

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

TUESDAY, FEBRUARY 10, 2004

SESSION OF 2004 188TH OF THE GENERAL ASSEMBLY

No. 10

SENATE

TUESDAY, February 10, 2004

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

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

PRAYER

The Chaplain, Reverend ELIZABETH ROGERS, of Calvary Presbyterian Church, Indiana, offered the following prayer:

Let us pray.

O good and gracious God, from Your hand we have received bounty upon bounty. The depth of Your care for us is evident in every moment of life. Help us plant our gratitude firmly in sight, so that it might move us toward compassion for all people. Keep us joyful in service, diligent in the task before us, and mindful of the responsibilities of leadership.

Especially today, we pray for those who give leadership to this beloved Commonwealth. Let Your blessings rain upon them, O Lord. Give them the wisdom they need to make decisions and guide their paths in Your laws of love. Send them as You sent prophets to let justice roll down from the mountains, imbue them with strength for their journey, and sustain them with Your presence. Amen.

The PRESIDENT. The Chair thanks Reverend Rogers, who is the guest today of Senator Don White.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of February 9, 2004.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator BRIGHTBILL, and agreed to by voice vote, further reading was dispensed with and the Journal was approved.

COMMUNICATIONS FROM THE GOVERNOR

NOMINATION REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the

Commonwealth, which was read as follows and referred to the Committee on Rules and Executive Nominations:

**MEMBER OF THE PENNSYLVANIA ECONOMIC
DEVELOPMENT FINANCING AUTHORITY**

February 10, 2004

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Mark Schneider, 7522 Graymore Road, Pittsburgh 15221, Allegheny County, Forty-third Senatorial District, for appointment as a member of the Pennsylvania Economic Development Financing Authority, to serve for a term of four years and until his successor is appointed and qualified, vice Sandor Yelen, Kingston, whose term expired.

EDWARD G. RENDELL
Governor

**RECALL COMMUNICATIONS
LAID ON THE TABLE**

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 laid on the table:

**MEMBER OF THE PENNSYLVANIA ECONOMIC
DEVELOPMENT FINANCING AUTHORITY**

February 10, 2004

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 November 10, 2003, for the appointment of Mark Schneider, 7522 Graymore Road, Pittsburgh 15221, Allegheny County, Forty-third Senatorial District, as a member of the Pennsylvania Economic Development Financing Authority, to serve for a term of four years and until his successor is appointed and qualified, vice Sandor Yelen, Kingston, whose term expired.

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

EDWARD G. RENDELL
Governor

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

February 10, 2004

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 November 17, 2003, for the appointment of David W. Jones, 127 4th Street, Southeast, Washington, DC 20003, as a member of the Council of Trustees of Kutztown University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2009, and until his successor is appointed and qualified, vice Joseph A. Deklinski, Wormleysburg, whose term expired.

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

EDWARD G. RENDELL
Governor

HOUSE MESSAGES

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 778**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule XIV, section 5, this bill will be referred to the Committee on Rules and Executive Nominations.

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:

Recess adjournment.

BILL INTRODUCED AND REFERRED

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

February 10, 2004

Senators LAVALLE, GORDNER, C. WILLIAMS, MELLOW, O'PAKE, WAGNER, MUSTO, KASUNIC, STOUT, FUMO BOSCOLA, COSTA, FERLO, HUGHES, KITCHEN, KUKOVICH, LOGAN, SCHWARTZ, STACK, TARTAGLIONE, A. WILLIAMS, WOZNAK, ROBBINS, PIPPY, ERICKSON, WONDERLING and PUNT presented to the Chair **SB 1026**, entitled:

An Act amending Title 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes, providing for economic development financing.

Which was committed to the Committee on APPROPRIATIONS, February 10, 2004.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session in the Rules room to consider Senate Bill No. 778 and certain nominations.

BILLS REPORTED FROM COMMITTEES

Senator LEMMOND, from the Committee on State Government, reported the following bill:

HB 1996 (Pr. No. 2948)

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, further providing for guaranteed energy savings and contracts.

Senator SCARNATI, from the Committee on Labor and Industry, reported the following bills:

SB 930 (Pr. No. 1210)

An Act amending the act of June 28, 1935 (P.L.477, No.193), referred to as the Enforcement Officer Disability Benefits Law, extending the payment of the salary, medical and hospital expenses to sheriffs and deputy sheriffs under certain circumstances.

SB 953 (Pr. No. 1259)

An Act amending the act of June 28, 1935 (P.L.477, No.193), referred to as the Enforcement Officer Disability Benefits Law, extending benefits to certain employees of the Bureau of Forestry in the Department of Conservation and Natural Resources, waterways conservation officers of the Pennsylvania Fish and Boat Commission, wildlife conservation officers of the Pennsylvania Game Commission; and making an editorial change.

Senator CORMAN, from the Committee on Communications and Technology, reported the following bills:

SB 704 (Pr. No. 801)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, requiring Internet service providers to maintain confidentiality of certain information; and imposing a penalty.

SB 705 (Pr. No. 1394) (Amended)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for deceptive or fraudulent business practices.

SB 893 (Pr. No. 1139)

An Act providing for notice to employees of electronic monitoring by employers of network and information technology resources; establishing a cause of action; and imposing civil penalties.

Senator ERICKSON, from the Committee on Local Government, reported the following bills:

HB 1235 (Pr. No. 1519)

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for personnel of shade tree commission, their appointment, terms and vacancies.

HB 1236 (Pr. No. 1520)

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further providing for shade tree commission members, their appointment, terms and vacancies.

Senator GREENLEAF, from the Committee on Judiciary, reported the following bills:

SB 9 (Pr. No. 1386)

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for compensation laws allowed to the General Assembly.

SB 979 (Pr. No. 1393) (Amended)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further defining child or children; repealing provisions relating to testimony by child victim or material witness; and providing for child victim or material witness testimony by alternative methods.

LEGISLATIVE LEAVES

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

Senator O'PAKE. Madam President, I request legislative leaves for Senator Logan, Senator Stout, and Senator Tartaglione.

The PRESIDENT. Senator O'Pake requests legislative leaves for Senator Logan, Senator Stout, and Senator Tartaglione. Without objection, the leaves will be granted.

LEAVE OF ABSENCE

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

CALENDAR

SB 966 CALLED UP OUT OF ORDER

SB 966 (Pr. No. 1291) -- Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator BRIGHTBILL, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 966 (Pr. No. 1291) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a portion of State Route 23 in Lancaster County as the Representative Leroy M. Zimmerman Memorial Highway.

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-49

Armstrong	Hughes	Orie	Thompson
Boscola	Jubelirer	Piccola	Wagner
Brightbill	Kasunic	Pileggi	Waugh
Conti	Kitchen	Pippy	Wenger
Corman	Kukovich	Punt	White, Donald
Costa	LaValle	Rafferty	White, Mary Jo
Dent	Lemmond	Rhoades	Williams, Anthony H.
Earll	Logan	Robbins	Williams, Constance
Erickson	Madigan	Scarnati	Wonderling
Ferlo	Mellow	Schwartz	Wozniak
Fumo	Mowery	Stack	
Gordner	Musto	Stout	
Greenleaf	O'Pake	Tartaglione	

NAY-0

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

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

SPECIAL ORDER OF BUSINESS

**GUESTS OF SENATOR DONALD C. WHITE
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Indiana, Senator Don White.

Senator D. WHITE. Madam President, I would like to thank Reverend Rogers for coming from Indiana today to be our guest Chaplain. In addition, I would like the Senate to welcome Reverend Rogers' mother, Louise Rogers. They have been very generous with their time to come down and join us today, and I would appreciate our usual warm welcome from the Senate.

Thank you.

(Applause.)

SENATE RESOLUTION No. 201 ADOPTED

Senators JUBELIRER, C. WILLIAMS, TOMLINSON, WAUGH and THOMPSON offered **Senate Resolution No. 201**, entitled:

A Resolution expressing profound sorrow and condolences on the passing of Virgil F. Puskarich, Executive Director of the Local Government Commission, and recognizing his contributions to the General Assembly and this Commonwealth.

On the question,
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Blair, Senator Jubelirer.

The PRESIDENT pro tempore. Madam President, what we refer to as the institution of the State Senate is more than this Chamber, more than our rules, more than our traditions and our procedures. Our work is aided immeasurably by individuals of talent and commitment who devote long hours and many, many years to our process and our deliberations. Certainly, one of those familiar institutional assets was the longtime executive director of the Local Government Commission, Virgil F. Puskarich. For the longtimers, it seems odd to have a Session without Virgil's presence. And as I said to his wonderful wife, yesterday was my birthday, and for the first time I did not receive a card from my dear friend Virgil, and it just did not seem right.

I have been here for nearly 30 years, and Virgil was here before I started. He was a constant, a dependable point of reference. We remember Virgil for his love of all that is local government, for his encyclopedic knowledge about laws and local officials and local communities, and for his care in the craftsmanship of all that affected his areas of interest and responsibility. But you see, there is more. There was the eager-to-please personality which made him a combination Welcome Wagon and goodwill ambassador. Virgil was a fixture at the conference hosted by various State organizations. No one was more inclined to share the Pennsylvania experience with others, to market our ideas and advantages, and in return, to pick up on something that we could adapt from another State.

He was a student, a teacher, a lifelong learner whose lessons will never, never be forgotten. Given how much he contributed, given how much he served, given how much his distinct enthusiasm enlivened our efforts and, frankly, contributed to the quality of our own lives, it is appropriate that today we pay our respects and have the Senate record forever his honorable and diligent service.

Madam President, I am indeed honored to offer this resolution on behalf of so many, to make these remarks, and to talk about someone who is not only just a civil servant among us, but someone I considered to be a longtime dear friend. As a former member of the Local Government Commission, I learned a great deal from him, and I am a better person for it.

To Virgil's family, to all who are here and all who cared about him, we offer our most sincere and deepest sympathy.

Thank you, Madam President, for the opportunity to make these remarks.

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

Senator THOMPSON. Madam President, on January 4, Pennsylvania lost a dedicated public servant, local government lost a loyal supporter, and we all lost a deep personal friend in the passing of Virgil. To some, he was a professor, but not your usual professor. Some professors have a tendency to put you to sleep. Virgil did not. He was a mentor to everyone he came in contact with. To others, he was Mr. Mayor, the mayor of Bentleyville. Virgil was a devoted husband to Marilyn and a loving father to Laura and Lynn and father-in-law to Adam, and a doting grandfather to Annabelle and Clara, and we are glad to have Marilyn, Laura, Lynn, and Adam here with us today on the floor. We are very sorry for Virgil's passing, and we are happy to

have you here today to hear this tribute that we are paying to Virgil.

Virgil had an extended family, and that family is in the gallery, and they are the Local Government Commission staff. And then there are the Local Government Commission members themselves. They were Virgil's extended family, and as the President pro tempore said in his opening remarks, they were his family. We all got cards, we all got calls, and when someone was sick in the family or something good happened in the family, the first person you heard from was Virgil. He was part of the family. He cared deeply about all of us, and of course, we all cared deeply about him.

In the field of entertainment there is Madonna, Cher, and Liberace, one-name stars. To governors and legislators, Senators, Federal, State, county, and local officials, there was a one-name expert in government, and that was Virgil. When you mentioned Virgil at a Council of State Governments' convention or NCSL meeting, they knew who you were talking about, and the first person who they asked about when you went to one of those meetings was Virgil and how he was doing and what was new with Virgil. Everyone knew Virgil. When there was a question that came up about local government, he got the call, whether it was from Sacramento, Tallahassee, Olympia, wherever it was across this country, Virgil was the expert. He had the answer, and nobody questioned his answer.

You know, for a long time I thought his middle initial was W, W for workaholic, because Virgil was a workaholic. He expected 110 percent out of his staff, and he gave 120 percent of himself. He was always working, no matter where he was, and he worked right up until the time he was in the hospital, and even after he was in the hospital, doing his job. You know, William Penn may have been credited for establishing local government in Pennsylvania more than 300 years ago, but it was Virgil who shepherded it and nourished it for 33 years as director of the Local Government Commission. His formal education and his practical experience as mayor of Bentleyville may have helped him for his tenure as director of the Local Government Commission, but it was his sincerity, his integrity, his honesty, his heartfelt desire to help people, and his genuine sincerity that really earned him the respect that he got from countless public officials throughout the Commonwealth and the nation.

Several weeks ago, in a tribute to Bob Jubelirer here on this floor, Joe Conti recalled a quote from Governor William Scranton when he discussed the attributes of a true politician, and certainly Virgil was a politician. He was a real politician, a politician's politician. In a speech that former Governor Scranton made in a commencement address, the Governor had this to say about politicians. He said, and I quote: *(Reading)*

Politicians are conscious of the fact that in the final analysis their own worth as individuals is the single-most important judgment that will be made by constituents. Therefore, the executive who wishes to provide political leadership will forget only at his own peril to pay genuine respect to his fellow politicians, and the key to that word is 'genuine.' A politician must like the people he deals with, and he can't fake it. It must be real, or they'll spot it in a minute and he will never again get them to produce that last bit of effort or that last drop of courage on an important issue.

