

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

MONDAY, FEBRUARY 5, 2007

SESSION OF 2007 191ST OF THE GENERAL ASSEMBLY

No. 10

SENATE

MONDAY, February 5, 2007

The Senate met at 1 p.m., Eastern Standard Time.

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

PRAYER

The Chaplain, Rabbi SOLOMON ISAACSON, of Congregation Beth Solomon Synagogue of Philadelphia, offered the following prayer:

First, I would like to say a prayer for our soldiers who are now wherever they may be.

(Translation from Hebrew:)

May He who blessed our forefathers - Abraham, Isaac, and Jacob - may He bless the fighters of the United States Army, Navy, Air Force, and Marines who stand guard over our land, and the cities of our guard, wherever they may be. May Hashem, the Almighty, cause the enemies who rise up against us to be struck down before them. May the Holy One, blessed is He, preserve and rescue our fighting men from every trouble and distress, and from every plague and illness, and may He send blessing and success in their every endeavor. May He lead our enemies under their sway, and may He adorn them with the crown of salvation and with the diadem of triumph. May there be fulfilled for them the verse, "For it is God, our God, who goes with you to battle your enemies for you to save you."

(Translation from Hebrew:)

May He who grants salvation to kings and dominion to rulers, Whose kingdom is a kingdom spanning all eternities, Who releases David, His servant, from the evil sword, Who places a road in the sea and a path in the mighty waters, may He bless, safeguard, preserve, help, exalt, make great, extol and raise high our beloved President, Vice President, Governor, and all the Members of the Senate here in our great Commonwealth of Pennsylvania. The King who reigns over kings in His mercy, may He sustain them and protect them from every trouble, woe, and injury. May He rescue them. May He gather peoples under their sway and cause their enemies to fall before them. Wherever they turn may they succeed. The King who reigns over kings in His mercy, may He put into their heart and into the heart of all of their counselors and officials compassion to do good for us and all the citizens of our great country and our beloved State.

In their stays and in our days, so may it be the will of the Almighty God. Let us say Amen.

The PRESIDENT. The Chair thanks Rabbi Isaacson, who is the guest today of Senator Stack.

PLEDGE OF ALLEGIANCE

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

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS REFERRED TO COMMITTEE

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

**MEMBER OF THE STATE BOARD
OF ACCOUNTANCY**

January 31, 2007

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 G. Clark, P.O. Box 161, Mifflintown 17059, Juniata County, Thirty-fourth Senatorial District, for reappointment as a member of the State Board of Accountancy, to serve for a term of four 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 ACCOUNTANCY**

January 31, 2007

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, William J. Park, 3 Rebecca's Lane, Thornton 19373, Delaware County, Ninth Senatorial District, for reappointment as a member of the State Board of Accountancy, to serve for a term of four 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 ACCOUNTANCY

January 31, 2007

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, Samuel J. Stephenson, 5156 Rosecrest Place, Pittsburgh 15201, Allegheny County, Thirty-eighth Senatorial District, for reappointment as a member of the State Board of Accountancy, to serve for a term of four 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 COSMETOLOGY

January 31, 2007

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Janet G. M. Sanko, 2436 North Second Street, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the State Board of Cosmetology, to serve for a term of three years, and until her successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE PLANNING BOARD

January 31, 2007

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, Richard G. Phillips, Jr., 3 Bladen's Court, Philadelphia 19106, Philadelphia County, First Senatorial District, for appointment as a member of the State Planning Board, to serve until June 8, 2008, and until his successor is appointed and qualified, vice Dennis Puko, Farrell, resigned.

EDWARD G. RENDELL
Governor

MAGISTERIAL DISTRICT JUDGE

January 31, 2007

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, John J. Hovan, Esquire, S.R. 29 North, P.O. Box 336, Tunkhannock 18657, Wyoming County, Twentieth Senatorial District, for appointment as Magisterial District Judge, in and for the County of Wyoming, Magisterial District 44-3-04, to serve

until the first Monday of January 2008, vice Patricia A. Robinson, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE DELAWARE VALLEY REGIONAL
PLANNING COMMISSION

February 1, 2007

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, David G. Mandelbaum, 71 Merbrook Bend, Merion Station 19066, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the Delaware Valley Regional Planning Commission, to serve at the pleasure of the Governor, vice Richard W. Hayden, Esquire, Philadelphia, serves at the pleasure of the Governor.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD
OF NURSING

February 1, 2007

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, Maryann George, (Public Member), 102 West Montgomery Avenue, Unit E, Ardmore 19003, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the State Board of Nursing, to serve for a term of six years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Dennis McManus, Pittsburgh, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF
OSTEOPATHIC MEDICINE

February 1, 2007

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, Mary Ellen Hoffecker (Public Member), 81 Johns Drive, Enola 17025, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the State Board of Osteopathic 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 Esther Richwine, Harrisburg, whose term expired.

