading:*)

Talib Bailey-Hankerson, 3.

Ty-Ty died looking down a gun barrel. He was laid to rest holding a lollipop.

Police said that on Oct. 15, about 1 p.m., the child found a registered .45-caliber pistol and shot himself in the face. —**He was 3 years old, Madam President.**— The gun and the Raymond Street rowhouse where it happened belonged to Dave Walter, boyfriend of Ty-Ty's mother, Lawanda Bailey, who lives across the street. Both adults and Ty's brother Dejour, 9, were in the house.

Ty-Ty tore up this little block of Feltonville, and they loved him for it. He'd open your car door as you pulled up - but only if he wasn't

throwing a ball, trying on somebody's shoes, or visiting neighbors.

"I'm going to miss him pulling my screen door open and running," Lois Fleet said. It's not hard for her to imagine Ty-Ty firing a gun "because he was very curious."

Ramon Crespo, Jr., calls Walter a gentle giant who'd often play with the children in the street, Ty-Ty on his shoulders. Hours after the shooting, Crespo was worried. Walter had come home from the police station and locked his door.

"All I heard was banging....I kicked the door down and ran upstairs and held him, and we stood there crying together....That's something he's going to have to live with for the rest of his life."

Two nights later, Walter and Lawanda Bailey were surrounded by relatives at her mother's home, his arm around her shoulders. Bailey, 27, who is studying to be a medical assistant, held a snapshot of Ty-Ty, crumpled because she'd been falling asleep with it. Walter, also 27 and soon to be an electrician, said the boy "called me daddy, every day, all day." He was proud that Ty-Ty was potty-trained in the last days of his life.

Some younger family members were "very angry at Dave," said Lawanda's mother, Celestine Bailey. "For the most part, the older ones understand that these things happen....You got to forgive each other - and yourself."

A short memory, Madam President, for the short life of Talib Bailey-Hankerson, who died at the age of 3 because his curious nature found him with a .45-caliber pistol, and unfortunately, barely knowing what the item was, shot himself in the face. Talib Bailey-Hankerson, 3 years of age. Hopefully, the life and memory of Talib will allow us to take some kind of action on this issue.

The PRESIDENT. Thank you, Senator Hughes. I ask the Senators and staff to please stand in memory of the innocent lives that have been lost in domestic tragedies from firearms in Pennsylvania, including our own 3-year-old Talib Bailey-Hankerson, on October 26, 2006.

(Whereupon, the Senate en bloc stood in a moment of silence in solemn respect to the memory of TALIB BAILEY-HANKERSON and all innocent lives lost by gun violence.)

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

Senator MELLOW. Madam President, I will be brief, but I would just like to make two basic observations. First of all, Madam President, on behalf of the Members on this side of the aisle, I would like to congratulate Senator Scarnati, who today was voted by his Caucus to serve as the President pro tempore for the new Session, and I would also like to congratulate Senator Pileggi from Delaware for his election as Majority Leader of the Pennsylvania Senate, along with the other Republican Members who were elected today, but especially the new President pro tempore and the new Majority Leader of the Senate. I look forward to the opportunity over the next years of working very closely with them so that we can do what is right for the people of Pennsylvania, and I think the Republican Members of the Senate honored the Senate today by the nomination and election of both Senator Scarnati for President pro tempore and Senator Pileggi to serve as the Majority Leader of the Senate.

Madam President, on Tuesday of last week, November 14, along with the Lieutenant Governor and Senator Musto, I had the opportunity of attending the opening of the first casino in Pennsylvania at 10 o'clock in the morning at Mohegan Sun at Pocono Downs in Plains Township in Luzerne County, Senator Musto's district. I was very impressed as we went through the proceedings

of that particular morning, not a ribbon cutting, but pulling the lever on the slot machine to officially open the casino.

