

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

FRIDAY, JULY 2, 2004

SESSION OF 2004 188TH OF THE GENERAL ASSEMBLY

No. 46

SENATE

FRIDAY, July 2, 2004

The Senate met at 8:45 p.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, Reverend CARL VINING, of House of Judah Ministries, Montgomery, offered the following prayer:

I would like to thank our Lieutenant Governor for the privilege of being here once again to offer prayers on behalf of this fine Senate. And sitting with you last night, I sympathize, and so my prayer will be shorter, but to the point.

Father in heaven, I pray for the leading of Your Holy Spirit to fall upon us this day. May the budget be completed, may it be the finest it has ever been. I seek Your strength into our hearts and our minds so that we can lead this Commonwealth to fulfill the dreams and goals of our forefathers. Help us not to become complacent with the revenues generated by the misfortune of others, and give us the wisdom to attract industry, utilizing our natural and human resources, thus revitalizing our economy. May the decisions made here this week have an everlasting, positive effect on the generations to come.

We humbly ask for Your mercy and Your grace to be upon us. I ask all these things in the name of my Lord and savior, Jesus Christ. Amen.

The PRESIDENT. The Chair thanks Reverend Vining, who is the guest today of Senator Madigan and Senator Greenleaf.

PLEDGE OF ALLEGIANCE

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

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 Tartaglione.

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

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of July 1, 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-50

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

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS REFERRED TO COMMITTEE

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

MEMBER OF THE PENNSYLVANIA DRUG,
DEVICE AND COSMETIC BOARD

July 2, 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, Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Austin Morris, Huntingdon Valley, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF HARRISBURG STATE HOSPITAL

July 2, 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, B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, for appointment as a member of the Board of Trustees of Harrisburg State Hospital, to serve until the third Tuesday of January 2009, and until his successor is appointed and qualified, vice Robert Hafer, Harrisburg, deceased.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF EXAMINERS
OF NURSING HOME ADMINISTRATORS

July 2, 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, Nina Tinari, 6401 Church Road, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, for appointment as a member of the State Board of Examiners of Nursing Home Administrators, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice William McIlwaine, Millersville, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF VEHICLE
MANUFACTURERS, DEALERS AND SALESPERSONS

July 2, 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, Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of four years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Jay Zimmerman, Mechanicsburg, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE VENANGO COUNTY
BOARD OF ASSISTANCE

July 2, 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, Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the Venango County Board of Assistance, to serve until December 31, 2006, and until his successor is appointed and qualified, vice Evelyn McLaughlin, Oil City, resigned.

EDWARD G. RENDELL
Governor

SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 1

BILL RECOMMITTED

HB 1321 (Pr. No. 4283) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 6, 1988 (P.L. 705, No. 92), known as the Keystone Opportunity Zone and Keystone Opportunity Expansion Zone Act, providing for expansion of existing improvement subzones; and further providing for business relocation.

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 rereferred to the Committee on Finance.

ANNOUNCEMENT BY MAJORITY LEADER

Senator BRIGHTBILL. Madam President, at this time I ask for an off-the-floor meeting of the Committee on Appropriations to be held in the Rules room.

Could the Senate stand at ease until that meeting is done? We will then have a further announcement as to where we are going.
The PRESIDENT. The Senate will be at ease.
(The Senate was at ease.)

REQUEST FOR RECESS

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

Senator BRIGHTBILL. Madam President, the Calendar for Friday, July 2, has been marked and will be available to the

Members in a couple of minutes. I request a Republican caucus, which will begin immediately in the Majority Caucus Room.

My understanding is that all the principals have agreed to the basics and the details on the tax reform bill, so we do hope to run that this evening, and I expect that we will have a more accurate time, but it will be somewhere between 1 1/2 to 2 hours before that is ready.

The PRESIDENT. Senator Brightbill requests a Republican caucus in the Majority Caucus Room.

PERMISSION TO ADDRESS

The PRESIDENT. The Chair recognizes the gentleman from Washington, Senator Stout.

Senator STOUT. Madam President, I would like to be recognized before we go to caucus. Would the Majority Leader please stand for interrogation?

The PRESIDENT. Would the Majority Leader stand for interrogation?

Senator BRIGHTBILL. Madam President, the gentleman showed me his tie earlier today, and I am not sure that I want to venture into this area of being interrogated by Senator Stout, but I will do so.

Senator STOUT. Madam President, I appreciate the gentleman's agreement to be interrogated. I wonder if he could tell me what day it is that we are supposed to adopt the fiscal year 2004-05 budget?

Senator BRIGHTBILL. Madam President, the gentleman should know that better than me. That date in terms of "supposed to" should be sometime before July 1 of each year.

Senator STOUT. Madam President, could the gentleman tell us today's date?

Senator BRIGHTBILL. Madam President, now it is July 2. We only ended Thursday's Session at about 9 o'clock tonight. According to our time, I think we are only about 15 minutes late.

Senator STOUT. Madam President, I thank the Majority Leader.

Now, we just received a Calendar, but in fact, it is not a marked Calendar. Is there anything on the Calendar dealing with the budget of this Commonwealth? Is there anything on the Calendar that is going to be considered for a budget for this Commonwealth?

Senator BRIGHTBILL. Madam President, there is not. We believe that the Governor still has some details that he is discussing with us. As soon as those details are discussed, we will be ready to finish the job here.

The PRESIDENT. Thank you, Senator.

Senator STOUT. Madam President, I am not finished. I have some additional remarks. In fact, I think every one of us should be embarrassed that we are here this evening on the floor of the Senate. No wonder we are held in such low esteem by the public, because again we are doing what we did last year. We did not get a budget adopted until December for fiscal year 2002-03. Now we are starting that same cycle right now. No wonder people do not hold us in very high esteem.

As the Majority Leader stated, I wore an appropriate uniform to today's Session. I anticipated after we dealt with the agriculture bill last evening, the horse bill, we should do the pig bill today and cut up the budget of Pennsylvania, because we all

know there is a lot of pork in that legislation. It is time to butcher and there is a certain time of the year you get the butchering done, and we have that responsibility. What we are doing by not adopting a budget on time is holding over 12 million Pennsylvanians hostage, hostage from State services, because hundreds of thousands of State employees, faithful State employees that serve the 12 million people in Pennsylvania have to be paid in a timely way, and that is very embarrassing.

The PRESIDENT. I believe we are ready--

Senator STOUT. Madam President, we owe Pennsylvania a more responsible and timely budget. So, on the eve of July 4th, the most symbolic date in the history of our government, recognizing our State and Federal government for our tradition and history of serving the nation and the State, we should be adopting a budget on time.

Quite frankly, I think there is enough sin to go around. The General Assembly and the administration do not have the budget done on time, and we owe the Pennsylvania citizens a responsible and timely budget.

Thank you, Madam President.

The PRESIDENT. Thank you, Senator Stout. I believe we are going to deal with these issues.

RECESS

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

Senator MELLOW. Madam President, I request a Democratic caucus immediately upon the recess of the Senate, please.

The PRESIDENT. For Republican and Democratic caucuses to begin immediately, to return in about an hour, without objection, the Senate stands in recess.

AFTER RECESS

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

CALENDAR

SURPLUS PROPERTY DISPOSITION PLAN No. 1, OF 2004, RESOLUTION A, ADOPTED

Senator PICCOLA, without objection, called up from page 6 of the Calendar, as a Special Order of Business, **Surplus Property Disposition Plan No. 1 of 2004, Resolution A**, entitled:

Resolved, That Surplus Property Disposition Plan No. 1 of 2004, transmitted by the Governor under The Administrative Code of 1929 to the General Assembly under date of June 28, 2004, which is incorporated herein by reference be approved.

On the question,
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Dauphin, Senator Piccola.

Senator PICCOLA. Madam President, I move that the Senate do adopt Surplus Property Disposition Plan No. 1 of 2004, Resolution A.

On the question,
Will the Senate agree to the motion to adopt Surplus Property
Disposition Plan No. 1 of 2004, Resolution A?

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

YEA-50

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

NAY-0

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

Ordered, That the Governor be informed accordingly.

THIRD CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS
AMENDED OVER IN ORDER TEMPORARILY

HB 2654 -- Without objection, the bill was passed over in its
order temporarily at the request of Senator PICCOLA.

PREFERRED APPROPRIATION BILL ON THIRD
CONSIDERATION AND FINAL PASSAGE

HB 2521 (Pr. No. 4192) -- The Senate proceeded to consider-
ation of the bill, entitled:

An Act making an appropriation from a restricted revenue account
within the General Fund and from Federal augmentation funds to the
Pennsylvania Public Utility Commission.

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-50

Armstrong	Hughes	Orie	Thompson
Boscola	Jubelirer	Piccola	Tomlinson
Brightbill	Kasunic	Pileggi	Wagner
Conti	Kitchen	Pippy	Waugh
Corman	Kukovich	Punt	Wenger
Costa	LaValle	Rafferty	White, Donald
Dent	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.

Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Schwartz	Wonderling
Fumo	Mowery	Stack	Wozniak
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 ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 1039 (Pr. No. 4230) -- The Senate proceeded to consider-
ation of the bill, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known
as the Public Welfare Code, providing for Medicaid managed care orga-
nization assessments, for intermediate care facilities for the mentally
retarded persons assessments, for administration of assessments by the
Department of Public Welfare, for enforcement and for a report on
certain pharmaceutical programs.

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-50

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

BILL OVER IN ORDER

SB 1096 -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1097 (Pr. No. 1782) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, further providing for distribution of funding; designating a portion of State Route 6 in Wyoming County as a scenic byway; and designating a certain portion of State Route 92 in Susquehanna County as a scenic byway.