EDWARD G. RENDELL
Governor

TREASURER, LAWRENCE COUNTY

February 2, 2007

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, Ronald J. Patrick, CPA, 3458 Carmela Drive, New Castle 16105, Lawrence County, Fiftieth Senatorial District, for appointment as Treasurer, in and for the County of Lawrence, to serve until the first Monday of January 2008, vice Gary F. Felasco, removed from office.

EDWARD G. RENDELL
Governor

**RECALL COMMUNICATIONS
REFERRED TO COMMITTEE**

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

**MEMBER OF THE STATE BOARD
OF NURSING**

February 1, 2007

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 8, 2007, for the appointment of Nina Tinari, (Public Member), 6401 Church Road, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, as a member of the State Board of Nursing, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Dennis McManus, Pittsburgh, whose term expired.

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

EDWARD G. RENDELL
Governor

**MEMBER OF THE STATE BOARD OF
OSTEOPATHIC MEDICINE**

February 1, 2007

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 December 18, 2006, for the appointment of Nora Peterman (Public Member), 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, as a member of the State Board of Osteopathic 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 Esther Richwine, Harrisburg, whose term expired.

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

EDWARD G. RENDELL
Governor

GENERAL COMMUNICATIONS

**ANNUAL REPORT OF THE PUBLIC EMPLOYEE
RETIREMENT COMMISSION**

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

COMMONWEALTH OF PENNSYLVANIA
Public Employee Retirement Commission
P. O. Box 1429, Harrisburg, PA 17105-1429

February 1, 2007

The Honorable W. Russell Faber, Chief Clerk
Senate of Pennsylvania
Commonwealth of Pennsylvania
89 East Wing, Main Capitol
Harrisburg, PA 17120

Dear Chief Clerk Faber:

As required by the Public Employee Retirement Commission Act, this annual public report is issued to summarize the Commission's findings, recommendations, and activities for the year 2006.

During 2006, the Commission authorized the attachment of seventeen actuarial notes to eleven bills, one bill as amended, and five amendments at the request of the various committees of the General Assembly. This report contains a synopsis of each of these notes and contains a summary of the Commission's review of the State Employees' Retirement System and the Public School Employees' Retirement System. This report also describes research conducted during 2006 and summarizes the Commission's administrative activities under the Municipal Pension Plan Funding Standard and Recovery Act and Act 293 of 1972.

On behalf of the Public Employee Retirement Commission and its staff, I am pleased to provide you with the twenty-fourth annual public report of the Commission. The Commission hereby expresses its thanks and appreciation to all individuals, organizations, and agencies whose assistance and cooperation contributed to the work of the Commission during 2006.

Sincerely,

PAUL D. HALLIWELL
Chairman

The PRESIDENT. This report will be filed in the Library.

**ANNUAL REPORT ON THE STATUS OF
THE CATASTROPHIC LOSS BENEFITS
CONTINUATION FUND**

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

COMMONWEALTH OF PENNSYLVANIA
Insurance Department
Harrisburg, PA

Date: January 28, 2007

To:
Mark R. Corrigan, Secretary
Senate of Pennsylvania
Reizdan Moore, Parliamentarian
PA House of Representatives
W. Russell Faber, Chief Clerk
Senate of Pennsylvania
Roger Nick, Chief Clerk
PA House of Representatives

From: M. DIANE KOKEN
Insurance Commissioner

MICHAEL J. MASCH
Secretary of the Budget and Administration

Subject: Annual Report of the Status of the Catastrophic
Loss Benefits Continuation Fund

In accordance with Act 24 of 1989, the Insurance Department is submitting to the General Assembly the annual report on the status of the Catastrophic Loss Benefits Continuation Fund and the unfounded liability of the Catastrophic Loss Trust Fund.

Thank you for distributing the report on behalf of the Insurance Department.

The PRESIDENT. This report will be filed in the Library.

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

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

Senator Patrick M. Browne as a member of the Legislative Audit Advisory Commission.

