

COMMONWEALTH OF PENNSYLVANIA

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WEDNESDAY, APRIL 20, 2005

SESSION OF 2005 189TH OF THE GENERAL ASSEMBLY

No. 24

## SENATE

WEDNESDAY, April 20, 2005

The Senate met at 11 a.m., Eastern Daylight Saving Time.

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

## PRAYER

The Chaplain, Reverend KENTON K. CARTER, of Progress Emmanuel Presbyterian Church, Harrisburg, offered the following prayer:

Let us pray.

Good and gracious God, on this beautiful spring morning, in the great Commonwealth of Pennsylvania, we praise You for Your goodness, Your wisdom, and Your love. We are grateful for the gift of life in which You call us to worship You and serve one another.

Thank You, loving God, for family and friends who reflect Your love in our lives and for whom we may return in love. Thank You for work, for creating partnerships in which we may envision a better tomorrow for our children and our children's children. Thank You for recreation, for refreshing our souls in order that we might be eager to face crucial challenges in society. Thank You for prayer, for transforming our hearts and minds into a community that can solve differences without bickering or slandering, that can discern Your ways of justice and peace, that can focus on the common good for all creation and humanity.

We forget, forgiving God, that You made us in Your image and call us to reflect your goodness, wisdom, and love into the dark corners of this world. We presume to know Your will without understanding Your rule of love. Forgive us, merciful God, for being less than You created us to be and for loving less than You love us.

We lift to You in prayer those experiencing grief and loss, disease and illness. We celebrate with You happy and joyful times in our lives, and today, as followers of Your love and grace, we pray for Pope Benedict XVI.

Bless the Senate of Pennsylvania, that they may stand on the side of justice and they may be a voice for the voiceless and hold the outcast and marginalized in their embrace.

Bless the Commonwealth of Pennsylvania, that we might be an example of Your goodness, Your wisdom, and Your love. We offer this prayer to You, God of all peoples, trusting that You hear us and will respond in Your faithfulness. Your people pray together saying, amen.

The PRESIDENT. The Chair thanks Reverend Carter, who is the guest today of Senator Piccola.

## PLEDGE OF ALLEGIANCE

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

## JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of April 19, 2005.

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

## BILLS REPORTED FROM COMMITTEES

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

### SB 457 (Pr. No. 490)

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, further providing for beneficiaries of fund not to be employed by the city.

### SB 519 (Pr. No. 551)

An Act amending the act of June 21, 1939 (P.L.626, No.294), referred to as the Second Class County Assessment Law, further providing for powers and duties of the Board of Property Assessment, Appeals and Review.

### SB 520 (Pr. No. 552)

An Act amending the act of May 21, 1943 (P.L.571, No.254), known as The Fourth to Eighth Class County Assessment Law, further providing for appeal notices.

Senator PILEGGI, from the Committee on Urban Affairs and Housing, reported the following bills:

### SB 82 (Pr. No. 73)

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.

**SB 502 (Pr. No. 717) (Amended)**

An Act amending the act of April 6, 1951 (P.L.69, No.20), known as The Landlord and Tenant Act of 1951, requiring the disclosure of flood history to lessees of residential real property.

**SB 503 (Pr. No. 536)**

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, further providing for real estate seller disclosure form.

**LEGISLATIVE LEAVES**

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

Senator BRIGHTBILL. Madam President, I request a legislative leave for Senator Punt.

The PRESIDENT. Senator Brightbill requests a legislative leave for Senator Punt. Without objection, the leave will be granted.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Madam President, I request legislative leaves for Senator Fumo and Senator Stout.

The PRESIDENT. Senator Mellow requests legislative leaves for Senator Fumo and Senator Stout. Without objection, the leaves will be granted.

**CALENDAR****SENATE RESOLUTION No. 83  
CALLED UP OUT OF ORDER, ADOPTED**

Senator BRIGHTBILL, without objection, called up from page 6 of the Calendar, as a Special Order of Business, **Senate Resolution No. 83**, entitled:

A Resolution designating the month of May 2005 as "Community Action Month" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Mercer, Senator Robbins.

Senator ROBBINS. Madam President, today I rise in support of Senate Resolution No. 83. For several years now, I have had the pleasure of sponsoring legislation which recognizes the work of important nonprofit agencies that combat poverty in communities. I am talking about community action agencies. First begun over 40 years ago, community action agencies are private nonprofit or public organizations whose development was encouraged by the Federal government. Today there are 43 community action agencies in Pennsylvania, serving all 67 counties. Through locally designed programs, community action agencies address a multitude of the most pressing needs facing families, including providing food assistance, emergency and affordable housing, home weatherization, literacy and education, job training and placement, transportation, day care, drug and alcohol abuse prevention, and personal and family development. The truth is, community action agencies change lives by helping people help themselves. This is a great approach and one that provides the

real meaning of compassion. It is an approach worthy of applause.

Having seen firsthand the work done by Ron Errett and the Mercer County Community Action Agency over the years, I am pleased to sponsor Senate Resolution No. 83, which designates May as "Community Action Month" in Pennsylvania and commends the organization on the good work that it does, and I ask my fellow Senators to support it as well.

Thank you, Madam President.

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

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

**YEA-47**

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

**NAY-0**

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

**RECESS**

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

Senator BRIGHTBILL. Madam President, I ask for a brief recess of the Senate for the purpose of a Republican caucus. Our caucus will be held in the Rules room to the rear of the Chamber and will begin immediately, and we expect it to last 10 minutes.

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

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

The PRESIDENT. For Republican and Democratic caucuses, without objection, the Senate will stand in brief recess.

**AFTER RECESS**

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

**CONSIDERATION OF CALENDAR RESUMED****THIRD CONSIDERATION CALENDAR****BILL AMENDED**

**SB 1 (Pr. No. 477)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for lobbying registration, regulation and disclosure; conferring powers and imposing duties on the Department of State, the Office of Attorney General and the State Ethics Commission; imposing penalties; establishing the Lobbying Accountability Fund; and making a related repeal.

On the question,

Will the Senate agree to the bill on third consideration?