Virgil truly liked the people he dealt with, and we all liked him. We will miss him, and we will never forget him.

Thank you, Madam President.

The PRESIDENT. The Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Madam President, Senator Barry Stout is suffering an illness back home and was unable to attend the funeral, so he asked me to give his condolences to Marilyn and to the family. He served on the Local Government Commission, as do I, and he knew Virgil very well and apologizes that he was not able to attend the funeral.

When I first came down here, I was placed on the Local Government Commission, and the reason Virgil has one name is because everybody butchers his last name, Puskarich, and even with the last name of Wozniak, it took me almost a year just to get his name right. But, Marilyn, you had a fine husband, and thank you very much for sharing him with us.

To the public who is watching this on PCN, I am sure you do not know the gentleman whom we are talking about, but for many, many years, he was the executive director of the Local Government Commission. I think most people think that the Members of the House of Representatives and the Senate have all the knowledge, and we are able to, through some power, understand everything that is going on out there. That is not the truth. Virgil's job was to try to help us understand legislation, local governments, the row offices, the county commissioners, how they sometimes complement each other, how they conflict with each other, and sometimes how they compete with each other. He helped us through that minefield of politics to prevent us from getting into trouble and to pass legislation that is beneficial to all people. He created an organization that he was very proud of. He made it apolitical, nonpartisan, and very rarely in this business do you see that. The reason the Local Government Commission is so successful, so respected, is because all who serve on it understand that when you move into that room, you take your epaulets off, you take your political insignias off, and you work for the good of the people. Virgil understood human nature. If there ever was a situation, he could settle things down and make them all work out. He will be sadly missed, but his legacy will continue, a well-oiled professional organization that is there to serve local governments and all the subdivisions of Pennsylvania, and in the long run, all the good people are better off because of him.

Thank you very much, Madam President.

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

Senator KUKOVICH. Madam President, I admit that I do not get too excited about most of the remarks made on this floor, including my own, for that matter, but I do think the remarks made by Senator Jubelirer, Senator Thompson, and Senator Wozniak were right on target. I would like to echo those. I would like the family to understand why a number of us are standing today is not just because he was liked by a few people, but because he was liked by so many, as Senator Thompson said, and not just the elected officials, but maybe even more so by the staff who knew that he was the consummate professional, and he treated everybody so well. And as Senator Wozniak said, he was bipartisan to a fault. He probably had the greatest expertise of

anyone I ever knew in the area of local government, and not just county government. I mean, Senator Thompson was a county commissioner before he was demoted to the State Senate, so he knows about Virgil's expertise in a number of ways. But, it was more than just county government and boroughs and townships and cities. He knew the nuances between a first-class and second-class township. He even knew the intricacies of the great morass of authorities of different sizes. His knowledge, if it is not yet, will be legendary.

He was not only an excellent manager, the best a bureaucrat could be with a commission, he not only was someone whose work product we could all, both in the House and the Senate, trust completely in terms of the broad policy issues, the kinds of jobs that he was given to do with the commission, but it was even more than that. He was responsive to us individually, he was responsive to our questions, he was responsive to constituent problems, and I think maybe, as my previous colleague said, because he really loved his job, he was genuine. He was a gentleman to everyone in the purest sense of the word. As Senator Jubelirer said, I learned a lot from him, too, and if you just take Senator Jubelirer's comments and mine, that is well over half a century of learning here in the legislature between the two of us, so you can imagine the impact that Virgil had on hundreds and hundreds of House Members and many, many State Senators.

To Marilyn and the family, we just want you to know and be so proud of what a good man he was, and we wish you the best.

Thank you.

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

Senator CONTI. Madam President, I feel like the new kid on the block, having only been here a decade, on the commission 5 years, but I, too, want to rise and recognize the passing of our friend Virgil. When you represent the southeastern part of Pennsylvania, I think local government sometimes is a little bit more in our lives than the rest of the State. There is a lot of pavement down there, and a lot of authorities and a lot of different entities with local government. I have been on the commission I think 5 years, and I know that Senator Wozniak, Senator Stout, Senator Robbins, Senator Thompson and I plan to continue as long as we are able to get that appointment. It is a wonderful experience, and that was made all the more pleasurable by Virgil.

I think we have already gone over enough about his historic legacy. I simply want to be very succinct: He was the finest non-elected public servant I ever worked with. He will be the gold standard by which we will measure everybody in the future, and his ultimate legacy is that his fine work at the Local Government Commission will continue, because we will all ensure that happens, the staff and the Members, as our ultimate respect to Virgil.

So, to Marilyn and the family, my family and our prayers have been with you since the middle of December, and they continue to be with you, and we hope you have even more warm memories to sustain you through this difficult time, and thank you for Virgil.

The PRESIDENT. The Chair recognizes the gentleman from Schuylkill, Senator Rhoades.

Senator RHOADES. Madam President, a number of years ago, probably about 2 or 3 years after I got here, I had the opportunity to serve on the Local Government Commission, and I will tell you what, it was a real experience. It was a real opportunity, because I got to know one of the best people I think I could have in State government. You have heard that said and said again, but I will be honest with you, I told Virgil that when he was alive, and I will say it in honor of his memory today, he was one of the best. As a public servant, I do not know anyone who was as organized as he was, as knowledgeable as he was, and as articulate about the issues and items he talked about. He knew them more and better than anybody else. As I always used to say, if everyone could follow what Virgil said, this would be a much better place, because he really knew. He set an example because of the pride he took in what he did, the pride he had in himself, and he made sure it was done well.

The other thing that was nice about him, too, was if you called from the district office or anywhere else and you had a question, no matter how complex or big and involved, or how simple, Virgil always said he either had the answer for you, or if he did not have the answer, he would get back to you. He told you when he would get back to you. He did not let it go and say it would be next week or next month or next year. If he said he would get back to you tomorrow, he got back to you tomorrow, and it was not just with words, but it was with information. If it was statutes copied out or programs copied out or anything else copied out, Virgil had them for you, so that you knew when you were giving an answer, you could cite specifically where it was coming from.

One of the things that happened when I was on the Local Government Commission, I ended up, and do not ask me how because it was Senator Corman the Elder, who was chair of the committee, being assigned the responsibility of looking at the Financially Distressed Municipalities Act. So we held hearings on that and redesigned the bill. And I have to tell you what, if it were not for Virgil's expertise, if it were not for Virgil's heavy lifting, we would not have had as good a piece of legislation as what we have.

All that being said, being a public servant is one thing, but I think the other thing I have to say about this, I just liked Virgil as a person. Virgil was a nice guy. He was a good guy. He was a concerned individual, and I can say he was a little robust. But as robust as he was, his heart was just that big too, because you felt when you talked to him that he was as concerned about you personally and individually as anyone else could ever be, and that always made you feel good about him. The other thing, too, with Virgil, you know, you could end up talking business or local government, or you could end up talking about family and friends and social things, the things that normal human beings talk about, and he took great pride in that, and I think that was one of the warm sharings that we had. Virgil was a very special person who did a very special job, who made you feel special.

To Virgil's family, I express my sympathy to you, but I thank you for sharing him with us. And I can say this, the big man upstairs has a job for him, because he depended on Virgil's expertise, so now we know we will have some better rulings coming down from up above, too.

Thank you.

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

Senator O'PAKE. Madam President, it is unfortunate that it takes the passing of a dedicated public servant for us to get up and praise the ability of that public servant. We have many, many dedicated staff people who, by their work day in and day out, do their best so that we can do the best job possible. Nobody was better at it than Virgil. He was literally a walking encyclopedia of local government, and if he did not have the answer right there, as was pointed out by many of the other speakers here today, he was totally responsive in getting that answer, and I think that is what the people of Pennsylvania are looking for. I know that is what we are most grateful for, the many, many dedicated, capable, responsive staff people and leaders of government research whom we rely on every day. There will never be another Virgil, and for his dedication, for his responsiveness, for his realization that each and every one of us was equally important, deserved a response, and got the best possible professional advice on such a myriad of issues, I really do not know how he was able to cope with all of that.

So yes, Marilyn, thank you for sharing him with us for 33 years. We are glad he came back from his stint in Washington, D.C. He performed an invaluable public service to the people of Pennsylvania. We will miss him. I do not know who can ever fill his shoes, but I think the lesson is that when you have dedicated staff people like Virgil, as we do here in the Senate, then the people of Pennsylvania are getting their money's worth and they are getting the kind of representation that they are entitled to. So thank you for sharing him with us. I know he has earned his reward, and if there are any disputes over local government issues in heaven, we know who they are going to turn to for advice. God bless you.

The PRESIDENT. May I remind all of the Members of the Senate that the resolution introduced by Senator Jubelirer is available for cosponsorship at the desk of the Secretary.

I ask each of you in favor of the resolution to please stand for a moment of silence, and the staff and the guests to please rise also.

(Whereupon, the Senate en bloc stood in a moment of silence in solemn respect to the memory of VIRGIL F. PUSKARICH.)

The PRESIDENT. The Chair declares the resolution unanimously adopted.

SPECIAL ORDER OF BUSINESS LINCOLN DAY ADDRESS

The PRESIDENT. The Chair recognizes the gentleman from Columbia, Senator Gordner.

Senator GORDNER. Madam President, as we all do from time to time, we receive letters from students in school who may ask us who our favorite President is, and I have received such letters in the past, and I have responded that my favorite President is Abraham Lincoln. So what I did when I was asked to make these remarks was pull out the letters that I send to those students, and I will be referring to those as I make this address.

I basically say there are three main reasons why I respect President Abraham Lincoln. The first was that he governed our nation during the Civil War. In February of 1861, as President Lincoln left Springfield to take up his duties, at that time seven

States of the lower South had seceded from the Union, and southern delegates were meeting in Montgomery, Alabama, to form a new, separate government. Before Lincoln reached Washington, Jefferson Davis was inaugurated as president of the Confederate States of America. So that was what President Lincoln faced as President of the United States. He had to keep our nation together. As I say in the letter, the United States is the greatest democracy that the world has ever known. If the Civil War would have been lost, this country would have been a far different place than it is today. President Lincoln steered this nation on the right course during the Civil War and ensured that the nation would remain united and that slavery would be abolished.

The second reason I mention for appreciating Abraham Lincoln was his perseverance as a politician. The story I think you know as well, but his journey to the presidency was quite a journey. In 1831 he was defeated for the State legislature, in 1834 he was defeated for the State legislature again. In 1838, after being elected to the State legislature, he ran for Speaker and lost. In 1843, he was defeated for Congress, in 1846 he was defeated for Congress, and in 1848 he was defeated for Congress again. In 1854, he ran for the Senate and lost to someone by the name of Douglas. He was defeated for vice president in 1856. He ran for the Senate again in 1858 and lost, and in 1860, he ran for President against Senator Douglas and won. So, after all of those races and runs and defeats, his perseverance held out, and in 1860 he won as President of the United States, defeating Stephen Douglas, John Breckinridge, and John Bell.

Finally, I admire President Lincoln for the well-known Gettysburg Address that he made in November of 1863, and we have a painting of that here in our Chamber, which I believe has that date, November of 1863. And as you may or may not know, President Lincoln was not the featured speaker at that event. The featured speaker was a great orator at the time by the name of Edward Everett. Edward Everett spoke for a little over 2 hours. Abraham Lincoln spoke for about 4 minutes. No one knows or remembers what Edward Everett said. We all know and remember what Abraham Lincoln said. I might mention in his speech, just the way it ends, and we may think about it at this time when we are at war, but as Abraham Lincoln concluded his speech in talking about the fallen soldiers, he said "...that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion; that we here highly resolved that these dead shall not have died in vain; that this nation, under God, shall have a new birth of freedom; and that government of the people, by the people, for the people, shall not perish from the earth."

Well, I have spoken for about 4 minutes, and just as Abraham Lincoln did at that Gettysburg Address in 1863, I will sit down and conclude my remarks. But as I have told the students who have written to me, Abraham Lincoln is my favorite President. We owe a lot to his perseverance, his governance during the Civil War, and the great remarks that he made on that fateful day in Gettysburg. And again, as the painting says: "It is for us, the living, rather to be dedicated here to the unfinished work...." And even in 2004, some 141 years later, that is still true. That is why we should remember him as we approach Lincoln's birthday.

Thank you, Madam President.

(Applause.)

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

The PRESIDENT. May I please stop for one moment to introduce Councilman Alan Hertzberg. Would you please stand. Councilman Alan Hertzberg is one of my councilmen from Pittsburgh, so we are happy you are here with us today.

(Applause.)

RECESS

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

Senator BRIGHTBILL. Madam President, at this time I ask for a recess of the Senate for the purpose of a Republican caucus, which will begin immediately downstairs in the caucus room.

