

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

WEDNESDAY, MARCH 24, 2004

SESSION OF 2004 188TH OF THE GENERAL ASSEMBLY

No. 19

SENATE

WEDNESDAY, March 24, 2004

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

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

PRAYER

The Chaplain, Reverend STEVEN E. BELINSKI, of Grace Lutheran Church, Reading, offered the following prayer:

I will begin with a few verses from Proverbs that deal with wisdom and governing. To all people I call and my cry is to all who live. Herefore, I will speak noble things, and from my lips will come what is right, from my mouth will utter only truth. Take my instruction instead of silver and knowledge rather than choice gold. For wisdom is better than jewels, and all that you may desire cannot compare with it. I have good advice and sound wisdom. I have insight. I have strength. By me kings reign and rulers decree what is just. By me rulers rule all who govern rightly.

Let us pray.

O Lord, we pray this day for wisdom, the wisdom to discern what is just and right, the wisdom to find ways to protect those most vulnerable in our society, the wisdom to make the hard decisions that affect the lives of Your people. Be present with each and every Senator, with their staff, and with all who work in this place. Give them courage and insight and strength, that they may judge and govern rightly, not only in this day but in all the days of their lives. We pray it in Your holy name. Amen.

The PRESIDENT. The Chair thanks Reverend Belinski, who is the guest today of Senator O'Pake.

PLEDGE OF ALLEGIANCE

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

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 Fumo, Senator Schwartz, Senator Stout, and Senator Tartaglione.

The PRESIDENT. Senator O'Pake requests legislative leaves for Senator Fumo, Senator Schwartz, 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 WENGER, for today's Session, for personal reasons.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of March 23, 2004.

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

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

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

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

YEA-49

Armstrong	Hughes	Orie	Thompson
Boscola	Jubelirer	Piccola	Tomlinson
Brightbill	Kasunic	Pileggi	Wagner
Conti	Kitchen	Pippy	Waugh
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 majority of the Senators having voted "aye," the question was determined in the affirmative.

The PRESIDENT. The Journal is approved.

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR JANE C. ORIE
PRESENTED TO THE SENATE**

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

Senator ORIE. Madam President, I want to take this opportunity to introduce Max Meese, who is an eighth grade student at Mars Area Middle School. He is the winner of the annual "There Ought To Be A Law" contest. Max's essay dealt with Social Security numbers. His was chosen from thousands of essays submitted by eighth graders in my senatorial district, and that included public, parochial, and private schools. This contest is designed to stimulate interest in State government and allow students to have a voice in creating ideas that could be introduced into legislation. The panel who judged the essays consisted of local business leaders, retired teachers, municipal authorities, and citizens from the community. Max is only one voice, but a shining example that one voice can make a difference in the world.

I would also like to thank Mr. and Mrs. Meese and his sister for encouraging Max to take pride in his essay, and I commend them for supporting Max in his efforts here today, and I ask the Senate to give them a warm welcome.

The PRESIDENT. Will Max and his family please rise so we can give you a warm welcome.

(Applause.)

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

March 24, 2004

HB 168 -- Committee on Community and Economic Development.

HB 1796 -- Committee on Aging and Youth.

BILLS INTRODUCED AND REFERRED

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

March 24, 2004

Senators WAGNER, KITCHEN, LOGAN, COSTA, FERLO and MELLOW presented to the Chair **SB 1051**, entitled:

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, providing for payroll expense tax; and making a related repeal.

Which was committed to the Committee on FINANCE, March 24, 2004.

Senator EARLL presented to the Chair **SB 1052**, entitled:

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

Erie-Western Pennsylvania Port Authority certain lands situate in the City of Erie, County of Erie.

Which was committed to the Committee on STATE GOVERNMENT, March 24, 2004.

Senators PIPPY, WAGNER, BOSCOLA, O'PAKE, COSTA, EARLL, LOGAN, PICCOLA, RAFFERTY, FERLO and TOMLINSON presented to the Chair **SB 1053**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, authorizing municipalities to deny issuing permits, variances, licenses or other approvals to persons who are delinquent in tax payments or are in violation of certain codes, statutes or regulations.

Which was committed to the Committee on LOCAL GOVERNMENT, March 24, 2004.

Senators PIPPY, COSTA, LOGAN and SCHWARTZ presented to the Chair **SB 1054**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for exemptions from jury duty.

Which was committed to the Committee on JUDICIARY, March 24, 2004.