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-50

Table listing names of senators who voted 'YEA' for SB 1097, including Armstrong, Hughes, Orie, Thompson, Boscola, Jubelirer, Piccola, Tomlinson, etc.

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.

BILL OVER IN ORDER

HB 1117 -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1147 (Pr. No. 1780) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the display of the American flag, Commonwealth flag or military flag by residents in a unit owners association, homeowners association or master association.

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-50

Table listing names of senators who voted 'YEA' for SB 1097, including Armstrong, Hughes, Orie, Thompson, Boscola, Jubelirer, Piccola, Tomlinson, etc.

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.

BILL OVER IN ORDER

SB 1158 -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1186 (Pr. No. 1760) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a portion of State Route 1014 in Cumberland County as the Senator John D. Hopper Memorial Bypass.

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

The PRESIDENT. The Chair recognizes the gentleman from Cumberland, Senator MOWERY.

Senator MOWERY. Madam President, I am proud to offer this bill designating a stretch of highway just across the river as the Senator John D. Hopper Memorial Bypass. He was my predecessor, representing the 31th district, and he served with honor and distinction. It occurred to me that while a few Members served here before John Hopper, many current Members began their service after he retired. So I would like to put on record some reflections of John's career.

He was notable for his successes and contributions in many areas, in academics, in athletics, in business, in the military, in his church, even before entering the world of politics. He served

four terms in the Senate, making his mark as chairman of the Committee on Aging and Youth at a time when Pennsylvania greatly expanded its efforts on behalf of its senior citizens, including establishing the PACE program, still regarded as the best in the nation, an effort whose 20th anniversary is now being celebrated. He helped bring needed standards to the life care industry, a key piece of consumer protection for the elderly. He was part of the ethics reform effort of the late 1970s and early 1980s, sponsoring the pension forfeiture law, and was a stalwart in anticrime efforts, contributing to the State's wiretapping law.

Apart from his work in law and legislation, John was particularly noted as a tough inquisitor who delighted in challenging the happy pronouncements by State officials that appeared not to match the situations that people were describing for him. He took oversight as a serious responsibility. To punctuate his impact, he rose to become part of the Senate Republican leadership. His highway designation is an appropriate tribute to a good Senator and an accomplished man.

Thank you very much, Madam President.

And the question recurring,
Will the Senate agree to the bill on third consideration?
It was 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 have remarks here. My brother-in-law, Mike Long, worked for Senator Hopper, and I asked him to prepare remarks because of the affection that Mike had for Senator Hopper. He was truly an example of why his generation is called the greatest generation. He was a World War II hero, having served as a pilot in the Air Force, was a success in business, and a true citizen legislator in the mold which the Founding Fathers had in mind. Senator Mowery has already recounted his many legislative successes, but like so many of his generation, Senator Hopper was most successful as a father and a husband. When his wife became seriously ill, he could have afforded paid help or placed her in a nursing facility, but he insisted on taking care of his beloved wife, Ann, in their home in Camp Hill by himself. Many of his friends believe that his 24-hour service took a toll on his own health, but he never complained. It was what he believed a husband and a man should do.

When I first met Senator Hopper, I was struck by what others had said about him, and it was true. I had been told that Senator Hopper looked exactly the way one would expect a State Senator to look. In fact, he looked the way any Senator should look. He was handsome, had a short crew cut, was straight as an arrow in posture, had steely blue eyes, and was always perfectly dressed. If Hollywood had looked to cast someone in the role of a State Senator, they certainly would have chosen John Hopper. As a Senator, John Hopper always did what he thought was right. He had the highest ethical standards, he sought no recognition for himself, he simply wanted to serve his fellow citizens as he had his country and his community in so many ways. In fact, while John Hopper was a quietly proud man, he may have been a little

embarrassed by this honor we give him tonight. But without a doubt, it is an honor that he very much deserves.

Senator John Hopper would be 81 if he were alive today. The likes of him and his generation likely will not be seen again. It is most appropriate, Madam President, that we bestow this honor.

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-50

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

BILL OVER IN ORDER

HB 1487 -- Without objection, the bill was passed over in its order at the request of Senator PICCOLA.

BILLS OVER IN ORDER TEMPORARILY

HB 1912 and **HB 2105** -- Without objection, the bills were passed over in their order temporarily at the request of Senator PICCOLA.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 2351 (Pr. No. 3279) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, providing for retirement benefits of employees transferred to wastewater authorities.

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-50

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

HB 2405 (Pr. No. 3381) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a certain bridge carrying SR 248 over Aquashicola Creek in Palmerton Borough, Carbon County, as the Colonel John Craig Memorial Bridge.

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

ERICKSON AMENDMENT A3006

Senator ERICKSON, on behalf of Senator PILEGGI, Senator THOMPSON and himself, offered the following amendment No. A3006:

Amend Title, page 1, line 3, by removing the period after "Bridge" and inserting;; and designating a bridge over Chester Creek in Westtown Township, Chester County, as the L. Charles Scipione Bridge.

Amend Bill, page 2, by inserting between lines 6 and 7: Section 2. L. Charles Scipione Bridge.

(a) Designation.—The bridge over Chester Creek on SR 926 in Westtown Township, Chester County, is hereby designated and shall be known as the L. Charles Scipione Bridge.

(b) Signs.—The Department of Transportation shall erect and maintain signs, which shall display the name of the bridge designated in subsection (a), at each end of the bridge.

Amend Sec. 2, page 2, line 7, by striking out "2" and inserting: 3

On the question,
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?

STACK AMENDMENT A2808

Senator STACK offered the following amendment No. A2808:

Amend Title, page 1, line 3, by removing the period after "Bridge" and inserting;; designating a truck inspection station at 4242 Aramingo Avenue, City of Philadelphia, Philadelphia County, as the Sgt. Jeffrey T. Ziernicki Truck Inspection Station; and designating a truck inspection station at 9200 Bartram Avenue, City of Philadelphia, Philadelphia County, as the Sgt. Jeffrey T. Ziernicki Truck Inspection Station.

Amend Bill, page 2, by inserting between lines 6 and 7: Section 3. Sgt. Jeffrey T. Ziernicki Truck Inspection Stations.

(a) Designation.—The truck inspection stations located at 4242 Aramingo Avenue, City of Philadelphia, Philadelphia County, and at 9200 Bartram Avenue, City of Philadelphia, Philadelphia County, are designated and shall each be known as the Sgt. Jeffrey T. Ziernicki Truck Inspection Station.

(b) Signs.—The Department of Transportation shall erect and maintain signs at the truck inspection stations designated in subsection (a) displaying the name of the stations.

Amend Sec. 2, page 2, line 7, by striking out "2" and inserting: 3

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

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

Senator STACK. Madam President, amendment A2808 would designate two truck inspection stations in Philadelphia as the Sergeant Jeffrey T. Ziernicki Truck Inspection Stations. The late Sergeant Ziernicki was a 26-year veteran of the Philadelphia Police Department and spearheaded the department's efforts to increase truck safety and enforcement, which resulted in a significant decline in large truck crashes. Both Federal and State officials hailed him for assembling a model of truck safety programs. The truck safety inspection stations are at 4242 Aramingo Avenue and 9200 Bartram Avenue, which were established due to Sergeant Ziernicki's advocacy and they serve as an important and permanent reminder of Sergeant Ziernicki's traffic enforcement work and his legacy.

Thank you, Madam President.

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

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

RHOADES AMENDMENT A3025

Senator RHOADES offered the following amendment No. A3025:

Amend Title, page 1, line 3, by removing the period after "Bridge" and inserting; ; designating a certain bridge on Pennsylvania Route 45 in Northumberland and Union Counties as the Judge Herbert W. Cummings/Judge Harold M. McClure Memorial Bridge; designating the bridge on which Main Street crosses Trout Creek in the Borough of Statington, Lehigh County, as the General Thomas R. Morgan USMC Bridge; and making a related repeal.

Amend Bill, page 2, by inserting between lines 6 and 7: Section 2. General Thomas R. Morgan USMC Bridge.

(a) Designation.—The bridge on which Main Street (Route 873) crosses Trout Creek, in the Borough of Slatington, Lehigh County, is hereby designated and shall be known as the General Thomas R. Morgan USMC Bridge.

(b) Signs.—The Department of Transportation shall erect suitable markers to implement this section.

Section 3. Repeal.

Section 2 of the act of December 20, 1991 (P.L.398, No.45), entitled, "An act designating a certain bridge on Pennsylvania Route 45 in Northumberland and Union Counties as the Judge Herbert W. Cummings/Judge Harold M. McClure Memorial Bridge; and designating the bridge on which Main Street crosses Trout Creek in the Borough of Slatington, Lehigh County, as the General Thomas R. Morgan Bridge," is repealed.

Amend Sec. 2, page 2, line 7, by striking out "2" and inserting: 4

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

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

Senator RHOADES. Madam President, because of the lateness of the Session and such, this is similar to a bill that had been introduced by Representative Julie Harhart in the House, it cannot pass through, so I am taking her bill, with her permission, and we are going to designate the bridge on Main Street, which is Route 873 in the Borough of Slatington, as the General Thomas R. Morgan United States Marine Corps Bridge.

Thank you, Madam President.

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

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

MELLOW AMENDMENT A2915

Senator MELLOW offered the following amendment No. A2915:

Amend Title, page 1, line 3, by removing the period after "Bridge" and inserting: ; and 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.

Amend Bill, page 2, by inserting between lines 6 and 7:

Section 2. Redesignating the Clairton-Glassport Bridge as the Senator Edward P. Zemprelli Bridge.

(a) Findings.—The General Assembly of the Commonwealth of Pennsylvania finds and declares as follows:

Senator Edward P. Zemprelli will be honored for his 25 years of devoted public service to the residents of Allegheny County. Among his many achievements, Senator Zemprelli served five years as a State Representative prior to serving 20 years as a State Senator where he served as both Majority Leader and Minority Leader.

