

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

TUESDAY, NOVEMBER 22, 2005

SESSION OF 2005 189TH OF THE GENERAL ASSEMBLY

No. 70

**SENATE**

TUESDAY, November 22, 2005

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

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

**PRAYER**

The Chaplain, Reverend ROBERT SIEBER, of First Baptist Church of Mifflintown, offered the following prayer:

Let us pray.

Heavenly Father, as we come to Your throne of grace this day, we come realizing that You are the all-knowing, all-seeing, all-powerful one who dispenses all of our blessings, blessings that all too often, Father, we take for granted, and then fail to give You thanks for what You have given to us. When we do this, heavenly Father, we ask for Your forgiveness.

Almighty God, as we enter this last Senate Session before the Thanksgiving holiday, we take time now to pause and say thank You for what You have given to us in this Commonwealth in this past year. We want to thank You for our farmers, along with the sunshine and the rain that produced the abundant crops.

We say thank You, Lord, for the young men and women from this great State who have stepped forth in our nation's military to protect this State and nation. They are there to maintain the freedoms that were given to us by our U.S. Constitution, and for these men and women who have stepped forward, we say thank You. As these young men and women continue in their service of keeping the peace that we too often take for granted, we would ask that Your protection would be upon them.

Father, we want to take time this morning to thank You for the willingness of the Members of this Senate body who have stepped forth in service to legislate and enact the laws that govern our day-to-day lives. Father, we pray this morning that these Senators may never lose sight of the fact that Your holy word says that You, Lord, set up and remove our leaders, and that ultimately they will have to answer to You.

Heavenly Father, as this Senate body begins today's Session and agenda, may Your Holy Spirit be upon this Chamber, and may it be upon each of these Senators as they fulfill their obligation to govern as their oath of office requires. This we ask in Your magnificent name. Amen.

The PRESIDENT. The Chair thanks Reverend Sieber, who is the guest today of Senator Corman.

**PLEDGE OF ALLEGIANCE**

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

**LEGISLATIVE LEAVES**

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

Senator BRIGHTBILL. Madam President, I ask for legislative leaves for Senator Madigan, Senator Piccola, and Senator Punt.

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

Senator FUMO. Madam President, I ask for a legislative leave for Senator Stout.

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

**LEAVES OF ABSENCE**

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

Senator FUMO asked and obtained leaves of absence for Senator C. WILLIAMS and Senator TARTAGLIONE, for today's Session, for personal reasons.

**JOURNAL APPROVED**

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of November 21, 2005.

The Clerk proceeded to read the Journal of the preceding Session.

Senator BRIGHTBILL. Madam President, I move that further reading of the Journal be dispensed with and that the Journal 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-47

Armstrong	Gordner	Orie	Thompson
Boscola	Greenleaf	Piccola	Tomlinson
Brightbill	Hughes	Pileggi	Vance
Browne	Jubelirer	Pippy	Washington
Conti	Kasunic	Punt	Waugh
Corman	Kitchen	Rafferty	Wenger

Costa	LaValle	Regola	White, Donald
Earll	Logan	Rhoades	White, Mary Jo
Erickson	Madigan	Robbins	Williams, Anthony H.
Ferlo	Mellow	Scarnati	Wonderling
Fontana	Musto	Stack	Wozniak
Fumo	O'Pake	Stout	

NAY-0

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

The PRESIDENT. The Journal is approved.

## COMMUNICATIONS FROM THE GOVERNOR

### RECALL COMMUNICATIONS REFERRED TO COMMITTEE

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

#### MEMBER OF THE COUNCIL OF TRUSTEES OF CLARION UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

November 22, 2005

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 July 6, 2005, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Eppers 17319, York County, Fifteenth Senatorial District, as a member of the Council of Trustees of Clarion University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified, vice Orville H. Lerch, Clarion, resigned.

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

EDWARD G. RENDELL  
Governor

#### MEMBER OF THE BOARD OF TRUSTEES OF WARREN STATE HOSPITAL

November 22, 2005

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 July 7, 2005, for the appointment of Nina Tinari, 6401 Church Road, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, as a member of the Board of Trustees of Warren State Hospital, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified, vice Zoann Zartman, DuBois, resigned.

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

EDWARD G. RENDELL  
Governor

## HOUSE MESSAGE

### HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

The Clerk of the House of Representatives informed the Senate that the House has concurred in the resolution from the Senate, entitled:

Weekly recess.

### 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:

November 22, 2005

Senators FUMO, RAFFERTY, A. WILLIAMS, BROWNE, COSTA, CONTI, BOSCOLA, KITCHEN, TARTAGLIONE, FONTANA, FERLO, STACK, O'PAKE, KASUNIC, WOZNIAK, MUSTO, LAVALLE, HUGHES, LOGAN, C. WILLIAMS, WASHINGTON, MELLOW, STOUT and RHOADES presented to the Chair **SB 101**, entitled:

An Act amending the act of April 8, 1937 (P.L.262, No.66), known as the Consumer Discount Company Act, defining "payday loan"; further providing for requirements for licensees; and providing for prohibition against payday loans.

Which was committed to the Committee on BANKING AND INSURANCE, November 22, 2005.

Senators BOSCOLA, WOZNIAK and FONTANA presented to the Chair **SB 1020**, entitled:

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

Which was committed to the Committee on JUDICIARY, November 22, 2005.

Senators GREENLEAF, ERICKSON, COSTA, CONTI, MUSTO, TARTAGLIONE, D. WHITE, FONTANA, WENGER, WONDERLING, RAFFERTY, STACK, PIPPY, PILEGGI, BROWNE, MELLOW, C. WILLIAMS, WOZNIAK and BOSCOLA presented to the Chair **SB 1021**, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, further providing for medical assistance benefit packages, coverage, copayments, premiums and rates.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, November 22, 2005.

Senators CORMAN, CONTI, STOUT, ERICKSON, RHOADES, WOZNIAK, BROWNE, C. WILLIAMS, REGOLA and STACK presented to the Chair **SB 1022**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for certain passenger restrictions.

Which was committed to the Committee on TRANSPORTATION, November 22, 2005.

Senators BROWNE, VANCE, ORIE, PICCOLA, WENGER, RAFFERTY, REGOLA, PILEGGI, GREENLEAF, WONDERLING and ARMSTRONG presented to the Chair **SB 1023**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for home education program.