Senator MELLOW, on behalf of Senator FUMO, offered the following amendment No. A0881:

Amend Sec. 3, page 5, line 8, by inserting after "attorney": at law

Amend Sec. 5, page 8, line 24, by striking out "lawyers" and inserting: attorneys at law

Amend Sec. 6, page 13, line 6, by striking out "a lawyer" and inserting: an attorney at law

Amend Sec. 7, page 14, by inserting between lines 1 and 2:

(d) Conflicts of interest.—

(1) Except as permitted by paragraph (2), a registrant may not lobby on behalf of a principal:

(i) on any subject matter in which the principal's interests are directly adverse to the interests of another principal currently represented by the lobbyist or previously represented by the lobbyist during the current session of the General Assembly; or

(ii) if the lobbyist's representation of the principal appears to be adversely limited by the lobbyist's responsibilities to:

(A) another current principal;

(B) a principal previously represented by the lobbyist during the current session of the General Assembly; or

(C) the lobbyist's own interests.

(2) A lobbyist may represent a principal in circumstances described in paragraph (1) if:

(i) the lobbyist reasonably believes that the lobbyist will be able to provide competent and diligent representation to each affected principal;

(ii) the lobbyist provides written notice to each affected principal upon becoming aware of the conflict; and

(iii) each affected principal provides informed consent waiving the conflict of interest.

(3) If a lobbyist represents a principal in violation of this section or, if multiple representation properly accepted becomes improper under this section and the conflict is not waived, the lobbyist shall promptly withdraw from one or more representations to the extent necessary for any remaining representation to not be in violation of this section.

(4) If a lobbyist is prohibited by this section from engaging in particular conduct, an employer of the lobbyist or a partner or other person associated with the lobbyist may not engage in the particular conduct.

(5) A principal or lobbyist required to report under section 5 (relating to reporting) shall include in the report a statement affirming that to the best of the principal's or lobbyist's knowledge the principal or lobbyist has complied with this section.

(6) Except as provided in paragraph (8), the commission may receive complaints regarding violations of this subsection. If the commission determines a violation of this subsection has occurred, the commission, after investigation, notice and hearing:

(i) shall impose a civil penalty in an amount not to exceed \$2,000; and

(ii) may prohibit a lobbyist or principal from lobbying for up to five years.

(7) A lobbyist and principal shall maintain the records relating to the conflict of interest set forth in paragraph (2) for a four-year period beginning on the date the conflict is discovered and, in the case of an investigation conducted under paragraph (6), provide copies of the records to the commission upon request.

(8) Complaints regarding violations of this subsection involving a lobbyist or principal who is an attorney at law shall be referred to the board to be investigated, considered and resolved in

a manner consistent with the Pennsylvania Rules of Professional Conduct.

(e) Unlawful acts.—

(1) A lobbyist or principal may not:

(i) Instigate the introduction of any legislation for the purpose of obtaining employment to lobby in opposition thereto.

(ii) Knowingly counsel any person to violate any provisions of this act or any other Federal or State law.

(iii) Engage in or counsel any person to engage in fraudulent conduct.

(iv) Attempt to influence a State official or employee on any legislative or administrative action by making or facilitating the making of a loan to the State official or employee.

(v) While engaging in lobbying on behalf of the principal, refuse to disclose to a State official or employee, upon request, the identity of the principal.

(vi) Commit a criminal offense arising from lobbying.

(vii) Influence or attempt to influence, by coercion, bribery or threat of economic sanction, any State official or employee in the discharge of the duties of his or her office.

(viii) Extort or otherwise unlawfully retaliate against a State official or employee by reason of the State official's or employee's position with respect to, or vote on, any administrative or legislative action.

(ix) Attempt to influence a State official or employee on any legislative or administrative action by the promise of financial support or the financing of opposition to his candidacy at any future election.

(x) Engage in conduct which brings the practice of lobbying or the legislative or executive branches of government into disrepute.

(2) The commission may receive complaints regarding violations of this subsection. If the commission determines a violation of this subsection has occurred, the commission, after investigation, notice and hearing:

(i) shall impose a civil penalty in an amount not to exceed \$2,000; and

(ii) may prohibit a lobbyist or principal from lobbying for up to five years.

(3) The commission:

(i) may, as it deems appropriate, refer an alleged violation of this subsection to the Attorney General for investigation and prosecution; and

(ii) shall, if the subject of the complaint is an attorney at law, refer an alleged violation of this subsection to the board.

Amend Sec. 8, page 14, line 7, by inserting after "attorney": at law

Amend Sec. 9, page 17, line 18, by inserting after "attorney": at law

Amend Sec. 9, page 18, line 5, by inserting after "attorney": at law

Amend Sec. 9, page 19, line 7, by inserting after "attorney": at law

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

BILL OVER IN ORDER

SB 62 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

SB 86 (Pr. No. 665) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for disposition of complaints received.

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

On the question,  
Shall the bill pass finally?

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

#### YEA-47

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

**SB 143** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

#### BILL LAID ON THE TABLE

**SB 196 (Pr. No. 409)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing immunity for physician reporting of suspected use of controlled substance for illicit purpose.

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

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**SB 300 (Pr. No. 710)** -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the establishment and maintenance of health savings accounts; providing for special tax provisions; and imposing restrictions on health savings accounts.

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

On the question,  
Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentleman from Lancaster, Senator ARMSTRONG.

Senator ARMSTRONG. Madam President, I would like to speak on Senate Bill No. 300, which tracks Federal law and lets you deduct health savings account contributions from your State income tax, not just your Federal tax. Up to this point it was just Federal tax, not State tax, and Senate Bill No. 300 will let us deduct the health savings account contributions from your State income tax.

Currently in law, we now have medical savings accounts, which are basically the same thing but are much, much smaller. This actually expands the health savings accounts to a much larger area, and more people can contribute into it. A good example of how it works would be car insurance, and we know that if you have car insurance with a high deductible, the less it costs you. If you have a \$200 deductible, you would pay a lot more than if you had a \$500 deductible, \$1,000 deductible, or \$2,000 deductible. What this does with a health savings account is that you can now have a large deductible, for example, \$2,400, and the first \$2,400 would be paid out of your own pocket, and from that point on, any large medical bill would be paid for by the insurance company. What this does is that \$2,400 you would normally pay out of your pocket now goes into a health savings account, so you could put \$200 a year into a savings account, and say during the year you spend \$400, you would still have \$2,000 to carry forward to the following year.

There are tremendous advantages, and there are some disadvantages to this program. A big advantage, as I just said, is it is fully tax deductible, that it is federally exempt from Social Security, and it is also exempt from Medicare tax. When we pass Senate Bill No. 300, you will be able to deduct that from your State income tax.