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

Senator O'PAKE. Would the Majority Leader advise when he intends to return to the floor?

Senator BRIGHTBILL. Madam President, I expect to be back in 45 minutes.

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

Senator O'PAKE. Madam President, I ask the Democrats to report to their caucus room immediately.

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

AFTER RECESS

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 514 (Pr. No. 1792) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for the offense of littering.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-48

Armstrong	Greenleaf	Musto	Stout
Boscola	Hughes	O'Pake	Tartaglione
Brightbill	Jubelirer	Orie	Thompson

Conti	Kasunic	Piccola	Wagner
Corman	Kitchen	Pileggi	Waugh
Costa	Kukovich	Pippy	Wenger
Dent	LaValle	Punt	White, Donald
Earll	Lemmond	Rhoades	White, Mary Jo
Erickson	Logan	Robbins	Williams, Anthony H.
Ferlo	Madigan	Scarnati	Williams, Constance
Fumo	Mellow	Schwartz	Wonderling
Gordner	Mowery	Stack	Wozniak

NAY-1

Rafferty

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

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

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR MICHAEL J. STACK
PRESENTED TO THE SENATE**

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

Senator STACK. Madam President, I would like to introduce two guests who are in the gallery today. They are Jeff McCann and Marius Wojnarski, who are first-year medical students at Hershey Medical Center. Jeff is a graduate of the University of Utah, and Marius is a graduate of Villanova University. These ambitious students are now involved in the Health Awareness Initiative Program, which is designed to give medical students a clear understanding of how the legislative process works, and I think now more than ever, we really need that. In this program, they are given the opportunity to shadow a legislator, and that is why they are spending the afternoon with me today. So I would like the Senate to give its usual warm welcome to these fine young men who are in the gallery.

The PRESIDENT. Would the guests of Senator Stack please rise so we can give you a warm round of applause.
(Applause.)

**GUEST OF SENATOR C. WILLIAMS
PRESENTED TO THE SENATE**

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

Senator C. WILLIAMS. Madam President, I am delighted to introduce to the Senate today Jennifer Shumaker of Norristown. She just recently joined my district office staff and has come up today to see how we do things here in Harrisburg, so I would like you all to give her a warm welcome.

The PRESIDENT. Would the guest of Senator Connie Williams please rise.
(Applause.)

**GUEST OF SENATOR DONALD C.
WHITE PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Indiana, Senator Don White.

Senator D. WHITE. Madam President, as you know, there is an event later on this evening, and I think you can hear in the background the University of Pittsburgh band playing downstairs, and from my county, a very distinguished resident and graduate of the University of Pittsburgh, a former county commissioner, and maybe the number one fan of all time of the University of Pittsburgh, a good friend of mine, Mr. Andy Kuzneski, is in the gallery, and I would appreciate a warm welcome for him from the Chamber.

The PRESIDENT. Would the guest of Senator Don White please stand so we can give you a warm welcome.

(Applause.)

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILL LAID ON THE TABLE

HB 709 (Pr. No. 2707) -- 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 cruelty to animals.

Upon motion of Senator BRIGHTBILL, and agreed to by voice vote, the bill was laid on the table.

**BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 769 (Pr. No. 1388) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for immunization against the influenza virus and pneumococcal disease for elderly persons.

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-49

Armstrong	Hughes	Orie	Thompson
Boscola	Jubelirer	Piccola	Wagner
Brightbill	Kasunic	Pileggi	Waugh
Conti	Kitchen	Pippy	Wenger
Corman	Kukovich	Punt	White, Donald
Costa	LaValle	Rafferty	White, Mary Jo
Dent	Lemmond	Rhoades	Williams, Anthony H.
Earll	Logan	Robbins	Williams, Constance
Erickson	Madigan	Scarnati	Wonderling
Ferlo	Mellow	Schwartz	Wozniak
Fumo	Mowery	Stack	
Gordner	Musto	Stout	
Greenleaf	O'Pake	Tartaglione	

NAY-0

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

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

SB 815 (Pr. No. 1389) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921, providing for policyholder collateral, for deductible reimbursements and for other policyholder obligations.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEA-47

Armstrong	Greenleaf	Musto	Stout
Boscola	Hughes	O'Pake	Tartaglione
Brightbill	Jubelirer	Orie	Thompson
Conti	Kasunic	Piccola	Wagner
Corman	Kitchen	Pileggi	Waugh
Costa	Kukovich	Pippy	Wenger
Dent	LaValle	Punt	White, Donald
Earll	Lemmond	Rafferty	White, Mary Jo
Erickson	Logan	Rhoades	Williams, Anthony H.
Ferlo	Madigan	Robbins	Williams, Constance
Fumo	Mellow	Scarnati	Wozniak
Gordner	Mowery	Stack	

NAY-2

Schwartz	Wonderling
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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.

SB 938 (Pr. No. 1235) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for accidents involving death or personal injury while not properly licensed.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

Senator CONTI. Madam President, I rise to submit remarks for the record on this legislation.

The PRESIDENT. Without objection, remarks will be submitted for the record.

(The following prepared remarks were made a part of the record at the request of the gentleman from Bucks, Senator CONTI:)

Madam President, it is with a heavy heart that I rise to ask for an affirmative vote of Senate Bill No. 938. Needless to say, the passage of a prime-sponsored piece of legislation is often viewed as a joyous occasion.

This legislation attempts to address a loophole, and to some extent ease the pain of a constituent, Mr. Matthew Alper, who lost his wife in a tragic accident. Briefly, Gwen Taylor-Alper's vehicle was struck head on by a quarry dump truck which was driven by an individual who did not have a commercial driver's license. The Bucks County District Attorney charged the driver under Title 75, but the presiding judge ruled that a loophole existed in the cited section and he was forced to find the driver innocent of the charge.

As too often happens, this is when Representative Bernie O'Neill and I became involved. Working with Mr. Alper, Bucks County District Attorney Diane Gibbons, the Department of Transportation, and Governor Rendell's administration, the legislation before us today, Senate Bill No. 938, was fashioned.

Our colleague, Senator Madigan, Chairman of the Committee on Transportation, quickly scheduled it for consideration, and now I ask for your affirmative vote. Let us close this loophole and in some fashion offer Matt Alper comfort that the system can quickly address situations like this.

Thank you.

And the question recurring,
Shall the bill pass finally?

LEGISLATIVE LEAVE

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

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

The PRESIDENT. Senator O'Pake requests a legislative leave for Senator Fumo. Without objection, the leave will be granted.

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-49

Armstrong	Hughes	Orie	Thompson
Boscola	Jubelirer	Piccola	Wagner
Brightbill	Kasunic	Pileggi	Waugh
Conti	Kitchen	Pippy	Wenger
Corman	Kukovich	Punt	White, Donald
Costa	LaValle	Rafferty	White, Mary Jo
Dent	Lemmond	Rhoades	Williams, Anthony H.
Earll	Logan	Robbins	Williams, Constance
Erickson	Madigan	Scarnati	Wonderling
Ferlo	Mellow	Schwartz	Wozniak
Fumo	Mowery	Stack	
Gordner	Musto	Stout	
Greenleaf	O'Pake	Tartaglione	

NAY-0

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

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

SB 969 (Pr. No. 1390) -- The Senate proceeded to consideration of the bill, entitled:

An Act redesignating the bridge over the Monongahela River known as the Clairton-Glassport Bridge, Department of Transportation No. 02-2038-0010-0140, which connects the City of Clairton to the Borough of Glassport in Allegheny County, as the Senator Edward P. Zemprelli Bridge.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

Senator BRIGHTBILL. Madam President, I would like to call the Members' attention that while this is a small bill which names a bridge in Allegheny County as the Senator Edward P. Zemprelli Bridge, I would note that Senator Zemprelli was a former Majority and Minority floor leader in the Senate of Pennsylvania, so he has served in both roles. I also note that in my 22 years, I have heard a lot of good speeches and a lot of good speakers, and I think Senator Zemprelli would have been among the best, if not the best, particularly if you discount the content of his speech, which I did not always agree with. But it is an honor for us to do this today on behalf of Senator Zemprelli, and we wish him well in his retirement.

The PRESIDENT. Thank you, Senator Brightbill, for your comments on former Senator Zemprelli. I am sure he appreciates it.

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-49

Armstrong	Hughes	Orie	Thompson
Boscola	Jubelirer	Piccola	Wagner
Brightbill	Kasunic	Pileggi	Waugh
Conti	Kitchen	Pippy	Wenger
Corman	Kukovich	Punt	White, Donald
Costa	LaValle	Rafferty	White, Mary Jo
Dent	Lemmond	Rhoades	Williams, Anthony H.
Earll	Logan	Robbins	Williams, Constance
Erickson	Madigan	Scarnati	Wonderling
Ferlo	Mellow	Schwartz	Wozniak
Fumo	Mowery	Stack	
Gordner	Musto	Stout	
Greenleaf	O'Pake	Tartaglione	

NAY-0

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

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

BILLS OVER IN ORDER

HB 1130 and HB 1423 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL AMENDED AND LAID ON THE TABLE

HB 1927 (Pr. No. 2519) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, providing for the penalty for a felony violation of the second degree.

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

Senator O'PAKE, on behalf of Senator MELLOW, offered the following amendment No. A0161:

Amend Sec. 1 (Sec. 905), page 1, line 9, by inserting after "who": intentionally, knowingly or recklessly

Amend Sec. 1 (Sec. 905), page 1, line 9, by striking out "bodily injury" and inserting: serious bodily [injury] harm

Amend Sec. 1 (Sec. 905), page 1, lines 10 and 11, by inserting a bracket before "making" in line 10 and after "or" in line 11

Amend Sec. 1 (Sec. 925), page 2, line 5, by striking out "and" and inserting: or

Amend Sec. 1 (Sec. 925), page 2, line 6, by inserting after "years": or both

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

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

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

Senator BRIGHTBILL. Madam President, I move that House Bill No. 1927, as amended, be laid on the table.

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

The PRESIDENT. House Bill No. 1927, as amended, will be laid on the table.

BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 2004 (Pr. No. 3308) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the compact contained in the act of June 5, 1937 (P.L.1664, No.348), entitled "An act to ratify and adopt a compact or agreement negotiated by commissioners designated by the Governor of the Commonwealth of Pennsylvania, and commissioners designated by the Governor of the State of Ohio, relative to the development, use, and

control of the Pymatuning Lake and the State owned land surrounding said lake for fishing, hunting, recreational, and park purposes," changing provisions relating to the operation of motor boats.

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-49

Armstrong	Hughes	Orie	Thompson
Boscola	Jubelirer	Piccola	Wagner
Brightbill	Kasunic	Pileggi	Waugh
Conti	Kitchen	Pippy	Wenger
Corman	Kukovich	Punt	White, Donald
Costa	LaValle	Rafferty	White, Mary Jo
Dent	Lemmond	Rhoades	Williams, Anthony H.
Earll	Logan	Robbins	Williams, Constance
Erickson	Madigan	Scarnati	Wonderling
Ferlo	Mellow	Schwartz	Wozniak
Fumo	Mowery	Stack	
Gordner	Musto	Stout	
Greenleaf	O'Pake	Tartaglione	

NAY-0

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

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

HB 2006 (Pr. No. 3291) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for intergovernmental cooperation in cities of the second class; establishing an intergovernmental authority; providing for financing, for bankruptcy and for sovereign immunity; and making an appropriation.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

Senator ORIE. Madam President, today is a harbinger of the fortuitous economic road to recovery for the city of Pittsburgh. As someone who has worked hard to develop a strong bipartisan and responsible solution to Pittsburgh's financial crisis, I am very pleased that we are moving forward on this important bipartisan legislation for final passage. I strongly believe that Pittsburgh is a vital asset to our region and that things must be done to remediate the city's problems. We need a strong oversight board,

we need to control costs, and we need to fix the long-term fiscal practices that have gotten us to this point in time.

I rise today to strongly support House Bill No. 2006, sponsored by Representatives Turzai, Stevenson, and Mustio. House Bill No. 2006 was amended to include the language of former Senate Bill No. 940, which was sponsored by Senator Wagner, Senator Logan, and myself. With the strong support and cooperation of Governor Rendell, minor amendments were made to the original language of Senate Bill No. 940. Those amendments were for a board to come back within 60 days versus 90 days, for a board to make recommendations that include revenue recommendations, if necessary. Both Senate Bill No. 940 and the minor amendments are included in House Bill No. 2006.

I appreciate Governor Rendell's tremendous support for this legislation. I commend the House for its unanimous bipartisan passage of this important legislation, specifically, Representatives Preston, Diven, and Readshaw, who joined and assisted Representatives Turzai, Mustio, and Stevenson.