Which was committed to the Committee on EDUCATION, November 22, 2005.

Senators GREENLEAF, COSTA, RAFFERTY, LEMMOND, BOSCOLA, BROWNE, FONTANA, C. WILLIAMS, REGOLA, STACK, PILEGGI and KASUNIC presented to the Chair **SB 1026**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for offense of failure to report serious violent or sexual crimes against children.

Which was committed to the Committee on JUDICIARY, November 22, 2005.

Senators EARLL, KITCHEN, LAVALLE, O'PAKE, STACK, WAUGH and WOZNIAK presented to the Chair **SB 1027**, entitled:

An Act amending the act of December 19, 1988 (P.L.1262, No.156), known as the Local Option Small Games of Chance Act, further defining "daily drawing."

Which was committed to the Committee on FINANCE, November 22, 2005.

Senators COSTA, O'PAKE, BOSCOLA, ERICKSON, FONTANA, BROWNE, KITCHEN, WOZNIAK, LAVALLE, STACK, RHOADES and MELLOW presented to the Chair **SB 1028**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the offenses of luring a child into a motor vehicle, indecent assault, incest and unlawful contact with a minor; and providing for Sentencing enhancements for individuals convicted of sex crimes.

Which was committed to the Committee on JUDICIARY, November 22, 2005.

Senators COSTA, KITCHEN, FONTANA, GREENLEAF, LEMMOND, C. WILLIAMS, LAVALLE and STOUT presented to the Chair **SB 1029**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for wrongful conviction and imprisonment.

Which was committed to the Committee on JUDICIARY, November 22, 2005.

Senators COSTA, FONTANA, FERLO, ORIE, PIPPY and LOGAN presented to the Chair **SB 1030**, entitled:

An Act amending the act of May 22, 1935 (P.L.233, No.99), referred to as the Second Class City Policemen Relief Law, further providing for amount payable upon resignation, dismissal or death of member, for married persons, pension to surviving spouse and

dependent children, for payments to widows and for suspension of pension, death before receiving pension equal to contributions.

Which was committed to the Committee on FINANCE, November 22, 2005.

## GENERAL COMMUNICATION

### ANNUAL REPORT OF THE QUALITY ASSURANCE PROGRAMS

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

COMMONWEALTH OF PENNSYLVANIA  
Department of Health  
Post Office Box 90  
Harrisburg, PA 17108

November 18, 2005

The Honorable Mark R. Corrigan  
Senate of Pennsylvania  
200 Irvis Office Building [sic]  
Harrisburg, Pennsylvania 17120

Dear Mr. Corrigan:

I am pleased to submit the Department of Health's annual Quality Assurance Report covering the period of July 1, 2004 through June 30, 2005. I hope you find it informative.

If you have any questions, feel free to contact Mike Yantis, Director of Legislative Affairs, at 783-3985.

Sincerely,

CALVIN B. JOHNSON, M.D.,  
Secretary

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

## BILL SIGNED

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

**HB 1509.**

## 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 meeting of the Committee on Appropriations, which will begin immediately. It will be a short meeting, after which we will have a Republican caucus.

The PRESIDENT. Senator Brightbill requests a recess for a meeting of the Committee on Appropriations, followed by a Republican caucus.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Madam President, I request a Democratic caucus.

The PRESIDENT. For purposes of a meeting of the Committee on Appropriations, to be followed by 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.

**CALENDAR**

**THIRD CONSIDERATION CALENDAR**

**BILL OVER IN ORDER**

**HB 111** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

**BILL OVER IN ORDER TEMPORARILY**

**SB 394 (Pr. No. 401)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 29, 1956 (1955 P.L.1804, No.600), referred to as the Municipal Police Pension Law, further providing for payments under existing pension plans for service increments to pensions of police officers.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

Senator COSTA. Madam President, may we temporarily go over this bill? There are a few Members who are not on the floor at this moment, and I think they may want to have some input before they vote, so if we could temporarily go over the bill, I would greatly appreciate it.

Senator BRIGHTBILL. I ask that we temporarily go over Senate Bill No. 394.

The PRESIDENT. Without objection, Senate Bill No. 394 will go over in its order temporarily.

**LEGISLATIVE LEAVE CANCELLED**

The PRESIDENT. Senator Piccola has returned to the floor, and his legislative leave will be cancelled.

**CONSIDERATION OF CALENDAR RESUMED**

**THIRD CONSIDERATION CALENDAR RESUMED**

**BILLS ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**SB 713 (Pr. No. 1376)** -- The Senate proceeded to consideration of the bill, entitled:

An Act prohibiting a provider of commercial mobile service from including the dialing number of any subscriber without first obtaining the express consent of that subscriber.

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

On the question,  
Shall the bill pass finally?

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

**YEA-47**

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

**NAY-0**

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

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

**SB 798 (Pr. No. 1360)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for right to bail.

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

On the question,  
Shall the bill pass finally?

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

**YEA-47**

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

Fontana	Musto	Stack	Wozniak
Fumo	O'Pake	Stout	

NAY-0

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

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

BILLS OVER IN ORDER

SB 881, SB 895 and SB 897 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 999 (Pr. No. 1327) -- The Senate proceeded to consideration of the bill, entitled:

An Act reenacting and amending the act of October 8, 2004 (P.L.830, No.98), entitled "An act providing for effect of standards adopted by the Voting Standards Development Board in the 2004 general election," expanding the scope to include all elections in 2006 and 2007.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

YEA-47

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

NAY-0

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

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

HB 1049 (Pr. No. 3153) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 19, 1931 (P.L.589, No.202), referred to as the Barbers' License Law, further providing for license

application for barber-teacher, for examination and for requirements for operation of barber shops.

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

On the question,  
Shall the bill pass finally?

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

YEA-47

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

NAY-0

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

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

BILL OVER IN ORDER

HB 1057 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL AMENDED

HB 1686 (Pr. No. 3116) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offenses of paintball guns and paintball markers, criminal mischief and sale and use of air rifles.

On the question,  
Will the Senate agree to the bill on third consideration?

Senator COSTA, on behalf of Senator MELLOW, offered the following amendment No. A4397:

Amend Sec. 1 (Sec. 2707.2), page 2, line 20, by striking out "SEALED" and inserting: closed

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.

