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Senate of Pennsylvania

April 3, 2008

COMMITTEES

- CONSUMER PROTECTION AND
PROFESSIONAL LICENSURE, CHAIRMAN
- APPROPRIATIONS, VICE CHAIRMAN
- COMMUNITY, ECONOMIC AND
RECREATIONAL DEVELOPMENT
- EDUCATION
- POLICY
- TRANSPORTATION
- VETERANS AFFAIRS & EMERGENCY PREPAREDNESS
- PHEAA BOARD
- PENNSYLVANIA FIREFIGHTERS AND
EMERGENCY SERVICES LEGISLATIVE CAUCUS
- ADVISORY BOARD, DELAWARE VALLEY VETERANS HOME

RECEIVED

APR 03 2008

1

Mary D. Collins, Chair
Pennsylvania Gaming Control Board
5th Floor, Strawberry Square
Harrisburg, PA 17101

RE: Regulation amending section 401a.3

Dear Chairman Collins:

The Board has recently proposed a regulation which would define a licensed facility. The proposal has caused a great deal of discussion regarding its impact. In particular recent news stories indicate the proposed rule change would exclude the land attached to a facility that is not used for gaming purposes.

As a matter of information I am enclosing the floor debate associated with this issue on Senate Bill 862. It may provide some insight into the discussions as the bill was considered in the Senate on concurrence.

Please let me know if I may be of further assistance to you.

Sincerely,

A handwritten signature in black ink that reads 'Robt M Tomlinson'.

Robert M. Tomlinson
State Senator, 6th District

RMT/jah
Enclosure

CALENDAR

BILL ON CONCURRENCE IN
CORRECTIVE PRINTER'S No. 4887SENATE CONCURS IN CORRECTIVE
PRINTER'S No. 4887 TO HOUSE BILL

HB 700 (Pr. No. 4887) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, further providing for ethical standards definitions and for lobby regulation and disclosure.

On the question,
Will the Senate concur in corrective Printer's No. 4887 to House Bill No. 700?

Senator BRIGHTBILL. Madam President, I move that the Senate concur in corrective Printer's No. 4887, which was passed by the House of Representatives, on House Bill No. 700.

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

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

Senator BRIGHTBILL. Madam President, I would just like to point out for the record on House Bill No. 700 that this is language that the Members here believed we passed, I think unanimously, when we left on Monday. House Bill No. 700, as it is before us, is the identical set of words that would have existed in House Bill No. 700 as it was reported from the Committee on Rules and Executive Nominations. There was an error made which resulted in a bill being sent to the House that was not actually the bill that the Senate of Pennsylvania desired to pass. What happened was that the engrossing process, which is the process by which an amendment is put into a bill to have the bill read as it is intended to be in the law, the engrossing error occurred because a number from an old amendment happened to appear on the first page of the amendment that was adopted in the Committee on Rules and Executive Nominations, even though the amendment number that was adopted was a different number. It is inside politics, so to speak, or inside baseball, but it is the reason for the error.

The House of Representatives picked up on the error and did a corrective reprint, which engrossed the bill to appear the way it was intended to be voted here. They then, unanimously, or near unanimously, passed that bill and sent it back to us, so what we are asking the Members to do is simply concur in the House amendments. It is exactly the same vote that we had before. It is just simply a matter of making sure that the process has been done legally.

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

BILL ON CONCURRENCE IN HOUSE
AMENDMENTS TO SENATE AMENDMENTSSENATE CONCURS IN HOUSE AMENDMENTS
TO SENATE AMENDMENTS

SB 862 (Pr. No. 2218) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 4 (Amusements) and 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for definitions and for the Pennsylvania Gaming Control Board; providing for applicability of other statutes; further providing for powers and duties of board; providing for code of conduct; further providing for temporary regulations, for licensed entity application appeals from board, for license or permit application hearing process, for board minutes and records, for collection of fees and fines, for regulatory authority of board, for slot machine license fee, for number of slot machines, for reports of board, for license or permit prohibition, for Category 2 slot machine licenses, for Category 3 slot machine licenses, for order of initial license issuance, for slot machine license application and for slot machine license application business entity requirements; providing for licensing of principals and for licensing of key employees; further providing for slot machine license application financial fitness requirements and for supplier and manufacturer licenses; providing for manufacturer licenses; further providing for occupation permit application, for central control computer system, for license or permit issuance, for nontransferability of licenses and for gross terminal revenue deductions; providing for itemized budget reporting; further providing for establishment of State Gaming Fund and net slot machine revenue distribution, for distributions from Pennsylvania Race Horse Development Fund, for the Compulsive and Problem Gambling Program; providing for public official financial interest, for political influence and for enforcement; providing for procedures and for conduct of public officials and employees; further providing for prohibited acts and penalties; providing for detention and for interception of oral communications; further providing for duty to provide and for submission of fingerprints and photographs; providing for repayments to State Gaming Fund; and further providing for corrupt organizations.