Madam President, what that has meant to northeastern Pennsylvania, in its infancy as a temporary casino, they have hired over 400 new people who are Pennsylvanians who for the most part live in northeastern Pennsylvania. Also, the contribution to the economy, not only to northeastern Pennsylvania but to this great State of ours, will have tremendous ramifications.

Today is the 7th day the casino has been open, and the take in the first 6 days is absolutely incredible, beyond everyone's expectations of what it would bring in. The money that has been set aside on those first 6 days for the purpose of reducing property taxes is in excess of \$1.2 million, based on the money that was wagered in the first 6 days in the operation of Mohegan Sun at Pocono Downs. If this is any indication of what we can expect when the other 12 facilities come online over the next year or so in the program that many of us worked on in a very strong bipartisan basis for the purpose of reducing property taxes for the taxpayers of Pennsylvania, it will have been well worth it. I was extremely impressed by what I saw and what took place. I was very elated when I saw the wagering figures for the first 6 days, because it was above and beyond everybody's expectations and what they anticipated, even though it is the only facility of its kind to be opened in Pennsylvania. I think what we have done for the people of Pennsylvania in trying to reduce property taxes is incredible, and to deal with tourism in Pennsylvania and give us another tool with which we can become competitive with our bordering States is something that the tourism industry has to be very elated about. What has taken place with regard to Pennsylvania horseracing development and how we plan to continue that in Pennsylvania I think is going to benefit us tremendously, because in fact that does represent agriculture and the local share of assessment. Also, economic development and the impact that it is going to have I think will speak very well.

So if the first 6 days of operation at Mohegan Sun at Pocono Downs is any indication of the magnitude of this program that so many have worked so hard for on a bipartisan basis and for such a long period of time, hoping and praying we could get it through, because we believed it would have a tremendous amount of success, and if that is reflected in what has taken place in the first 6 days, I think it will be above any of our expectations.

I want to thank the Lieutenant Governor very much for coming to northeastern Pennsylvania last Tuesday to participate in that grand opening. I want to thank Mohegan Sun for having the courage and the fortitude to invest in Pennsylvania for the purpose of helping all the people of Pennsylvania, and finally to the Members of the General Assembly, and especially Governor Rendell. It was his perseverance, along with the Members of the General Assembly on a bipartisan basis, that got it done. The reason we wanted to do it was to have a fund that could be used to reduce property taxes for Pennsylvanians. The Pennsylvania taxpayer has been overburdened with property taxes for the purpose of funding public education, and this will go a long way in telling the taxpayer that we heard their message, we understood their plea, and we passed a piece of legislation that we believe over the next several years will significantly reduce property taxes for the purpose of funding public education in Pennsylvania. I want to make that acknowledgment today.

The PRESIDENT. The Chair wishes to announce that Senator Mellow, on behalf of the Senate Democrats, has welcomed Senator Pileggi as our new Majority Leader, and of course Senator Scarnati as the President pro tempore for the Senate of Pennsylvania. He has thanked Mohegan Sun for coming to Pennsylvania and opening on Tuesday, November 14, at Pocono Downs, and for the business that it will bring to the agriculture department, horse business, and the economic impact it will have on the Commonwealth of Pennsylvania.

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

Senator ROBBINS. Madam President, I offer remarks for the record.

The PRESIDENT. Without objection, Senator Robbins offers remarks for the record.

(The following remarks were made a part of the record at the request of the gentleman from Mercer, Senator ROBBINS:)

Madam President, as an elected official, one of our hardest tasks is to put into words reflecting upon the life of one of our constituents who has passed on to a better place.

No matter how many times I have done it, and even though I served our nation in a time of war, it is still difficult for me to say goodbye to a soldier who has given his life to this great country.

Although his family is not with us here today, I want to thank Sergeant First Class Daniel Brozovich for serving. I want to thank Sergeant Brozovich for serving first in the Marines and later in the Pennsylvania National Guard. I want to thank Sergeant Brozovich for deploying three times with the Pennsylvania National Guard, once to Belgium and twice to Iraq. Most of all, I want to thank him for his ultimate sacrifice. On October 18, 2006, a roadside bomb detonated when his patrol went by, killing him and wounding three fellow Pennsylvanians, Specialist Ryan Griffin of Pittsburgh, Specialist Robert Kaminski of Allison Park, and Private Joshua Humberger of Grapeville.