Interest, dividends, and capital gains accrue tax-free, so once it is in that account, it is kind of like an IRA, the investment accrues tax-free. Also, your employer can, although not required, also make contributions to your health savings account, just like a 401K pension. The balances in that health savings account are totally portable. You can take it from one type of insurance product to another, and it is owned by you. It is not owned by your employer. Also, there is no limit to the amount of money that can be rolled over. If you have \$5,000, \$10,000, \$20,000, you continue to roll this over into the following year if you do not use it. If you become unemployed, you can use your health savings account to pay for your health insurance premiums, which up to this point, when people get laid off and they paid this health cost, it was very expensive. Now they would have something to fall back on, a little savings account.

Between the ages of 55 and 65, you are allowed an additional \$500 a month to catch up. You can invest in HSAs that are approved IRA accounts, in other words banks, CDs, brokerage accounts, and any insurance product. If you are married, your

health savings account can go to your surviving spouse if you so designate. So, if you pass on, your spouse would continue to have that program. At age 65, you could take the money that is in there and buy a paid-up health policy that would take care of your health for the rest of your life, and you could probably have substantial amounts of money that could accumulate in this account if you invest your money wisely and stay relatively healthy.

Now, there are some caveats that people probably should know about. First of all, health savings accounts have administration fees and service fees, and they vary, so you should, just like an IRA, shop around to make sure that those fees are in fact reasonable. With health savings accounts, insurance premiums vary just like car insurance. You could have exactly the same type of policy from 10 different car insurers and get 10 different prices, exactly the same thing is true with health savings accounts, so you should shop around to make sure you are getting the best deal. After age 65, you can no longer participate in this program. Also, say you have \$30,000 or \$40,000 in this account, and prior to age 65 you withdraw some or all of that money, there will be a 10-percent penalty that you have to pay, just like an IRA. The difference is that an IRA is 59 1/2 years of age and an HSA is 65. Also, if you do not use this money for medical payments, any type of health care, dental or visual, if you do not use it for that particular type of medical need, that money is 100 percent taxable, so it would be added to your income for that year. Also, if you get the money and you invest in some risky mutual funds, which is not advisable, but with some extremely aggressive mutual fund, it is possible that your HSA account could go down in value.

If you currently have an insurance program that is not a high deductible plan, you cannot participate in an HSA. The minimum deduction is \$1,050 for an individual, and \$2,100 for a family. The highest deductible in any one year is \$2,600 for an individual and \$5,150 for a family. The maximum deduction you could have if you have this money accumulate over several years is \$5,000 for self or \$10,000 for a family, and I imagine if you had a \$5,000 deductible policy for health insurance, those premiums would be rather low, and that is very, very possible. Also, at death, if you are the sole survivor, that asset would be taxed accordingly, so it would go right into your estate tax.

If Senate Bill No. 300 does pass, we will be more able to control health care costs, and you can get a whole list of all the different ways to invest in health savings accounts by just going on a Web site on the Internet and just type in health savings account. It puts the people more in control of how they spend their money. A good example is if you break an arm and go to the hospital, they will ask you if you want an x-ray, a CAT scan, or MRI. If you are paying, you may get an x-ray, because you think it is adequate. If someone else is paying, you may get an MRI.

If this bill does pass, there will be five words which you will hear that are totally foreign to hospitals and doctors' offices, and those words will be, how much does it cost? I urge everyone to support Senate Bill No. 300.

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

Senator D. WHITE. Madam President, I also rise today to support Senate Bill No. 300. Over the past few years, this body has considered several different pieces of legislation intended to

address the health care crisis that is on the increase here in Pennsylvania. Most of those bills addressed the regulations regarding medical malpractice insurance or assisted physicians, especially those in extremely skilled aspects of that profession, in dealing with rising premiums. Senate Bill No. 300 is on a completely different track. This bill is designed to help health care consumers. It would give Pennsylvanians more control of their health care by allowing them to set up health savings accounts exempt from the State personal income tax. In effect, this legislation is about choice. Individuals and families would have the option to save and prepare in order to have the resources to pay for their health care. Giving people this option gives them the power to make real decisions that affect their health care.

If you look at the history of the health care insurance over the past few decades, these benefits have moved well beyond their intended role. It was not that long ago that the role of medical insurance was solely to provide coverage for catastrophic loss. It was not meant to cover doctors' visits, it was not meant to cover eye care, to have Johnny's molars pulled out, or to put stitches in a little girl's arm. We have gotten totally away from that. A lot of that is the result of many years of businesses looking at it from strictly a financial standpoint. It was cheaper to give benefits and add benefits than it was to increase salaries. For good or bad, that has changed as medical benefits have become an integral part of most companies' incentive packages. Then, as a result of a number of factors, medical costs began to skyrocket, including what I just said previously. As costs increased, many companies have taken a harder line on that coverage by increasing copayments, having employees pay a greater share of premium costs, or dropping coverage altogether. Those changes only created problems in Pennsylvania, not only Pennsylvania but across this country. Congress responded by establishing provisions for health savings accounts, and that Federal action was followed by similar actions in statehouses across the nation.

It is time that Pennsylvania takes the step to allow people to make some personal choices and decisions on the best way to provide for their health care expenses, and therefore, Madam President, I urge my colleagues to support Senate Bill No. 300.

Thank you.

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-47

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

#### NAY-0

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

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

### SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR MIKE WAUGH PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from York, Senator Waugh.

Senator WAUGH. Madam President, I have guests here in the gallery today from my York County district. Actually, I shared a bit of the morning with these folks. They were part of a public information program that we did outlining the goals and programs available for the Chesapeake Bay clean-up program administered through the Chesapeake Bay Commission, and I would like to introduce them, if I may.

First of all, an eighth grade science teacher from the Dallastown Middle School, Melissa Picchini, and one of her eighth grade students who participated in one of the Chesapeake Bay Foundation programs, Andrew Aulbach, and his father, John Aulbach, is chaperoning him today. I ask the Senate to give them a warm welcome this afternoon.

The PRESIDENT. Would our guests who have been part of the Chesapeake Bay program please rise so we can give you a round of applause. Thank you very much for your good work.

(Applause.)

### CONSIDERATION OF CALENDAR RESUMED

#### THIRD CONSIDERATION CALENDAR RESUMED

#### BILL OVER IN ORDER

**SB 327** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

#### BILL AMENDED

**SB 507 (Pr. No. 684)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for the scholarship organization educational improvement tax credit programs.

On the question,

Will the Senate agree to the bill on third consideration?

Senator C. WILLIAMS offered the following amendment No. A0878:

Amend Sec. 1 (Sec. 2003-B), page 2, line 5, by striking out "**SEP-TEMBER 1**" and inserting: May 31

Amend Sec. 1 (Sec. 2003-B), page 2, by inserting between lines 12 and 13:

(iii) The median household income of pre-kindergarten students who received scholarships.