Senator John H. Eichelberger, Jr., as a member of the Advisory Committee on Probation.

Senator John R. Gordner as a member of the Board of Directors of the Ben Franklin Technology Development Authority and as a member of the Joint Legislative Air and Water Pollution Control and Conservation Committee.

Senator John C. Rafferty, Jr., as a member of the Targeted Community Revitalization and Crime Prevention Advisory Committee and as a member of the Advisory Council for the South-eastern Veterans' Center.

Senator Robert T. Regola, Jr., as a member of the State Transportation Advisory Committee.

Senator Joseph B. Scarnati III as a member of the Pennsylvania Historical and Museum Commission.

Senator Patricia H. Vance as a member of the Capitol Preservation Committee.

Senator Robert C. Wonderling as a member of the Joint Legislative Air and Water Pollution Control and Conservation Committee and as a member of the Legislative Budget and Finance Committee.

Ms. Varsovia Fernandez as a member of the Governing Board of the Pennsylvania Intergovernmental Cooperation Authority.

Mr. Robert A. Gleason, Jr., as a member of the Board of Trustees of the University of Pennsylvania.

BILLS INTRODUCED AND REFERRED

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

February 5, 2007

Senators KASUNIC, KITCHEN, STACK, WASHINGTON, O'PAKE, COSTA, LAVALLE, BOSCOLA, FONTANA, TARTAGLIONE, RAFFERTY, MUSTO, ORIE, STOUT, RHOADES, WOZNAK, LOGAN, BROWNE and C.

WILLIAMS presented to the Chair **SB 28**, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, changing the name of the Department of Military and Veterans Affairs; establishing the Department of Veterans Affairs, the bureaus within the department and the State Veterans Commission; providing for the powers and duties of the Department of Veterans Affairs and its bureaus; and making conforming amendments and editorial changes.

Which was committed to the Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, February 5, 2007.

Senators C. WILLIAMS, COSTA, RHOADES, STOUT, BOSCOLA, PUNT, KITCHEN, RAFFERTY, FONTANA, TARTAGLIONE, ORIE, MUSTO, PIPPY, GREENLEAF, LOGAN, BROWNE, MELLOW, STACK, FERLO and FUMO presented to the Chair **SB 29**, entitled:

An Act amending the act of April 12, 2006 (P.L.67, No.22), known as the Merchant Marine World War II Veterans Bonus Act, further defining "Merchant Marine veteran who served during World War II"; and further providing for application for bonus, for United States Merchant Marine World War II Veterans' Fund and for expiration of act.

Which was committed to the Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, February 5, 2007.

Senators DINNIMAN, BOSCOLA, COSTA, FONTANA, ORIE, TARTAGLIONE, BROWNE, STACK and FERLO presented to the Chair **SB 30**, entitled:

An Act providing for tax credits for certain health care organizations.

Which was committed to the Committee on FINANCE, February 5, 2007.

Senators DINNIMAN, COSTA, EARLL, FONTANA, MUSTO, ORIE, RAFFERTY, O'PAKE, C. WILLIAMS and FERLO presented to the Chair **SB 31**, entitled:

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, further providing, in condominiums, cooperatives and planned communities, for contents of declarations, for public offering statements and for resales.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, February 5, 2007.

Senators DINNIMAN, BOSCOLA, COSTA, ORIE, PUNT, RAFFERTY, O'PAKE, STACK, FERLO and LOGAN presented to the Chair **SB 32**, entitled:

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

Which was committed to the Committee on JUDICIARY, February 5, 2007.

Senator MELLOW presented to the Chair **SB 33**, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to the County of

Lackawanna Transit System Authority (COLTS), certain lands situate in the City of Scranton, Lackawanna County, in exchange for a certain tract of land from COLTS situate in the City of Scranton, Lackawanna County.

Which was committed to the Committee on STATE GOVERNMENT, February 5, 2007.

Senators C. WILLIAMS, ERICKSON, KITCHEN, COSTA, MUSTO, STOUT, BROWNE, STACK, FERLO, LOGAN and WOZNIAK presented to the Chair **SB 37**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for exclusions from sales and use tax.

Which was committed to the Committee on FINANCE, February 5, 2007.