Senators PIPPY, BOSCOLA, COSTA, SCHWARTZ, M. WHITE and LEMMOND presented to the Chair **SB 1055**, entitled:

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

Which was committed to the Committee on JUDICIARY, March 24, 2004.

Senators PIPPY, WAGNER, MADIGAN, COSTA, EARLL, LOGAN, ERICKSON, KITCHEN, PILEGGI, LEMMOND, FERLO and STACK presented to the Chair **SB 1056**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for periods requiring lighted lamps.

Which was committed to the Committee on TRANSPORTATION, March 24, 2004.

Senators WOZNIAK, STOUT, COSTA, SCHWARTZ and KASUNIC presented to the Chair **SB 1057**, entitled:

An Act amending the act of December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade Practices and Consumer Protection Law, further defining "unfair methods of competition" and "unfair or deceptive acts or practices."

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, March 24, 2004.

Senators WOZNIAK, KUKOVICH, MUSTO, TARTAGLIONE, D. WHITE, LOGAN, COSTA, ERICKSON, FERLO, BOSCOLA, KITCHEN, O'PAKE, GREENLEAF,

STOUT, SCHWARTZ, RAFFERTY, STACK, PIPPY, ORIE, KASUNIC, C. WILLIAMS, FUMO and RHOADES presented to the Chair **SB 1058**, entitled:

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

Which was committed to the Committee on FINANCE, March 24, 2004.

Senators ERICKSON, PILEGGI, FUMO, COSTA, STACK, GREENLEAF, STOUT, WONDERLING, FERLO, LEMMOND, TOMLINSON and THOMPSON presented to the Chair **SB 1059**, entitled:

An Act amending the act of May 11, 1889 (P.L.188, No.210), entitled "A further supplement to an act, entitled 'An act to establish a board of wardens for the Port of Philadelphia, and for the regulation of pilots and pilotage, and for other purposes,' approved March twenty-ninth, one thousand eight hundred and three, and for regulating the rates of pilotage and number of pilots," further providing for certain charges.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, March 24, 2004.

Senators GREENLEAF, KITCHEN, EARLL, LEMMOND, FERLO and PILEGGI presented to the Chair **SB 1060**, entitled:

An Act amending the act of December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade Practices and Consumer Protection Law, further providing for definitions.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, March 24, 2004.

Senators GREENLEAF, BOSCOLA, M. WHITE, SCHWARTZ, LEMMOND and RHOADES presented to the Chair **SB 1062**, entitled:

An Act providing for the regulation of commercial mobile radio service providers; further providing for the powers and duties of the Pennsylvania Public Utility Commission; and imposing penalties.

Which was committed to the Committee on COMMUNICATIONS AND TECHNOLOGY, March 24, 2004.

Senators MELLOW, KASUNIC, SCHWARTZ, MUSTO, STOUT, COSTA, KUKOVICH, KITCHEN and LOGAN presented to the Chair **SB 1063**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for prohibition of the delegation of certain powers.

Which was committed to the Committee on LABOR AND INDUSTRY, March 24, 2004.

Senators MELLOW, KASUNIC, SCHWARTZ, MUSTO, STOUT, COSTA, KUKOVICH, KITCHEN and LOGAN presented to the Chair **SB 1064**, entitled:

An Act providing for third-party binding resolution of collective bargaining disputes between public school employees and their public employers; imposing duties on the Secretary of the Commonwealth and the Legislative Reference Bureau; imposing penalties; and making repeals.

Which was committed to the Committee on LABOR AND INDUSTRY, March 24, 2004.

Senators RHOADES, PIPPY, TOMLINSON and COSTA presented to the Chair **SB 1066**, entitled:

An Act declaring and adopting the poem "Hail to Our Pennsylvania" by Anna Helen McDonald, as the State poem of the Commonwealth of Pennsylvania.

Which was committed to the Committee on STATE GOVERNMENT, March 24, 2004.

Senators CONTI, LOGAN and SCHWARTZ presented to the Chair **SB 1067**, entitled:

An Act amending the act of December 17, 1968 (P.L.1224, No.387), known as the Unfair Trade Practices and Consumer Protection Law, defining "electronic mail service provider" and "internet service provider."

Which was committed to the Committee on COMMUNICATIONS AND TECHNOLOGY, March 24, 2004.

Senators ORIE, PIPPY, GORDNER, DENT, STACK and C. WILLIAMS presented to the Chair **SB 1068**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for administrative license forfeiture under certain circumstances.