Amend Sec. 1 (Sec. 2003-B), page 2, line 13, by striking out "(iii)" and inserting: (iv)

Amend Sec. 1 (Sec. 2003-B), page 2, line 16, by striking out "(iv)" and inserting: (v)

Amend Sec. 1 (Sec. 2003-B), page 2, by inserting between lines 18 and 19:

(vi) The median household income of students in grades K-8 who received scholarships.

Amend Sec. 1 (Sec. 2003-B), page 2, line 19, by striking out "(v)" and inserting: (vii)

Amend Sec. 1 (Sec. 2003-B), page 2, line 22, by striking out "(vi)" and inserting: (viii)

Amend Sec. 1 (Sec. 2003-B), page 2, by inserting between lines 25 and 26:

(ix) The median household income of students grades 9-12 who received scholarships.

Amend Sec. 1 (Sec. 2003-B), page 3, line 2, by striking out "(VII)" and inserting: (x)

Amend Sec. 1 (Sec. 2003-B), page 3, by inserting between lines 9 and 10:

(xi) The names of pre-kindergarten programs awarded scholarships on behalf of eligible pre-kindergarten students.

(xii) The names of schools awarded scholarships on behalf of eligible students in grades K-8.

(xiii) The names of schools awarded scholarships on behalf of eligible students in grades 9-12.

Amend Sec. 1 (Sec. 2003-B), page 3, line 12, by striking out "JULY 1" and inserting: March 31

Amend Sec. 1 (Sec. 2003-B), page 3, lines 18 through 21, by striking out all of said lines

Amend Sec. 1 (Sec. 2003-B), page 4, line 4, by striking out "SEP-TEMBER 1" and inserting: May 31

Amend Sec. 1 (Sec. 2003-B), page 5, lines 2 through 5, by striking out "July 1 of each" in line 2, all of lines 3 through 5 and inserting:

July 1, 2005, and March 31 of each year thereafter.

Amend Sec. 1 (Sec. 2007-B), page 5, by inserting between lines 25 and 26:

(3) The median household income of pre-kindergarten students who received scholarships.

Amend Sec. 1 (Sec. 2007-B), page 5, line 26, by striking out "(3)" and inserting: (4)

Amend Sec. 1 (Sec. 2007-B), page 5, by inserting between lines 28 and 29:

(5) The median household income of students in grades K-8 who received scholarships.

Amend Sec. 1 (Sec. 2007-B), page 5, line 29, by striking out "(4)" and inserting: (6)

Amend Sec. 1 (Sec. 2007-B), page 6, line 2, by striking out "(5)" and inserting: (7)

Amend Sec. 1 (Sec. 2007-B), page 6, by inserting between lines 4 and 5:

(8) The median household income of students in grades 9-12 who received scholarships.

Amend Sec. 1 (Sec. 2007-B), page 6, line 5, by striking out "(6)" and inserting: (9)

Amend Sec. 1 (Sec. 2007-B), page 6, line 8, by striking out "(7)" and inserting: (10)

Amend Sec. 1 (Sec. 2007-B), page 6, line 9, by striking out "2003-B(C)(1)(VII)" and inserting: 2003-B(c)(1)(x)

Amend Sec. 1 (Sec. 2007-B), page 6, line 13, by striking out "(8)" and inserting: (11)

Amend Sec. 1 (Sec. 2007-B), page 6, line 26, by striking out "(9)" and inserting: (12)

Amend Sec. 1 (Sec. 2007-B), page 6, line 30, by striking out "(10)" and inserting: (13)

Amend Sec. 1 (Sec. 2007-B), page 7, line 4, by striking out "(11)" and inserting: (14)

Amend Sec. 1 (Sec. 2007-B), page 7, line 7, by striking out "(12)" and inserting: (15)

Amend Sec. 1 (Sec. 2007-B), page 7, line 11, by striking out "(13)" and inserting: (16)

Amend Sec. 1 (Sec. 2007-B), page 7, line 16, by striking out "(14)" and inserting: (17)

Amend Sec. 1 (Sec. 2007-B), page 6, line 21, by striking out "(15)" and inserting: (18)

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

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

Senator C. WILLIAMS. Madam President, there has been some concern about this amendment, and what it does is tidy up things a little bit. The first thing it would do is change the reporting date of the scholarship organizations to May 31, so that they coincide with the date that the applications are due. This is an accountability issue. I do not think that anyone wants schools or organizations that fail to meet the requirements to again be given taxpayer dollars that, if available, would go to help another young person.

It also asks the organizations, not the schools themselves, to provide the median household income of the students who receive the scholarships. This is information that the scholarship organizations have. It is part of the requirement in law that they are to give to the scholarship organizations. This is also for accountability. We know that there is a maximum household income for students to be eligible, but with a sliding scale, that amount goes up with each individual in a household. While I have been told that there may be support for lowering the income guidelines altogether, I do not think that would provide the information the Commonwealth needs. In a median household income, if you had 40 students, it would tell how many were 20 below the middle point and how many were 20 above the middle point, just what the middle point was. It would provide a snapshot of how many students get this. This would give us a more accurate picture of who the scholarships were reaching and show how we are helping Pennsylvania families.

This amendment also removes the line that expressly disallows DCED from requesting additional information. I do not condone what DCED did in their recent regulations. I think they asked too much, but there is a necessary safeguard for the future of this program, and I think it is counterproductive to tie the hands of the organizations that have the ability to possibly find ways to expand this program.

Finally, my amendment asks the organizations to provide the names of the schools which were awarded scholarships. While we have some very honest scholarship organizations which are sincerely trying to help Pennsylvania students who need the assistance the most, there may be some that are not quite above board. Asking to provide this list of schools, something that a scholarship organization has by simply being in contract with them to give them the funding, will provide a new level of accountability, a new level of responsibility to the taxpayers of Pennsylvania.

Additionally, I think it is important from a business standpoint that the shareholders of the companies know where their money is being donated. Businesses have a fiduciary responsibility to their shareholders. We are also asking for this information in the bill for the EITC program. It has been suggested that this information would be used to bring lawsuits that could eventually dismantle the program. That is not the case. This program helps not only private and parochial schools, but public schools. It provides valuable scholarship opportunities, and it helps Pennsylvania students to achieve their goals. This information is being

requested to ensure accountability to the taxpayers, not to bring lawsuits or dismantle the program, so I urge a "yes" vote on this amendment.

Thank you, Madam President.