(b) Redesignation.—The bridge over the Monongahela River known as the Clairton-Glassport Bridge, Department of Transportation No. 02-2038-0010-0140, connecting the City of Clairton and the Bor-

ough of Glassport, Allegheny County, is hereby redesignated as the Senator Edward P. Zemprelli Bridge.

(c) Signs.—The Department of Transportation shall erect and maintain appropriate signs displaying the name of the bridge redesignated in subsection (b) to traffic in both directions on the bridge.

Amend Sec. 2, page 2, line 7, by striking out "2" and inserting: 3

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

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

Senator MELLOW. Madam President, this amendment very simply names a bridge in the Borough of Glassport in Allegheny County as the Senator Edward P. Zemprelli Bridge. Senator Zemprelli had the distinct honor of serving for 20 years as a Member of the Senate and he served as both the Majority Leader and the Minority Leader, and he is a good friend of most of the Members of the Senate, and we think it is appropriate that the Senate take this position tonight while Senator Zemprelli can still enjoy the fact that a bridge will be named after him.

So I am honored, on behalf of my Democratic colleagues, and I think the entire 50 Members of the Senate, to offer this amendment.

Thank you, Madam President.

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

The PRESIDENT. House Bill No. 2405 will go over as amended.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2467 (Pr. No. 3519) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 18, 1984 (P.L.1005, No.205), known as the Municipal Pension Plan Funding Standard and Recovery Act, further providing for contents of actuarial valuation report.

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-50

Table with 4 columns of names: Armstrong, Boscola, Brightbill, Conti, Corman, Costa, Dent, Earll, Erickson, Ferlo, Hughes, Jubelirer, Kasunic, Kitchen, Kukovich, LaValle, Lemmond, Logan, Madigan, Mellow, Orie, Piccola, Pileggi, Pippy, Punt, Rafferty, Rhoades, Robbins, Scarnati, Schwartz, Thompson, Tomlinson, Wagner, Waugh, Wenger, White, Donald, White, Mary Jo, Williams, Anthony H., Williams, Constance, Wonderling.

Fumo	Mowery	Stack	Wozniak
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.

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 946 and SB 1027 -- Without objection, the bills were passed over in their order at the request of Senator PICCOLA.

BILL REREFERRED

SB 1111 (Pr. No. 1728) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the establishment and maintenance of health savings accounts; exempting contributions from taxation; and imposing restrictions on health savings accounts.

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

BILL ON SECOND CONSIDERATION

SB 1140 (Pr. No. 1710) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for unlawful advertising.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

BILLS OVER IN ORDER

SB 1161 and SB 1189 -- Without objection, the bills were passed over in their order at the request of Senator PICCOLA.

BILLS REREFERRED

HB 1285 (Pr. No. 2819) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further defining "income" for purposes of the personal income tax; and further providing for refund or credit of overpayment.

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

HB 1860 (Pr. No. 4128) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for police duties.

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

HB 1861 (Pr. No. 4129) -- The Senate proceeded to consideration of the bill, entitled:

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

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

BILL ON SECOND CONSIDERATION

HB 2230 (Pr. No. 3040) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 3, 1985 (P.L.164, No.45), known as the Emergency Medical Services Act, further providing for support of emergency medical services.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

BILL REREFERRED

HB 2288 (Pr. No. 4248) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, establishing a career development tax credit.

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

RECESS

The PRESIDENT. The Chair recognizes the gentleman from Dauphin, Senator Piccola.

Senator PICCOLA. Madam President, at this time I request a recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations, without objection, the Senate stands in recess.

AFTER RECESS

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

BILLS REPORTED FROM COMMITTEES

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

SB 100 (Pr. No. 1789) (Amended) (Rereported) (*Concurrence*)

An Act providing for taxation by school districts, for State funds and for wage and net profits tax relief in cities of the first class.

SB 769 (Pr. No. 1654) (Rereported) (*Concurrence*)

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

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

SB 1149 (Pr. No. 1675) (Rereported)

An Act amending the act of June 22, 2000 (P.L.394, No.54), known as the Tobacco Settlement Agreement Act, further providing for requirements.

SB 1190 (Pr. No. 1769) (Rereported)

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, extending the employment incentive tax credit.

SB 1192 (Pr. No. 1770) (Rereported)

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing for investment of moneys of the Commonwealth; and making a related repeal.

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

Senator ROBBINS, from the Committee on Rules and Executive Nominations, reported 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:

CONTROLLER, CHESTER COUNTY

July 1, 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 April 1, 2004, for the appointment of Ray White, 714 Westridge Gardens Way, Phoenixville 17460, Chester County, Nineteenth Senatorial District, as Controller, in and for the County of Chester, to serve until the first Monday of January 2006, vice Carol T. Aichele, resigned.

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

EDWARD G. RENDELL
Governor

**MEMBER OF THE PENNSYLVANIA DRUG,
DEVICE AND COSMETIC BOARD**

July 1, 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 April 30, 2004, for the appointment of Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Keldeen Stambaugh, Harrisburg, whose term expired.

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

EDWARD G. RENDELL
Governor

SHERIFF, WASHINGTON COUNTY

July 1, 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 April 2, 2004, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Fifteenth Senatorial District, as Sheriff, in and for the County of Washington, to serve until the first Monday of January 2006, vice Larry Maggi, resigned.

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

EDWARD G. RENDELL
Governor

**MEMBER OF THE STATE BOARD OF EXAMINERS
IN SPEECH-LANGUAGE AND HEARING**

July 1, 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 April 28, 2004, for the appointment of Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, as a member of the State Board of Examiners in Speech-Language and Hearing, to serve until September 29, 2006, and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Michele Wallace, Mount Wolf, resigned.

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

EDWARD G. RENDELL
Governor

TREASURER, JEFFERSON COUNTY

July 1, 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 April 2, 2004, for the appointment of B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, as Treasurer, in and for the County of Jefferson, to serve until the first Monday of January 2006, vice Paul Corbin, resigned.

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

EDWARD G. RENDELL
Governor

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

June 30, 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 May 17, 2004, for the appointment of Samuel A. Brackeen, III, 8407 Newbold Lane, Laverock 19038, Montgomery County, Seventh Senatorial District, 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.

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

EDWARD G. RENDELL
Governor

**MEMBER OF THE ADAMS COUNTY
BOARD OF ASSISTANCE**

July 1, 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 April 30, 2004, for the appointment of Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, as a member of the Adams County Board of Assistance, to serve until December 31, 2004, and until his successor is appointed and qualified, vice Carole Wolf-Siliezar, Hanover, resigned.

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

EDWARD G. RENDELL
Governor

**MEMBER OF THE BRADFORD COUNTY
BOARD OF ASSISTANCE**

July 1, 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 April 30, 2004, for the appointment of Nina Tinari, 6401 Church Road, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, as a member of the Bradford County Board of Assistance, to serve until December 31, 2004, and until her successor is appointed and qualified, vice John Brenchley, Canton, resigned.

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

EDWARD G. RENDELL
Governor

**MEMBER OF THE CARBON COUNTY
BOARD OF ASSISTANCE**

July 1, 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 April 30, 2004, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Fifteenth Senatorial District, as a member of the Carbon County Board of Assistance, to serve until December 31, 2006, and until her successor is appointed and qualified, vice William Shirar, Lehigh, resigned.

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

EDWARD G. RENDELL
Governor

**MEMBER OF THE CENTRE COUNTY
BOARD OF ASSISTANCE**

July 1, 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 April 30, 2004, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Fifteenth Senatorial District, as a member of the Centre County Board of Assistance, to serve until December 31, 2006, and until her successor is appointed and qualified, vice, Paul Houck, State College, deceased.

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

EDWARD G. RENDELL
Governor

**MEMBER OF THE MCKEAN COUNTY
BOARD OF ASSISTANCE**

July 1, 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 April 30, 2004, for the appointment of B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, as a member of the McKean County Board of Assistance, to serve until December 31, 2004, and until his successor is appointed and qualified, vice Marcia Shuman, Rixford, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE MCKEAN COUNTY
BOARD OF ASSISTANCE

July 1, 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 April 30, 2004, for the appointment of Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, as a member of the McKean County Board of Assistance, to serve until December 31, 2004, and until his successor is appointed and qualified, vice Shirley Reed, Eldred, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE MERCER COUNTY
BOARD OF ASSISTANCE

July 1, 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 April 30, 2004, for the appointment of B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, as a member of the Mercer County Board of Assistance, to serve until December 31, 2004, and until his successor is appointed and qualified, vice Janet McDougall, Grove City, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE MERCER COUNTY
BOARD OF ASSISTANCE

July 1, 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 April 30, 2004, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters, 17319, York County, Fifteenth Senatorial District, as a member of the Mercer County Board of Assistance, to serve until December 31, 2005, and until her successor is appointed and qualified, vice David Immonen, Greenville, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE MERCER COUNTY
BOARD OF ASSISTANCE

July 1, 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 April 30, 2004, for the appointment of Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, as a member of the Mercer County Board of Assistance, to serve until December 31, 2005, and until her successor is appointed and qualified, vice Walter Matthews, Sharon, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE UNION COUNTY
BOARD OF ASSISTANCE

July 1, 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 April 30, 2004, for the appointment of Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, as a member of the Union County Board of Assistance, to serve until December 31, 2005, and until her successor is appointed and qualified, vice W. Earl Dieffenderfer, Lewisburg, resigned.

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

EDWARD G. RENDELL
Governor

DISTRICT JUSTICE

July 1, 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 April 30, 2004, for the appointment of Nora Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, as District Justice, in and for the County of Washington, Magisterial District 27-1-02, to serve until the first Monday of January 2006, vice Ronald Amati, resigned.