On the question,

Will the Senate concur in the amendments made by the House to Senate amendments, as further amended by the Senate, to Senate Bill No. 862?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate amendments, as further amended by the Senate, to Senate Bill No. 862.

On the question,

Will the Senate agree to the motion?

The PRESIDENT. The Chair recognizes the gentlewoman from Allegheny, Senator Orie.

Senator ORIE. Madam President, I am pleased to cast my vote today in favor of Senate Bill No. 862, which will bring much needed reform to Act 71 which was enacted in 2004. I want to thank the Republican leadership, Senator Brightbill and Senator Jubelirer, as well as Senator Fumo from the other side of the aisle, who agreed to pursue passage of the needed reforms to Act 71. I also want to thank the Members of the Senate Committee on Rules and Executive Nominations for holding a public hearing during this process to enact gambling reforms, a step that ensured the public full airing and discussion of the proposed changes to the State's gambling law. I also want to commend my fellow Republican Senators who joined with me a few months ago in August to outline the reforms that we believed were necessary.

We have returned to Session today because it is crucial that these reforms be enacted before the first casino is opened in the Commonwealth, which is currently slated for November 14, just 2 1/2 weeks away. Any suggestion that the Senate has not been committed to reforming the manner in which gaming is implemented in this State is simply wrong. It was the Senate that originated this bill on September of last year, it was the Senate that originated the comprehensive code of conduct for the board, its members and employees. It was the Senate that included a gaming lobbyist registration requirement, it was the Senate that included a conflict of interest standard for board employees and contractors, and it was the Senate that expanded the powers of the Attorney General. It was the Senate that agreed to make the use of suppliers voluntary, not mandatory, and it was the Senate that adopted a strict recusal standard for board members. Even though this has been removed, I believe this is a provision we can still revisit next Session. It was the Senate that advocated for a \$50 fee for each slot machine to be used for compulsive gaming treatment. Again, this was removed, and I believe this is an issue we may have to revisit. It was the Senate that originated the language to remove the 1-percent threshold of ownership of license venues for public officials, and it was the Senate that originated the language to regulate and license all persons associated with trusts and beneficiaries, the issue dealing with children, Madam President. It was the Senate that passed these bills in each and every form from the Senate with a unanimous vote, 50 to 0. This was rare and important, and I think it shows bipartisan cooperation, but more importantly, it shows our commitment to reform in regard to gaming in Pennsylvania.

On an aside, for Allegheny County, I am pleased that we have removed the zoning for the city of Pittsburgh and also preserved Allegheny County's authority to enforce its ordinance to enact public smoking prohibitions in a manner that meets the community's needs. These reforms included in Senate Bill No. 862 will go a long way in ensuring public accountability. These reforms will not implode the gambling law or delay collection of the revenues that will be used for property tax reductions. Rather, as I stated before, these reforms will restore public trust and confidence in the process used to introduce and regulate gaming in our Commonwealth.

For these reasons, Madam President, today I would like to commend each and every one of the Members of the Senate, and I will cast my vote in favor of Senate Bill No. 862 as it is before us today, and when this bill arrives on the Governor's desk, I urge the Governor's swift approval to the sweeping gambling reform that was initiated in the Senate of Pennsylvania.

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

Senator FUMO. Madam President, there is one other issue I think we have to address in this massive press coverage that has been going on about this in the last couple of weeks. The Senate should not be the scapegoat on this. We have passed this bill three times before, 50 to 0, and I want to correct the Governor on something. I believe he was recently quoted in Pittsburgh as blaming the Senate for not getting these reforms done. I want to remind the Governor that it was in September of 2005 that we put this bill together, and in November of 2005 when we first passed this bill, bipartisan, 50 to 0, Senator Jubelirer and myself. So if the Governor has a complaint, I would ask him to direct it to House leaders who have played ping-pong with this every time we passed it out of here. If there is one thing that I think the citizens of the Commonwealth want to see in government, it is bipartisan cooperation to get things done. I cannot think of better bipartisan cooperation than when a bill passes here 50 to 0 on a controversial issue such as gaming.

So I wish the Governor would apologize to the Senate for those remarks, perhaps he meant to say the House, I do not know, but I do wish he would take another look at those remarks and reconsider.