House Bill No. 2006 or Senate Bill No. 940 is the strong bipartisan legislative solution to a problem that has been probing the city of Pittsburgh. This legislation has been in existence since September of 2003. This legislation passed overwhelmingly in both Chambers in November, and with the support of Governor Rendell, we are now able to move forward with this legislation. House Bill No. 2006 comprehensively addresses all the practices and institutions which make up the financial structure of the city of Pittsburgh. Clearly, the fiscal matters of the city extend beyond the operation of the office of mayor to city council, to the departments, to the bureaus, and every authority connected with the city. It is imperative that we have a strong neutral fiscal oversight board composed of financial and municipal government experts to address the city's fiscal issues in a comprehensive manner, to include budgetary practices in every component of the city's governmental structure. I know that when Philadelphia was dealing with its financial problems, a similar oversight board was crucial in helping them deal with their situation.

Governor Rendell has frequently been quoted as stating that "The fiscal oversight board was the best thing for Philadelphia's fiscal recovery." On December 2003, he wrote to the Allegheny delegation, "Senate Bill No. 940 does take a strong step in the right direction by operating an Intergovernmental Cooperation Authority (ICA) and imbuing it with strong powers to control the City's budget - to insist on waste elimination and cost cutting, and to ensure that the City produces a truly balanced budget. The oversight of a control board was crucial to our recovery in Philadelphia."

Although Act 47 and the oversight board will run concurrently with each other, House Bill No. 2006 differs in that it includes the city of Pittsburgh's authorities and government entities in the search for the city's recovery plan. Never before has any of the numerous studies or the city's fiscal state included this type of scope of review. This will be the first comprehensive, holistic approach to solve the Pittsburgh crisis. There is absolutely no question that this oversight board provides a tremendous opportunity to deal with the in-depth structural problems in a much more comprehensive way than Act 47 can do for

Pittsburgh. Governor Rendell has stated today, as well as on several other occasions, that under appropriate circumstances, he would support moving Pittsburgh from Act 47. I would be remiss not to herald the historic bipartisan support that has encompassed Senate Bill No. 940 and House Bill No. 2006.

I would like to commend the Allegheny delegation and both the House and the Senate, urban and suburban legislators. Specifically, I would like to commend my colleagues here on the Senate floor, Senator Wagner, Senator Logan, Senator Ferlo, Senator Costa, and Senator Pippy, all of whom came together to work and stand strong for this legislation. I can honestly say that all of the legislators who collaborated on this legislation believe that this is the right direction, the only direction to ensure a long-term, comprehensive solution for the city of Pittsburgh.

In today's issue of the Pittsburgh Post-Gazette, Mayor Murphy states that Act 47 and "the tax threat is needed to spur the legislators into approving long-term city budget reforms." The Pennsylvania State legislature in the House and Senate have been spurred for months to action. We have been ready to move forward on this legislation, but roadblocks emanating from the mayor's office over the last 6 months have stalled legislative activity. Mayor Murphy should never have used Act 47 as a hammer to ensure his own personal agenda, his own personal legislative will. Mayor Murphy did this at the risk of sacrificing the national image of Pittsburgh. It was a cowardly act that has come with tremendous costs to the city of Pittsburgh. The irony of Mayor Murphy's statements today is that had he come forward, had he worked with the legislators in the House and the Senate, had he joined this overwhelming bipartisan approach instead of fighting it, I believe we would already have recommendations and be on the road to recovery with implementation of these recommendations. Mayor Murphy never, ever needed to spur the legislature to action. We have been ready to act in a bipartisan manner for over 6 months. The mayor's pursuit of Act 47 was to derail an oversight board. To the credit of the State legislature both in the House and in the Senate, to the credit of Governor Rendell and his administration, to the credit of city council, we are moving forward together on House Bill No. 2006. There is a light at the end of the tunnel, a chance for the city of Pittsburgh to shine as an economic hub for the region. More importantly, Act 47 would never, ever have needed to be declared. The city of Pittsburgh would not be fighting the negative stigma from Act 47. Through strong leadership, strong cooperation, strong consensus, a legislative bipartisan solution was available to Mayor Murphy.

Every dark cloud has a silver lining. I believe a new dawning of leadership has arisen for the city of Pittsburgh and our region. The State legislature has been working in a bipartisan fashion with Pittsburgh City Council and Allegheny Council, and we are cooperating together to ensure a speedy economic recovery for the city of Pittsburgh. I commend Pittsburgh City Council members Hertzberg, Ricciardi, Peduto, Shields, Carlisle, Motznik, and Ravenstahl for working with us and supporting us on this initiative.

In closing, there is a fresh wind of leadership change for the city of Pittsburgh and this region.

Thank you, Madam President.

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

Senator COSTA. Madam President, I also rise this afternoon to support House Bill No. 2006. I do want to acknowledge and recognize my colleagues who have invested a tremendous amount of time in trying to find a comprehensive approach to try to address the financial crisis in the city of Pittsburgh, and I particularly want to recognize Senator Orié for her efforts, as well as my colleagues, Senator Pippy, Senator Wagner, Senator Logan, and Senator Ferlo, as well as so many other people in the city of Pittsburgh, in particular Pittsburgh City Councilman Alan Hertzberg, who is here, Madam President, as you indicated earlier, to express the support of the city of Pittsburgh to try to work to bring a resolution or conclusion to this crisis.

Madam President, it is my hope today that the oversight council and so many other members who will be involved in that process, will recognize that two very important things can come from this legislation relative to the city of Pittsburgh.

First and foremost, Madam President, the oversight council now is poised and has the opportunity to assist the city of Pittsburgh in trying to resolve its financial crisis.

The second point, Madam President, is that this oversight council has the opportunity to restructure city taxes, which has been a part of just about every piece of legislation that has been offered to address this situation, it will provide for a council that has the opportunity to do two very significant things, as I mentioned. One, to assist the city of Pittsburgh in its current financial crisis, but more importantly, Madam President, I think to assist and structure the city of Pittsburgh's business tax structure, in particular, but the overall tax structure in the city of Pittsburgh so that it allows for them to continue to grow and to continue to be the wonderful city that the city of Pittsburgh is.

Madam President, it is my privilege to represent one-third of the city of Pittsburgh, and I pretty much lived there my entire life, so I am very excited about what the oversight council has the potential to do relative to providing information about tax structures, if in fact those recommendations are brought forward.

But, Madam President, I also rise today to essentially put on the record some of the concerns that I have about where we may end up relative to the recommendation, and it is my hope that over the course of time, over the next 60 days when the oversight council is in fact reviewing the city's finances and looking at a number of different things to determine whether or not revenues are needed, that they take into consideration not only what is being said today by myself as well as my colleagues, but also what has been said on this Senate floor regarding the city of Pittsburgh over the past several months. Madam President, there are just a couple of things I would like to point out relative to what may come in the form of recommendations.

First, Madam President, the thing that has been discussed by me a number of times on this floor relates to businesses, particularly for-profit businesses that are exempt from the city of Pittsburgh's business privilege tax. Madam President, approximately 45 percent of the businesses in the city of Pittsburgh do not pay the city's business privilege tax or the mercantile tax. What needs to take place is those 45 percent that are exempt, those are our banks, our manufacturers, as well as our financial institutions, and while there are very important

reasons as to why they are deemed to be exempt, I think the time has come when they need to be part of the solution. So, any legislation that we craft through the oversight council needs to recognize that we need to capture or bring in the exempt businesses in the city of Pittsburgh into the taxing structure so that they become part of the solution. But with that being said, Madam President, we also need to be mindful of the impact, the potential impact relative to some of the discussions regarding the payroll preparation taxes or payroll head tax, or whatever other taxes may be contemplated, we need to be mindful that there are a lot of other for-profit businesses in the city of Pittsburgh that have been carrying the load for a number of years, that we do not provide for unintended consequences where they would be harmed.

When I speak of this, Madam President, I think about some of the legislation that we have addressed over the past, what we talked about in this Chamber and in the city and the county as well, providing for payroll preparation taxes and taxes of that nature. We need to be cognizant of places like in my district, Madam President, the small businesses on Brownsville Road in Carrick, or the South Side on Carson Street, or in Squirrel Hill on Forbes and Murray, the shops and businesses there, also Walnut Street, as well as a number of other business districts across the city of Pittsburgh. We have to make certain that we do not disproportionately impact on them and ask them to pay a much greater tax than what they are already paying. They have footed the bill for a number of years, so that is one of the points that I would like the oversight council to recognize and appreciate and be cognizant of.

The other point, Madam President, relates to the strong recommendations regarding some of the mergers and also some of the department services consolidations, and I think that has been addressed by my colleague, Senator Orie, and I wanted to emphasize that as something that needs to be done, particularly with the county of Allegheny, but also let us look to the school district of the city of Pittsburgh to see what can be done along those lines. Let us also look to the surrounding municipalities to see if there are any other services that can be provided there as well, and looking at things like council of governments, or even to State government, for that matter, as to whether or not some of these things can be consolidated or merged.

Also, we need to recognize that there needs to be a benefit on both sides of the equation. We cannot look to the county of Allegheny to pick up a number of the city's projects and programs. We need to make certain it is a benefit to both the county and the city, and I think that is extremely important. As it relates to the nonprofit community, the nonprofit community is a very, very important part of our economic structure in the city of Pittsburgh, the county, and our region, and I think we should be very careful and the oversight council should refrain from providing recommendations that require statutory pilot. The nonprofit community over the years has been there when we needed them, and I fully believe that they will be a part of the solution as well, without having us implement it in the form of legislation. So, I would just caution my colleagues that they recognize that as well.

Finally, Madam President, something that developed over the course of time regarding the city's finances, and that is the

authorities, the city authorities that exist throughout our city of Pittsburgh, and there is language in the legislation that requires the oversight council to look at the authorities, and I think that is a very, very important thing that needs to be done. I trust, Madam President, that after we review those authorities, I think we will end up finding out that they are a very important part of what we do and that they are a very important part of the job creation that takes place in the city of Pittsburgh. Quite frankly, I look forward to the review that is going to take place with respect to that, particularly the review with the Urban Redevelopment Authority that is currently being undertaken by the Legislative Budget and Finance Committee, and I ask that those recommendations and those findings be a part of the oversight council, so we truly do understand the benefit of that organization, which I believe at the end of the day we will find that organization is very beneficial to the city.

Madam President, I will close by saying that the city of Pittsburgh is a wonderful city. It has made tremendous strides over the past several years, and this oversight council, through this legislation, has the opportunity to continue to position the city of Pittsburgh to be a wonderful place, not only to live but to work and to raise a family, and I am hopeful that my colleagues will join me in supporting this legislation as we move forward.

Thank you, Madam President.

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

Senator FERLO. Madam President, I do believe a number of our colleagues do want to address the Senate on this issue. I will try to be brief. I mainly want to say both a thank you and also speak a little bit about some hope. There has been certainly a great level of frustration throughout the city of Pittsburgh for the past year, given the financial dilemma and calamity that the city has faced, and certainly all the political disputes, kind or otherwise, that have taken place this past year. It has not exactly been a great year for constituents and residents in the city of Pittsburgh, least of whom the workers and employees who have been pretty much under the gun and have faced severe layoffs, terminations, and other problems, and that is something I think we should all be concerned about. This whole issue has been almost like an abscessed tooth that needs to be abstracted out of one's mouth, and it has been unfortunate, but I feel like at least now we are in the dental chair and maybe we will get some relief and some hope.

I think it is important to thank, at least in a bipartisan fashion, Senator Orie in particular within the Senate Chamber, as well as Representatives Turzai, Stevenson, and others in the House, for at least getting us to the point where we have the ability to once and for all know specifically and objectively what the financial dilemma is in a truthful and trustworthy manner and get us at least to that point in a fair and principled way to be able to review various proposals that have been put forth to deal with the financial situation in the city of Pittsburgh, specifically tax shifting and tax reform and additional revenues that I think, rightfully, should be considered for the city of Pittsburgh, certainly needed overhaul of operations within the city of Pittsburgh, as well as opportunities that would exist with county government to regionally share costs and burdens associated with

the basic operation of government and services that we are mandated and required to provide to our constituents.

I hope that the oversight board expressed in the bill that we are adopting today, which I am in favor of, House Bill No. 2006, will provide an immediate opportunity for a specific oversight board that will work in a very strategic fashion over the next 60 days to finally get us to the point of agreeing to what the facts are, but more importantly, it is my hope and prayer that this group, together with public input, will lay out various formulas and strategies that the State legislature and the Governor can entertain to move us out of the crisis that has taken place this past year.