RESOLUTIONS INTRODUCED AND REFERRED

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

February 5, 2007

Senators SCARNATI, PILEGGI, PICCOLA, RAFFERTY, FOLMER, PUNT, ROBBINS, CORMAN, ERICKSON, GORDNER, TOMLINSON, ORIE, M. WHITE, D. WHITE, MADIGAN, VANCE, EARLL, ARMSTRONG, FERLO, FUMO, STOUT, REGOLA, PIPPY, RHOADES, McILHINNEY, BRUBAKER, WAUGH, FONTANA, COSTA, O'PAKE, MUSTO, TARTAGLIONE, C. WILLIAMS, BOSCOLA, LAVALLE, GREENLEAF and WONDERLING presented to the Chair **SR 18**, entitled:

A Resolution amending the Financial Operating Rules of the Senate relating to per diem allowances.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, February 5, 2007.

Senators ROBBINS, SCARNATI, ORIE, ARMSTRONG, WAUGH, COSTA, MADIGAN, LOGAN, REGOLA, MUSTO, PIPPY, STOUT, D. WHITE, KASUNIC, M. WHITE, BOSCOLA, TOMLINSON, WONDERLING, RHOADES, ERICKSON, BROWNE, PUNT, RAFFERTY, GREENLEAF, KITCHEN, BRUBAKER, FONTANA and FOLMER presented to the Chair **SR 20**, entitled:

A Resolution requesting the Pennsylvania Congressional Delegation to work to permanently abolish the death tax.

Which was committed to the Committee on FINANCE, February 5, 2007.

Senators ROBBINS, REGOLA, MELLOW, ERICKSON, STOUT, WAUGH, WOZNIAK, ORIE, FERLO, RAFFERTY, C. WILLIAMS, BRUBAKER, LAVALLE, MADIGAN, COSTA, D. WHITE, O'PAKE, ARMSTRONG, TARTAGLIONE, M. WHITE, KASUNIC, WONDERLING, BOSCOLA, BROWNE, MUSTO, PIPPY, STACK,

TOMLINSON, KITCHEN, RHOADES, GREENLEAF, PUNT, GORDNER, FONTANA, BAKER and FOLMER presented to the Chair **SR 21**, entitled:

A Resolution designating the week of April 15 through 21, 2007, as "Local Government Week" in Pennsylvania.

Which was committed to the Committee on LOCAL GOVERNMENT, February 5, 2007.

BILLS REPORTED FROM COMMITTEE

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

SB 10 (Pr. No. 28) (Rereported)

An Act amending the act of July 31, 2003 (P.L.73, No.17), known as the Volunteer Fire Company and Volunteer Ambulance Service Grant Act, extending the time for award of grants and for expiration of authority; and repealing an obsolete act.

SB 218 (Pr. No. 39) (Amended) (Rereported)

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, providing for local services taxes; repealing provisions relating to emergency and municipal services taxes and to continuation of occupational privilege taxes; and making editorial changes.

LEGISLATIVE LEAVES

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

Senator PILEGGI. Madam President, I request that legislative leaves be granted for Senator Punt and Senator Mary Jo White.

The PRESIDENT. Senator Pileggi requests legislative leaves for Senator Punt and Senator Mary Jo White.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Madam President, I request a temporary Capitol leave for Senator Stout.

The PRESIDENT. Senator Mellow requests a temporary Capitol leave for Senator Stout.

Without objection, the leaves will be granted.

LEAVE OF ABSENCE

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

SENATE CONCURRENT RESOLUTION

WEEKLY RECESS

Senator PILEGGI offered the following resolution, which was read as follows:

In the Senate, February 5, 2007

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14, of the Pennsylvania Constitution, that when the Senate recesses this week, it reconvene on Monday, February 12, 2007,

unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14, of the Pennsylvania Constitution, that when the House of Representatives recesses this week, it reconvene on Monday, February 12, 2007, unless sooner recalled by the Speaker of the House of Representatives.

On the question,
Will the Senate adopt the resolution?

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

YEA-49

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

NAY-0

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

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

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator Stout and Senator Mary Jo White have returned and their respective leaves will be cancelled.

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR MICHAEL W.
BRUBAKER PRESENTED TO THE SENATE**

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

Senator BRUBAKER. Madam President, it is my privilege to introduce two guest pages today. Laurel Etter, a junior at Warwick High School, is a student athlete who competes at the varsity club level in soccer and field hockey, and she would like to play soccer in college. She is a member and leader of the Lititz Fellowship of Christian Athletes, a member of the Lititz United Methodist Church, and she will be attending a canoeing and backpacking trip this summer at Outward Bound.