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

Senator PICCOLA. Madam President, I rise to urge a negative vote on the gentlewoman's amendment, A0878. Senate Bill No. 507, which this amendment seeks to amend, is an amendment to a law that we enacted in 2001, which created the possibility for tax credits to be provided to qualified education organizations that provide scholarships, known as scholarship organizations, and organizations known as education improvement organizations, which give awards to innovative public school programs in the various schools in the Commonwealth. The program we enacted, known as the Education Improvement Tax Credit program, and I think by everybody's assessment and by all accounts, it has been one of the most, if not the most, successful education initiative that we have ever undertaken in this Commonwealth. It has been going on for the last 3 or 4 years, and literally thousands of kids in the Commonwealth of Pennsylvania have benefitted from this program, both in public schools as well as in private schools. More importantly, their families have benefitted.

Earlier this year, the Department of Community and Economic Development issued new regulations and reporting requirements that they said they were entitled to promulgate under this law, asking for information from the various education organizations that had been established under this law to report things that went way beyond any necessity that they needed to enforce the law. It was basically a fishing expedition to just gather data that they thought might be interesting to have, but bore no relationship to the provisions of the Education Improvement Tax Credit law, known as the EITC law.

A number of us contacted the department and suggested that they pull back these new regulations or attempt to justify them. They could not justify them, and we introduced Senate Bill No. 507 as a way of adding a few appropriate reporting requirements to these organizations, and then explicitly telling the department that they cannot go beyond what the law provides in terms of making these organizations report. We had a hearing last week, prior to reporting this bill to the floor in front of the Committee on Education, and we basically got the department to admit that they did not need this new information in order to enforce the law, bottom line. We reported Senate Bill No. 507 out to the floor and it is now before us for consideration.

Senator Williams' amendment, as she indicated accurately, does three things. First, it changes the current reporting date of September 1 to May 31. This change is wholly inappropriate, and it would be almost impossible to comply with, because by May 31, the scholarship organizations and the education improvement organizations do not have the information, or certainly not all of the information, that they are required to report. Many times kids do not even make up their minds as to which school they are going to go to, or even if they are going to get a scholarship to go to a school, or an educational improvement program may not even be qualified until sometime during the summer. So, this change of date is wholly inadequate, wholly inappropriate, and unrealistic.



The second thing that the amendment attempts to do is to require the organizations to report the median household income of the scholarship recipients. The law is quite clear. The income eligibility is set forth very, very explicitly in the law. You are only eligible for a scholarship if your family income is \$50,000 or less, and then there is some escalation if there are more dependents in the family, but it is very, very clear, very, very straightforward. Why they have to know the median income bears no relationship whatsoever to the enforcement of the law, and would be a burden not only on the organizations to come up with that information, notwithstanding the Senator's indication that the purpose of this amendment is not to promulgate lawsuits. It would be a very, very good piece of information for somebody to have if they thought they might want to try to attack this law in court.

Thirdly, the amendment, and I am going to quote from the amendment, wants the organizations to report "The names of schools awarded scholarships on behalf of eligible students...." Under the program, schools do not get scholarships, kids get scholarships. This amendment would change the entire nature of the program. The kids get the scholarships. The schools do not get the scholarships. If you award a scholarship to a kid and send the money to the school and the kid ends up not going to that school, the law requires, and this in fact happens, that the school must return that money to the scholarship organization, and in fact that is what occurs. This amendment would undermine and completely change the nature of the program.

The gentlewoman also indicates that her amendment is about accountability. Madam President, I do not know of very many programs in State government that have more accountability than this one. First of all, with respect to education, the scholarships, as a general rule, do not cover the entire cost of the education. The parents have to be involved in the kid's education in order to get the scholarship and in order to apply, and actually pay part of the tuition if there is tuition required, and there usually is. In my mind, Madam President, educational involvement by parents is the biggest form of accountability that we have. But beyond that, taxpayer accountability, let us talk about taxpayer accountability.

In this program, Madam President, the taxpayer actually designates where their taxes are going. You do not get more accountable than that. The taxpayer gives the tax credit in the form of money to the scholarship organization or to the education improvement organization, and I do not know how you get much more accountable than that, when the taxpayer can say how they want their money spent. If they do not like the way it is being spent, they can withdraw it the next year, not give it, or give it to another organization.

Madam President, this amendment, in my view, is an attempt to undermine one of the most successful education programs that we have ever had in the Commonwealth of Pennsylvania. It seeks to add additional information to reports that are already filed and required by law, information that is not needed to enforce the law, and in terms of saying that this is accountability to improve education in the Commonwealth of Pennsylvania, I suggest that we look down here at Market Street where we have a highrise building called the Department of Education where school districts file unknown thousands of reports every year, year after year, and the filing of those reports, Madam President, has pro-

duced very little in the way of accountability in education. If it had, we would not be talking about public education the way we have over the last decade or more.

Madam President, in my view, this amendment is unnecessary and overreaching, and should be defeated.

Thank you, Madam President.

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

Senator C. WILLIAMS. Madam President, I would just like to make a few comments on the Honorable Senator's remarks. For one thing, this bill was put through, and I just want to remind people that in 2001, under the former administration when they were not able to get a voucher bill through, this is basically partially a voucher bill. It has a very good point, and it is modified because the public schools can take the same advantage of the tax credits as private and parochial schools, and I agree, it has helped a lot of students, and in that case, it is a good program.

I wish that we had more time. This was introduced to the Committee on Education this week, and I requested that we delay it so that we could work out the issues of reporting and accountability. It has been steamrolled. I do agree, as I said, that some of the requests from DCED were inappropriate to this program. My amendment does not dismantle the program. It really tries to get taxpayer accountability. As I heard in the hearing, and I thought it was a very good hearing, the money does go to the schools. In the illustration that we got from one of the testifiers in their application, they had to ask the schools to provide the students, and in Senator Piccola's own organization, which he started, he was very willing to list the schools that received the money a few years ago in a newspaper article. So, this is really not an effort to dismantle. It really is an effort to make sure that there is accountability. We are giving, I think, millions and millions of taxpayer dollars to this program, and we have a fiduciary responsibility to those taxpayers. May I remind you, the tax credit goes to corporations. Individuals cannot take advantage of this tax credit. It is a tax credit that goes to business taxes. It is not you and I who can do this, it has to be a business, so it is not every single person in the Commonwealth who has an opportunity to direct their dollars to this.

Thank you, Madam President. I urge a positive vote.