Thank you, Madam President, and I also ask for a positive vote on this bill.

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

Senator BRIGHTBILL. Madam President, for the record, for anyone who may be reading this or watching this, the Senate is given a choice here. We can amend Senate Bill No. 862 to make changes if we desire to see anything different than what is in this bill now, and that would require that it go back to the House of Representatives, or we can concur in Senate Bill No. 862 as it came from the House of Representatives, which will then be sent to Governor Rendell for his consideration.

My motion was to concur so that Senate Bill No. 862 and the many, many reforms of gambling that many of us believe are necessary will be sent to the Governor to give him an opportunity to attach it and make it part of his law. I fully expected at this moment, when I would be finally voting on this bill to accomplish this, that I would be very happy. I do it today with

very mixed feelings, and the reason is because of a very small provision that affects possibly only my home county of Lebanon, and I am going to explain that for the record. I think in the final analysis that a fair interpretation of the law as it will exist when we are done will not hurt the county that I represent, but my choice is that I either concur in the bill, send it to the Governor, or keep the game of ping-pong going, as Senator Fumo referenced.

Act 71 requires that a licensed facility provide the greater of 2 percent or \$10 million of gross revenue to a host municipality, up to 50 percent of its budget. The remainder of the funds go to the county for municipal grants. In addition, 2 percent of a facility's revenue go directly to the county. If the facility is located in more than one county or municipality, as is Penn National, the amount owed is prorated between municipalities based on acreage. Act 71 originally defined a licensed facility as the land-based location of the facility and associated areas. When the bill was in the Senate before, I sponsored an amendment to Senate Bill No. 862 to define "associated areas" to ensure that approximately 22 acres in East Hanover Township in Lebanon County owned by Penn National Racetrack is included as part of the licensed facility to ensure that revenues are made available to these municipalities. This is approximately \$600,000 per year for Lebanon County and East Hanover Township. House amendment No. 10388, which, to my chagrin, was supported by Members of the House of Representatives from Lebanon County, removed the definition of "associated area."

Without this definition, it is possible that the Gaming Control Board could rule that the 22 acres currently unused that are part of the licensed facility at East Hanover Township in Dauphin County would not be part of the distribution. This would deprive East Hanover Township and Lebanon County of a portion of the local share, regardless of any additional costs they may incur due to the slot machine facility. While we believe the Gaming Control Board has the ability to include this parcel of land in the licensed facility and will do the fair thing in this case, the removal of the definition adds an unnecessary level of uncertainty. Ultimately, this decision would now have to be decided by the court, in the event that there is not some type of arrangement made. Even if the board determines that the parcel is part of the facility, Dauphin County could challenge that inclusion, based on the lack of clarity in this statute.

The purpose of this amendment, as it was put in by the House, was to preclude the expansion of gaming facilities beyond their original approval boundaries, because of zoning preemption language for Philadelphia. In order to put to rest all concerns relating to this preemption, the Senate removed all references to zoning in the bill sent to the House of Representatives for concurrence, Printer's No. 2208, making the removal of the definition unnecessary.

At any rate, I have had lawyers read this language, and we believe that Lebanon County and East Hanover Township would still be entitled to their local share, and if we did not have to get this bill to the Governor and if we did not have a bill that had been moved back and forth so many times, I would offer an amendment at this point. I am not going to do that. I am going to urge my colleagues to concur.

Thank you.

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

Senator FUMO. Madam President, I want to echo Senator Brightbill's remarks, and I have prepared remarks along the same line, where I agree with him. However, for the benefit of the Members, they should understand that there could be an interpretation now that the Gaming Board's authority has now been limited to strictly the floor of the facility, where at one time it regulated the entire facility. I am sure there is going to be litigation on this. Senator Brightbill raises a very valid issue concerning revenue. I am raising a valid issue concerning corruption and the possibility of it. We made the Gaming Board, we think, very powerful and very pure. We invested a lot of authority in them to regulate this, to keep organized crime and other people out of it. We gave them broad authority. We have now added the Attorney General to that. What the House did was take away that authority and say that they will now only regulate the gaming floor, none of the ancillary areas such as restaurants, or anything else attached to that, which we think is a huge mistake. It does not exist anywhere else in America. Everywhere else in America, the Gaming Board regulates the whole facility, as it should, because the facility is really one entity. By the House doing this, they have now made this subject a legal battle. We were much better off with the other language. I hope the courts agree with Senator Brightbill and myself, but we have now opened a new door through some hastiness on their part. They talk about us doing things late at night, they did things I do not think they even read or understood, at the behest of some lobbyist somewhere that has now gummed up this bill.