Ethan Etter, her brother, is a senior at Warwick High School. He will be attending a yet-to-be-determined college this fall to major in a yet-to-be-determined field of study. He attended the Pennsylvania Governor's School for Agricultural Sciences this past summer at Pennsylvania State University. He is a member of the Lititz United Methodist Church, a volunteer fireman in the Lititz Fire Company, and he also attended the Outward Bound program this past summer in Colorado.

The PRESIDENT. Will Laurel and Ethan please rise so we can give you a nice warm welcome.

(Applause.)

RECESS

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

Senator MELLOW. Madam President, I request a recess for the purpose of a Democratic caucus to be held in our caucus room to the rear of the Chamber, and it will be a brief caucus.

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

Senator PILEGGI. Madam President, there will be a Republican caucus in the Rules room immediately following the recess.

The PRESIDENT. For purposes of Republican and Democratic caucuses, without objection, the Senate stands in recess.

AFTER RECESS

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

POINT OF PERSONAL PRIVILEGE

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

Senator FUMO. Madam President, I rise for a point of personal privilege and would ask the indulgence of the Senate to make an important announcement.

The PRESIDENT. The gentleman may proceed.

Senator FUMO. Madam President, I have given many speeches in my life, but this is the most difficult speech I have ever had to deliver, so please bear with me for a few moments.

Effective today, I am temporarily stepping aside as the Democratic chairman of the Appropriations Committee. During the past number of years, my family, my staff, my friends and I have endured an intensive Federal investigation. Despite our cooperation in this process, as I and my office have produced thousands of documents, waived valid legal privileges and permitted every aspect of my public and private life to come under examination, this investigation has been marked by threats, intimidations, and frequent leaks to the media intended to embarrass me.

Now this investigation is coming to an end, and I am informed that Mr. Meehan, the U.S. Attorney for the Eastern District of Pennsylvania, will announce an indictment of me, probably this week. I am not happy about this, but in one sense, I am relieved. These years have not been easy on me, my family, my staff, and my friends. Now that phase is over, and I can move forward knowing whom and what I am fighting. I will be able to meet the allegations head on, instead of trying to answer the countless rumors that have attended this process. Sometimes the fear of the unknown is far more emotionally terrifying than the battle itself. I am no longer in a fight for my political life, but for everything that I hold dear. Those of you in this Chamber who know me know that I will not shrink from what lies ahead.

I have been informed that the charges will be made in a voluminous indictment, full of falsities, half-truths, and baseless legal theories. I know in my heart that I have not done anything illegal. I trust that you and the good citizens of Pennsylvania will keep an open mind and remember that they are only accusations. There are good answers to the charges. Unfortunately, some time will go by before I have an opportunity to present my side of the story in a courtroom.

In the meantime, I do want to mention some important things that my attorneys do not expect the indictment to allege. The indictment will not allege that I ever accepted a bribe, and as the government knows, I never did. It will not allege that I ever cast my vote in my own interest, rather than in the best interests of the Commonwealth, and as the government knows, I never did. It will not allege that I extorted PECO or any other business or person, and as the government knows, I never did. It will not allege that I sold my office, and again, as the government knows, I never did. Most importantly, it will not allege that I ever failed in any manner to carry out my duties as a Senator fully and completely. All of you in this Chamber know, I have carried out my duties as a Senator fully, completely, and effectively.

Instead, my attorneys advise me that the indictment will make two primary claims. One, that the assets of Citizens Alliance For Better Neighborhoods, a charitable organization which I supported and of which I am most proud, were misused for personal and political gain. Second, that my Senate office employees do nothing but political and personal work. Both claims are simply wrong.

Make no mistake, I am proud of Citizens Alliance. Among its more than \$10 million worth of accomplishments are: an outstanding charter school, a national award-winning residential development in a former blighted neighborhood, the rehabilitation of many trash-strewn, rat-infested vacant lots, financially strapped recreation facilities were kept open, and countless, countless other improvements that otherwise would not have been possible throughout the State, the southeastern Pennsylvania region, and the city of Philadelphia. It is truly about better neighborhoods.