## SECOND CONSIDERATION CALENDAR

## BILL OVER IN ORDER

**HB 87** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

## BILL ON SECOND CONSIDERATION

**SB 170 (Pr. No. 167)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, eliminating the office of Lieutenant Governor from primary elections.

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

## BILL OVER IN ORDER

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

## BILLS ON SECOND CONSIDERATION

**SB 435 (Pr. No. 1357)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, amending provisions relating to comparative negligence.

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

**SB 563 (Pr. No. 1358)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for comparative negligence.

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

**SB 618 (Pr. No. 1359)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for immunity for equine owners, possessors or handlers.

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

## BILL OVER IN ORDER

**SB 660** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

## BILL REREFERRED

**SB 838 (Pr. No. 1087)** -- The Senate proceeded to consideration of the bill, entitled:

An Act regulating certain services provided by a nonresident physician.

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

## BILLS ON SECOND CONSIDERATION

**SB 856 (Pr. No. 1102)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 3, 1933 (P.L.242, No.86), referred to as the Cosmetology Law, further providing for booth rentals.

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

**SB 860 (Pr. No. 1136)** -- 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.

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

HOUSE CONCURRENT RESOLUTION  
No. 88, CALLED UP

Senator BRIGHTBILL, without objection, called up from page 4 of the Calendar, **House Concurrent Resolution No. 88**, entitled:

A Concurrent Resolution establishing a task force to study issues concerning sewage management and treatment at publicly owned treatment facilities and systems throughout this Commonwealth, providing for an advisory committee and directing the Joint Legislative Air and Water Pollution Control and Conservation Committee to provide administrative support to the task force.

On the question,  
Will the Senate concur in the resolution?

Senator BRIGHTBILL. Madam President, I move the Senate do concur in House Concurrent Resolution No. 88.

On the question,

Will the Senate agree to the motion?

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

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

**STATE SYSTEM OF HIGHER EDUCATION  
PROPERTY REQUEST No. 2 of 2005,  
RESOLUTION A, ADOPTED**

Senator BRIGHTBILL, without objection, called up from page 5 of the Calendar, **State System of Higher Education Property Request No. 2 of 2005, Resolution A**, entitled:

Resolved, That State System of Higher Education Property Request No. 2 of 2005, transmitted by the State System of Higher Education under the Public School Code of 1949 to the General Assembly under date of September 28, 2005, which is incorporated herein by reference, be approved.

On the question,

Will the Senate adopt the resolution?

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

**SB 394 CALLED UP**

**SB 394 (Pr. No. 401)** -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Third Consideration Calendar, by Senator BRIGHTBILL.

**BILL OVER IN ORDER**

**SB 394** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

**UNFINISHED BUSINESS  
BILL REPORTED FROM COMMITTEE**

Senator THOMPSON, from the Committee on Appropriations, reported the following bill:

**SB 995 (Pr. No. 1381) (Amended) (Rereported)**

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for a snowmobile or ATV restricted account; providing for snowmobile or ATV special event passes; and further providing for registration of snowmobile or ATV.

**CONGRATULATORY RESOLUTIONS**

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

Congratulations of the Senate were extended to Mr. and Mrs. Richard L. Sourbeer by Senator Armstrong.

Congratulations of the Senate were extended to Richard and Bonita Bleiler, Thomas Shive, Marci Barr, Katherine Messler, Caitlin Kempf, Bethany Bushner, Lisa Boyko, Colleen Reinert,

Christina Powell, Jennifer Weber and to Heather Stiles by Senator Browne and others.

Congratulations of the Senate were extended to Gabriel Calvin, Matthew Veni and to Congregation Beth El of Morrisville by Senator Conti.

Congratulations of the Senate were extended to Mr. and Mrs. Harry G. Aurand, Mr. and Mrs. Harvey N. Buckley, Mr. and Mrs. Joseph H. Raisner and to Dr. Sanford R. Silverstein by Senator Corman.

Congratulations of the Senate were extended to Pennsylvania American Water of McMurray by Senator Costa and others.

Congratulations of the Senate were extended to John D. Blaisse by Senator Erickson.

Congratulations of the Senate were extended to Fred Boory, Jr., Richard F. Bartlett IV and to J. H. Shoop and Sons of Freeport by Senator Ferlo.

Congratulations of the Senate were extended to Joseph E. Caretti by Senator Fontana.

Congratulations of the Senate were extended to the United States Coast Guard Auxiliary, District 5NR, Flotilla 76, of Philadelphia, by Senator Fumo.

Congratulations of the Senate were extended to Mr. and Mrs. Richard F. Little, Mr. and Mrs. Robert A. Einsig, Mr. and Mrs. Ned Boyce, Daniel Matthew Richardson, Donald Fred Parks, Ralph Owens, Talmage Johnson and to Matthew R. Wynn by Senator Gordner.

Congratulations of the Senate were extended to Joseph L. Hagy III, Sandra L. Goldman and to Jack Tarman by Senator Greenleaf.

Congratulations of the Senate were extended to Juanita Willis Viner by Senator Hughes.

Congratulations of the Senate were extended to Mr. and Mrs. Bill Kearney by Senator Jubelirer.

Congratulations of the Senate were extended to Michael Luczka and to the Geibel Catholic High School Girls' Volleyball Team by Senator Kasunic.

Congratulations of the Senate were extended to Reverend Dr. Repsie M. Warren, Dr. Keith Wayne Reed, Sr., and to Donald Patterson by Senator Kitchen.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Menotti, Ann Kozemchak, Susannah S. Kent and to Arreta Phillips by Senator Lemmond.

Congratulations of the Senate were extended to Mary Cortazzo-Womer and to Caroline Nardozi by Senator Logan.

Congratulations of the Senate were extended to Mr. and Mrs. Vernon E. Lucas, Jr., Mr. and Mrs. Lee Harkness, Mr. and Mrs. David Marshall, Mr. and Mrs. Philip Husick, Mr. and Mrs. Frederick Schrader and to Mr. and Mrs. Alfred A. Eck by Senator Madigan.

Congratulations of the Senate were extended to Dennis Clarke by Senator Musto.