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

EDWARD G. RENDELL
Governor

NOMINATIONS RETURNED TO THE GOVERNOR

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

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

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

**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 STATE REGISTRATION
BOARD FOR PROFESSIONAL ENGINEERS,
LAND SURVEYORS AND GEOLOGISTS**

June 14, 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, Robert C. Grubic, 2618 Outerbridge Crossing, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Registration Board for Professional Engineers, Land Surveyors and Geologists, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice David Widmer, Rochester, whose term expired.

EDWARD G. RENDELL
Governor

**MEMBER OF THE STATE REGISTRATION
BOARD FOR PROFESSIONAL ENGINEERS,
LAND SURVEYORS AND GEOLOGISTS**

June 14, 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, Albert M. Tantala, 2044 Silverwood Drive, Newtown 18940, Bucks County, Tenth Senatorial District, for appointment as a member of the State Registration Board for Professional Engineers, Land Surveyors and Geologists, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Robert C. Grubic, Harrisburg, whose term expired.

EDWARD G. RENDELL
Governor

**MEMBER OF THE STATE BOARD
OF PHARMACY**

April 14, 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, Elizabeth A. Kroutch, (Public Member), 326 Lamppost Lane, Hershey 17033, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Pharmacy, to serve until March 19, 2008, or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Samuel M. Sanguedolce, Hughestown, resigned.

EDWARD G. RENDELL
Governor

NOMINATIONS LAID ON THE TABLE

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

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

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. Madam President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

**MEMBER OF THE STATE REGISTRATION
BOARD FOR PROFESSIONAL ENGINEERS,
LAND SURVEYORS AND GEOLOGISTS**

June 14, 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, Robert C. Grubic, 2618 Outerbridge Crossing, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Registration Board for Professional Engineers, Land Surveyors and Geologists, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice David Widmer, Rochester, whose term expired.

EDWARD G. RENDELL
Governor

**MEMBER OF THE STATE REGISTRATION
BOARD FOR PROFESSIONAL ENGINEERS,
LAND SURVEYORS AND GEOLOGISTS**

June 14, 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, Albert M. Tantala, 2044 Silverwood Drive, Newtown 18940, Bucks County, Tenth Senatorial District, for appointment as a member of the State Registration Board for Professional Engineers, Land Surveyors and Geologists, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Robert C. Grubic, Harrisburg, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD
OF PHARMACY

April 14, 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, Elizabeth A. Kroutch, (Public Member), 326 Lamppost Lane, Hershey 17033, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Pharmacy, to serve until March 19, 2008, or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Samuel M. Sanguedolce, Hughestown, resigned.

EDWARD G. RENDELL
Governor

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

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

YEA-50

Armstrong	Hughes	Orie	Thompson
Boscola	Jubelirer	Piccola	Tomlinson
Brightbill	Kasunic	Pileggi	Wagner
Conti	Kitchen	Pippy	Waugh
Corman	Kukovich	Punt	Wenger
Costa	LaValle	Rafferty	White, Donald
Dent	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Schwartz	Wonderling
Fumo	Mowery	Stack	Wozniak
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. Madam President, I move that the Executive Session do now rise.
The motion was agreed to by voice vote.

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

**SENATE CONCURS IN HOUSE AMENDMENTS
AS AMENDED**

SB 100 (Pr. No. 1789) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for taxation by school districts, for State funds and for wage and net profits tax relief in cities of the first class.

On the question,
Will the Senate concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 100?

Senator PICCOLA. Madam President, I move that the Senate do concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 100.

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

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

The PRESIDENT pro tempore. Madam President, it is an important debate on a very, very significant issue. Madam President, for 30 years property tax relief has been the most debated, most proposed, and frankly least achieved issue in Pennsylvania politics. The reasons for this are many and well documented. It is difficult to find acceptable and reliable substitute taxes and revenue sources. It is difficult to determine a distribution formula that satisfies the different regions of this State. It is difficult to generate substantial State money without triggering a loss of local control, but the biggest difficulty is in getting the taxpayers to trust the result. This suspicion is deeply rooted. It explains why the local tax plan put before the voters in 1989 was rejected by better than a 3 to 1 margin. If anything, taxpayers have grown more weary in the intervening years. They hear too much talk from officials about ways of raising additional revenue, and not enough about effectively controlling spending. So the key to responsible, public-acceptable property tax relief has always been finding a way to assure taxpayers that property taxes will not jump back again.

The package before us, Madam President, with the combination of State-funded relief and local exchange of taxes, offers a prospect for significant reductions in property taxes for many Pennsylvania homeowners. At the same time, through the back-end referendum, we give many of our citizens their first ever chance to have a hand in controlling school property taxes in the future. This is a well-constructed, regionally-balanced, taxpayer-friendly approach. In terms of the local exchange of taxes, this measure incorporates a concept that has been in play for 15 years. Give people a choice of opting in through a front-end referendum and give them a say about property taxes in the future through a back-end referendum. It was the approach included in Act 50, but only a handful of school districts ever gave their citizens the opportunity to make that choice. Unfortunately, several thousand school directors have denied the tax relief hopes of several million homeowners. This plan delivers property tax relief without the drawbacks involved in having the State absorb local responsibility for education. By far, the greatest portion of property tax reduction comes through the local exchange of taxes, thus keeping local education local. Every Member has received an outpouring of opposition from education groups and from groups involved in school construction filled with dire warnings, much of it overwrought and much of it is just plain wrong in misrepresenting the ballot experience in other States. And we are one of the few States anymore that does not have some kind of a referendum.

Pennsylvania school districts have fewer restrictions on their spending and taxing powers than districts in any State in the nation. Yet, this has not produced either the academic results or the community harmony that the advocacy groups are supposedly defending. If the problems are so great in the States with more severe referendum requirements than what is proposed here, why do they not trail us in educational performance? The answer is that the issues are not linked. This dispute is more about board power and less about the interests of education or the implications for quality education. The school boards have tried to play the victim. Why are we being singled out, they ask? They conveniently neglect to mention that other local entities have caps on millage, a stricter check rein on spending than the back-end referendum. Perhaps the most difficult balancing act has come in defining the exceptions. Simply, the goal is to recognize exceptional circumstances affecting districts without rendering the referendum requirements meaningless. Our success can only be measured through experience, but this bill will finally yield that experience.

There has been a test case, almost in the shadow of this great Capitol, in the Central Dauphin School District. That district certainly has not become the sort of educational disaster area commonly described by referendum foes. They have negotiated a teacher contract, they have undertaken building a huge new high school, and their tax increases are much more modest than neighboring districts. Has it been harder to put together a budget? It sure has. Has this worked to the benefit of the families paying the taxes? Absolutely. A couple of years ago one of the school directors offered a highly revealing comment. He said that they now had to do their budgeting backwards. They had to determine how much money was coming in and then decide spending priorities. I am not sure he recognized the irony, that this is how taxpayers believe it should be done.

If someone, somewhere thought we could quiet every gripe about school funding or concoct a smooth and seamless system of school taxation, that was truly wishful thinking. But we have produced a property tax relief plan that is broad in its benefits and that cannot be stymied by recalcitrant school boards. The bottom line consideration is that nearly everyone believes that cutting the dependency on property taxes is indeed a desirable thing.

So there are two methods involved in this bill: State funded relief and new local tax authority. The tradeoff, the non-negotiable item from the taxpayer point of view, is that it will never, never again be open season on taxpayers where school property taxes are concerned. Property tax relief has been promised many times in the 30 years I have been here, Madam President. This issue has been before us and it has been promised by many people in many ways. Now here we are, early July of 2004, we can redeem those promises with a realistic, reasonable, and responsible result. Madam President, I strongly urge Members of the Senate to vote in the affirmative on Senate Bill No. 100.

Thank you, Madam President.

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

Senator MELLOW. Madam President, thank you very much for recognizing me to speak on this very important issue. Before I spread my remarks on the record this evening, I would like to

make some acknowledgments first. Madam President, I would like to thank some members of our staff here on the Democratic side of the Senate, especially attorney Mark Mekilo, Hugh Baird, Randy Albright, and John Raymond, also two individuals in the Governor's Office, Donna Cooper and Dora Levy, for the tremendous job that they have done in drafting this proposal.

Madam President, there is one thing that we should be perfectly clear about in the passage of this proposal here this evening. First of all, if it were not for the 30 courageous individuals in this Chamber who voted for last night's gaming proposal, we would not be able to offer and to implement tonight a tax relief program for the people of Pennsylvania, which will be the most significant reduction in property taxes for the purpose of funding public education that has ever appeared in the history of the Commonwealth of Pennsylvania. Secondly, Madam President, we must be very mindful of the fact that there is absolutely not one additional or new dime of State money that is going into public education here this evening. So it is not the fact that we are giving a windfall of money to the 501 public school districts in Pennsylvania and then saying with that windfall of money they must reduce property taxes, because that in fact has not taken place in this proposal.

The other thing that we must be very, very mindful of is the fact that property taxes have steadily grown, steadily grown as a burden in Pennsylvania over the past 10 years here in Harrisburg, and they have grown for a reason. When I first came to Harrisburg, Madam President, under the direction of the late Governor Milton Shapp, we had an unwritten covenant, and the unwritten covenant basically was that we in Pennsylvania State government would provide 50 percent of the funding of public education for the school districts in Pennsylvania, and during those years under Governor Shapp, we did that. In fact, at one time, Madam President, we paid as high as 55 percent of the money that went to public school districts, given through the Pennsylvania taxpayer. It came from Harrisburg. That meant 45 percent of the money needed to fund the local public school district came from the local property taxpayer. During that period of time, Madam President, property taxes for funding public education was not an issue. It was not an issue because we in Harrisburg were doing the job that we were elected to do. Madam President, especially during the past 10 years when we experienced some of the greatest times of prosperity ever in the history of the country during the 1990s, we did not put money into public education. Instead, we annualized business tax reductions to the tune of some \$5 billion at the expense of educating children here in the Commonwealth of Pennsylvania.