Which was committed to the Committee on TRANSPORTATION, March 24, 2004.

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED, AMENDED

SB 1026 (Pr. No. 1462) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes, providing for economic development financing; further providing for the heading for Part II and for money appropriated to the Department of Community and Economic Development for the Base Retention and Conversion Pennsylvania Action Committee; and making a repeal related to money appropriated to the Department of Community and Economic Development for the Base Retention and Conversion Pennsylvania Action Committee.

On the question,

Will the Senate agree to the bill on third consideration?

Senator LaVALLE offered the following amendment No. A0791:

Amend Sec. 1 (Sec. 1512), page 42, line 6, by striking out "SIX" and inserting: Five

Amend Sec. 1 (Sec. 1512), page 42, line 7, by striking out "SIX" and inserting: five

Amend Sec. 1 (Sec. 1512), page 42, line 7, by inserting after "BOARD": , with at least four of the consenting members being appointed under subsection (a)(4),

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

The PRESIDENT. The Chair recognizes the gentleman from Beaver, Senator LaValle.

Senator LaVALLE. Madam President, as you know, Senate Bill No. 1026 is a component of Governor Rendell's economic stimulus proposal. This amendment, which has been agreed to, makes a revision to what would constitute a quorum of the Commonwealth Finance Authority Board created under the bill and the voting procedure necessary to approve economic development projects. I ask for an affirmative vote, Madam President.

And the question recurring,
Will the Senate agree to the amendment?
It was agreed to.

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

Senator BRIGHTBILL offered the following amendment No. A0805:

Amend Title, page 1, lines 3 and 4, by striking out "FURTHER PROVIDING FOR THE HEADING FOR PART II" and inserting: creating the Commonwealth Financing Authority; providing for the incurring of indebtedness; providing for the Business in Our Sites Program, for the First Industries Program and for funding for the Machinery and Equipment Loan Program

Amend Title, page 1, lines 7 through 10, by striking out "repeal related to" in line 7, all of lines 8 through 10 and inserting: related repeal.

On the question,
Will the Senate agree to the amendment?
It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator BRIGHTBILL.

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. It will be about a 30-minutes recess for the purpose of a Republican caucus to begin immediately in the Rules room to the rear of the Senate. We hope to get back here expediently to vote Senate Bill No. 1026 as amended and to run the rest of the Calendar.

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

Senator O'PAKE. Madam President, I ask all Democratic Senators to report to the Democratic caucus room immediately.

The PRESIDENT. For purposes of Republican and Democratic caucuses to be held immediately, without objection, the Senate will stand in recess.

AFTER RECESS

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

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 2**

**BILL REREPORTED FROM COMMITTEE AS
AMENDED ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 1026 (Pr. No. 1472) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes, providing for economic development financing; creating the Commonwealth Financing Authority; providing for the incurring of indebtedness; providing for the Business in Our Sites Program, for the First Industries Program and for funding for the Machinery and Equipment Loan Program; further providing for money appropriated to the Department of Community and Economic Development for the Base Retention and Conversion Pennsylvania Action Committee; and making a related repeal.

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 PRESIDENT. The Chair recognizes the gentleman from Beaver, Senator LaValle.

Senator LaVALLE. Very briefly, Madam President, this bill is the key piece to the Governor's economic stimulus program and will be a tremendous help to the Commonwealth. I represent an area, southwestern Pennsylvania, which has been devastated over the past 20 years. Senate Bill No. 1026 will give all of us the opportunity for a new Pennsylvania and the help our constituents have been waiting for.

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	Tomlinson
Brightbill	Kasunic	Pileggi	Wagner
Conti	Kitchen	Pippy	Waugh
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.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILLS REREPORTED FROM COMMITTEE AS AMENDED, AMENDED

HB 2007 (Pr. No. 3539) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, providing for duties of city controllers in cities of the second class.

On the question,

Will the Senate agree to the bill on third consideration?

Senator BRIGHTBILL offered the following amendment No. A0809:

Amend Title, page 1, line 6, by removing the period after "CLASS" and inserting: and for statements of receipts and expenditures.

Amend Sec. 1 (Sec. 3019), page 5, line 21, by striking out "CITY" and inserting: municipality

Amend Sec. 1 (Sec. 3019), page 5, line 22, by inserting after "THE" where it appears the second time: Pennsylvania

Amend Sec. 1 (Sec. 3019), page 5, line 29, by striking out "CITY" and inserting: municipality

Amend Sec. 1 (Sec. 3019), page 6, line 1, by striking out "DEPARTMENT" and inserting: Pennsylvania Department of Community and Economic Development

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator BRIGHTBILL.