I am also very proud of my staff, many of whom asked to stand with me today. The suggestion that my staff members are political operatives or personal assistants reflects an amazing ignorance of both the legislative process and the facts. Both my Harrisburg and Philadelphia staffs are widely acknowledged as among the hardest working and most dedicated in State government. No constituent phone call, no neighborhood concern or problem, no legislative issue or State agency matter goes ignored. They routinely work more than a 40-hour week, as do many other staffs in the Senate. They work beyond the hours of 9 to 5. I have a 24/7 operation, and my staff frequently works nights and weekends without overtime pay or bonuses. During my time in the Senate, with the help of my staff, I have dedicated my career to becoming as effective as I could for Philadelphia and its surrounding areas. We have produced more than \$8 billion in benefits for the city and the region. We have fought on behalf of consumers, intervened to save jobs, preserved historical assets, and rebuilt neighborhoods.

I am going to keep fighting with the same passion that I have always had for those who need our help - the poor, the

unemployed, our senior citizens, our children, and the working men and women of Pennsylvania - but for the time being, I will do so as a rank-and-file member of the Senate. Before this indictment is issued, I will, pursuant to the spirit and the rules of this Senate, step aside as the Democratic chair of the Appropriations Committee until I am vindicated. My good friend Senator Gerald LaValle will become the acting Democratic Appropriations chairman. I take this step now, not only in the interest of the Senate and of my caucus, but because I do not want to cause any disruption to an already difficult budget process that is on the horizon.

To those of you in this Chamber whom I love so much, from both sides of the political aisle that sometimes separate us, who have expressed concern, support, and love, and who have prayed for me, I thank you from the bottom of my heart. My family and I ask that you continue to be with us in this battle.

To the people of Pennsylvania, I want to say that I believe in your fairness. For almost 30 years, I have worked for you and with you. I am confident that you will not judge me based on a many years' long one-sided campaign of scurrilous leaks to the media designed to undermine my office and attack my reputation.

This is the last time I will be speaking publicly about any of this. On the advice of my attorneys, I will say nothing more, and I ask for your understanding. I sincerely wish that I could tell my story now, but the time and place for that will be in a court of law. I can say to you now, again, that I am not guilty of these accusations. Sometimes in life the only choice we have when we face blatant injustice is to have the courage to stand up and fight. That is what I will do, not just to protect myself, but to protect others from facing similar confrontations in the future and to protect the good things that we can yet accomplish together.

Thank you, Madam President. Thank you, my fellow Members.

SENATE RESOLUTIONS ADOPTED

Senators PICCOLA, RHOADES, BOSCOLA, FERLO, MUSTO, PUNT, MADIGAN, KASUNIC, TARTAGLIONE, FONTANA, ORIE, ERICKSON, McILHINNEY, O'PAKE, C. WILLIAMS, D. WHITE, BRUBAKER, COSTA, TOMLINSON, GORDNER, PILEGGI, RAFFERTY, REGOLA, FUMO, KITCHEN, ROBBINS, FOLMER, WAUGH, PIPPY, BROWNE, ARMSTRONG and WONDERLING, by unanimous consent, offered **Senate Resolution No. 26**, entitled:

A Resolution designating the week of February 11 through 17, 2007, as "Career and Technical Education Week" in Pennsylvania.

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

Senators WAUGH, BROWNE, WONDERLING and DINNIMAN, by unanimous consent, offered **Senate Resolution No. 27**, entitled:

A Resolution recognizing and honoring Barbaro's life and achievements as an outstanding racehorse and the dedication of his caregivers.

On the question,
Will the Senate adopt the resolution?

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

Senator WAUGH. Madam President, one week ago today the emotional and well-known saga of a Pennsylvania champion came to conclusion. The 3-year old stallion and Kentucky Derby winner, Barbaro, was euthanized after months of effort and prayer by so many not only here in Pennsylvania but across the nation. I rise today to offer this resolution on Barbaro's behalf.

We, the Senate, are proud to celebrate the life and the times of this great Pennsylvania champion. Barbaro's achievements highlight the grace and the beauty of the horse breeding industry and its importance to the Commonwealth and to our agricultural heritage. Also, Madam President, by way of this resolution, we would like to commend Roy and Gretchen Jackson, the owners of Barbaro, and Michael Matz, the trainer of Barbaro, for their extraordinary commitment to Barbaro and to the thoroughbred industry. The heartbreak alone, as you well know, Madam President, and many of the rest of us here who have animals know just the idea of watching that animal go from top of the world to injury on the track is heartbreak enough, but then for months to struggle and watch and in the end, ultimately have to put the animal down is a tremendous stress on the part of everyone involved.