I am reminded that the word "suburban" has the word "urban" in it. The fact of the matter is the relative health of the city of Pittsburgh is very vital not only to all of Allegheny County and the suburban communities around the city, but equally so to our whole region. The city is the heart of the whole region. If the heart is impaired or the heart dies, the whole suburban and regional community as we know it will be harmed. We are all in this same boat together, and I think there is a new spirit now, with or without the present administration on Grant Street, to work in a cooperative fashion to try to address this issue. It would be my hope that the oversight board, as it is empowered, will take seriously a number of recommendations, at least eight of which I have formally made, six of which are expressed in Senate legislation. They deal with everything from the so-called occupation tax issue to the issue of additional revenue for the city in terms of nonprofits beginning to pay some fair share for their tax-exempt property in the city, as well as meaningful contributions from large businesses in the city of Pittsburgh that as Senator Costa rightly points out have not been paying their fair share. But, we need to do that in a way that does not place an additional burden on those smaller businesses throughout the city that have been paying the freight for many years in the business privilege tax and the mercantile tax. I am probably the only individual who has stepped up to the plate and actually introduced legislation for meaningful reform of Act 111, the binding arbitration agreement in law as we know it, because the fact of the matter is there are significant issues with Act 111 that need to be addressed, and it is my hope that this oversight committee will review my Senate legislation on that matter. I will be the first to step up to the plate, as I have done in my 14 years in city council, to make sure that we have the highest paid firefighters and police officers. I believe that. They do a job that puts their lives on the line every day, and they need to be professional and well paid. But, we also need to have an understanding and an appraisal of what the relative financial health is of the city and the State and local economy at any given time when negotiations and collective bargaining commence. I ask that this committee focus specifically on legislation that I have submitted.

When one is looking systemically at reforming the city of Pittsburgh and what Pittsburgh city residents are paying both for city-operating core services and vital public school district services, it is the same tax dollar going to two separate governing bodies and institutions. I hope that this oversight board will take into consideration what the obligations are, because we have a school district, while it does need increased funding at the State

level in terms of equity and reimbursement, has earlier this past year sat on a \$90 million budget reserve at the expense of many residents in the city of Pittsburgh, and this committee will be empowered to review the taxing authority of the school district while it is looking at the broader issue of the city of Pittsburgh's finances.

So, I am very pleased to be supportive of the bill that is before us today. I ask all of those, both individual constituents as well as small businesses and other stakeholders in both the city and urban communities and suburban communities around the city, to offer their opinions, their insight, their guidance, and to communicate formally to this oversight board. What I hope is that at the end of the day that we come up and will step up to the plate and take some hard votes to do the right thing. Some of the right things involve in the end, in my opinion, legislative reform and tax shifting, and even the creation or increase of certain taxes that are not collected by the city of Pittsburgh. I hope that after it gets a clean bill of health by this oversight committee, that would be something that is more seriously considered by the Majority leadership in the House and the Senate than it has been in the past.

Thank you very much, Madam President.

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

Senator WAGNER. Madam President, I also rise to talk about a very significant piece of legislation, House Bill No. 2006, which we are voting on today. In the history of the city of Pittsburgh, an oversight board has never been created by the General Assembly, so it truly is a significant piece of legislation.

First and foremost, Madam President, I also want to compliment my colleagues for working in a bipartisan effort to make this legislation happen. House Bill No. 2006 is very, very similar to Senate Bill No. 940, which left this Chamber approximately 2 months ago, and Senator Orie was the prime sponsor. But this has been a cooperative effort between Senator Orie, myself, Senator Ferlo, Senator Logan, who could not be here today because of his wife having a baby recently, or I am sure he would be on the floor speaking, Senator Costa, and newly-elected Senator Pippy, all of whom have been involved to create a good bipartisan piece of legislation with Members of the House of Representatives, the prime sponsor, Representative Turzai, but many other Members of the House, too many to mention, Madam President, but also with a cooperative effort from the Governor, the Lieutenant Governor, to make sure that something positive proceeds in the best interest of the city of Pittsburgh. I am also pleased that the finance chairman of council, Councilman Hertzberg, is with us today. He is in total support of this legislation, also.

Madam President, the legislation is a bipartisan oversight board consisting of five members, one of which will be appointed by each of the four Caucuses and one by the Governor, again, an independent board that will take a good, hard look at all aspects of city government, how the city runs, how it is managed, and whether or not those services are provided in a cost-effective manner that is in the best interest of the residents of Pittsburgh.

Madam President, I am a resident of Pittsburgh, I was born in Pittsburgh, I live with my family there today. I care very much about this city and its direction, and I have been disappointed,

quite frankly, the past several years. I believe this oversight board has a grand opportunity to point the city of Pittsburgh in the right direction by taking a look at a multitude of things, how it interacts with county government, as former county chief executive, Jim Roddey, and now chief executive, Dan Onorato, have talked about a better merging of services in the best interests of the people of Pittsburgh and the people of Allegheny County. This could be a role model for communities within Pennsylvania, certainly within Allegheny County, as to how they can better work together, consolidate services and reduce the cost to the taxpayer, a grand opportunity. But there are many, many other things that need to be looked at. We have talked about revenues and we have talked about distressed status which has been designated by the Commonwealth through the Governor, and, Madam President, distressed status of Pittsburgh identifies it as one of approximately 20 communities in Pennsylvania that are considered economically distressed, a status that I do not like and wish did not occur. I wish we did not have to create an oversight board, but, Madam President, we all know that it is necessary. But, great things can be accomplished through cooperation, and that is precisely what has happened to make sure this legislation got to the point where it is today. It truly is a bipartisan effort, and, Madam President, I think it is important to note something else.

The city of Pittsburgh is a great city. It is one of the finest cities in the world, and for anyone who has never been there, they should go there and simply see the God-given natural beauty and the confluence of the rivers in Pittsburgh that identifies itself differently than any city that I know. As a matter of fact, very shortly we will be celebrating the 250th anniversary of the French and Indian War. The first international war that ever occurred on this continent occurred at the confluence of the rivers actually in a State Park, Point State Park, and areas surrounding it, to identify which country had greater influence over this country, even prior to the Declaration of Independence. Because of that war and the English actually winning it, we are speaking the English language today. That battle took place in Pittsburgh, and the history of Pittsburgh, if you look at it, is very significant in terms of the history of this country. After the Second World War, Madam President, we faced a serious crisis. Pittsburgh outproduced the world in steel production during the Second World War. As a result of it, there was serious air and water pollution. What happened after the war? The private sector, headed up by Richard King Mellon, and the government sector, headed up by Mayor David Lawrence, came together with a plan, and as a result of that plan, we corrected the environmental problems related to the industrial sector of the largest industrial city in America at the time. We made great achievements. Our air is clean today, our water is clean today. We are talking about having the Bass Classic in the year 2005 in Pittsburgh. Who would ever think that the rivers of Pittsburgh could have the Bass Classic?

But we faced other crises, Madam President. In the early 1980s when I was sworn into the Pittsburgh City Council, the unemployment rate was 14 percent, 14 percent as a result of the fall of the steel industry. We came back from that crisis and diversified the economy of Pittsburgh and southwestern Pennsylvania. It is now a leading high technology and

biotechnology center in the world. A couple of years after that, Rand McNally designated Pittsburgh the most livable city in the 1980s in America, the most livable city.

Why do I state all this, Madam President? We are facing another crisis. This time it is a financial crisis, a crisis related to leadership, and we collectively can change the course of Pittsburgh. House Bill No. 2006 is a beginning, a solid beginning. The creation of an oversight board could have happened actually months ago, it could have happened through Senate Bill No. 940. It could have happened in the middle of last year. It has been a struggle, but we have reached a major achievement today with the passage of this legislation, with the upcoming vote, and with the support of the Governor.

Again, I cannot compliment my colleagues enough on the other side of the aisle and my colleagues on this side of the aisle for working in a very cooperative way. We have a lot of work ahead of us. This oversight board has a tremendous challenge, but I am convinced that with them working with us, we can meet that challenge.

Thank you.

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

Senator PIPPY. Madam President, I have a few short words on this issue. I would like to echo the comments of my colleagues previous to me who have adequately and eloquently discussed the merits of the bill, but I would add, and this is in particular to those who may be watching on television and our friends in the back who may be writing about this issue, now is the time of change. We should put down the pens, put down the sharp tongues, stop fighting this issue in the papers, and start working together. You have heard three Democrats and two Republicans talk about how we have come together. You have not heard us talk about what we did not get in the bill. You have heard us talk about what we can agree to. If Pittsburgh, our region, and really our entire Commonwealth wants to move forward, we need to do this with a spirit of consensus and a spirit of understanding that gone are the days of short fixes. What we need now are long-term solutions, so I ask that when the Governor signs this bill, the true leaders in our region will not be critical of this legislation but will ask how they can make it go forward to make it better. That is what we are interested in.

I, frankly, have done a lot of reading since I have come back and have been rather disappointed with some of the comments, not on both sides, because this is not a Democrat or Republican issue, it is not a suburbanite versus a city issue. It is a very complex, complicated issue that deals with authorities, the city, the suburbs, our region, and the interdependence between all of us. So I look forward to working with my colleagues in the Senate as well as one of the newer-elected Members, and commend them and my colleague from North Hills on their efforts so far, and ask that when I look in front of me and see Benjamin Franklin, I am just finishing his biography, his greatness was not in his eloquence, but in his ability to get things done, and that is what is in the best interest of our Commonwealth and our city, and I look forward to working with the Governor, my colleagues, and our Members of the General Assembly and the House as well as we move forward and we see true leadership.

Thank you, Madam President.

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-49

Armstrong	Hughes	Orie	Thompson
Boscola	Jubelirer	Piccola	Wagner
Brightbill	Kasunic	Pileggi	Waugh
Conti	Kitchen	Pippy	Wenger
Corman	Kukovich	Punt	White, Donald
Costa	LaValle	Rafferty	White, Mary Jo
Dent	Lemmond	Rhoades	Williams, Anthony H.
Earll	Logan	Robbins	Williams, Constance
Erickson	Madigan	Scarnati	Wonderling
Ferlo	Mellow	Schwartz	Wozniak
Fumo	Mowery	Stack	
Gordner	Musto	Stout	
Greenleaf	O'Pake	Tartaglione	

NAY-0

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

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

BILL OVER IN ORDER

HB 2027 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 2332 (Pr. No. 3288) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for submission of a question to the electorate authorizing incurring indebtedness for water and wastewater treatment projects.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentleman from Columbia, Senator Gordner.

Senator GORDNER. Madam President, I just rise briefly to ask all of my colleagues to support this legislation. Last week the Senate passed Senate Bill No. 1012, which was my legislation doing the identical thing. Basically, what this will do is provide at the April 27th primary a referendum vote for the voters of Pennsylvania, and that will be to ask them to allow us to borrow \$250 million for sewer and water projects around this State. For myself and the residents whom I represent, we have many

communities that still do not have the sewer and water facilities that they need to take care of their problems. In addition, in a lot of places around the State, DEP is requiring sewer facilities to divert their storm water from running into the sewers and to running into different avenues. So this \$250 million will be a boon to them, as well as to economic development projects across this State. For that reason, I certainly ask all of my colleagues to support House Bill No. 2332, and, likewise, when it comes to April 27, encourage our residents to support this bond initiative.

Thank you, Madam President.

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-49

Armstrong	Hughes	Orie	Thompson
Boscola	Jubelirer	Piccola	Wagner
Brightbill	Kasunic	Pileggi	Waugh
Conti	Kitchen	Pippy	Wenger
Corman	Kukovich	Punt	White, Donald
Costa	LaValle	Rafferty	White, Mary Jo
Dent	Lemmond	Rhoades	Williams, Anthony H.
Earll	Logan	Robbins	Williams, Constance
Erickson	Madigan	Scarnati	Wonderling
Ferlo	Mellow	Schwartz	Wozniak
Fumo	Mowery	Stack	
Gordner	Musto	Stout	
Greenleaf	O'Pake	Tartaglione	

NAY-0

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

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

RECESS

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

Senator BRIGHTBILL. Madam President, I ask for a brief recess of the Senate for purposes of a meeting of the Committee on Rules and Executive Nominations and a meeting of the Committee on Appropriations.

The PRESIDENT. Without objection, the Senate stands in recess.

AFTER RECESS

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

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

CONSIDERATION OF CALENDAR RESUMED**SECOND CONSIDERATION CALENDAR****BILL REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION**

SB 200 (Pr. No. 1387) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for termination of annuities.

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

BILL ON SECOND CONSIDERATION AND RECOMMITTED

HB 100 (Pr. No. 2186) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the availability of and access to a comprehensive trauma care system; and imposing powers and duties upon the Department of Public Welfare.

Considered the second time and agreed to,
Ordered, To be printed for third consideration.
Upon motion of Senator BRIGHTBILL, and agreed to by voice vote, the bill just considered was recommitted to the Committee on Appropriations.

BILL OVER IN ORDER

HB 138 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL REREFERRED

SB 261 (Pr. No. 1385) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, reenacting and amending provisions relating to certificates of need.

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

BILLS OVER IN ORDER

HB 349, HB 794 and SB 922 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

**UNFINISHED BUSINESS
RESOLUTION REPORTED FROM COMMITTEE**

Senator GREENLEAF, from the Committee on Judiciary, reported the following resolution:

SR 160 (Pr. No. 1214)

A Resolution directing the Joint State Government Commission to study the feasibility of establishing an alternative to the existing liability system with regard to medical professional liability actions.