That is what has brought us to this issue here this evening, Madam President, and how we are best going to try to address the issue. While some school districts were able to easily shoulder the additional burden that we put on them, more and more working families and their senior citizens were being pushed to the brink of losing their homes, and we can sugarcoat it and say it is because of what took place at the local spending of school districts, but, Madam President, the mandates came right here from the Commonwealth of Pennsylvania, right here in Harrisburg. And during that 10-year period of time, we on the Democratic side of the Senate fought every budgetary period of time to try to put more money into public education for the purpose of

holding down the high cost of property taxes. Unfortunately, Madam President, we were not very successful over those years to be able to get it done. And if it were not for the election of Ed Rendell in November of 2002, and if it were not for his position of trying to implement a gaming program in Pennsylvania and use the proceeds of the gaming program to offset the spiraling increase in property taxes again for the purpose of funding education, we would not be able to carry on this discussion here this evening.

Taken together with gaming, Madam President, this is the most significant economic reform legislation of the Commonwealth that we have undertaken in generations. It is important to remember, Madam President, that the General Assembly approached this process with nothing even close to a consensus on how our goal might be reached. So tonight's vote represents a huge achievement in terms of negotiation and in the terms of compromise. While the legislation provides the opportunity for every Pennsylvania homeowner to partake in some form of a tax relief program, it is most significant for working families and most especially for senior citizens who have been victimized by the spiraling increase in property taxes, especially over the past 10 years. This legislation recognizes that there is great diversity in the Commonwealth and provides for greater local tax flexibility. It is not a one-size-fits-all piece of legislation or solution to the problem.

One of the most significant benefits of this legislation is that it helps keep senior citizens in their homes and gives them a greater measure of economic stability. Madam President, when seniors are more economically secure, their families and their extended families are also more secure because of the realization that their parents and their grandparents are properly taken care of. Madam President, we have taken steps in this proposal to guarantee and to assure the State taxpayer, the property taxpayer, that reasonable protections were put in place so that the homeowner will be able to guard against future tax increases.

Madam President, I said before, this is a very historic day, and the historic day started back in 1986 when Bob Casey was elected, the first Governor to call for a Special Session and convene a Joint Session of the General Assembly over in the House of Representatives to talk about the important issue of property tax reduction. And it was Governor Casey, Madam President, who wanted us to put the question on the ballot and it went on the ballot in 1989 for the purpose of amending our Constitution to reduce property taxes. There were Members in this General Assembly who fought that question, Madam President, and in part were responsible for the fact that we did not have property tax relief going back to 1989 because of defeating the question. That was in 1986, Madam President.

This is the culmination of 18 years of work, 18 years of very hard work on today's date in 2004. If it were not because of the election of Ed Rendell, and if it were not for his position and his strong determination to make sure that we would have a pot of money the taxpayer would not have to provide in Pennsylvania for the purpose of reducing property taxes in this State, and the pot of money would come from the enactment of gaming laws in Pennsylvania, which I hope that the House of Representatives will follow through on tomorrow and enact those same laws, we would not be in the position tonight to take credit for one of the

most progressive pieces of legislation, when it comes to the tax-paying public in Pennsylvania, by guaranteeing every homeowner in Pennsylvania a guaranteed reduction in their property taxes for funding education in the very near future.

So, I want to congratulate once again the individuals who worked so hard to bring this about, but I especially want to congratulate the two people who made this possible, the late Governor Casey who started it and used his office of Governor back in 1986 when he was elected to bring it to the forefront of the people, and finally, Governor Rendell and the Rendell administration for their very hard, dedicated work to see us through the past year and a half to guarantee that this would be part of our budgetary process this year before the Senate recesses for the summer.

So, Madam President, I expect we will have an affirmative vote by every Member of this body, because it is truly a day of significance for the taxpayer of Pennsylvania.

Thank you, Madam President.

The PRESIDENT. Thank you, Senator Mellow, for your comments on the significant economic reform that will occur in the concurrence of approval of the House amendments to Senate Bill No. 100.

For additional comments, the Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Madam President, I want to move up to the boss's podium here because it makes me feel more important.

Folks, tonight this is one small step for the taxpayers, one giant leap for the legislature. My good friend from Altoona, Senator Jubelirer, said for over 30 years we have been trying to attack the issue of property tax reform. I prefer to call it property tax restructuring. I have been here for 24 years and we have not been successful. Everybody wants to go to heaven, nobody wants to die. The general public thinks by waving our hands and passing some kind of legislation, we can reduce property taxes without raising taxes at the other end. It does not work that way. There is no free lunch, and the people who are watching this TV show are probably interested enough and realize that. The problem in history books has been, do you want to have property taxes, do you want to have a local personal income tax, do you want it to be State money and drive it back to the local school districts? Historically, if we have reached the 50 percent funding mode, a lot of the different challenges we have and the equities within the whole school district subsidy formula would go away. Unfortunately, times have changed. Back in the 1960s, we had over 2,000 school districts in this Commonwealth. People scratched their heads and said, Dear God, that is outrageous. Now we have 501.

Today we are taking a step forward because we found a new pot of money. It is not coming from personal income tax, even though this legislation does start a small procedure of asking the local school districts to generate .1 percent of an earned income tax to attract the gambling money. Yes, that tainted, terrible money that is going to be derived for the good of all Pennsylvania. Whether the Senators in this body voted "yes" or whether they voted "no," whether the Representatives in the other body are going to vote "yes" or "no," everybody, whether you have a social conscience that says gambling is bad and evil, you, if you own a home, are going to benefit. Now, perhaps since we have been able to overcome this and for the first time in my career had

the opportunity to make some fundamental changes, to be able to work in a cooperative, bipartisan fashion to find new wealth to be able to drive it out to the school districts to lower your property taxes, to do a little bit about using the ability to pay versus the onerous property tax, we can take some other steps.

One of the other problems is structural. There are 501 school districts. Let me just use one example of what I have seen and some of the problems. Over the past 30 years, the demographics of this society have changed dramatically. Our third class cities have lost tremendous population while the suburbs have grown. Our population has become older, while our younger people have left. I will use the example of Senator Jubelirer's school district. In 1973, they had approximately 11,583 people in one school district. In 2003, in my county of Cambria, and a small portion of Somerset, Westmont Hilltop School District, Johnstown School District, Ferndale School District, Richland School District, Conemaugh Valley School District, and Windber School District combined have less than 11,500 students. That, in essence, is the real structural issue that we have to deal with.

Today we have taken a small step for the taxpayers in trying to reduce their property taxes, but there is a challenge that is larger, my friends. We need to deal with the issue of the shifting demographics of our society and address the issue of the 501 school districts to create the economy of scale. Yes, keep that control local, but realize that smaller is not always better. Five school districts, five superintendents, I do not know how many assistant superintendents, how many lawyers that are on retainer, or whatever they use, and all the other things that go along in the administration of schools, redundant and highly expensive. Yes, this is one small step for the taxpayer, a giant leap for the legislature. We have a lot of work to do, but this is a good beginning.

Thank you very much, Madam President.

The PRESIDENT. The Chair thanks Senator Wozniak for his comments for the effect of the property tax restructure for the citizen property owners in Pennsylvania.

The Chair recognizes the gentlewoman from Philadelphia, Senator Schwartz.

Senator SCHWARTZ. Madam President, I, too, rise to speak in favor of this legislation and to say that we are making real progress in identifying and being able to figure out a way to reduce both property taxes and city wage taxes for Philadelphia's citizens, and it is a problem we have been talking about for a long time. There has been a lot of discussion on this floor, sometimes in Petitions and Remonstrances, sometimes through legislation, on ways that we can and should bring down property taxes and the fact that it does not and has not provided for the kind of equitable and fair and adequate, in many cases, funding for education in our State by relying so heavily on property taxes in the Commonwealth. And we have seen and heard many stories about the burden of increasing, rising property taxes, particularly on senior citizens, and anyone on fixed incomes, and also our working families, some young families starting out in their first homes and the stress that it puts on all of those families to meet the high cost of property taxes and the increasing ones.

Certainly, as the Democratic chair of the Committee on Education, we have talked a great deal about the fact that we have seen local property taxes go up in the last 10, 15 years in the State, and as was mentioned by one of the previous speakers on

my side of the aisle, many of us believe that those rising property taxes were a consequence of the fact that the State's funding of education did not meet the demands of our students, the demands for the future work force in the State, and we have seen that consequence by rising property taxes.

So tonight, Madam President, what we are doing is a good thing. We are going to be able to significantly reduce, it is hard to use numbers here actually, city wage taxes for all workers in the city of Philadelphia. We are going to be able to reduce property taxes for our citizens across this State. And I do hope that our citizens and our taxpayers, particularly property taxpayers, are not disappointed. We have taken a long time to get here. This is a step that we feel is very, very important, and I think many of us would like to see the numbers be even bigger in terms of the kind of relief from property taxes and city wage taxes, but this is making real progress.