Congratulations of the Senate were extended to Very Reverend and Mrs. William Diakiw, Joseph William Unger III, Steven G. Gaertner, Ryan David Kobert, Peter Rowlands and to Robert Kopler by Senator Orie.

Congratulations of the Senate were extended to Michael Sweigart by Senator Piccola.

Congratulations of the Senate were extended to Joan C. Bruce by Senators Piccola and Costa.

Congratulations of the Senate were extended to Mr. and Mrs. Robert B. Bristow, Mr. and Mrs. William John Pascale, Jr., Mr. and Mrs. Gordon W. Douglas, Mr. and Mrs. Wilbur Milton Laudenslager, Kyle David Brackin and to the Honorable Richard W. March by Senator Pileggi.

Congratulations of the Senate were extended to Dr. Charles H. Glatfelter by Senator Punt.

Congratulations of the Senate were extended to Mr. and Mrs. Thomas F. McNichol by Senator Rafferty.

Congratulations of the Senate were extended to Mr. and Mrs. Andrew T. Kozak, Sr., Mr. and Mrs. Edward W. Yoder, Mr. and Mrs. Ralph Marinelli, Anna Katheryn Dietrich and to Daniel John Pushic by Senator Regola.

Congratulations of the Senate were extended to Honorable Paul R. Donmoyer, Honorable John C. Messer, Norman C. Prutzman, Pauline Gilmartin and to Paul A. Bamford by Senator Rhoades.

Congratulations of the Senate were extended to Lisa Cree, Sylvia A. Stull and to the citizens of West Salem Township by Senator Robbins.

Congratulations of the Senate were extended to Hal Conarro, Bob Sokolski, Cory Isaac Schrock and to Brian Stuby by Senator Scarnati.

Congratulations of the Senate were extended to Mr. and Mrs. Gerald Runtas, Mr. and Mrs. Frank Lagoni, Mr. and Mrs. James Gallo, Mr. and Mrs. Frank Valencic, Mr. and Mrs. Donald R. Teyssier, Mr. and Mrs. Carl F. Horvath, Katie Skaggs, Dorothy I. Bryson and to Jack J. Sabo by Senator Stout.

Congratulations of the Senate were extended to Thomas Carmen Neri by Senator Thompson.

Congratulations of the Senate were extended to Scott Keating, Sean Weckerly, Ryan Kalinowski, Harry Smith and to Arlene Harms by Senator Tomlinson.

Congratulations of the Senate were extended to Mr. and Mrs. James Whitcomb, Mr. and Mrs. Richard Jones, Mr. and Mrs. Dale Gilbert, Mr. and Mrs. J. Franklin Reed, Donald R. McCallin and to Isabell Stathas by Senator Vance.

Congratulations of the Senate were extended to Walter Joseph Franek by Senator Waugh.

Congratulations of the Senate were extended to Thomas Denlinger by Senator Wenger.

Congratulations of the Senate were extended to Mr. and Mrs. Carl Zimmerman, Kristen Carfang and to the Indiana Regional Medical Center by Senator D. White.

Congratulations of the Senate were extended to Mr. and Mrs. W. Wayne Maxwell, Benjamin Reid McMurdie, Roger Ernest Kean and to Andrew Dennis McMurdie by Senator M.J. White.

Congratulations of the Senate were extended to Mary B. Coe and to John Linehan by Senator C. Williams.

Congratulations of the Senate were extended to Dr. Joseph M. DiMino by Senators C. Williams and Rafferty.

Congratulations of the Senate were extended to Jonathan A. Hartman by Senator Wonderling.

Congratulations of the Senate were extended to Luanne Stauffer by Senators Wonderling and Rafferty.

Congratulations of the Senate were extended to The Annie Halenbake Ross Library and to the Northern Cambria High School Girls' Volleyball Team by Senator Wozniak.

### CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Honorable George M. Metzger by Senator Greenleaf and others.

Condolences of the Senate were extended to the family of the late Dr. Roosevelt Hairston, Sr., by Senator Hughes.

Condolences of the Senate were extended to the family of the late Daniel L. Arnold and to the family of the late Lee Allen Wiegand by Senator Madigan.

### PERMISSION TO ADDRESS

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

Senator ORIE. Madam President, it is a great honor and privilege for me today to rise for this congratulatory resolution for a constituent and a legend in the radio broadcasting business in southwestern Pennsylvania, Bob Kopler, of KDKA Radio. He is being honored by the March of Dimes with its 2005 Lifetime Achievement Award during the March of Dimes 10th Anniversary Achievement in Radio Awards luncheon, which is being held on November 30.

Each year the Pittsburgh Air Awards Board of Governors honors an outstanding radio professional with its Lifetime Achievement Award. This industry-wide competition gives recognition to hard work, creativity, and excellence of radio professionals in the Greater Pittsburgh area. It is with great honor and privilege, as I stated, to recognize him for his achievement. Having him live in my district, it is just a great honor to present this to him today.

Thank you.

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

Senator COSTA. Madam President, on behalf of Senate Democrats, particularly those who reside from the southwestern part of the State, we would like to join Senator Orie on her congratulatory resolution to Mr. Kopler, particularly with respect to his lifetime achievement, and he has had a lifetime of achievements, and we are very honored to be able to say, myself in particular, that we have had the opportunity to listen to him for a number of years. To those of us who listen to KDKA Radio, he is a staple with that station and has done a tremendous job in providing us the news, and we are happy to be able to support the resolution of Senator Orie.

Thank you, Madam President.

The PRESIDENT. Thank you, Senator Costa, and the Senate Republicans and Democrats of southwest Pennsylvania on their tribute to Bob Kopler, radio host.



## PETITIONS AND REMONSTRANCES

The PRESIDENT. The Chair recognizes the gentlewoman from Northampton, Senator Boscola.

Senator BOSCOLA. Madam President, homeowners across Pennsylvania are tired of Democrats and Republicans fighting with each other and pointing fingers at each other. They want results, they want us to work together.

Four years ago I went to each and every Member of the Senate and the House. I collected enough signatures to initiate a Special Session on property tax relief. That was the first time in the history of this legislature that a Special Session was called by a Member of the legislature. When I circulated that petition, it was clear that a lot of Senators and Representatives, Democrats and Republicans, wanted some type of property tax relief. That was 4 years ago. So I have been part of this process for a very long time now. That was the last time this General Assembly had a Special Session on property tax relief. Unfortunately, at that time we were unable to come up with a solution. If we continue to play politics with property tax relief, we will not reduce or eliminate property taxes in this Special Session either.