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

BILLS REPORTED FROM COMMITTEES

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

SB 152 (Pr. No. 1386) (Rereported) (Concurrence)

An Act amending Titles 12 (Commerce and Trade) and 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, adding provisions relating to trade secrets; and further providing for the offense of theft of trade secrets.

SB 778 (Pr. No. 1391) (Rereported) (Concurrence)

An Act amending Title 12 (Commerce and Trade) of the Pennsylvania Consolidated Statutes, codifying portions of the Job Enhancement Act; further providing for contract requirements, for guidelines, for administration and for application and review requirements; providing for keystone innovation zones; and making repeals relating to the Job Enhancement Act.

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

SB 1026 (Pr. No. 1392)

An Act amending Title 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes, providing for economic development financing.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 1****SENATE CONCURS IN HOUSE AMENDMENTS**

SB 152 (Pr. No. 1324) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 12 (Commerce and Trade) and 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, adding provisions relating to trade secrets; and further providing for the offense of theft of trade secrets.

On the question,
Will the Senate concur in the amendments made by the House to Senate Bill No. 152?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 152.

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-49

Armstrong	Hughes	Orie	Thompson
Boscola	Jubelirer	Piccola	Wagner
Brightbill	Kasunic	Pileggi	Waugh
Conti	Kitchen	Pippy	Wenger
Corman	Kukovich	Punt	White, Donald
Costa	LaValle	Rafferty	White, Mary Jo
Dent	Lemmond	Rhoades	Williams, Anthony H.
Earll	Logan	Robbins	Williams, Constance
Erickson	Madigan	Scarnati	Wonderling
Ferlo	Mellow	Schwartz	Wozniak
Fumo	Mowery	Stack	
Gordner	Musto	Stout	
Greenleaf	O'Pake	Tartaglione	

NAY-0

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

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

SENATE CONCURS IN HOUSE AMENDMENTS

SB 778 (Pr. No. 1391) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 12 (Commerce and Trade) of the Pennsylvania Consolidated Statutes, codifying portions of the Job Enhancement Act; further providing for contract requirements, for guidelines, for administration and for application and review requirements; providing for keystone innovation zones; and making repeals relating to the Job Enhancement Act.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No 778?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 778.

On the question,

Will the Senate agree to the motion?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Indiana, Senator Don White.

Senator D. WHITE. Mr. President, I rise today to ask my colleagues to concur in House amendments to Senate Bill No. 778. The legislation we are considering today is somewhat more comprehensive than what I set forth in the original bill. Senate Bill No. 778, Printer's No. 937, was 5 pages in length. Senate Bill No. 778, Printer's No. 1391, is 75 pages. Those additional 70 pages have made this a much stronger piece of legislation, one that addresses a number of economic development areas and initiatives. The House amendment added provisions regarding the Small Business Council, the Opportunity Grants Program, the Small Business First Program, and the Machinery and Equipment

Loan Program. This is the first major revamping of each program since 1996, and the most comprehensive revisions to Pennsylvania's economic development programs in recent history, and, in among those programs, the legislation retains its core purpose. This legislation would create Keystone Innovation Zones, or KIZs, to spur economic development and job growth around the Commonwealth's colleges and universities. I know with KOZs, KOEZs, and KOIZs already in place, the last thing we need in Pennsylvania is another economic development program that starts with a K. However, I contend that given the proven track record of our Keystone Opportunity Expansion Zones and the high expectations we have for the Keystone Opportunity Improvement Zones, I do not think we can get too much of a good thing.

Our economic development initiatives have focused on Main Streets and brownfields. They have drawn in small businesses and retained large corporate players. Senate Bill No. 778 would take parts of those programs and create a great environment with high-tech business and development by promoting cooperation with Pennsylvania's outstanding colleges and universities. KIZs would provide incentives such as priority consideration for Pennsylvania industrial development authorities, PIDA loans and grants through work force development, as well as research and development tax credits. This designation would also provide for support from the State Department of Community and Economic Development and the Ben Franklin Technology and Development Authority.

Mr. President, KIZs will open new avenues for economic development by focusing on early-stage capital facilities for people and connectivity. They will better align the Commonwealth's economic development programs with high growth companies that are creating the jobs of the future.

I thank Governor Rendell for this initiative. This is part of his initial program. I ask my colleagues for their support to add this new and exciting proposal to the K programs already in Pennsylvania's economic development arsenal. I ask my colleagues to concur in House amendments to Senate Bill No. 778.

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

Senator C. WILLIAMS. Mr. President, I rise, and I am delighted that Senator Don White has proposed the first part of Governor Rendell's stimulus package and that we are going to be voting on it today. This package includes the vision that he has that will encourage young companies to grow and encourage young people to stay here in Pennsylvania. It is an exciting package that I know will benefit so many parts of the Commonwealth, including many of the areas of the 17th Senatorial District. So, I also rise to join my colleagues to vote for part of Governor Rendell's visionary package.

Thank you.

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

Senator O'PAKE. Mr. President, this is indeed a great day for the people of Pennsylvania and represents the beginning of what we hope will be a significant economic stimulus package for the future of Pennsylvania. As it has been pointed out already by Senator Don White, the bill as amended creates new zones,

Keystone Innovation Zones, in order to partner our fine colleges with start-up businesses to create jobs, to keep jobs, to stimulate the economy for the future of Pennsylvania. In order to qualify, the KIZ company must be less than 8 years old and fall within targeted technology or other business sectors as defined by the KIZ Partnership. This bill will create a grant program for businesses that will have significant job creation or job preservation and will make significant private investments in the State. It is intended to utilize the academic resources now available in hundreds of institutions of higher education and to encourage those colleges to work with small local businesses to create investment opportunities, innovation opportunities, and ultimately jobs to be created in Pennsylvania. The important part of this is that it is part of a six-bill package, and we are very appreciative of the fact that we have been able to vote on this today. It is the beginning of a new day in Pennsylvania. We are also grateful for the bipartisan cooperation that has made the vote here today possible, and we look forward to and appreciate the continuing cooperation so that we can address the rest of the six-bill Rendell economic stimulus package by mid-March, as I understand is the current plan.

So this is step one. It is a very important step, and we hope it is the beginning of the rest of the economic stimulus package as proposed by Governor Rendell about a year ago. So we thank the leadership on the other side for allowing this vote, and we encourage everybody to support this important first step, the beginning of Governor Rendell's plan for a new Pennsylvania, a better Pennsylvania, one with job opportunities, one that matches the academic potential that is already there in our colleges with start-up companies to do something different, to create jobs, and to make a better Pennsylvania and stop the brain drain that has, unfortunately, been very painful over the last decade or so.

Thank you, Mr. President.

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Montgomery, Senator Wonderling.

Senator WONDERLING. Mr. President, I also rise in support of Senate Bill No. 778 and applaud my colleague from Indiana County and the leadership he has shown on this particular piece of legislation. I would like to just highlight the Keystone Innovation Zone Program and suggest to my colleagues that it is about time, because we have now put in place a program that will create wealth and economic opportunity, unlock intellectual property that currently exists in our academic institutions across this Commonwealth and drive job creation for our young people in an approach that is no longer tied to the land. I know within my own Senate district, which comprises parts of Lehigh County, the Lehigh Valley, and the Delaware Valley, I have employers like Merck and Air Products, I have academic institutions like DeSales and Lafayette, and I have older communities like the city of Easton and the Borough of Lansdale that are welcoming the passage of this legislation because it will truly create opportunities for our young people, to create the jobs not only of today but for tomorrow as well.

Thank you, Mr. 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-49

Armstrong	Hughes	Orie	Thompson
Boscola	Jubelirer	Piccola	Wagner
Brightbill	Kasunic	Pileggi	Waugh
Conti	Kitchen	Pippy	Wenger
Corman	Kukovich	Punt	White, Donald
Costa	LaValle	Rafferty	White, Mary Jo
Dent	Lemmond	Rhoades	Williams, Anthony H.
Earll	Logan	Robbins	Williams, Constance
Erickson	Madigan	Scarnati	Wonderling
Ferlo	Mellow	Schwartz	Wozniak
Fumo	Mowery	Stack	
Gordner	Musto	Stout	
Greenleaf	O'Pake	Tartaglione	

NAY-0

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

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

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

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

**MEMBER OF THE PENNSYLVANIA BOARD
OF PROBATION AND PAROLE**

December 11, 2003

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Gerard N. Massaro, Ph.D., 415 Canterbury Trail, Cranberry Township 16066, Butler County, Fortieth Senatorial District, for appointment as a member of the Pennsylvania Board of Probation and Parole, to serve for a term of six years or until his successor is appointed and qualified, but not longer than ninety days beyond that period, vice Richard A. Kipp, Wescosville, whose term expired.

EDWARD G. RENDELL
Governor

**MEMBER OF THE PENNSYLVANIA
SECURITIES COMMISSION**

November 17, 2003

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Thomas A. Michlovic, 515 Vernoa Street, North Braddock 15104, Allegheny County, Forty-fifth Senatorial District, for appointment as a member of the

Pennsylvania Securities Commission, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, vice John A. Maher, Esquire, Carlisle, whose term expired.

EDWARD G. RENDELL
Governor

**MEMBER OF THE WORKERS'
COMPENSATION APPEAL BOARD**

January 21, 2004

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph Coughlin, 619 Third Avenue, Croydon 19021, Bucks County, Sixth Senatorial District, for appointment as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, add to complement.

EDWARD G. RENDELL
Governor

**MEMBER OF THE WORKERS'
COMPENSATION APPEAL BOARD**

January 21, 2004

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Susan M. McDermott, Esquire, 130 West Highland Avenue, Philadelphia 19118, Philadelphia County, Fourth Senatorial District, for reappointment as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified.

EDWARD G. RENDELL
Governor

NOMINATIONS LAID ON THE TABLE

Senator ROBBINS. Mr. President, I request that the nominations just read by the Clerk be laid on the table.

The PRESIDENT pro tempore. The nominations will be laid on the table.

**COMMUNICATIONS FROM THE GOVERNOR
TAKEN FROM THE TABLE**

Senator ROBBINS called from the table communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

**MEMBER OF THE PENNSYLVANIA ECONOMIC
DEVELOPMENT FINANCING AUTHORITY**

February 10, 2004

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 November 10, 2003, for the appointment of Mark Schneider, 7522 Graymore Road, Pittsburgh 15221, Allegheny County, Forty-third Senatorial District, as a member of the Pennsylvania Economic Development Financing Authority, to serve for a term of four years and until his successor is appointed and qualified, vice Sandor Yelen, Kingston, whose term expired.

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

EDWARD G. RENDELL
Governor

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

February 10, 2004

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 November 17, 2003, for the appointment of David W. Jones, 127 4th Street, Southeast, Washington, DC 20003, as a member of the Council of Trustees of Kutztown University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2009, and until his successor is appointed and qualified, vice Joseph A. Deklinski, Wormleysburg, whose term expired.

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

EDWARD G. RENDELL
Governor

NOMINATIONS RETURNED TO THE GOVERNOR

Senator ROBBINS. Mr. 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 pro tempore. The nominations will be returned to the Governor.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator ROBBINS,

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

Which was agreed to by voice vote.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

MEMBER OF THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE

December 11, 2003

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Gerard N. Massaro, Ph.D., 415 Canterbury Trail, Cranberry Township 16066, Butler County, Fortieth Senatorial District, for appointment as a member of the Pennsylvania Board of Probation and Parole, to serve for a term of six years or until his successor is appointed and qualified, but not longer than ninety days beyond that period, vice Richard A. Kipp, Wescosville, whose term expired.

EDWARD G. RENDELL Governor

MEMBER OF THE PENNSYLVANIA SECURITIES COMMISSION

November 17, 2003

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, The Honorable Thomas A. Michlovic, 515 Verno Street, North Braddock 15104, Allegheny County, Forty-fifth Senatorial District, for appointment as a member of the Pennsylvania Securities Commission, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, vice John A. Maher, Esquire, Carlisle, whose term expired.

EDWARD G. RENDELL Governor

MEMBER OF THE WORKERS' COMPENSATION APPEAL BOARD

January 21, 2004

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph Coughlin, 619 Third Avenue, Croydon 19021, Bucks County, Sixth Senatorial District, for appointment as a member of the Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, add to complement.

EDWARD G. RENDELL Governor

MEMBER OF THE WORKERS' COMPENSATION APPEAL BOARD

January 21, 2004

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Susan M. McDermott, Esquire, 130 West Highland Avenue, Philadelphia 19118, Philadelphia County, Fourth Senatorial District, for reappointment as a member of the

Workers' Compensation Appeal Board, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified.