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

Senator PICCOLA. Madam President, I would only add that I would certainly like to work with Senator Connie Williams to open it up to every taxpayer in the Commonwealth to be able to participate. I think that would be wonderful if all of our programs could be tax credit oriented for individual taxpayers as well as corporations. Let me suggest, though, emphatically, that these scholarships do not go to schools. It is true that frequently we will list the names of the schools that were attended by scholarship recipients, both public and private schools, Madam President, I might add. The recipients of these scholarships can attend any school they want, and in the case that the Senator referred to, we have kids attending both private and public schools of their choice. But, Madam President, to suggest that the scholarships go to the schools, they do not, they go to the student and their parents.



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

Senator C. WILLIAMS. Madam President, if the gentleman from Dauphin County is willing to discuss additional accountability, I would be willing to discuss the program.

Thank you.

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

The yeas and nays were required by Senator C. WILLIAMS and were as follows, viz:

#### YEA-12

Costa	Kasunic	Logan	Stout
Fumo	Kitchen	Mellow	Tartaglione
Hughes	LaValle	Musto	Williams, Constance

#### NAY-35

Armstrong	Greenleaf	Punt	Vance
Boscola	Jubelirer	Rafferty	Waugh
Brightbill	Lemmond	Regola	Wenger
Conti	Madigan	Rhoades	White, Donald
Corman	O'Pake	Robbins	White, Mary Jo
Earll	Orie	Scarnati	Williams, Anthony H.
Erickson	Piccola	Stack	Wonderling
Ferlo	Pileggi	Thompson	Wozniak
Gordner	Pippy	Tomlinson	

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,  
Will the Senate agree to the bill on third consideration?  
It was 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-46

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

#### NAY-1

Williams, Constance

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

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

### SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 1

#### BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1 (Pr. No. 718) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for lobbying registration, regulation and disclosure; conferring powers and imposing duties on the Department of State, the Office of Attorney General and the State Ethics Commission; imposing penalties; establishing the Lobbying Accountability Fund; and making a related repeal.

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

On the question,  
Shall the bill pass finally?

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

The PRESIDENT pro tempore. Madam President, it has been a long time since we have come back to deal with this issue, and I guess the conventional wisdom in Hollywood is that a sequel rarely rises to the quality of the original production. Well, maybe in Harrisburg we can prove the opposite to be true. Today we are indeed considering a sequel, a revised lobbyist disclosure law which is every bit the equal of the original, and which will surpass the former law in effectiveness because this one conforms with the Supreme Court's order relating to lawyer lobbyists. This is a good government measure, pure and simple.

Lobbying is big business and expanding in dimension every year. As the economic stakes of the decisionmaking rise, as disputes over policy intensify, as new issues of high complexity materialize, lobbying activity expands commensurately. There are roughly 800 individuals registered with the Senate, and some of them have lengthy client lists. The public deserves to see who is working to influence decisionmaking, what they are spending, and where their efforts are being directed. A solid lobbying disclosure law provides those answers. It pulls the processes of information exchange and issue advocacy out of the shadows. It gives observers and commentators facts to work with, rather than leaving them to rely on speculation, fiction, or even fantasy.

Madam President, this bill details the public purpose, the specific disclosure requirements in a functional system of enforcement, the designation as Senate Bill No. 1 demonstrates the priority which we put on it. This issue is one of consistent historical unity in the Senate, as evidenced once more by the extensive bipartisan sponsorship.

I am honored to sponsor this with the Democratic Leader, Senator Mellow, and so many of our colleagues in this Senate.

The Senate took a singularly responsible step in again adopting a lobbying disclosure rule at the beginning of this Session. Not only did a similar Senate rule provide the only reporting requirement in place during the last 2 years, it demonstrated that filing is not a burdensome undertaking at all. Take a look at the numbers recorded under our Senate rule. In 2003, lobbyists reported expenditures of nearly \$87 million. That is a staggering sum. But yet, it is dwarfed by the filings for 2004, totalling more than \$122 million, reflecting the many high-octane issues we confronted. Over \$52 million of that is accounted for by the health care interests. Education interests laid out nearly \$20 million. Gambling interests accounted for over \$8 million. Telecommunications interests were in for a comparable amount.

Remember, this is just part of the story. Lobbyists only revealed their spending as it affects the Senate. As useful and as regulatory as our Senate rule has been, it is just not sufficient. A law covering the entire legislative branch and the executive branch is the only way the universe of Pennsylvania lobbying becomes public information. We do not make a judgment on these lobbying efforts as to their quality, their quantity, or their utility. We do insist that the particulars be reported. We put the information out, and the public can draw their own conclusions.

Governor Rendell earlier this year expressed support for the law, and I hope that in the executive branch he would focus not only on what we are doing, but what goes on in the executive branch as well, and that the House would do a similar thing. There are no surprises here that would disqualify this one. We are approving this bill with the intention that it will credibly fill the information gap in Pennsylvania law. If we can turn this into law, we can give people more confidence in our process, and we take away a dubious distinction. We are the only State in the nation without a lobbying disclosure law. That too frequently earns us dishonorable mention.

There is no perfect configuration, but this bill is a good blend of public interest, common sense, and practical experience. Those reluctant to vote on this measure contend there is no public clamor for it. Perhaps that is indicative of the public disbelief that a responsible solution is truly forthcoming. Pennsylvanians have seen good intentions trumped by mischievous amendments too many times before. They have seen well-crafted measures stopped by a piling on of other priorities. They have seen a good law tossed by the first lawsuit down the track, so it is hard to fault the doubts that people harbor. That is why our vote today, on a measure that enjoys strong bipartisan backing, is so important to this great Commonwealth.

Madam President, by acting decisively, we give the issue momentum, we give the advocates encouragement, and we give the people of Pennsylvania hope that reform can really, really succeed in 2005.

Thank you, Madam President, for the opportunity to make these remarks on this historic presentation.

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

Senator MELLOW. Madam President, I rise today not to talk about why making lobbyist registration and monitoring their activities important, because it should be very clear and evident to everyone in this Chamber, especially to those of us who are familiar with Senate Bill No. 1. I would like to congratulate Sen-

ator Jubelirer. I know that his office and my office have worked on this proposal very closely, basically since the Supreme Court declared it to be unconstitutional several years ago, even working through the Senate rules, and I want to congratulate him and his staff and my staff for trying to come up with an appropriate proposal.