I want to point out just a couple things, if I may, Madam President. One is that there is a group of taxpayers who are not going to get relief, and I want to say that while we did pay some attention to this group, these are seniors who live in Philadelphia, and the effort of course and the decision was that in Philadelphia the onerous tax is the city wage tax, and I agree with that. However, I will also say that when we realized, as we did a number of months ago, that seniors who did not pay the wage tax in Philadelphia would not get the benefit of some tax relief at a time when they, too, were feeling that stress, many of us spoke out about it. Most recently, Madam President, I prepared an amendment, which if we had had an opportunity to do amendments I would have offered, that would have extended relief to seniors who pay property taxes in Philadelphia. Let me just give you a few numbers on this, if I may. There are 160,000 seniors in Philadelphia who own homes and pay property taxes. There is in this legislation some relief to just about under 20,000 of those seniors who own their own homes. That leaves about 140,000 seniors who pay property taxes and will be the only taxpayers who own their homes in Pennsylvania who will not get any relief under this bill. I had hoped we could have extended more help to them.

So I wanted to offer an amendment to be able to offer a property tax reduction of at least 10 percent to households earning, well, maybe \$25,000 or less a year. Madam President, I am not offering an amendment. I am just speaking about an amendment that should we have had the opportunity to do I would have done. But I did want to point out that if we have the opportunity in the future to address this group of seniors who are not going to be able to get any property tax relief, that would be something I would be very interested in and I know people are very deeply concerned about.

Having said that, as is often said on the floor of the Senate, bills are rarely perfect, and certainly I am going to be supportive of this legislation.

The other point I wanted to make, Madam President, and I did say there were two, is that we need to recognize that one of the other goals of this legislation is to provide some constraints and controls on local school districts in terms of levying higher taxes. What that means, Madam President, is there are exceptions, and I am glad that there are some exceptions, because there are some financial constraints and pressures on our school districts, everything from Federal mandates and No Child Left Behind to situa-

tions that are unexpected emergencies or disasters or in fact other kinds of costs, retirement costs that we know that they do not have as much control over as we might like them to. But having said that, what it means, Madam President, for us in the future is that for the greater burden, if we are going to put constraints on local taxpayers and school districts to be able to levy local taxes, is that more of that pressure rests with us, as well it should. We know the State Constitution requires us at the State level to fund a thorough and efficient system of education, to provide fair and equitable and adequate funding for education, and that is our responsibility. As a consequence, with the legislation we are voting on tonight, we will not only be providing tax relief to the citizens of Pennsylvania, which is extremely important, we will be saying that in fact it is more definitively the State's responsibility to provide that fair and equitable funding for education.

So, Madam President, as we debate the budget this year, as we debate the budget next year, and years to come, we have to recognize that it is on us to make sure that the 501 school districts and the almost 2 million schoolchildren in this State have the resources to be educated the way they deserve to be and the way we know they need to be to compete in the 21st century. So, Madam President, I say that as Democratic chair of the Committee on Education and as someone who says we always need to look at what we are doing and what good it will do for the Commonwealth and what consequences it has for the future for our taxpayers and for our school districts and for our children. So, in support of this legislation, I say we need to look at the consequences that it brings to us and the responsibilities it puts on us for the future.

Thank you, Madam President.

The PRESIDENT. Thank you, Senator Schwartz, for your comments on the progress that the reduction of property tax will mean for all the taxpayers of Pennsylvania and for the wage earners in Philadelphia.

The Chair recognizes the gentleman from Allegheny, Senator Wagner.

Senator WAGNER. Madam President, I rise to make some brief comments in regard to Senate Bill No. 100. Knowing that the hour is late, I will make them as brief as possible.

Madam President, yesterday and the day before, July 1, July 2, and July 3, hopefully, are very historical days in the history of Pennsylvania. As a result of what is done legislatively, hopefully today, later today we will vote on a budget, the 2004-05 budget. But, Madam President, July 1, July 2, July 3 are also historical days in the history of Pennsylvania because on those 3 days the Battle of Gettysburg occurred 141 years ago. Certainly the most significant battle in the Civil War occurred right here in Pennsylvania, 50 miles south of Harrisburg in Adams County, that really determined the future of this country. Madam President, those 3 days then were extremely significant, and as a matter of fact, if you look at history and go back 250 years, as Senator Kasunic just indicated to me, there was the Battle at Fort Necessity in Fayette County, the beginning of the French and Indian War, which really determined the future of this country also.

Madam President, I mention that because yesterday we passed a very significant piece of legislation which will provide a revenue source to the legislation that we are voting on tonight and is truly significant and historic. As has been mentioned by the pre-

vious speakers, this legislation provides property tax reform, property tax reduction for Pennsylvanians. For over 3 million homeowners and families, there will be a property tax reduction, not a large one, but one in excess on average of \$300 per year toward school property tax reductions. Madam President, this is something that Pennsylvanians have been asking for for decades, and we all know, as Senators, as House members, and certainly Governor Rendell, there is no greater request in terms of tax reduction than reducing property taxes, and that is what we are about to vote on tonight, Madam President. Reducing property taxes has been the number one request by senior citizens to me as a State Senator for the last 10 years, especially senior citizens who are living on fixed incomes, senior citizens who cannot afford to stay in their homes. That is how significant the piece of legislation is that we are voting on tonight. So, senior citizens will hopefully be able to stay in their homes with the property tax reduction that comes as a result of this legislation, with the funding coming from the legislation passed last evening and also the movement of an earned income tax in the property tax reductions.

Madam President, in addition to this helping senior citizens, it will help each and every family living in a home and owning a home and many young families that are struggling, that are struggling financially to make a mortgage payment that is burdened with additional property taxes. So we are giving young families in Pennsylvania the opportunity to, yes, buy a home, improve a home, stay in a home and raise a family.

Third and finally, Madam President, we are reducing the tax burden in general on Pennsylvanians. It is very seldom that any one of us can stand in this Chamber and say we are reducing taxes with a vote. Well, tonight is historic in that we can send that message with our vote, that we are reducing the burden of property taxes and taxes in general to Pennsylvanians. And we all know that the tax burden in this Commonwealth is too high, and certainly it is too high as it relates to property taxes.

So, Madam President, today, July 3, we began this Session on July 2, it is now July 3, is a historic day in Pennsylvania. Not as historical as July 3, 1863, which was the third day in the Battle of Gettysburg, probably one of the most significant days, not probably, absolutely one of the most significant days in the history of this country. But today also is a significant day, a day when we can send a message to Pennsylvanians that we have been listening. And I compliment Governor Rendell because he has made this issue a top issue since the day he was sworn in. He has made sure that it has remained a focus and a top issue. And yes, today we the General Assembly have the opportunity to complete the mission of legislation related to property taxes. So, Madam President, I am pleased to stand here today and say I support this legislation, and I know and I suspect every Member of this General Assembly does also.

Thank you, Madam President.

The PRESIDENT. Thank you, Senator Wagner, for your significant comments and connection of history in Gettysburg and property tax reform and reduction on this July 1, 2, and 3 in Pennsylvania for seniors and young couples and for all.

The Chair recognizes the gentleman from Schuylkill, Senator Rhoades.

Senator RHOADES. Madam President, I rise to speak in favor of the bill also. I said that the formula for tax reform, real tax reform is very simple, it is 26 votes in the Senate, 102 votes in the House, and a Governor who will sign the bill. Unfortunately, for the longest time that has been our hang-up. We have not had the 26 or the 102 or the Governor to support the bill. And I have to applaud Senator Tomlinson for his continuing efforts to drive the slots bill to reality, because that in essence gave us funding to enable us to carry out this tax reform. And I applaud Governor Rendell, too, because he did pick this up, he did stay with this issue, and we are beginning to see the fruits of those particular labors.

One of the things I have been after and one of the things I am proud of is the fact that I have been proposing even a PIT increase of 2 percent for a number of years to be able to start to make this difference. But today we all stand here on the threshold, and I will say with a unanimous vote, of being able to take that first step toward real property tax reform in this Commonwealth. This homeowner's tax relief act allows school districts to reduce residential property taxes up to the maximum amount permitted by the homestead provision, which is in our Pennsylvania Constitution. It will establish a formula for the distribution of State property tax relief funds, it will allow for electoral participation in the tax burden decisions, and it will mandate State reimbursement for non-resident Philadelphia wage tax deductions and prescribe how Philadelphia must reduce its wage tax.

One, school districts would reduce residential property taxes through the enactment of a .1 percent increase in the earned income and net profits tax. If you want to participate in the slots money, you have to put up .1. And you say how does that happen? Folks, I will tell you what, one of the things about getting 26 votes requires everyone, and that means from both sides of the aisle in both Chambers along with the administration, to be able to agree on all these points, to negotiate these points. And although some of us may say, well, we do not like the .1, it is a necessary buy-in to be able to put funds upfront, to be able to match up with the slot funds to be able to give this relief.

Two, the State funds come from the tax on gaming, and that is the issue we addressed last night and that is what we passed last night. It will also call for the opportunity for enactment of an additional earned income tax or a PIT, to be able to take it up to the full 100 percent of the homestead. That would be significant and add more dollars to it. When you put that in place along with the slots money that will become available, this becomes a very significant contribution in terms of controlling spending. And let me say that this effort that we are looking at is really a two-fronted effort. Tomorrow we will talk in the budget about the School Code and the money we will be putting in there. That is the front end in terms of us saying that is the money we are putting into the system. With this particular bill, it is also one of the ways in which we are saying you are going to have to hold the costs, you are going to have to control your spending. Between those two, we can bring them together. To a degree, and it is not a section I would agree with, that begins to give us some equity between the high and the low, between those who have the money to spend and those who do not, we will be able to bring that closer together, that makes that happen.