The people of Pennsylvania want results, not rhetoric. With all due respect, I have a simple suggestion. Put Senate Bill No. 30 out on the floor and report it out of the Committee on Appropriations as is, no procedural monkey business, no amendments to change printers' numbers, just report it out today, as is.

Now, personally, I do not support Senate Bill No. 30. It repeals Act 72 and it sets up a statewide referendum for next spring. I think the legislation could be better. One of the reasons I do not support Senate Bill No. 30 currently is because if the referendum in Senate Bill No. 30 fails in the spring, there is no fall-back position. If the referendum fails and Act 72 is repealed, we are back to square one. But let us put it on the floor anyway, and then when it comes back in December, let Members, all Members, offer amendments in two phases. The first phase would be amendments directly to the bill. For instance, even though I do not support Senate Bill No. 30 currently, I will offer an amendment that would create a property tax review board. If a school district wants to increase costs higher than the educational cost index, the review board would have the opportunity to approve or reject the increase because the school district goes to voter referendum. I will have more to say about that review board when I offer that amendment.

So let us allow Members to offer amendments directly to Senate Bill No. 30. When that phase is complete, allow each Member who has an alternative plan to offer it to replace the language of Senate Bill No. 30.

There are a lot of Members in this body. I know Senator Mellow has a solid plan, and I think there are a lot of other good plans as well. I think Senator Greenleaf and I have a plan on freezing property taxes for seniors. Senator Wozniak has a bill, and it mirrors the Governor's plan. Senator Logan has a S.T.O.P. plan. In fact, he collected 117,000 signatures of people, the public who were in favor of this. So all of these plans deserve an open discussion in this Chamber, and there may be other plans. In fact, I just heard today that there is a compromise plan that might be voted on in the House tonight, so every day we are in

this legislative Session on property taxes, it seems that there are compromise plans being developed. Maybe none of these plans will receive 50 votes. As Senator Brightbill said last night, this is a complicated, frustrating issue. But at the end of the day, we can send the plan with the most votes to the House. Results count, not rhetoric. Let us stop bickering and do the job our constituents sent us to do.

Before the Majority Leader asks, I support Senate Bill No. 13, and that is why I introduced it. All I am asking for is that we work together to get this done. No more yelling, no more screaming, name calling, finger pointing, enough is enough. Let us put politics aside and work together to produce the best plan that we can. We are an intelligent body. There are a lot of good people here, a lot of good Senators, a lot of good plans, and we can do this, I am confident. Then when we come back in December, let every Member offer his or her plan, because they put a lot of work into their plans, and they should at least be given that due consideration. No more shouting at each other, let us just join together, work out our differences, and make the people of Pennsylvania proud of us.

Thank you, Madam President.

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

Senator BROWNE. Madam President, after today's business, we break for Thanksgiving, an opportunity for our families and all families across the country to give thanks for the gifts that have been bestowed on them over the past year and also gifts that have been preserved for them, and one of those gifts, of course, is our basic American freedom. That is why it is common over Thanksgiving to give thanks to the men and women who are willing to sacrifice everything, give the ultimate sacrifice to preserve the American experience for all of us. The facts are, Madam President, over the past year and over the course of our country's history, those in public service, American citizens have questioned our leader's willingness to send our young men and women into battle. It is one of the privileges of living in a true constitutional democracy. It is one of the reasons why the debate in Congress last Friday was more than appropriate, but no one can question, no one can marginalize in any assembly, in any town hall, in any public forum the commitment of the American veterans, their resolution to the purpose, their commitment to the cause of American liberty.

On October 20 of this year, Lance Corporal Andrew Russoli, of the U.S. Marine Corps, age 21, a member of my family, was killed by a car bomb that he had volunteered to disarm while his convoy was patrolling the streets around Nasser WaSalaam, Iraq.

I would like to take the opportunity, with your permission, Madam President, to give a statement that he gave to a community group before his second tour of duty in Iraq that I believe typifies the legacy of the American soldier. He said:

There is a natural order, the way things are meant to be, an order that says the good guys always win, that you die when it is your time, or you got it coming, that the end is always happy if only for someone else. Now, at sometime it became clear to us that our path had been chosen and we had nothing to offer the world, our options narrowing to minimum wage and living with mom and dad. So we stepped off the path and went looking for the adventure that was looking for us. Nineteen firefights, twenty-six bombs exploded, two car bombs, one for which I received a Purple Heart, thousands of unexploded bombs found.

The most I went without sleep was 5 days, the most days gone without eating was 3. The number of missions run by my platoon was over 400, the percentage of missions run by CAAT out of the total battalion was 70 percent.

Most of you cannot fathom doing some of the things my boys and I have done, and that is okay, you do not have to. That is why I do what I do. Most of what you see on CNN are all the bad events that are going on. What you do not see are Marines passing out toys to children, giving tools to farmers, and supplies to schools, not to mention the countless hours spent socializing and learning about each other's cultures, and there is always the occasional joke between soldiers and Iraqis.

The experience I went through made me thankful for a lot of things. I am thankful for a warm home, a loving family, a church that gives me unconditional support and love, friends who stick by my side, no matter what the problem, and the power of God. I am sure I would not be standing here today if it had not been for all of you constantly praying for me while I was in harm's way. Obviously, I am thankful to be alive. Still, I cannot count on two hands how many times I said to myself, "There is no way that I still should be living right now." "There were many times when we would be running into a fight or being blown up when I thought to myself, this is it, and then I would look to the Marine to my right and the Marine to my left, and we would all say, "Let's go out in a blaze of fire and see who is coming with us."

It is said evil only prevails when good men do nothing. I am thankful for those good men who did something, who never quit, who gave it their all. I am thankful to be an American.

Madam President, on this Thanksgiving, as our family continues to grieve and mourn, we will all give thanks to the gifts of liberty which are preserved for us through the unwaivering courage, unmitigated devotion of Andrew and those like him willing to make the ultimate sacrifice on the altar of freedom. It is my Thanksgiving prayer, my Thanksgiving hope that all Pennsylvanians will join us in honoring Andrew.