Madam President, lobbyist disclosure is much more than a regulatory process. It is a procedure that dictates acceptable behavior on the part of certain individuals, many of whom have become ingrained in the representative government that we have here today in Harrisburg. For too many years, we have been the nation's laughingstock because of our lack of regulation with regard to totally dealing with lobbyists and lobbyist disclosure. We are a State perceived as the wild west of the east, the north, and the south, where spoils go to special interest groups carrying the biggest gun. And while we know that this is not necessarily true in all cases, it is a battle that we face and a challenge that we must meet, and we must meet that challenge, Madam President, head on. Requiring lobbyists to disclose who they are and who they represent, and why they represent them, is a way to shed light on some of the deepest, darkest secret corners of our endeavors here in State government. It is a way that we can ensure the folks back home that we are focusing on Harrisburg to finally start policing itself. By their nature, rules must be tough, yet they must be fair, because, after all, free speech and the right to petition government is at stake here.

Just as critical, however, Madam President, we must be diligent in ensuring fairness and openness, continually adjusting the law so that those whom we represent can have confidence in what we do. Confidence in our government is the foundation of our government, and without lobbyist disclosure, it is questionable as to whether we do or do not have confidence in our government. Lobbyist disclosure is the necessary means of enforcing accountability, demanding responsibility from those who try to influence State government. It is what those of us who insist on good government should expect, and what we should demand, because nothing less is acceptable.

Every day in the papers we see disgraceful examples of a system that has run amuck. In Washington, we have the swirling controversy over those who have abused the system to curry favor with the leader, lobbyists who systematically hide who they are and who they represent, and lawmakers who have shamefully accepted unreported gratuities with a wink and a nod. Fortunately, we have stepped forward to address this unregulated lobbying here in the Pennsylvania Senate by passing a tough rule when we reorganized back in January. We were fueled by the knowledge that the truth is at our back as we demand accountability, because this is precisely what lobbyist disclosure means to those who do business with the State.

As a sponsor of this particular proposal, along with Senator Jubelirer, I am pleased that we are advancing this legislation in a way that makes sense, Madam President, in a way that we can realize that we are doing what is right. We have strengthened the proposal here on the floor of the Senate today. By our actions, we made a sounder proposal by doing that. We now have a proposal before us that we believe has some teeth and a bite, if not properly represented, that will leave a mark. I ask for an affirmative vote on Senate Bill No. 1.

Thank you, Madam President.

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

Senator BOSCOLA. Madam President, there is an old saying that it is always easier to scare people who are in the dark, and that is true about State government as well. Quite frankly, the secrecy that now surrounds the work lobbyists do in Harrisburg scares a lot of people back home. In fact, the Morning Call had a big article entitled, "In Harrisburg Secrecy Has The Capitol In Corruption's Grasp," not the type of headline I like to see in the Morning Call, the newspaper back home, and a lot of my constituents called about that. They do not call so much about bills, but when it comes to what is happening in Harrisburg and the secrecy that prevails, I get a lot of constituent calls, and the fact that lobbyists can operate in secret and in the dark, so to speak, without disclosure or reporting requirements is just not right. That is why working men and women have dwindling faith in our government today, and that is a perception that we need to face and we need to fix. We can start to repair that which is broken today by passing Senate Bill No. 1.

A couple of months ago Senator Jubelirer was quoted in our paper. "Lobbying is a big business in Pennsylvania," he said, "and it is getting larger each year...The public deserves to see who all the players are, how much they are spending and where their efforts are being directed." I agree with the President pro tempore. When the State Supreme Court struck down our previous lobbyist disclosure law 3 years ago, the Senate adopted rules to regulate lobbyists. Our Senate rules are better than nothing, but they are not good enough. The fact that Pennsylvania is the only State without a lobbyist disclosure law is not something to be proud of. But we can change that, and we need to change it as soon as possible. As Senator Jubelirer said, the public has a right to know who our lobbyists are, how much they are spending, and what they are working on. We need to pass Senate Bill No. 1 today, get it through the House, and on to the Governor's desk. This lobbyist disclosure bill is not just the smart thing to do, it is the right thing to do.

Thank you, Madam President.

And the question recurring,  
Shall the bill pass finally?

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

#### YEA-47

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

#### NAY-0

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

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

### CONSIDERATION OF CALENDAR RESUMED

#### THIRD CONSIDERATION CALENDAR RESUMED

##### BILL OVER IN ORDER

**SB 607** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

### SECOND CONSIDERATION CALENDAR

##### BILLS OVER IN ORDER

**SB 70** and **SB 140** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

##### BILL REREFERRED

**SB 157 (Pr. No. 708)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for delegation of taxing powers and restrictions thereon.

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

##### BILLS OVER IN ORDER

**SB 197, SB 198, SB 386, SB 392, SB 393, SB 438, SB 450** and **SB 462** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

### SENATE RESOLUTION No. 82, ADOPTED

Senator BRIGHTBILL, without objection, called up from page 6 of the Calendar, **Senate Resolution No. 82**, entitled:

A Resolution designating the month of May 2005 as "Beef Month" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

### UNFINISHED BUSINESS

#### SENATE RESOLUTIONS ADOPTED

Senators RAFFERTY and O'PAKE, by unanimous consent, offered **Senate Resolution No. 93**, entitled:

A Resolution recognizing the achievements of General Carl A. Spaatz, a Pennsylvania hero whose actions and decisions helped preserve democracy and freedom and bring a more rapid end to World War II.

On the question,  
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Montgomery, Senator Rafferty.

Senator RAFFERTY. Madam President, I am pleased to offer this resolution with my friend and colleague, Senator O'Pake. This is regarding General Carl Spaatz, a Pennsylvania native. As we are nearing the 60th anniversary of the end of World War II, it is a good time to reflect on the men and women, especially those in the Commonwealth of Pennsylvania, who toiled to preserve freedom in this world, whose efforts stamped out tyranny and preserved democracy. Many of them sacrificed their lives, or a good portion of their lives, in fighting the battle against evil.

General Carl Spaatz was one such man, Madam President, a native of Boyertown who was renowned as a commander. In fact, both General Eisenhower and General Bradley credited him as being the finest field commander in the European theater during World War II. So recognized was he as an accomplished man in the field of aviation, working hard in the Army Air Forces, that when the United States Air Force became a separate department, he was named the first chief of staff. It is a time for us in Pennsylvania to reflect upon his accomplishments, to recognize and celebrate the distinguished career of General Carl Spaatz.

Madam President, I ask now that you please recognize my friend and colleague from Berks County.

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

Senator O'PAKE. Madam President, I rise in support of the resolution offered by Senator Rafferty in honor of General Carl A. Spaatz. Let me tell you a little bit more about General Spaatz, who is revered in Berks County.