I want to commend Sergeant Brozovich for his life of service. One of the few solaces is knowing that Sergeant Brozovich died for our nation, protecting the freedoms of everyone in this Chamber today. He died believing in the ideals of this great nation, believing in his mission, and making a difference in the world.

He left behind a loving wife, Mary, and two children, Ryan and Carrie. While we cannot ease their pain, we can honor and remember Mary's husband and Ryan and Carrie's father.

I ask my colleagues to join me in honoring the life of Sergeant First Class Brozovich with this condolence.

Timothy Lauer was born and raised in Crawford County. He graduated from Cochranon High School, and played sports and loved hunting and fishing. The truth is, he was a typical male in many ways, except for one, he served our nation, and died defending it.

Timothy enlisted in the United States Army, serving the 1st Battalion, 67th Armor Regiment, 2nd Brigade, 4th Infantry Division, based out of Fort Hood, Texas. He was deployed to Iraq, where he rose to the rank of Specialist. He was tasked with resupplying troops, ensuring that those in the fight had enough supplies.

On October 14, 2006, a roadside bomb in Baghdad detonated when his vehicle drove by, killing him and two comrades. After his death, his brother Jon said it best, "Words cannot convey what our family and friends are feeling. Tim was an excellent brother, husband, father, son, and soldier. He is our hero, the truest and finest definition of an American hero. He died protecting and serving our country in a mission he believed in."

Our hearts and prayers go out today for Specialist Lauer's family, particularly his wife, Valerie, and their children, Charity, Stephanie, Carrie, and Jordan.

Madam President, please join me in paying a final tribute to Specialist Timothy J. Lauer, thanking him for his life and supreme sacrifice for our nation.

RECONSIDERATION OF SB 1285

SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED

SB 1285 (Pr. No. 2251) -- Senator MELLOW. Madam President, I move that the Senate do now reconsider the vote by which Senate Bill No. 1285, Printer's No. 2251, on Supplemental Calendar No. 3, passed finally.

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

And the question recurring,

Will the Senate concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 1285?

Senator PILEGGI. Madam President, I move that the Senate do concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 1285.

On the question,

Will the Senate agree to the motion?

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

Senator STACK. Madam President, on this bill I am asking for a ruling from the Chair whether or not it is appropriate to vote on this bill, as my brother is a bail commissioner and may be a beneficiary of this legislation.

The PRESIDENT. The Chair would rule that this is not particularly personal to the Senator, so I do not believe there is any conflict of interest here. The gentleman may cast his vote.

And the question recurring,

Will the Senate agree to the motion?

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

YEA-48

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

NAY-0

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

PERMISSION TO ADDRESS

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

Senator PILEGGI. Madam President, I would first like to thank Senator Mellow for his kind remarks on behalf of President pro tempore-elect Senator Scarnati and myself. The newly-elected Republican leadership team would like to congratulate the Democratic Leader, Senator Mellow, and Senator O'Pake, Senator Fumo, and the Democratic leadership team on their reelection today.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 7****BILL OVER IN ORDER**

HB 466 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

**BILL REREPORTED FROM COMMITTEE AS
AMENDED ON SECOND CONSIDERATION**

HB 1427 (Pr. No. 4938) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for delegation of taxing powers.

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

BILLS SIGNED

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

**SB 180, SB 439, SB 583, SB 655, SB 770, SB 811, SB 860
SB 944 and SB 1104.**

RECESS

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

Senator PILEGGI. Madam President, I move that the Senate do now recess to the call of the President pro tempore.

The PRESIDENT. Senator Pileggi moves that the Senate do now recess to the call of the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 7:40 p.m., Eastern Standard Time.