The other thing I want to add, too, and I know the education community gets themselves all bent out of shape on this, there is the back-end referendum in here, which basically says, if you go above the statewide average weekly wage for the year, which this year, 2004, is 2 percent, in your tax increase for that year, you have to put it on a referendum and have the citizens of your school district approve it. They were worried that it would be just that, and that is all. Because of that, again they have been addressing this. I think the bottom line is we are all concerned about making sure we do not hurt the boys and girls. Some will say that we do, but when you look at the back-end referendum exceptions, we will deal with emergencies, court orders, threats, debt, special education costs, actual instructional expenses, and per-student revenue maintenance, No Child Left Behind regulations, tax revenue and State funding maintenance, certain health care costs, and certain retirement costs. All those things are into it and affect the total procedure. I cannot see how anyone can complain about having a back-end referendum or excusing it. It basically means you have to justify how you are going to spend the taxpayer's money.

Last night you heard me talk about the survey I did on gaming. One of the other questions we had on that survey that we put out was on the back-end referendum. The General Assembly is currently working to provide property tax relief to Pennsylvania homeowners. Legislation aimed at providing property tax relief cannot pass the General Assembly without controls on subsequent school tax increases. I got additional responses. We are probably up over 12,000 right now. Should reasonable controls be placed on tax increases under the back-end referendum? Ninety-five percent of the respondents said yes, only 5 percent said no. Should taxpayers have the power to approve or disapprove school tax increases through local referendum? Eighty-seven percent said yes, 13 percent said no. Should taxpayers have the opportunity to approve their school district's annual budgets by referendum? That is not part of this bill but it was a question that was asked. Eighty-one percent of the respondents said yes, 19 percent said no. So, when you ask your constituency where are they on back-end referendum, I think 95 percent is almost a certain number. I think there is something we use in the correlations even without looking at 100 percent, you use the 95 proof, this is part of it.

The other thing I want to add to that, too, is when you are looking at capacity, burden, and effort, and people are going to say I should be getting more money than what I am getting, I am not getting enough, how come they are getting more? Tax capacity measures personal income per the number of students, average daily membership, the students that you have, along with your market value, that is the real estate in your area and your aid ratio. We also looked at tax burden as the taxes and the percentage of the total personal income in the school district that goes to the payment of local taxes, and the tax effort. In other words, what kind of millage you are putting out versus the State equalized millage? That is all ranked, and if I use a school district, just one school district, say they had a personal income ADM of \$132,517, that ranked them 112 in the Commonwealth; with market value, personal income to aid ratio, they were ranked 140; their school tax ratio, 232, their equalized mills, 252, gave them

the sum of that number, multiplied by a thousand in rank. That number is then multiplied through the formula by the amount of money we want to distribute. I say that, and you say, well, I do not care about that, that is left for someone else to do. Folks, this is one of the things you have to explain to your constituencies when they say they did not get enough so they know they fit in here. When you look at their effort, their capacity, and what they are doing, that is going to tell them how much they should be getting back.

The other thing I will add to this, too, is we are not the only State that has done this. Ohio, New Jersey, and Delaware have looked at back-end referenda and these particular moves.

What I am saying is that we have a chance now through this bill to be able to put up a lot of money--I will not say a lot of money but a good sum of money--back into our respective school districts. When we look at the amount of money that we are contributing, some would say it is about 36.8, or something like that. When you add the accountability grants, we are up to about 42.8. When you put this in, which is going to be the back-door kind of money because it is going to be money that is going to be given back to the people and what we are going to put into the school system, and we should be at 50 percent or close to it.

I would like to point out one other thing, too, and I have to point this out now because I see Senator Boscola is here, Senator Lemmond is here, there are a few of us that have Monroe County, one of the quicker growing areas in here. East Stroudsburg will have on homestead just under \$500 million, about a \$425 exception. Pleasant Valley School District, \$434; Pocono Mountain, \$392; Stroudsburg Area School District, \$344. I can speak for the east, but I do not know what happened in the west in Senator Ori'e's area. But anywhere you look on this sheet, you are going to begin to see that there are differences. But it is all going to depend upon on the local efforts that have been made and the capacity that is there. All that put into place begins to tell us that we are going to have some movement toward equity and toward responsibility and toward control of how much money we spend. It is going to help us look closer at how much money we are spending for each and every student to ensure that the money is there and we get the results that we want.

This truly is a step in the right direction, it is the beginning, it is not the final, and I think it is going to make all the difference. I say this because I have been looking at this for about 5 or 6 years or longer. I have been around in a number of areas, I was in Senator Tomlinson's area, I was in Senator Conti's area, I was in Senator Pileggi's area. I think I have been through the entire area talking about this across the Commonwealth.

I stand here a happy man for the simple reason that I finally have an opportunity to say we are going to be able to have some tax reforms and controls in our school districts that we have not had. With that being said, I encourage all of you to vote for this action and move it on. One other word of caution: Do not be frustrated by the regulations and procedures this will entail. They will be spelled out, they will be understood. It will be there and it will be accomplished and there will be a savings to our taxpayers.

Thank you, Madam President.

The PRESIDENT. The Chair thanks Senator Rhoades for your most meaningful comments on the bipartisan efforts of the

Pennsylvania House and Senate and the Governor on this bill, and also the equity and control that will result from it.

The Chair recognizes the gentlewoman from Northampton, Senator Boscola.

Senator BOSCOLA. Madam President, as everybody in this Chamber knows, this is one issue that I am very passionate about. Ever since I was elected to the House of Representatives, the very first bills that I introduced were on lowering property taxes for seniors, freezing property taxes for seniors, and I worked very hard on that in the House trying to add amendments to bills to get somebody to pay attention and listen to the plight of the homeowner and the seniors losing their homes. And then I was elected to the State Senate, and one of the proudest moments I had was getting a petition signed by Members of the Senate and the House, Democrats and Republicans, to have a Special Session of the legislature to deal with property tax reduction. At that time, Governor Schweiker was the Governor. And unfortunately, Governor Schweiker, maybe because he was a little bit more partisan that I had hoped, thought, oh well, here is a rank-and-file Democrat forcing a Special Session of the legislature on property taxes. I am not going to do it or we are just going to sit on it for a little bit. She is a Democrat, I am a Republican Governor, and I am not going to let a Democrat tell me what to do, and I was very disappointed, not so much about the failure for us to do anything, I felt disappointed for the homeowners and the seniors who are making decisions on a daily basis of whether or not they were going to leave their homes because they could not afford the rise in their local property taxes. So I was very frustrated, just as so many homeowners were across Pennsylvania. And throughout the years, when you are in this body and you add amendment after amendment after amendment to try to force the Senate into doing something, along comes a bill today, with the leadership of Governor Ed Rendell, that we are finally able to vote on to lower property taxes.

I know it is late, it is 1:10 a.m., and my colleagues are getting antsy, but as I said, all week long I have not said a word at this microphone, except when it came to property taxes, and it has been one of the biggest issues that is very endearing to my heart. What I was trying to say was that under the leadership of Governor Rendell, we now have a revenue source which can be driven directly to homeowners. And what I think I am most proud of is the fact that for a lot of us Senators, just keeping up the fight on a daily basis, offering amendments, even when they are defeated, to keep fighting and fighting, and finally somebody listens or you get the rest of the body to listen, and a good bill comes out of fighting year after year after year for property taxes. I believe that if Governor Rendell was not at the helm driving the slots money into an infusion of cash to support property tax reduction, that we would not be here today. And when you look back on this fight, it does not happen without Republican support, and I recognize that, because the leadership in the House and the Senate is Republican. What we all should be proud of today is that this legislation will help seniors, probably more than any other group of homeowners, because what we have done here is say that in order to get the money, we have to raise the EIT .1 percent. So seniors on fixed incomes will get a property tax reduction, they do not pay an EIT. Single family homeowners, homeowners who

have a double income are probably going to pay a little bit more in EIT. They will substantially get a reduction in their property taxes, but the purpose of this bill to begin with, I believe, was to help those who are the most vulnerable, the senior citizens. They are the ones who are losing their homes.

So, as we continue this fight, because I do believe this is a first step, I believe we have more to do, I believe that we can find a way somehow to eliminate property taxes and start with a tax mix that is more sensible to the taxpayers of this Commonwealth, so that we do not heavily overrely on the property tax system that overburdens one segment of our population over another. That is a fight for another day, and I am willing to get into it. I will not stop when it comes to property tax reduction. I think we have done a great job so far. I know we can do much better, I know we can help our senior citizens and our homeowners more, I know we can reduce property taxes even more in the future. This is the first step and a very proud, historic moment for me. When the Special Session was defeated 2 years ago, I was disappointed, but today all that disappointment has faded away under the leadership of Ed Rendell.

Thank you, Madam President.

The PRESIDENT. Thank you, Senator Boscola, for your comments going back to the first bill you introduced as a legislator and, of course, now the work that you have done to help this go through in a very bipartisan effort in our Senate. Thank you very much.

The Chair recognizes the gentleman from Beaver, Senator LaValle.

Senator LaVALLE. Madam President, I came here 14 years ago, and one of the Senators I learned to respect very quickly was Senator Clarence Bell because he was always very brief and to the point. So, let me try to do that this evening. I want to make sure that I remind the Members here what Senator Mellow said. There were 30 courageous votes last night that made the additional revenue possible so the other 20 senatorial districts could benefit, and I just want to make it very clear that we do that sometimes here. Last year I think some of us voted for taxes to replenish some of the money that was taken away. I just want my constituents to understand that I made a tough vote last night, and 29 other Senators did along with me, but we did that so that all 50 senatorial districts can benefit from the so-called tainted and corrupted money that we are going to get from supposed gambling.

Thank you, Madam President.

The PRESIDENT. Thank you, Senator LaValle, for your very good comments on these bipartisan efforts of all of us.