HB 2008 (Pr. No. 3540) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for form and adoption of budget in cities of the second class.

On the question,

Will the Senate agree to the bill on third consideration?

Senator BRIGHTBILL offered the following amendment No. A0803:

Amend Sec. 1 (Sec. 3016), page 2, lines 7 and 8, by striking out "THE city of the second class" and inserting: such a municipality

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator BRIGHTBILL.

BILL OVER IN ORDER

SB 305 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 971 (Pr. No. 1340) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 8, 1978 (P.L.752, No.140), known as the Public Employee Pension Forfeiture Act, further defining "crimes related to public office or public employment" to include certain sexual offenses committed by school employees against students.

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	Tomlinson
Brightbill	Kasunic	Pileggi	Wagner
Conti	Kitchen	Pippy	Waugh
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 1597 and HB 2027 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 216, HB 304 and HB 506 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL RECOMMITTED

SB 704 (Pr. No. 801) -- The Senate proceeded to consideration of the bill, entitled:

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.

Upon motion of Senator BRIGHTBILL, and agreed to by voice vote, the bill was recommitted to the Committee on Communications and Technology.

BILLS OVER IN ORDER

SB 1004, SB 1005, HB 1438, HB 2083 and HB 2330 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 1

BILL REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2008 (Pr. No. 3546) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for form and adoption of budget in cities of the second class.

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

Table with 4 columns of names: Armstrong, Boscola, Brightbill, Conti, Corman, Costa, Dent, Earll, Erickson, Ferlo, Fumo, Gordner, Greenleaf, Hughes, Jubelirer, Kasunic, Kitchen, Kukovich, LaValle, Lemmond, Logan, Madigan, Mellow, Mowery, Musto, O'Pake, Orié, Piccola, Pileggi, Pippy, Punt, Rafferty, Rhoades, Robbins, Scarnati, Schwartz, Stack, Stout, Tartaglione, Thompson, Tomlinson, Wagner, Waugh, White, Donald, White, Mary Jo, Williams, Anthony H., Williams, Constance, Wonderling, Wozniak

NAY-0

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

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 3

BILL REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2007 (Pr. No. 3559) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, providing for duties of city controllers in cities of the second class and for statements of receipts and expenditures.

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

Senator COSTA. Madam President, I rise this afternoon to oppose House Bill No. 2007. As I stated yesterday in the Committee on Appropriations when this bill was reported out, there are a couple of reasons why I oppose this measure. This piece of legislation requires that the controller of the city of Pittsburgh conduct audits of the city of Pittsburgh and related city of Pittsburgh authorities that have appointment powers from either the mayor of Pittsburgh, the city council of Pittsburgh, or other Pittsburgh officials. Madam President, in my estimation and opinion, this is sort of a redundant process that we are asking the city of Pittsburgh to participate in. As it states in the legislation, as it was stated also in the fiscal note, there was no indication or no information about the costs to the controller's office of the city of Pittsburgh to perform these additional functions and responsibilities. We are asking now that the city controller do, at a minimum, seven additional audits on authorities in the city of Pittsburgh. Madam President, currently, the city controller's budget is approximately \$2.8 million, and with that money they do audits of 20 or more departments. We are asking them to do one-third more, a 33-percent greater amount of work, without any additional dollars.

Madam President, as my colleagues in this Chamber know, the city of Pittsburgh is a city that has been in distress for a number of months now, and in fact, there has been a lot of discussion on this Senate floor about an oversight council that is currently in place, specifically looking at the issue of the authorities in the city of Pittsburgh and the authorities that the city has control over. Madam President, this legislation asks that we do something that is already being done. The Municipal Authorities Act requires each authority to conduct an

independent fiscal audit of how, in fact, it spent its money. This is something that is done and has been done in accordance with the act, and that information is readily available. If, in fact, we need to have this information gathered, I suggest we look to the independent audits and use them for that purpose, or forward them to DCED, or put them into the World Wide Web, as indicated in this legislation.

The second point, as it relates to the ability of the controller's office to handle this matter, as I indicated, the city is in financial distress, and what this legislation would in effect do is require the city of Pittsburgh to pay close to a million dollars more to the city controller's office in order to perform these audits, particularly when, as I said, these things are being currently done today.