I agree with Senator Brightbill, and I, too, will vote for it reluctantly, but I think these arguments are so esoteric and technical that the public would never understand if we tried to send this back again. So we will do this, but I want the House to know that I think it is going to be a bipartisan effort in the next Session that we will go back and address these issues properly, the way they should have been addressed and the way we voted on them the first couple of times.

Thank you, Madam President.

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

Madam President, I rise to make a brief comment concerning the consideration of Senate Bill No. 862, Printer's No. 2218, and in particular, the recent House amendment to remove the term "associated areas" from the definition section of the bill, and as it appears in Act 71 of 2004 in the definition of "licensed facility."

Though the explicitly claimed purpose of this amendment, House amendment No. 10228, was to preclude the expansion of licensed gaming facilities beyond their originally approved boundaries, the amendment did not accomplish that task. Ironically, the version of the bill that was sent to the House for concurrence, Printer's No. 2208, had already removed the local zoning preemption section that used the term "associated areas."

Rather, the change to section 1103 of the act only had the effect of altering the definition of the term "licensed facility" in a manner that some could interpret as affecting the local revenue sharing portion of the act when a "licensed facility" includes land in contiguous counties or municipalities. For example, section 1403 permits the counties of Lebanon and Dauphin to share in the revenue for portions of the "licensed facility" that are within each county's boundaries. However,

the removal of the term "associated areas" from the act and the bill could be interpreted to shrink the physical size of "licensed facility" by excluding areas that are adjoining, including the racetrack and backside areas.

Additionally, the Gaming Board's jurisdictional authority is focused upon the activities of "licensed facilities." The House's removal of the term "associated areas" may be construed to suggest that the board no longer possesses the legal authority to regulate activities in the adjoining areas such as retail space, hotels, count rooms, back office space, restaurants, and entertainment areas. This is not the intent of either the sponsors of the amendment or the Members of this Chamber who are voting for the passage of this version of the bill. The clear and explicit intent of this General Assembly is set forth in section 1102 of this act: "The primary objective of this part to which all other objectives and purposes are secondary is to protect the public through the regulation and policing of all activities involving gaming and practices that continue to be unlawful."

The acceptance of any interpretation of the provisions of Senate Bill No. 862 that would weaken or limit the regulatory authority of the board to protect the public is contrary to the explicit provisions of the act and the intent of this body. It is well within the authority of the board to develop rules or regulations that continue to ensure the proper operation, management, and licensing of customary accessory uses that are typically connected or inherently linked with the conduct of gaming at a casino. Today's action to concur with House amendments should not be interpreted as undermining this inherent regulatory authority of the board.

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

Senator BRIGHTBILL. Madam President, would the gentleman from Philadelphia, Senator Fumo, stand for interrogation?

Senator FUMO. Madam President, yes, I will.

The PRESIDENT. The gentleman indicates that he will.

Senator BRIGHTBILL. Madam President, would the gentleman indicate, since he is one of the craftsmen of this legislation, his belief as to the present legislative intent of the gambling law as it would exist if Governor Rendell signed Senate Bill No. 862 and the amendments that are contained therein if it would be adopted, relative to the scope of the board and its regulations?

Senator FUMO. Madam President, I would answer that I believe that the legislative intent is to give that board broad discretion and jurisdiction. In my remarks I said that I believe that by the House putting this language in, it is going to get litigated and be subject to those kinds of questions, but it is certainly my intent tonight in voting for this to give that board the broadest possible power, authority, and jurisdiction over the entire facility.

Senator BRIGHTBILL. Madam President, so would it be fair to say that the Senator's remarks would be that if something could be misinterpreted, that it will be misinterpreted, but that our legislative intent here is to give the board broad power to regulate not only on the gaming floor, but the parking lots and associated areas, and even the land that is next door that perhaps is not used at this time?

Senator FUMO. Madam President, that is my interpretation, and I am hopeful that the courts will look at this and be guided thereby, although I am not foolish enough to believe that, but I would hope that they would see in the record what we intend to do and what we are voting on today.

Senator BRIGHTBILL. Madam President, I think that our courts will take a close look at the gentleman's comments.

Senator FUMO. Madam President, they always listen to us so well.

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

Senator TOMLINSON. Madam President, I rise in support of Senate Bill No. 862 and its concurrence. I want to thank our leaders also, Senator Fumo, Senator Brightbill, and Senator Orie, on this undertaking, because it was a very inclusive process. I do not think there is a Member here, whether they voted for gaming originally or not, who did not have a part in this, a say in this, and we had a hearing.