The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Madam President, I will be brief, but I just thought I would get up and say before we all break our arms patting ourselves on the back tonight on this historic legislation, I just thought I would bring up maybe a hair of reality into what we are talking about. And I am not knocking what is going to happen tonight, I think what we are going to accomplish is very important. I represent the State College Area School District in Centre County, and after looking at this chart that was talked about earlier and after you weigh in the earned income tax increase they will have and the average taxpayer property tax relief

they will get, the average homeowner in the State College School District will get about somewhere between \$70 and \$90 off their property tax, based on the \$500 million that would come from the gaming revenues. That is nice. I am not knocking \$70 to \$90. Does it raise to the level of the Battle of Gettysburg? I am not so sure.

To call this event that we are doing tonight historic I think is a little bit of a reach. I think it is important, though. Anytime we can reduce taxes is important, but after you add in the tax increase that we did last year, my citizens in State College are probably breaking even after this bill today. But again, I am not knocking it, because it is important. I was here a couple of years ago offering a bill to eliminate the occupational assessment tax. It was the first local tax reform bill we did in many years. It was not as significant, it was not as historic, but it was important. The Minority Leader got up, the gentleman from Lackawanna County, and said this is not my idea of tax reform, I am against this bill, and he got every Member of his Caucus to vote against it, including all those who voted for it in the Committee on Finance. Well, fortunately, the bill passed anyway, and of the 59 school districts that had the ability to put this on the ballot, 52 of those passed that local tax reform measure. Now again, not historic, but an important step in the right direction, as this bill is, a step in the right direction.

I give credit to those who made the vote last night. It was not my vision necessarily of property tax reform, but it was a vision that carried the body. I think this money will now go toward some very important things, lowering property taxes, and I am glad that we can make some good out of that, but let us not get carried away, Madam President. Our job is far from done on property tax relief. No one in State College is going to build a statue to me or Ed Rendell for that \$70 they are going to get next year or 3 years from now, but \$70 is still \$70, and we are going to take it. All I am saying tonight is that our job is far from done.

Thank you, Madam President.

The PRESIDENT. Thank you, Senator Corman, for your meaningful comments that the homeowners of central Pennsylvania will not gain sufficient results, but it is a start for the changes that are needed. Thank you so much.

The Chair recognizes the gentleman from Montgomery, Senator Greenleaf.

Senator GREENLEAF. Madam President, I also rise, and I have looked at this proposed legislation now for over several months, different versions of it, and we have to recognize that property taxes produce approximately \$7 billion to \$8 billion, and the most optimistic projections are that gaming is going to produce \$1 billion. So we know there is not enough money to have a significant impact on property tax reduction here. In fact, that is why this bill requires the adoption of an earned income tax to pick up the slack.

In my district, Bryn Athyn School District receives \$133 under \$500 million, and under a billion dollar projection for gaming they get \$133; Centennial gets \$138 under \$500 million, \$176 under \$750 million, and \$214 if gaming produces a billion dollars. Upper Moreland will receive \$183, \$239, and \$295, and all these communities are paying thousands of dollars in property taxes. In effect, what we are doing is basically shifting taxes from a portion of the property tax to an earned income tax, and I think

we should recognize what we are doing. This is not a free lunch. There are not going to be major reductions in property taxes under this proposal. The amount of money that we are using, \$500 million, \$750 million, or \$1 billion, whatever the gaming produces, is a substantial amount of money. My personal feeling is, if we really want to do something, let us concentrate on senior citizens. We could make a very significant impact on senior citizens if we would freeze their taxes when they reach retirement age, based on income. Our projections on that program would be about \$40 million. It would raise over the years because of the increases that would go on, but it would be \$40 million, and then use some of these gaming moneys for the rent rebate program, that would increase the number of people who are eligible, and also the amount of grants under the rent rebate program. If we did that, concentrate and zero in on the people who are mostly impacted negatively by property taxes, we could provide substantial relief. What we are doing here is spreading it over everybody in the community. And what I am also concerned about is, at the end of the day, it is going to be a temporary situation, because we are not getting rid of the property tax, and there is no absolute prohibition, which we could not impose, on the future increases of property taxes. These reductions that I have gone over could be wiped out in a couple years. They may be wiped out before gaming gets started in 3 years. So we have to be concerned about that. The good part about this, though, is that it is voluntary in that each of the school districts have the option to opt into this, they make the choice of either accepting it or not accepting it, opting in or not opting in. So they have the discretion to do it, and I think that is the saving grace of this legislation.

So, we are all going to be voting for it tonight, and I am sure that there will be many school districts, as in Act 50, that will not always opt in for this.

Thank you.

The PRESIDENT. Thank you, Senator Greenleaf, for your comments that this is not a sufficient impact on the homeowners in your senatorial district and that maybe we need the earned income tax and freeze senior citizens' taxes when they retire, and also have a better rent rebate program, so there are additional changes needed.

The Chair recognizes the gentleman from Lancaster, Senator Armstrong.

Senator ARMSTRONG. Madam President, it is getting late and I will be very brief, but I just want to clarify something. There are people out there who actually think they will get a 30-percent reduction in property taxes. I have looked at my district, and if gaming is going to provide \$500 million, \$750 million, or a billion dollars, based on that scale, we are going to get a significant reduction, and then we have an earned income tax placed on people. In my own school district, Lampeter-Strasburg in Lancaster County, after you add an income tax, which if you are making \$50,000 is \$50, or \$100,000 of joint income would be \$100, if we have \$500 million worth of gaming receipts that come back, the people in Lampeter Township would get a \$156 reduction, minus the \$50 or \$100, depending upon their income. If we go to \$750 million coming back from gambling, they will get \$201, minus \$50 or minus \$100. If they get to \$1 billion in receipts, the people in my district will get a reduction of \$279, minus \$50 or \$100. So, if people are counting a 30-percent re-

duction in their property taxes, it is nowhere close in my area, maybe, maybe a 5-percent reduction in 3 years. The only trouble is, between now and 2006-07, whenever this comes into place, they will probably have a \$200 or \$300 increase every single year in their property taxes. So, I just want to make sure that people know, if they are counting on getting a substantial property tax reduction, I can guarantee them they will be paying more in 3 years than they are today, probably about 10 to 15 percent more.

It is a step in the right direction, but it is a very small step. Some districts make out better than others. My particular district does not.

Thank you.

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

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

YEA-50

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

ANNOUNCEMENT BY MAJORITY WHIP

The PRESIDENT. The Chair recognizes the gentleman from Dauphin, Senator Piccola.

Senator PICCOLA. Madam President, there will be no further votes this evening.

(Applause.)

RECESS

The PRESIDENT. The Chair recognizes the gentleman from Dauphin, Senator Piccola.

Senator PICCOLA. Madam President, it is anticipated that we will reconvene no earlier than noon tomorrow, and I move that we recess to the call of the President pro tempore.

The PRESIDENT. Senator Piccola moves that we recess to the call of the President pro tempore, and we will reconvene at noon tomorrow.

The motion was agreed to by voice vote.

The Senate stands in recess to the call of the President pro tempore.

AFTER RECESS

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

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 Jonathon Koch by Senator Boscola.

Congratulations of the Senate were extended to Craig W. Bressler and to the citizens of the Village of Orviston by Senator Corman.

Congratulations of the Senate were extended to Francine N. Jones by Senator Gordner.

Congratulations of the Senate were extended to William Kafes by Senator Hughes.

Congratulations of the Senate were extended to the Barnes-Kasson Hospital of Susquehanna by Senator Lemmond.

Congratulations of the Senate were extended to Larry A. Sayre and to Jamie Smith by Senator Mowery.

Congratulations of the Senate were extended to Mildred Christian Shuckstes and to Wanda C. Romanowski by Senator Musto.

Congratulations of the Senate were extended to Mr. and Mrs. Patrick Byrne and to Mr. and Mrs. Lewis Goehring by Senator Orie.

Congratulations of the Senate were extended to Matthew Gutherman by Senator Pileggi.

Congratulations of the Senate were extended to Andrew Chiarello, Sergio Herrera, John Interrante and to Miguel Herrera by Senator Rafferty.

Congratulations of the Senate were extended to Taylor Patrick Freeman by Senator Scarnati.

Congratulations of the Senate were extended to Mr. and Mrs. Ralph Loughman, Mr. and Mrs. Wayne L. Clark, Mr. and Mrs. James W. McLaughlin, Mr. and Mrs. Thomas Kronk, Mr. and Mrs. John McClelland, Mr. and Mrs. Robert Wilson, Mr. and Mrs. James Sprowls, Mr. and Mrs. Joseph Sammartino and to Mr. and Mrs. Garry Testa by Senator Stout.

Congratulations of the Senate were extended to Mr. and Mrs. William Pardini, Jr., and to the Armstrong County Jail of Kittanning by Senator D. White.

Congratulations of the Senate were extended to Darryl R. Bacchi and to Alexander Preston Brengle by Senator C. Williams.

Congratulations of the Senate were extended to Mary Heath by Senator Wonderling.

Congratulations of the Senate were extended to Li-Ping Chew, Andrew Corch, George Gibbs, Emmaus High School Boys' Marine Fitness Club Team and to the Emmaus High School Girls' Marine Fitness Club Team by Senators Wonderling and Dent.

POSTHUMOUS CITATION

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

A posthumous citation honoring the late Russell J. Bacchi was extended to the family by Senator C. Williams.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

SATURDAY, JULY 3, 2004

Off the Floor	APPROPRIATIONS (to consider House Bills No. 176, 1152, 2472, 2529, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2639, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2590, 2726 and 2758)	Rules Com. Conf. Room
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Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bills No. 508, 1102 and certain executive nominations)	Rules Com. Conf. Room
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ADJOURNMENT

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

Senator BRIGHTBILL. Madam President, I move that the Senate do now adjourn until Saturday, July 3, 2004, at 8:35 p.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate adjourned at 11:59 p.m., Eastern Daylight Saving Time.