Finally, Madam President, I do think that information is important. I think we need to know exactly what is going on with respect to our authorities, but as I indicated, the oversight council is looking into that. Also, Madam President, the Act 47 coordinator is also charged with the responsibilities of looking at the city's operations and budgets throughout, so I respectfully ask my colleagues to join me in opposing this legislation because it is a redundant process, and secondly, it would impose upon the city of Pittsburgh costs in excess of a million dollars, in my estimation.

Thank you, Madam President.

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

Senator FERLO. Madam President, I will try to be brief. With all due respect to my colleague, I very much support this legislation. It is long overdue, and given the current situation confronting the city of Pittsburgh and its financial demise, I think it is all the more warranted. It is time to let the light shine on the working authorities of city government in the city of Pittsburgh. There are a lot of very clear and complicated financial issues involving not only the operating budget of the city of Pittsburgh, but how it relates directly and indirectly to the relationship that it has with the working authorities in city government. The office of city controller is funded roughly at a \$2.8 million annual budget. It has a full complement of professional accountants and a number of certified public accountants as well. They have a very good history, dating back many years, including the previous controller, in performing not only fiscal but performance audits that have been respected not only by the public but have been helpful to at least three mayoral administrations that I have worked under in the past as an elected member of the Pittsburgh City Council. So, I say let the light shine in, let the public be fully aware of what the operational finances are of the working authorities, and I, in all due respect, contrast that it would not be any additional financial burden, that there is a full complement of professional staff in the Pittsburgh city controller's office, and I believe, in particular, our own city controller is well up to the task to perform the duties and obligations that are enumerated under this House Bill.

Thank you.

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

Senator WAGNER. Madam President, I rise for some brief remarks on House Bill No. 2007 in support of this legislation,

and I echo the comments made by Senator Ferlo, former president of Pittsburgh City Council and a member of council for more years than I think he wants to admit, and myself being a former member of Pittsburgh City Council and the council president. I also agree that having another set of eyes to look at the authorities of city government is in the best interests of the taxpayers of the city of Pittsburgh, and that is really what this is all about. When you have authorities in which the majority of the appointees are by the mayor or the executive branch of government and they do not have the checks and balances of city government, or similarly at the State level State government as the General Assembly provides checks and balances, I think it is good that the person in charge of fiscal responsibility, the controller, would also have the ability to audit those authorities. That is really all we are talking about here, an existing mechanism in place that can provide another set of eyes or checks and balances to make sure that the taxpayer dollars are properly spent. For those reasons, I support this bill.

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-36

Armstrong	Gordner	Pileggi	Tartaglione
Brightbill	Greenleaf	Pippy	Thompson
Conti	Jubelirer	Punt	Tomlinson
Corman	Lemmond	Rafferty	Wagner
Dent	Madigan	Rhoades	Waugh
Earll	Mowery	Robbins	White, Donald
Erickson	Musto	Scarnati	White, Mary Jo
Ferlo	Orie	Schwartz	Williams, Anthony H.
Fumo	Piccola	Stout	Wonderling

NAY-13

Boscola	Kitchen	Mellow	Wozniak
Costa	Kukovich	O'Pake	
Hughes	LaValle	Stack	
Kasunic	Logan	Williams, Constance	

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

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

UNFINISHED BUSINESS
CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. George Petko and to the Democratic Association of Bethlehem by Senator Boscola.

Congratulations of the Senate were extended to Constance J. Snaveley by Senator Brightbill.

Congratulations of the Senate were extended to Berton L. Kisner, Jr., by Senator Corman.

Congratulations of the Senate were extended to Walter E. Bortree by Senator Dent and others.

Congratulations of the Senate were extended to Mercyhurst Preparatory High School Varsity Girls' Basketball Team and to the Sertoma Club of Erie by Senator Earll.

Congratulations of the Senate were extended to Dr. Robert G. Hamilton by Senator Fumo.

Congratulations of the Senate were extended to Katie Waldron by Senator Gordner.

Congratulations of the Senate were extended to Mr. and Mrs. Charles McGraw by Senators Gordner and Corman.

Congratulations of the Senate were extended to Elsie Mae Meehan by Senators Gordner and Madigan.

Congratulations of the Senate were extended to E. Lee Beard by Senators Gordner and Musto.

Congratulations of the Senate were extended to James F. Owens by Senator Greenleaf.

Congratulations of the Senate were extended to Tara Victor-Canty, Elena Quant, Tonita Kirkpatrick and to Ra Anaa Davis by Senator Hughes.