Finally, Madam President, I think it is so appropriate today to remind, and no one in this room needs to be reminded but certainly to folks watching, to remind them that we in Pennsylvania were in the spotlight in two very important ways throughout this effort. First of all, obviously on behalf of Barbaro the animal, but secondly, New Bolton Center at the University of Pennsylvania's large animal hospital. We are so fortunate to have such a fine world-class facility at our disposal and representing our State, and this resolution finally commends New Bolton Center for the outstanding care in the treatment and effort that they put into trying to bring Barbaro back to productive life. If there was any chance, it was at New Bolton Center.

In the end, we celebrate the 3-year-old life of a Pennsylvania champion. This resolution will be left open if others would like to sign on. Thank you, Madam President.

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

Senator DINNIMAN. Madam President, I would also like to speak to this resolution. Barbaro was a horse that spent much of its time in Chester County in Senator Pileggi's and my districts. New Bolton is partly in my district, but mainly in Senator Pileggi's district, and this horse, his spirit gave us all hope, even in the most difficult of times. Sometimes we do not succeed in our struggles, but I think it struck a note in every citizen's heart and in their soul of the importance of struggling, struggling to survive, struggling to do the best we can in a life which is often filled with difficulties, and I want to thus state on behalf of the citizens of my district our true love for Barbaro and the spirit that he represented to each of us, and agreeing with Senator Waugh how grateful we are to have the New Bolton facilities within this Commonwealth. Thank you, Madam President.

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

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

CALENDAR

SECOND CONSIDERATION CALENDAR

BILL OVER IN ORDER

SB 246 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

**UNFINISHED BUSINESS
CONGRATULATORY RESOLUTIONS**

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

Congratulations of the Senate were extended to Aaron Montague by Senator Boscola.

Congratulations of the Senate were extended to Peter W. Atkinson, Jr., by Senator Erickson.

Congratulations of the Senate were extended to Richard Lattanzi, Isaac Henry Reid and to William Grubb by Senator Logan.

Congratulations of the Senate were extended to Mary I. Flax by Senator McIlhinney.

Congratulations of the Senate were extended to Michael A. Tempesco and to Joshua M. Mohn by Senator O'Pake.

Congratulations of the Senate were extended to Carol L. Webb and to the Harrisburg Branch of the American Association of University Women by Senator Piccola.

Congratulations of the Senate were extended to the Amity Township Police Department by Senator Rafferty.

Congratulations of the Senate were extended to Mary C. Demyan Parish by Senator Stout.

Congratulations of the Senate were extended to Cub Scout Pack 132 of Bensalem by Senator Tomlinson.

Congratulations of the Senate were extended to Brian Holsinger by Senator Wonderling.

Congratulations of the Senate were extended to Mr. and Mrs. John Askey and to the Morris Township Volunteer Fire Company by Senator Wozniak.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

MONDAY, FEBRUARY 5, 2007

12:30 P.M.	APPROPRIATIONS (to consider Senate Bills No. 10 and 218)	Room 461 Capitol
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TUESDAY, FEBRUARY 6, 2007