God bless you, Andrew Russoli, and rest in peace.

The PRESIDENT. Thank you, Senator.

The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Madam President, I would just like to say that there were comments made on the floor by Senator Boscola, and coincidentally they mirrored a plan that the Majority intends to follow, to bring Senate Bill No. 30 out of the Special Session Committee on Appropriations with an amendment that would basically strip it down to being simply the backend referendum, so that any Member on the 5th who wants to offer any amendment is, in essence, starting with a blank sheet of paper. We are happy to receive all plans, and if someone can do a job that is better than Senate Bill No. 30 as it is presently formatted, there will be no one happier than the Senate Majority Leader. It hits certain targets, it misses other targets. It is tax reform, and there are winners and losers, so we are going to be doing that.

I ask all the Members who have amendments to Senate Bill No. 30 to have it in the two leaderships' hands by December 1. We think that gives us some time to do some additional work, pulling things together, and we think that is a reasonable deadline. If you can have your amendment to us by December 1, we can decide whether there are common elements, and we may put amendments together, maybe make one amendment work with another amendment, that kind of thing. There will be a lot of work after December 1. No one is obviously foreclosed after December 1, it is strictly an accommodation to make the process

work effectively when we come back here on December 5.

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

Senator COSTA. Madam President, we would like to thank Senator Browne for his remarks, and on behalf of the Senator Democrats, we would like to express our condolences to him and his family for their loss. We, too, recognize the significant sacrifices that so many Pennsylvanians have made, and oftentimes when it hits so close to home, it brings it into a better perspective, so on behalf of the Senate Democrats, we offer our condolences to Senator Browne and his family.

Thank you.

## RECESS

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

Senator BRIGHTBILL. Madam President, at this point I ask for a recess for a meeting of the Committee on Rules and Executive Nominations. I think there are some nominations that we need to deal with. When we come back, we are still going to deal with House Bill No. 1539. We have an amendment to that, and a Supplemental Calendar for both House Bill No. 1539 and Senate Bill No. 995. When we are done with both of those items, we will be done with the Regular Session. In order to have the meeting of the Committee on Appropriations in Special Session, we will need to go into Special Session, and we cannot go into that until we finish with Regular Session.

The PRESIDENT. There will be a brief recess for a meeting of the Committee on Rules and Executive Nominations. For that purpose, without objection, the Senate will stand in recess.

## AFTER RECESS

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

## SPECIAL ORDER OF BUSINESS GUESTS OF THE PRESIDENT PRESENTED TO THE SENATE

The PRESIDENT. May I please have your attention. We have some guests today, Adjutant General Jessica Wright and her brother-in-law, Roy Wright, and Lana DiMery here from Texas. The Adjutant General just gave a great speech down in the Rotunda about the National Guard, so I thank all of you for that bill, and I thank them for coming here with Jessica and being here with us for Thanksgiving. So let us all give them a round of applause.

(Applause.)

## SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 1

### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 995 (Pr. No. 1381) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for a snowmobile or ATV restricted account; providing for snowmobile or ATV special event passes; and further providing for registration of snowmobile or ATV.

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?

**LEAVE CHANGE**

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

Senator O'PAKE. Madam President, I request to change the leave of Senator Connie Williams from a personal leave to a legislative leave.

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

And the question recurring,  
Shall the bill pass finally?

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

Senator O'PAKE. Madam President, Senator Stout is a "no" and recommends a "no" vote.

And the question recurring  
Shall the bill pass finally?

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

**YEA-44**

Armstrong	Fumo	Musto	Thompson
Boscola	Gordner	O'Pake	Tomlinson
Brightbill	Greenleaf	Orie	Vance
Browne	Hughes	Piccola	Washington
Conti	Jubelirer	Pileggi	Wenger
Corman	Kasunic	Pippy	White, Donald
Costa	Kitchen	Rafferty	White, Mary Jo
Earl	LaVall	Regola	Williams, Anthony H.
Erickson	Logan	Rhoads	Williams, Constance
Ferlo	Madigan	Robbins	Wonderling
Fontana	Mellow	Stack	Wozniak

**NAY-4**

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

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

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

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

**MEMBER OF THE COUNCIL OF TRUSTEES OF  
CLARION UNIVERSITY OF PENNSYLVANIA OF  
THE STATE SYSTEM OF HIGHER EDUCATION**

November 22, 2005

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 July 6, 2005, for the appointment of Stephanie Moore, 40 Red Barbary Drive, Etters 17319, York County, Fifteenth Senatorial District, as a member of the Council of Trustees of Clarion University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified, vice Orville H. Lerch, Clarion, resigned.

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

EDWARD G. RENDELL  
Governor

**MEMBER OF THE BOARD OF TRUSTEES  
OF WARREN STATE HOSPITAL**

November 22, 2005

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 July 7, 2005, for the appointment of Nina Tinari, 6401 Church Road, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, as a member of the Board of Trustees of Warren State Hospital, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified, vice Zoann Zartman, DuBois, resigned.

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

EDWARD G. RENDELL  
Governor

**NOMINATIONS RETURNED TO THE GOVERNOR**

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

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

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

**HOUSE MESSAGE**

**HOUSE CONCURS IN SENATE BILL**

The Clerk of the House of Representatives returned to the Senate SB 260, with the information the House has passed the same without amendments.

**BILLS SIGNED**

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

**SB 260 and HB 1400.**

**HB 1539 TAKEN FROM THE TABLE**

Senator BRIGHTBILL. Madam President, I move that House Bill No. 1539, Printer's No. 3059, be taken from the table and placed on the Calendar.

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

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

**SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR No. 2****BILL WHICH HOUSE HAS NONCONCURRED  
IN SENATE AMENDMENTS****SENATE RECEDES FROM ITS AMENDMENTS  
NONCONCURRED IN BY THE HOUSE**

**HB 1539 (Pr. No. 3059)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing for public official compensation; further providing for reports to the Secretary of Revenue; establishing and providing for appropriation to the Emergency Energy Assistance Fund; and making a repeal related to public official compensation.

Senator BRIGHTBILL. Madam President, I move that the Senate recede from its amendments nonconcurrent in by the House to House Bill No. 1539.