Congratulations of the Senate were extended to Dr. Elizabeth M. Gensante, Honorable Elizabeth Doyle, Diane Osgood, Bonnie Saad and to Kellie Goodman by Senator Jubelirer.

Congratulations of the Senate were extended to the Honorable and Mrs. Fred E. Taylor by Senator Kasunic.

Congratulations of the Senate were extended to Fire in the City Crusade Choir of Philadelphia and to the Falomi Club, Adahi Council, of Philadelphia by Senator Kitchen.

Congratulations of the Senate were extended to the Polish National Alliance and its St. Joseph Polish Benevolent Society, Lodge 664, by Senators Kukovich and Costa.

Congratulations of the Senate were extended to Ryan John Barrett and to Mary Jane Galka by Senator Lemmond.

Congratulations of the Senate were extended to Eleanor Sliker by Senators Lemmond and Musto.

Congratulations of the Senate were extended to Mr. and Mrs. Clyde William Lehman, Mr. and Mrs. Carl L. Helms and to Timothy Jerome Betts by Senator Madigan.

Congratulations of the Senate were extended to Tracy Doherty by Senator Mellow.

Congratulations of the Senate were extended to Richard Bronakoski by Senator Mowery.

Congratulations of the Senate were extended to Peter R. Amadure by Senators Mowery and Piccola.

Congratulations of the Senate were extended to Jesse W. Lopez and to the Pine-Richland Football Team of Gibsonia by Senator Orie.

Congratulations of the Senate were extended to Dr. Carlo J. DiMarco by Senator Pileggi.

Congratulations of the Senate were extended to Paul Zolak, Jared Mowl, Kevin Sell, Rebecca Villa Reitcher, John Tillar and to Northwest Emergency Medical Services of Pittsburgh by Senator Pippy.

Congratulations of the Senate were extended to Robert Stettner by Senator Rhoades.

Congratulations of the Senate were extended to Nancy Roeder by Senator Robbins.

Congratulations of the Senate were extended to Mr. and Mrs. William Fehrenbach, Honorable C. Russell Johnson, Howard L. Fesenmyer, Mike Yasurek, Dave Wahlberg, James Hulings and to Jim Pearson by Senator Scarnati.

Congratulations of the Senate were extended to Charlotte Bartlett and to Jean Wyeth Bell by Senator Thompson.

Congratulations of the Senate were extended to Herbert J. Slack by Senator Tomlinson.

Congratulations of the Senate were extended to Scott Davidson by Senator Waugh.

Congratulations of the Senate were extended to Mr. and Mrs. Harold Urban, Robert W. Weaver and to William Joseph Glassford by Senator D. White.

Congratulations of the Senate were extended to Mr. and Mrs. Archie Smith by Senator M.J. White.

Congratulations of the Senate were extended to John Williamson McPherson and to the Valley Forge Optimist Club by Senator C. Williams.

Congratulations of the Senate were extended to Justin McMurrer by Senator Wonderling.

Congratulations of the Senate were extended to the Easton Area High School Boys' Varsity Wrestling Team by Senators Wonderling and Boscola.

Congratulations of the Senate were extended to Mr. and Mrs. John Collins, Mr. and Mrs. Morgan J. Penrod, Mr. and Mrs. Wilfred Frombach, Mr. and Mrs. Wayne E. Fisher, Mr. and Mrs. Edwin Goddard, Mr. and Mrs. Richard R. Grady and to Michael D. Welsh by Senator Wozniak.

CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late Matthew J. Sandri by Senator Gordner.

PETITIONS AND REMONSTRANCES

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

Senator O'PAKE. Madam President, tomorrow night the eyes of the nation will be on the Meadowlands in New Jersey. We in Pennsylvania can be proud that we are one of three States that has two of our universities in the Sweet 16 of the Men's NCAA Basketball Championship. They are, of course, the University of Pittsburgh, that basketball powerhouse from the west, who will be playing and beating Oklahoma State University at 7:30 tomorrow night in East Rutherford, New Jersey. Then, of course, at 10 o'clock is "the" game, little St. Joe's, with 3,800 students, fewer students than at Reading High School in Berks County, the David of the basketball world will be taking on the Goliath, the Wake Forest Demon Deacons. St. Joe's, of course, we are all very proud of, 29-1, with all-American Jameer Nelson already named the most valuable player by Sporting News, and last night awarded the 2004 Naismith College Basketball Player of the Year, led by coach Phil Martelli, Coach of the Year, and the rest