10:00 A.M.	EDUCATION (to consider Senate Bills No. 71, 154, 155, 157, 158 and 219; and any other business that may come before the committee)	Room 8E-A East Wing
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<u>WEDNESDAY, FEBRUARY 7, 2007</u>			1:15 P.M.	APPROPRIATIONS (Budget Hearing - Community Colleges)	Hrg. Rm. 1 North Off.
9:00 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (public hearing on electric deregulation and rate caps)	Room 8E-B East Wing	<u>MONDAY, MARCH 5, 2007</u>		
9:30 A.M.	FINANCE (to consider Senate Bills No. 23 and 24; and any other business that may come before the committee) CANCELLED	Room 8E-A East Wing	9:30 A.M.	APPROPRIATIONS (Budget Hearing - Department of Military and Veterans Affairs)	Hrg. Rm. 1 North Off.
10:00 A.M.	LAW AND JUSTICE (to consider the reappointment of Col. Jeffrey B. Miller as Commissioner of the PA State Police)	Room 8E-A East Wing	11:00 A.M.	APPROPRIATIONS (Budget Hearing - Treasury Department)	Hrg. Rm. 1 North Off.
<u>TUESDAY, FEBRUARY 13, 2007</u>			1:15 P.M.	APPROPRIATIONS (Budget Hearing - Department of Education)	Hrg. Rm. 1 North Off.
12:00 Noon	ENVIRONMENTAL RESOURCES AND ENERGY (to consider the reappointment of Michael F. DiBerardinis as Secretary of the Department of Conservation and Natural Resources)	Room 8E-B East Wing	<u>TUESDAY, MARCH 6, 2007</u>		
<u>MONDAY, FEBRUARY 26, 2007</u>			9:00 A.M.	APPROPRIATIONS (Budget Hearing - Department of Transportation)	Hrg. Rm. 1 North Off.
9:30 A.M.	APPROPRIATIONS (Budget Hearing - Department of General Services)	Hrg. Rm. 1 North Off.	1:15 P.M.	APPROPRIATIONS (Budget Hearing - Department of Aging)	Hrg. Rm. 1 North Off.
10:30 A.M.	APPROPRIATIONS (Budget Hearing - Attorney General)	Hrg. Rm. 1 North Off.	2:45 P.M.	APPROPRIATIONS (Budget Hearing - Department of Corrections)	Hrg. Rm. 1 North Off.
1:15 P.M.	APPROPRIATIONS (Budget Hearing - Department of Revenue)	Hrg. Rm. 1 North Off.	<u>WEDNESDAY, MARCH 7, 2007</u>		
3:00 P.M.	APPROPRIATIONS (Budget Hearing - State System of Higher Education)	Hrg. Rm. 1 North Off.	9:00 A.M.	APPROPRIATIONS (Budget Hearing - Department of Public Welfare)	Hrg. Rm. 1 North Off.
<u>TUESDAY, FEBRUARY 27, 2007</u>			1:15 P.M.	APPROPRIATIONS (Budget Hearing - Department of Community and Economic Development)	Hrg. Rm. 1 North Off.
9:00 A.M.	APPROPRIATIONS (Budget Hearing - Department of State)	Hrg. Rm. 1 North Off.	2:45 P.M.	APPROPRIATIONS (Budget Hearing - State Police)	Hrg. Rm. 1 North Off.
10:30 A.M.	APPROPRIATIONS (Budget Hearing - Auditor General)	Hrg. Rm. 1 North Off.	<u>THURSDAY, MARCH 8, 2007</u>		
1:15 P.M.	APPROPRIATIONS (Budget Hearing - Department of Labor and Industry)	Hrg. Rm. 1 North Off.	9:00 A.M.	APPROPRIATIONS (Budget Hearing - Department of Agriculture)	Hrg. Rm. 1 North Off.
2:45 P.M.	APPROPRIATIONS (Budget Hearing - State Related Universities)	Hrg. Rm. 1 North Off.	10:30 A.M.	APPROPRIATIONS (Budget Hearing - Public Utilities Commission)	Hrg. Rm. 1 North Off.
<u>WEDNESDAY, FEBRUARY 28, 2007</u>			1:15 P.M.	APPROPRIATIONS (Budget Hearing - Dept. of Environmental Protection)	Hrg. Rm. 1 North Off.
9:00 A.M.	APPROPRIATIONS (Budget Hearing - Gaming Control Board)	Hrg. Rm. 1 North Off.	ANNOUNCEMENT BY MINORITY LEADER		
10:30 A.M.	APPROPRIATIONS (Budget Hearing - Insurance Department)	Hrg. Rm. 1 North Off.	The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.		
1:15 P.M.	APPROPRIATIONS (Budget Hearing - Liquor Control Board)	Hrg. Rm. 1 North Off.	Senator MELLOW. Madam President, at the conclusion of Session, I ask that the Democratic Members please report to our caucus room at the rear of the Chamber.		
3:00 P.M.	APPROPRIATIONS (Budget Hearing - Budget Secretary)	Hrg. Rm. 1 North Off.	RECESS		
<u>THURSDAY, MARCH 1, 2007</u>			The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Pileggi.		
9:00 A.M.	APPROPRIATIONS (Budget Hearing - Department of Conservation and Natural Resources)	Hrg. Rm. 1 North Off.	Senator PILEGGI. Madam President, I move that the Senate do now recess until Tuesday, February 6, 2007, at 11 a.m., Eastern Standard Time.		
10:30 A.M.	APPROPRIATIONS (Budget Hearing - Department of Health)	Hrg. Rm. 1 North Off.	The motion was agreed to by voice vote.		
			The Senate recessed at 2:21 p.m., Eastern Standard Time.		