EDWARD G. RENDELL Governor

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

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

Senator COSTA. Mr. President, I rise very briefly to provide comments regarding my friend and also a former colleague of a number of my colleagues here, former Representative Tom Michlovic. I would like to very briefly put some remarks on the record relative to Mr. Michlovic.

Mr. President, Tom Michlovic is a graduate of the University of Pittsburgh in political science and also holds a degree from the graduate school of public information affairs. As you well know, he was a 12-term State Representative, representing the 35th Legislative District in the Pennsylvania House of Representatives for 24 years. He served as the Democratic chairperson for the Tourism Committee from 1996 to 1998, and also the Veterans Affairs and Emergency Preparedness Committee from 1999 to 2002. Most importantly, he is an individual who served in the United States Army and has been awarded a number of Medals of Honor. He was awarded the Purple Heart, the Combat Infantry Badge, as well as the Vietnam Service Medal. Over the years, he has received a number of awards and citations, most recently, just three to highlight that, are the Public Service Award, awarded by the Allegheny County Library Association in 2002, as well as the John Heinz Good Government Award, given by the Mon Valley Initiative in 2002, and also an award recognizing him as a champion of good government, given by Common Cause in 1999.

Mr. President, most importantly, to those of us from Allegheny County who have worked with and have known Mr. Michlovic for a number of years, he has always been found to be, not only by his colleagues but by the people he has worked with and the various organizations he has been involved with, as a very intelligent, well respected, and bright individual who was always guided by the highest possible ethical principles. I do know that the commission that he will soon be joining, the Pennsylvania Securities Commission, is one that he certainly will be an outstanding member of that very fine commission. With that recommendation from my colleagues and me, on behalf of Senator Logan, who is unable to be here today, we recommend a very favorable vote for Tom Michlovic.

Thank you, Mr. President.

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

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

YEA-49

Armstrong	Hughes	Orie	Thompson
Boscola	Jubelirer	Piccola	Wagner
Brightbill	Kasunic	Pileggi	Waugh

Conti	Kitchen	Pippy	Wenger
Corman	Kukovich	Punt	White, Donald
Costa	LaValle	Rafferty	White, Mary Jo
Dent	Lemmond	Rhoades	Williams, Anthony H.
Earll	Logan	Robbins	Williams, Constance
Erickson	Madigan	Scarnati	Wonderling
Ferlo	Mellow	Schwartz	Wozniak
Fumo	Mowery	Stack	
Gordner	Musto	Stout	
Greenleaf	O'Pake	Tartaglione	

NAY-0

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to by voice vote.

**UNFINISHED BUSINESS
SENATE RESOLUTIONS ADOPTED**

Senators O'PAKE, MELLOW, STOUT, WENGER, TARTAGLIONE, COSTA, WAGNER, ORIE, KITCHEN, EARLL, LOGAN, KUKOVICH, KASUNIC, CONTI, ERICKSON, C. WILLIAMS, PILEGGI, LaVALLE, ARMSTRONG, DENT, RHOADES, LEMMOND, FERLO, WAUGH, MUSTO, CORMAN, FUMO, GREENLEAF, ROBBINS, SCHWARTZ, PIPPY, STACK, M. WHITE and RAFFERTY, by unanimous consent, offered **Senate Resolution No. 202**, entitled:

A Resolution designating March 2004 as "Junior Achievement Month" in Pennsylvania.

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

Senator PICCOLA, by unanimous consent, offered **Senate Resolution No. 203**, entitled:

A Resolution proclaiming March 1, 2004, as "America's Huey 091 Day" in Pennsylvania.

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

Senators CONTI, KITCHEN, FERLO, EARLL, WAGNER, KUKOVICH, BRIGHTBILL, SCHWARTZ, LOGAN, THOMPSON, M. WHITE, TOMLINSON, MUSTO, CORMAN, LaVALLE, O'PAKE, RAFFERTY, TARTAGLIONE, WOZNIAK, COSTA, D. WHITE, LEMMOND, ERICKSON, MELLOW, ARMSTRONG, SCARNATI, HUGHES, MOWERY, WONDERLING, GREENLEAF, WENGER, STACK, C. WILLIAMS, RHOADES and PIPPY, by unanimous consent, offered **Senate Resolution No. 204**, entitled:

A Resolution designating February 14, 2004, as "Congenital Heart Defect Awareness Day" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator CONTI. Mr. President, February 14 is better known as Valentine's Day, a day that celebrates love, affection, and devotion, and is best symbolized by the heart.

Mr. President, today I seek support for a resolution that would recognize February 14 as Congenital Heart Defect Awareness Day. It is the perfect holiday to draw attention to the millions of Americans who already have or will be born with a congenital heart defect. Congenital heart defects are malformations of the heart, heart valves, or major blood vessels. Although there are several types of defects, the common theme is a hole in the wall or valve of the heart. Approximately 40,000 infants are born each day in the United States with this defect. I would like to say that I have a nephew who was born with the defect, and because of modern medical improvements, he is living a wonderful life and is a bouncing, very active little young man.

In fact, it is estimated that over a million American children and adults are living with a cardiovascular defect, as we speak. Early detection and treatment are essential, and with education and awareness, I think we can save lives.

So, Mr. President, I ask for unanimous consent on this resolution.

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

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

RECONSIDERATION OF HB 514**BILL ON FINAL PASSAGE**

HB 514 (Pr. No. 1792) -- Senator RAFFERTY. Mr. President, I move that the Senate do now reconsider the vote by which House Bill No. 514, Printer's No. 1792, just passed finally.

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

On the question,
Shall the bill pass finally?

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

YEA-49

Armstrong	Hughes	Orie	Thompson
Boscola	Jubelirer	Piccola	Wagner
Brightbill	Kasunic	Pileggi	Waugh
Conti	Kitchen	Pippy	Wenger
Corman	Kukovich	Punt	White, Donald
Costa	LaValle	Rafferty	White, Mary Jo
Dent	Lemmond	Rhoades	Williams, Anthony H.
Earll	Logan	Robbins	Williams, Constance
Erickson	Madigan	Scarnati	Wonderling
Ferlo	Mellow	Schwartz	Wozniak
Fumo	Mowery	Stack	

Gordner
GreenleafMusto
O'PakeStout
Tartaglione

NAY-0

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

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

CONGRATULATORY RESOLUTIONS

The PRESIDENT pro tempore 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. Hiram Kindig, Mr. and Mrs. Lee Troup, Mr. and Mrs. Kenneth Stoner, Glenn Robinson, Justin William Benfer, Matthew Cody Rieker, Florence Dobbs Sheaffer, Charles M. Runk, Albert P. Stoner and to Kevin W. Brownlee by Senator Armstrong.

Congratulations of the Senate were extended to Aletha Rosalind Bacon, David J. Bohner, Mary O. Fecko, Charles L. Walakovits, Kevin Coates, Zachary E. Nelson, David A. Weikert, Saucon Valley Elementary School Panther Players Choral Group of Hellertown, Shafer Elementary School Choral Group of Nazareth, Comfort Inn Bethlehem and to the Freedom High School Les Chanteurs Vocal Performing Group of Bethlehem by Senator Boscola.

Congratulations of the Senate were extended to the Nazareth Mutual Insurance Company by Senators Boscola, Dent, and Wonderling.

Congratulations of the Senate were extended to Mr. and Mrs. Cortelyou Jefferson, V. Carl and Mary Jane Gacono, Trisha A. Hoffinan and to Rose Dissman by Senator Brightbill.

Congratulations of the Senate were extended to Severin Fayerman by Senators Brightbill, O'Pake, and Rafferty.

Congratulations of the Senate were extended to Cindy DeMaria, Daniel Gross, Brian Maio Koller, Joseph Lee and to Matthew G. Esling by Senator Conti.

Congratulations of the Senate were extended to Martha C. Miller by Senators Conti and Tomlinson.

Congratulations of the Senate were extended to Mr. and Mrs. Victor M. Whitesel, Norman O. Wenrick IV, Nathan Robert Walker, Patrick Neil Stehley and to Samuel F. Metz, Jr., by Senator Corman.

Congratulations of the Senate were extended to Anna DeCarolis, Vincent Volpe, Jeffrey M. Sapienza, Stephen P. Sapienza, Emma Kubasak Senkewitz, Bryant R. Schaming and to the Pennsylvania Commission on Sentencing by Senator Costa.

Congratulations of the Senate were extended to Regis W. Riley and to Delia Ann Kreiling by Senators Costa and Wagner.

Congratulations of the Senate were extended to Charles and Connie Noonan, Tyler Thomas Miller, Sheila Greenberg, Jonathan Clayton Hamsher, Ryan Dennison, Mark Wicoff, Congregation Agudas Achim of Allentown and to Allen Township Volunteer Fire Company No. 1 of Northampton by Senator Dent.

Congratulations of the Senate were extended to Darrell S. Aubert, Michael B. Kane, Matthew V. McCowan and to Steven J. Wereley by Senators Dent, Wonderling, and Boscola.

Congratulations of the Senate were extended to the students of Girard High School by Senator Earll.

Congratulations of the Senate were extended to Brian Andrew Bolz and to John W. Smith, Jr., by Senator Erickson.

Congratulations of the Senate were extended to Shane T. Penn, Timothy K. Garso, Matthew B. Finley, Donald L. Barch, Jr., Cory M. Chelko and to the Riverview Junior High School Engineering Team by Senator Ferlo.

Congratulations of the Senate were extended to Mr. and Mrs. Henry Bressler, Mr. and Mrs. Ralph Matyas, Mr. and Mrs. Donald Hilderbrandt, Mr. and Mrs. Herman Fisher, Mr. and Mrs. Kenneth Bittner, Zachary D. Cravitz, Honorable Merle H. Phillips, Dr. John P. Pagana, Ian Jacy Conrad Keefer, Joseph Wagner, James H. Heverling, Dr. Richard H. Sunday, Mildred Hawk, Dale Groff, Tymko Butrej, Helen Vinchkoski, Leo Grala, Joseph Wayne Hardin, Austin Lee Craig, Paul Anderson, Aaron David Steinberg, Sara Tomedi, Ronald K. Martz, Bloomsburg Area High School Wrestling Team and to the Southern Columbia Area High School Football Team of Catawissa by Senator Gordner.

Congratulations of the Senate were extended to the Reverend and Mrs. Paul W. Cope by Senators Gordner and Madigan.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph Messina, Mr. and Mrs. Thomas Van Horn, Sr., Mr. and Mrs. Joseph Hennessy, Isaac Feusner, Robert Nolen, Elaine Berkhoff, Michael Patrick Gannon, Garbutt Aiman, Timothy Bruno and to the Hatfield Lions Club by Senator Greenleaf.

Congratulations of the Senate were extended to Viola W. Walker, Fannie Moore Murray, Dorothy Rapone, Angela Sposato, Justin Lamar Harris and to the Black History Showcase by Senator Hughes.

Congratulations of the Senate were extended to Mr. and Mrs. Percy Closson, Mr. and Mrs. Francis Rumberger, Mr. and Mrs. Kenneth Wyerman, Mr. and Mrs. Marl Ritchey, Mr. and Mrs. Roy Miller, Mr. and Mrs. Percy A. Dysard, Mr. and Mrs. Dave Diehl, Mr. and Mrs. Jim Trexler, Mr. and Mrs. Glenn E. Miller, Mr. and Mrs. Edward E. Hammaker, Mary E. Mitchell, Ronald L. Samuel, Lyda Streight, Dave Hanna, Donald Mitchell and to John A. Garber by Senator Jubelirer.

Congratulations of the Senate were extended to Peter J. Metts, Jr., Jeanne A. Cascio and to Maime Beatrice Nelson by Senator Kasunic.

Congratulations of the Senate were extended to Mr. and Mrs. Charles L. Minus, Mr. and Mrs. Norris Grandeville Watts, Bishop Robert Maurice Taylor, Sr., Nora Elizabeth Braxton, Christine Osby, Michael Sullivan, Brenda F. Hill, Marie Clifton, George Scott, Joseph Schrank, William Neary, Imam W. Deen Mohammed, Mary R. Walker, Fellowship Tabernacle Church of Philadelphia and to the Philadelphia Senior Center, Tioga Branch, by Senator Kitchen.

Congratulations of the Senate were extended to Ann D. Hrapchak, Junior Olympic Wrestling, Lutheran Advocacy Ministry and to the Pennsylvania Chapter of the National Association of Social Workers by Senator Kukovich.

Congratulations of the Senate were extended to Russell T. Chiodo and to Dr. Leslie T. Pallone by Senator LaValle.

Congratulations of the Senate were extended to Mr. and Mrs. Frank Wagner, Mr. and Mrs. Joseph Holub, Mr. and Mrs. Paul Hanf, Mr. and Mrs. Elston Mannick, Mr. and Mrs. Michael Seman, Paul J. Mendofik, Mary Jo Hart, Dr. Carl J. Urbanski, Arvilla Zosh and to Cathy Kieczkajlo by Senator Lemmond.