The PRESIDENT. Senator Brightbill moves that the Senate recede from its amendments nonconcurrent in by the House to House Bill No. 1539.

On the question,

Will the Senate agree to the motion?

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

**BILL AMENDED**

The PRESIDENT. The Senate has now before it House Bill No. 1539, Printer's No. 2408.

On the question,

Will the Senate concur in the amendments made by the House, as further amended by the Senate, to House Bill No. 1539?

Senator CORMAN, on behalf of Senator HUGHES and himself, offered the following amendment A4518:

Amend Sec. 2 (Subarticle Heading), page 2, line 22, by striking out "D" and inserting: F

Amend Sec. 2 (Sec. 1731-A), page 2, line 24, by striking out "1731-A" and inserting: 1751-A

Amend Sec. 2 (Sec. 1732-A), page 2, line 28, by striking out "1732-A" and inserting: 1752-A

Amend Sec. 2 (Sec. 1732-A), page 2, line 30, by striking out "1.0 MILLS OF THE UTILITIES" and inserting: not more than 1.0 mill of the

Amend Sec. 2 (Sec. 1732-A), page 3, line 3, by striking out "ANNUALLY" and inserting: for the fiscal year July 1, 2005, to June 30, 2006.

Amend Sec. 2 (Sec. 1732-A), page 3, line 6, by striking out "DECLARES" and inserting: issues a declaration

Amend Sec. 2 (Sec. 1732-A), page 3, line 13, by removing the period after "PROGRAM" and inserting: and shall transmit copies of the declaration to the chairman and minority chairman of the Appropriations Committee of the Senate and the chairman and minority chairman of the Appropriations Committee of the House of Representatives.

On the question,

Will the Senate agree to the amendment?

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

Senator CORMAN. Madam President, Senator Hughes from Philadelphia and myself have the honor of chairing the Committee on Public Health and Welfare. Certainly, one of the very important public health care issues that we are going to have this winter is the matter of home energy assistance, because this year we are expecting high energy costs, certainly Hurricane Katrina has put those energy costs into a tailspin, so to speak, poor pun, I am sorry, but certainly it caused costs to go a lot higher than what was anticipated when we did our budget last year. Along with that, it is being projected by some of the weather experts around the Commonwealth and around the country that we will have a very cold winter, which could put some very hard constraints on low-income budgets, all budgets, but certainly people with lower income will have to make some very difficult decisions on whether they can feed their family or pay for heating costs. Unfortunately, some of the those decisions become very difficult and end up with very tragic circumstances. When you cannot pay your heating bill, you try to find other ways to heat your home, and that has led to some tragic results.

Since we already did our budget back in June, we needed to roll up our sleeves and find a way to deal with this issue, and so this amendment would take 1 millage, and it has already been appropriated on the public utility companies through the gross receipts tax, and appropriate it toward home energy costs for this year for lower-income people. Basically, I am sure the Governor will go through the Department of Welfare and LIHEAP, which has already been established by the Federal government, but this will get the money to those who are most in need, and that is the most important thing. We do not have time to develop a whole new program. It is already getting cold outside. This will take the money already in a Federal program and get it to where the money is needed, and that is to the individuals who are going to have a tough time paying their home heating costs this winter.

So I look for immediate adoption here in the Senate. I hope the House will concur quickly and get it to the Governor, certainly before early December so we can get this money flowing. It is supposed to be upwards of \$25 million, and that, hopefully, will go a long way in addressing the difficult winter coming ahead of us.

Thank you, Madam President.

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

Senator HUGHES. Madam President, I want to take a moment to concur with the gentleman, Senator Corman, with respect to this particular amendment. It is extremely important, a matter that I have been working on with Senator Costa, Senator Anthony Williams, and a number of Members for not just a number of months but over the years to try to get State appropriations toward the LIHEAP program. Now we have a break in the roadblock in doing that through Senator Corman's activity as the Majority chairman of the Committee on Public Health and Welfare and to the powers in the offices of our Majority Leader, who has used his talent and his skills and buckled down and found a way to make something happen here.

It was my understanding that the Governor is in support of this move, in support of this effort. I concur that we need to move this matter out of the Senate immediately, get it over to the House immediately so that they can act upon this matter no later, no later, Madam President, than the first week of December, so that the people in Pennsylvania will know that greater help is coming from the Commonwealth toward this very dramatic and very devastating situation. We have indications from our Committee on Appropriations staff that this could add approximately \$25 million to the LIHEAP program, which under the current funding formula could add maybe somewhere around 60,000 families to the LIHEAP program. That is an extremely important number, not enough to where we need to be, but an extremely important first step in this action.

So I want to ask the Members for an affirmative vote and to move quickly on this matter so we can get this thing out of the Senate, move toward the House, get the House to act on it, move it out of the House, and get it signed and approved by the Governor expeditiously so that we can get the help to the people who deserve it the most. I would also say, Madam President, that this is just the first step in a series of activities that need to be taken by the State to assist folks in what is going to be a very devastating and very difficult winter in terms of heating costs. As you know, and as I said in part of my comments last night, that if you open up your heating bill now, that first bill that has arrived, it is reflecting already the dramatic increase in the costs. I do want to indicate that I appreciate the follow-through from the Majority Leader who indicated in his comments last night that help would be coming in this particular area, and I do appreciate the fact that he and his incredible staff, with Senator Corman, has made something dramatic happen.

I understand that a number of my colleagues want to speak on this, and so I will pass the microphone over to them, and these are individuals who have been advocating on this measure for a number of years, and we are finally glad to see that there is a breakthrough here.

Thank you very much, Madam President.

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

Senator COSTA. Madam President, I would like to echo the comments of my colleague from Philadelphia, Senator Hughes, and my colleague from Centre County, Senator Corman. I thank them individually for their leadership on this issue. We would not

be standing here today had it not been for the work of Senator Hughes and Senator Corman working together for many weeks to bring this issue to the forefront. I also want to recognize the leadership of the Republican Party for allowing us the opportunity to bring this measure forward.