I want to thank our staffs, Christopher Craig, Fran Cleaver, and Kathy Eakin, and many of the professional staffs that went around and saw each Member individually or opened up their offices to them so that they could facilitate the interest that we had in this. Even though this might have started out as the 1-percent fix that Senator Pippy had been calling for, we broadened it to what every Member wanted in this Chamber. This is a moving target. I do not think this is the last time we will be visiting the gaming bill. We will be visiting the gaming bill again and again and again, because it is a very, very comprehensive and complicated issue, something that is extensive in its affect on Pennsylvania, certainly in the economic area of Pennsylvania.

As to the latest interrogation, I think it is very clear, however, in this legislation that the Pennsylvania Gaming Board will have the sole authority over all gaming activities onsite in these facilities, and I think that is clear in this legislation. Whether it is challenged or not, I think that it is very, very clear what our intent is, that the Pennsylvania Gaming Control Board has the sole regulatory authority for gaming under this act, and I think that will stand under whatever challenge we have, and I think that is the important concept that moves forward with this legislation.

I thank the Members of the General Assembly, particularly the Senate and our Senate leadership, Senator Brightbill and Senator Fumo, for accommodating all the competing interests that we had on this issue, and I ask for an affirmative vote.

Thank you.

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

Senator FUMO. Madam President, I, too, want to thank the staff and apologize for not doing that in my previous remarks, because we got wrapped up in the legalese. They did a phenomenal job and have done a phenomenal job all along in working together, and as I said, I think the public likes it when they see a bill go out of here that is controversial, 50 to 0, because it means that everyone has had input. I might add, to those who did not want to vote for gaming before, had you come to us earlier, we would have done this, but that is irrelevant right now.

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	O'Pake	Stout
Boscola	Gordner	Oric	Tartaglione
Brightbill	Greenleaf	Piccola	Tomlinson
Browne	Hughes	Pileggi	Vance
Conti	Jubelirer	Pippy	Washington
Corinan	Kasunic	Punt	Waugh
Costa	Kitchen	Rafferty	Wenger
Dinninan	LaValle	Regola	White, Donald
Earl	Logan	Rhoades	White, Mary Jo
Erickson	Madigan	Robbins	Williams, Anthony H.
Ferlo	Mellow	Scarnati	Wonderling
Fontana	Musto	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. 1**

**SENATE CONCURS IN HOUSE AMENDMENTS
AS AMENDED**

SB 1237 (Pr. No. 2221) -- The Senate proceeded to consideration of the bill, 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; authorizing the Department of General Services, with the approval of the Governor, to grant and convey to specified holders of slot machine licenses, certain lands in Philadelphia; authorizing the Department of General Services, with the approval of the Governor, to dedicate, grant and convey to the Strasburg, Lancaster County, Borough Authority, a water main and appurtenances to be constructed by the Department of General Services, together with easements for public water purposes, situate in Strasburg Township, Lancaster County, and to grant such further easements and licenses as may be necessary to provide the Railroad Museum of Pennsylvania with access to public sewer service; and authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Military and Veterans Affairs, to grant and convey to the Borough of Mansfield certain lands situate in the Borough of Mansfield, Tioga County.

On the question,

Will the Senate concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 1237?

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. 1237.

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-35

Armstrong	Fumo	Mellow	Tartaglione
Boscola	Gordner	Musto	Tomlinson
Brightbill	Hughes	O'Pake	Washington
Browne	Jubelirer	Piccola	Wenger
Conti	Kasunic	Punt	White, Donald
Costa	Kitchen	Rafferty	Williams, Anthony H.
Dinniman	LaValle	Rhoades	Wonderling
Ferlo	Logan	Stack	Wozniak
Fontana	Madigan	Stout	

NAY-13

Corinan	Oric	Robbins	White, Mary Jo
Earl	Pileggi	Scarnati	
Erickson	Pippy	Vance	
Greenleaf	Regola	Waugh	

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.

**COMMUNICATION FROM THE GOVERNOR
TAKEN FROM THE TABLE**

Senator ROBBINS called from the table communication from

His Excellency, the Governor of the Commonwealth, recalling the following nomination, which was read by the Clerk as follows:

MEMBER OF THE BOARD OF PARDONS

October 27, 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 June 7, 2006 for the appointment of Julia Glover Hall, 523 Arbutus Street, Philadelphia 19119, Philadelphia County, Fourth Senatorial District, as a member of the Board of Pardons, to serve until November 30, 2011, vice Barbara Walrath, Boothwyn, resigned.

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.