Congratulations of the Senate were extended to Mr. and Mrs. Louis Mirezni, Mark Campagna, Michael Feldman, Janice Manley, Diane D. Hightower, Stanley Herrmann, Eleanor Grego, Benjamin Joel Halaszynski, Ryan Hoffman, Charles J. Gala, St. James African Methodist Episcopal Church of New Kensington, Pitcairn Assembly No. 90, International Order of the Rainbow for Girls, and to the Rotary Club of Turtle Creek by Senator Logan.

Congratulations of the Senate were extended to Mr. and Mrs. Charles C. Roan, Mr. and Mrs. Allen C. Isbell, Mr. and Mrs. Elmer C. Smith, Mr. and Mrs. Robert Fischer, Mr. and Mrs. Robert Sechrist, Mr. and Mrs. Louis Croft, Mr. and Mrs. Anthony Cipriani, Adam Green and to Nancy Parsons by Senator Madigan.

Congratulations of the Senate were extended to Richard Howard Antoine, Helen Hamorski, Brian J. Fisne, Michael Belfanti, Charles Joseph Gedman, Dominick Andidora, Joseph P. Romanecz, Patricia Valtos, Mike Leins, Robert Tomazic and to Christopher Connor by Senator Mellow.

Congratulations of the Senate were extended to P. Thomas Padden by Senators Mellow, C. Williams, and Rafferty.

Congratulations of the Senate were extended to Mr. and Mrs. Harvey R. Graybill, Reverend Dr. Gerald D. Kauffman, Brent W. Pomeroy, Anthony Ferguson, Matthew Goetz, Drew C. Tuma, Patrick W. Burket, Michael Keefer Rhan, Benjamin Gray Pollock and to David S. Rubright by Senator Mowery.

Congratulations of the Senate were extended to Mary Jane Gardner Reardon, Marcella Austrus Bartoli, Sheryl Kontrovich, Daniel J. Wenner, Jonathan Doblax and to Joseph B. Deegan by Senator Musto.

Congratulations of the Senate were extended to David L. Thun, Paul Cooter Jones, Reading Police Beneficial Association on the 80th Anniversary of its Policeman's Ball, Reading Public Museum, 1957 Fleetwood High School Boys' Basketball Team and to the members of the Fleetwood Volunteer Fire Company by Senator O'Pake.

Congratulations of the Senate were extended to Joyce Galie Kirkbride, Lou Stanasolovich, Diane Spath, Art Kirschner, Max Meese, Deborah Billett, Scott Lardin, George Billett, Kevin Spath, John O'Brien, Pete Dunlap, Mark Staub, Jim Downing, Marilyn P. Curotola, Jennifer Krysinski, Jason Pampena, Angelo Cammarata, students at Marshall Middle School of Wexford and to Good Samaritan House of Wexford by Senator Orie.

Congratulations of the Senate were extended to Raymond S. Hack by Senator Orie and others.

Congratulations of the Senate were extended to Mr. and Mrs. Charles Ancharski, Valerie Brust and to Esther Chapter No. 1 by Senator Piccola.

Congratulations of the Senate were extended to Mr. and Mrs. Gordon W. Ellis, Matthew Brian Jennings, James Andrew Michelini, David Bastien Kingery, Robert Jeffrey Pantazes,

Matthew Ruffin Diffey, Margaret Parker, Scott David Baker, Andrew C. Wirt, Brandywine Youth Club Under-10 Age Group Girls' Soccer Team and to the FC Brandywine Galaxy U-11 Boys' Soccer Team by Senator Pileggi.

Congratulations of the Senate were extended to Marcy Bruce and to the Upper Saint Clair Hospital by Senator Pippy.

Congratulations of the Senate were extended to Mary Lou Reaver, Adams County Habitat for Humanity and to the Adams Rescue Mission of Gettysburg by Senator Punt.

Congratulations of the Senate were extended to Eric Robert Michalsky, Richard T. Brown, Reverend Dr. Andrew Ricardo Harewood, Evan T. Ellwanger, Joseph C. Stemple and to the Pottstown Symphony Orchestra by Senator Rafferty.

Congratulations of the Senate were extended to the Perkiomen Watershed Conservancy of Schwenksville by Senators Rafferty and Wonderling.

Congratulations of the Senate were extended to Brett W. Kalbach, Angeline Dudish, Frank J. Zukas, Cameron Raymond Doll, John Lisella, Burton L. Hetherington, Franklin R. Fetter, Manufacturers Association of Mid-Eastern Pennsylvania (MAMP) and to the Amber District of the Knights of Lithuania by Senator Rhoades.

Congratulations of the Senate were extended to Patricia Ann Wetherbee, Scott Daniel Adams, Reverend Monsignor John B. Hagerty, Brett Allen Mohney, Kenneth A. Seamans, David Michael Geiger and to Mark Vennis by Senator Robbins.

Congratulations of the Senate were extended to Ron and Sue Zampogna, Robert Jacob Mosier, Richard Coleman, Daniel C. W. Lang, Matthew H. Wingard, D. Edward Chaplin, Kristy Warren, Ryan Timothy Greenland, Honorable Bernard E. Hetrick, WLMI of Kane, DuBois Harley Davidson, Luigi's Ristorante of DuBois and to the Hospice of Warren County by Senator Scarnati.

Congratulations of the Senate were extended to Deacon and Mrs. LeeVan Hamilton, Lenora D. Champagne and to the Montgomery County Chapter of Jack and Jill of America, Inc., by Senator Schwartz.

Congratulations of the Senate were extended to Walt Zagorski, Ken Hermes, Paul Gold, Steven Patton, Albert Gordon, Claire Blumberg, Belle Young, Reverend Dennis Weber, Aaron Cabbage, Italian Ambassador Sergio Vento and to the Agusta Aerospace Corporation by Senator Stack.

Congratulations of the Senate were extended to Mr. and Mrs. George Rutter by Senators Stack and Tomlinson.

Congratulations of the Senate were extended to Mr. and Mrs. Howard S. Conn, Mr. and Mrs. Richard L. Grimes, Donald G. Angelone, Ann K. Coneybeer and to Michael E. Muccino by Senator Stout.

Congratulations of the Senate were extended to St. Anne School of Philadelphia by Senator Tartaglione.

Congratulations of the Senate were extended to Jason P. Hammond, Patricia A. Rayburn, David B. Dunleavy, Anthony J. Madiro III, Carl V. FitzCharles, Joseph A. Bekaert and to Greg Thomas McIlvaine by Senator Thompson.

Congratulations of the Senate were extended to Stephen Robert Manley by Senators Thompson and Rafferty.

Congratulations of the Senate were extended to Helen Munz, Gregory S. Stewart, William Brown, Jr., and to Stanley J. Segal by Senator Tomlinson.

Congratulations of the Senate were extended to Tony Accamando and to James E. Steigerwald by Senator Wagner.

Congratulations of the Senate were extended to Corey and Brandy Hose, James M. Martin, Kevin P. Miller, Terry Gingerich, Daniel D. Graybill, Robert Haynes, John Brown III, Charles M. Grab, Russell Heindel, Richard Steinfeld, Robert Sells, Matt Miller, David Markle, Roy Gentzler, Ritchie Slagle, Eric Classon, Joe Brown, Aaron Estep, Wesley James Anderson, Cleatus Wentz, Edward Morin, Charles Howard, Missy Joines, Corey Grove, Rich Folcomer, Dale Flinchbaugh, Mark Tome, Dave Bosley, Clayton C. Albright, Lane Hall, Nora Thompson, Colin Richard Arthur, Brandon Robert Arthur, New Freedom Lioness Club, Red Lion Lions Club and to the Windsor Lions Club by Senator Waugh.

Congratulations of the Senate were extended to Ryan Christopher Smith, Alfred P. Gerhardt, Jr., and to Andrew J. Flexer by Senator Wenger.

Congratulations of the Senate were extended to Mr. and Mrs. Regis Neff, Mr. and Mrs. Daniel Rose, Mr. and Mrs. Paul Ondich, Mr. and Mrs. William Curry, Ryan Michael Riemer, Ethan Robert Boyd, Andrew Paul Deel, Mary Gladys Hazlett, Bill Garrard, Justin E. Carson, Jared M. Matis and to the organizers of the Legal Eagles III Program by Senator D. White.

Congratulations of the Senate were extended to Mr. and Mrs. Carl Webb, Mr. and Mrs. Paul Bowser, Mr. and Mrs. Donald Eugene Cull, Mr. and Mrs. Ralph Hedrick, Mr. and Mrs. James F. Leadbetter, Orville H. Lerch, Kenneth R. Crane, Dr. John L. Johnston, Willard E. Burns III, Sam J. Zurzolo, Ella M. Saar, Kyle Zaffino, Barry L. Fowler, Chad Michael Graziano, Joan L. Lewis, James Raymond Foster, Frank M. Krainbucher, Henry Lake, Eagle Contracting, Inc., of Clarion, Wellness Health Options of Clarion and to Colony Factory Crafted Homes of Shippenville by Senator M.J. White.

Congratulations of the Senate were extended to Celeste Price by Senator A.H. Williams.

Congratulations of the Senate were extended to Stephen A. Flood, James Patrick Kilgallen, Daniel Flynn, Washington Hose and Steam Fire Engine Company No. 1 of Conshohocken, Conshohocken Golden Bears 90 pounds Football Team and Cheerleading Squad, Conshohocken Golden Bears 65 pounds Football Team and Cheerleading Squad and to the Montgomery County Pennsylvania Office of Children and Youth of Norristown by Senator C. Williams.

Congratulations of the Senate were extended to Mr. and Mrs. Richard M. Brossman, Christopher Simon Bloom, Alexander Rafael Bloom, George Lattimore Bright, Patrick Cartier III and to Florian A. Waldspurger by Senator Wonderling.

Congratulations of the Senate were extended to Christopher G. Sox by Senators Wonderling and Boscola.

Congratulations of the Senate were extended to Tyler Watkins, Samantha Smith, Rob Roy, Caitlin Going, Dr. Keith Gardiner, William Lee Brantley and to Ryan O'Malley by Senators Wonderling, Boscola, and Dent.

Congratulations of the Senate were extended to Ira D. Snyder, Jr., by Senators Wonderling and Dent.

Congratulations of the Senate were extended to the United States Naval Mobile Construction Battalion Twenty-One (NMCB-21) by Senator Wonderling and others.

Congratulations of the Senate were extended to Mr. and Mrs. Paul E. Burkhart, Mr. and Mrs. John Askey, Mr. and Mrs. James G. Weakland, Mr. and Mrs. Raymond A. Zwick, Mr. and Mrs. Robert A. Miles, Dr. Craig Dean Willis, Robert G. Rose, Louis G. Galliker III, Albert Hyman, Alexander S. Taylor, Andrea Fritz and to the St. Francis University Small Business Development Center by Senator Wozniak.

CONDOLENCE RESOLUTIONS

The PRESIDENT pro tempore 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 James Frederick Young by Senators Kitchen and Hughes.

Condolences of the Senate were extended to the family of the late David W. Roberts by Senators Lemmond and Mellow.

Condolences of the Senate were extended to the family of the late Ryan L. Mohn by Senator Piccola.

POSTHUMOUS CITATIONS

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

Posthumous citations honoring the late Anna M. McCarthy and the late Gordon Nagle were extended to the families by Senator Rhoades.

Posthumous citations honoring the late J. Irving Whalley and the late Charles Schwab were extended to the families by Senator Wozniak.

BILLS ON FIRST CONSIDERATION

Senator KITCHEN. Mr. President, I move that the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

SB 9, SB 704, SB 705, SB 893, SB 930, SB 953, SB 979, HB 1235, HB 1236 and HB 1996.

And said bills having been considered for the first time,
Ordered, To be printed on the Calendar for second consideration.

BILL ON FIRST CONSIDERATION AND REFERRED

Senator BRIGHTBILL. Mr. President, I move that the Senate do now proceed to consideration of a bill reported from committee for the first time at today's Session.

The motion was agreed to.

The bill was as follows:

SB 1026.

And said bill having been considered for the first time.

Upon motion of Senator BRIGHTBILL, and agreed to by voice vote, the bill just considered was rereferred to the Committee on Community and Economic Development.

COMMUNICATION FROM THE GOVERNOR

APPROVAL OF SENATE BILL

The PRESIDENT pro tempore laid before the Senate communication in writing from His Excellency, the Governor of the Commonwealth, advising that the following Senate Bill had been approved and signed by the Governor:

SB 279.

BILLS SIGNED

The PRESIDENT pro tempore (Robert C. Jubelirer) in the presence of the Senate signed the following bills:

HB 2006 and HB 2332.

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

SB 152 and SB 778.

ADJOURNMENT

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

Senator BRIGHTBILL. Mr. President, I move that the Senate do now adjourn until Monday, March 8, 2004, at 2 p.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate adjourned at 5:18 p.m., Eastern Standard Time.