As Senator Hughes indicated, he and I, and a number of others, Senator Williams to my left, and Senator Wozniak has legislation addressing this issue and has had a number of conversations with Senator Corman about trying to make Pennsylvania one of the few remaining States that provides State resources to the LIHEAP program. I am happy to stand here today knowing that we are on the verge of doing that. This legislation, as was indicated, will provide up to I believe \$25 million for the Governor to drive back out into energy assistance programs across the Commonwealth. There is a significant program in place, LIHEAP, that we have heard reference to, and I think it is important for folks to realize where we stand with respect to the LIHEAP grant program. We are one State that currently does not provide enough, and surrounding States make a significant effort as well. New York applies about \$72 million a year, New Jersey applies about \$84 million, and some of the other surrounding States do that as well.

I think it is important for those folks to recognize what the LIHEAP program offers. It is wonderful to be able to provide the resources to this program, but it is my hope that there are a number of people out there watching us this late afternoon who will have the opportunity to hear about the LIHEAP program and take steps to apply. In Allegheny County, we have the opportunity to service about 30,000-plus individuals for cash assistance through the LIHEAP program. That translates into approximately \$250 per family. In addition to that, Madam President, there is a crisis component to the LIHEAP program, which I think is also equally important, and in Allegheny County we were able to service about 7,100 individuals for a cost of about \$285 in crisis grants. Madam President, those are very significant dollars. We have heard a lot about the cost of heating fuels in the Commonwealth rising. A 36-percent increase in natural gas is expected later this year, a 52-percent increase in home heating oils. This will help in some way to resolve the crisis that families are going to have addressing this very important issue.

Madam President, as I indicated, Senator Hughes and I would like all the Senate Democrats, quite frankly, to call on Governor Rendell to be very active in this process, and as Senator Hughes indicated, the Governor is supportive of this measure. The Governor was very helpful in pushing the cause forward by supporting a program called the Stay Warm Pennsylvania program, which incorporated finding resources to provide for a State allocation of the LIHEAP program. So I am very thrilled to stand here today and be able to discuss this very important issue and to make certain that we do in fact move forward. So I ask my colleagues to join all of us in making certain that this legislation passes the Senate here and moves on to the House for a quick, quick vote, so we are able to provide resources to some 70,000 new individuals. New families who are not receiving the benefit today will have the opportunity to receive a benefit under this legislation. My hope is that the Governor will provide the resources to the fullest amount possible, up to possibly \$25

million, and we look forward to working with him toward that end.

So again, I want to thank all of my colleagues for their participation in this very important issue, and who made certain that we kept it on the front burner and made sure that we had some resources allocated to this program.

Thank you, Madam President.

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

Senator A.H. WILLIAMS. Madam President, in my brief period of time that I have been in the Senate, I cannot say that I have always been proud to be here to argue about a variety of issues, and frankly, all too often when I stand at a mike, I am actually arguing or debating about a particular issue. Today I am very proud to be a part of this body. I am proud first of all because we are doing something for Pennsylvanians without raising taxes, and that should not go unnoticed. To find \$25 million in an economy that is very challenged in such a way that is fiscally responsible across Pennsylvania, frankly, is unique, not only for Pennsylvania, but for a number of other States, and I daresay there is not going to be any other State in this country that is going to be able to contribute \$25 million towards LIHEAP without raising taxes.

Second of all, for all of the antics on both sides of the aisle, it is not frequent we come together and say in a truly bipartisan manner that we are doing something. Today it is clearly defined for a person like me who has raised this issue about a shortage of energy, frankly, the costs for all of us across Pennsylvania, three years ago I started noting the creeping costs for this particular area, and I was glad that the leadership within the Democratic Caucus, defined by Senator Hughes and Senator Costa, raised it to a critical level. But I am most proud that Senator Costa, the Majority, Senator Brightbill, and others brought it to temperature.

Thirdly, and the most important item, we are here only because as a nation we define ourselves by helping those who cannot help themselves. That is why we are in government. That is why we are the country of envy across the world, because when we are in need, when someone is in need, that is when we are supposed to show up. We have done this as far back as my grandfather who served in World War II, and many other wars and conflicts. When we take memory in honor of anybody, we take it with the spirit of America first at hand, and that is to say, when you are down on your luck, somebody, your brother or sister, is looking upon your misery, because but for the grace of God, there go I and mine.

So today Pennsylvania is distinguishing itself amongst nations, not just States, by doing this, and I am grateful and I am proud for all of us who are participating.

Thank you.

The PRESIDENT. Thank you, Senator Williams.

On behalf of the all the needy citizens of the Commonwealth, I want to thank all of the Members of the Senate for their approval of these additional dollars to LIHEAP.

Thank you.

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

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

The PRESIDENT. The bill will go over as amended.

The Senate will be at ease.

(The Senate was at ease.)

### POINT OF ORDER

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

Senator HUGHES. Madam President, a point of order.

The PRESIDENT. The gentleman will state the point of order.

Senator HUGHES. Madam President, I do not see any measures on the Calendar today calling for an increase in the minimum wage. Can we get an indication of whether we are going down that path again?

The PRESIDENT. The gentleman is not stating a point of order.

Senator HUGHES. Madam President, I am just trying to get a point of information with respect to the Calendar.

The PRESIDENT. The President has no idea, and I am not under interrogation on this.

Senator HUGHES. No, you are not under interrogation, Madam President. I am just trying to understand whether or not we are going to take up this matter again as we intend to break for the Thanksgiving season, or if we do not intend on addressing the issues of those most needy in the Commonwealth.

The PRESIDENT. I cannot speculate on this because I do not schedule this. It is up to the Senate as a body to consider this.

Senator HUGHES. I will leave it for the moment, Madam President.

Thank you very much.

The PRESIDENT. Thank you.

The Senate is at ease.

(The Senate was at ease.)

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

#### BILL ON CONCURRENCE IN HOUSE AMENDMENTS AS AMENDED

#### SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED

**HB 1539 (Pr. No. 3176)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing for reports to the Secretary of Revenue; and establishing and providing for appropriation to the Emergency Energy Assistance Fund.

On the question,

Will the Senate concur in the amendments made by the House, as further amended by the Senate, to House Bill No. 1539?

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 House Bill No. 1539.

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

**RECESS**

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

Senator BRIGHTBILL. Madam President, I move that the Senate do now recess until December 5, 2005, at 2 p.m., Eastern Standard Time.

The motion was agreed to by voice vote.

The Senate adjourned at 4:12 p.m., Eastern Standard Time.