He was born in 1891 in Boyertown, Pennsylvania, in my senatorial district. In 1910, he was appointed to the United States Military Academy at West Point, where he graduated on June 12, 1914, and was commissioned a 2nd Lieutenant of Infantry. He served with the 25th U.S. Infantry at Schofield Barracks in Hawaii, and in 1915 he was detailed to the aviation school in San Diego, California. In 1916, he was assigned to Columbus, New Mexico, and served with the First Aero Squadron under General John J. Pershing, in the Punitive Expedition in Mexico. He was promoted to 1st Lieutenant in June, and in 1917 to Captain. During World War I, he served at the American Aviation School in Issoudun, France, except for a 3-week period in September of 1918 when he was promoted to flight leader and was officially credited with shooting down three German Fokker planes, for which he received the Distinguished Service Cross.

After World War I, he served in various command positions at Army bases throughout the country.

After the attack at Pearl Harbor, he was assigned as Chief of the Army Air Force Combat Command in Washington, and was promoted to the temporary rank of Major General. In May 1942, he became Commander of the 8th Air Force, transferring to the European theater of operations to prepare for the American

bombing of Germany. In December, he became Commanding General of the 12th Air Force in North Africa.

After General Rommel's Afrika Korps had been driven out of North Africa and Italy was invaded, General Spaatz became Deputy Commander of the Mediterranean Allied Air Forces. He returned to England in January of 1944 to command the U.S. Strategic Air Forces in Europe, which he headed throughout the preinvasion period and ensuing campaign against Germany. Both Dwight Eisenhower and Omar Bradley rated him the best combat leader in the European theater.

In March of 1945, he received a temporary promotion to four-star rank, and in June was assigned to the Air Force headquarters in Washington. The following month he assumed command of the U.S. Strategic Air Forces in the Pacific. There he supervised the final strategic bombing of Japan by the B-29, including the two atomic bombing missions. He was present at all three signings of unconditional surrender by the enemy at Rheims, Berlin, and aboard the battleship USS Missouri in Tokyo Bay.

After the war, he was nominated to become Commander of the Army Air Forces, and in September of 1947, President Truman appointed him as the first Chief of Staff of the new United States Air Force. He ended his distinguished military career when he retired on June 30, 1948. In retirement, he continued to serve his country as chairman of the Civil Air Patrol and as a member of the Committee of Senior Advisors to the Air Force Chief of Staff. As a contributing editor to Newsweek Magazine, he wrote widely on air power subjects. He died at the age of 83 on July 14, 1974, and is interred at the U.S. Air Force Academy in Colorado, whose site he helped to select.

As the 60th anniversary of VE Day approaches, we should all recall how truly fortunate the United States was in World War II to have so many great military leaders, and Carl Spaatz was certainly one of them. All of us today are in his debt. In Berks County, we remember General Spaatz with our airport, the Reading Regional Airport General Carl A. Spaatz (USAF) Field.

Madam President, I urge the adoption of the resolution by Senator Rafferty.

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

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

Senators RAFFERTY, CONTI, PIPPY, LOGAN, LaVALLE, STACK, TARTAGLIONE, BOSCOLA, KITCHEN, THOMPSON, BRIGHTBILL, FERLO, STOUT, ERICKSON, EARLL, GREENLEAF, O'PAKE, COSTA, M.J. WHITE, PILEGGI, WOZNIAC, D. WHITE, SCARNATI, C. WILLIAMS, ARMSTRONG, WAUGH, LEMMOND, WONDERLING and KASUNIC, by unanimous consent, offered **Senate Resolution No. 94**, entitled:

A Resolution designating the week of May 1 through 7, 2005, as "Pennsylvania Wine Week."

On the question,  
Will the Senate adopt the resolution?

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

Senator CONTI. Madam President, I appreciate being recognized. During the last two legislative Sessions, I had the privilege of serving as chairman of the Committee on Law and Justice. That mantle has now been turned over to my good friend from Montgomery, Senator Rafferty, who is doing a wonderful job.

In the last several years, the awareness and appreciation of Pennsylvania wines has only increased dramatically, and this resolution will designate the week of May 1 through 7 as "Pennsylvania Wine Week." It is important to note that Pennsylvania is the home to over 70 wineries, and we rank eighth in the production of wine. There is no reason we cannot be number three, right behind New York and California.

So, I think the future is bright. It is a wonderful part of the agricultural tradition of Pennsylvania. The farmers improve the yield per acre with the vineyards that we have in this great Commonwealth, and in May we are beginning the reawakening of the wine festivals. It will be the fourth annual wine festival in Philadelphia, the third annual in Pittsburgh, and the second annual in central Pennsylvania.

Working with the Pennsylvania Liquor Control Board has been a privilege in the past, and I am honored Senator Rafferty has given me the opportunity to comment on this. As I said, the mantle has been turned over to the new chairman, and I appreciate the time for some remarks.

Thank you, Madam President.

The PRESIDENT. The Chair recognizes the gentleman from Montgomery, Senator Rafferty.

Senator RAFFERTY. Madam President, Senator Conti is correct. I have two Pennsylvania wineries within the 44th district, and I have had the opportunity to visit both of them to review their operations. Pennsylvania wineries, many of them, if not all of them, are family-owned and operated. As we are seeing in this Commonwealth and this country, family-owned businesses, the small business person, is the backbone of our economy. So, by recognizing the efforts of the Pennsylvania wineries the first week in May on behalf of the Commonwealth and their efforts on behalf of agriculture in this Commonwealth, I am pleased to offer this resolution with Senator Conti.

Thank you, Madam President.

And the question recurring,

Will the Senate adopt the resolution?

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

Senators TARTAGLIONE, BOSCOLA, WONDERLING, FERLO, O'PAKE, ERICKSON, GORDNER, STOUT, THOMPSON, ORIE, MUSTO, FUMO, WOZNAK, CORMAN, ROBBINS, CONTI, LaVALLE, RAFFERTY, WENGER, MELLOW, BRIGHTBILL, PIPPY, GREENLEAF, KASUNIC, C. WILLIAMS, LEMMOND, SCARNATI and WAUGH, by unanimous consent, offered **Senate Resolution No. 95**, entitled:

A Resolution honoring Pennsylvania's older citizens by observing the month of May 2005 as "Older Americans Month" in Pennsylvania.

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

Senators GREENLEAF, BRIGHTBILL, O'PAKE, COSTA, THOMPSON, LaVALLE, CONTI, MUSTO, WENGER, STOUT, BOSCOLA, KITCHEN, PIPPY, FERLO, EARLL, TARTAGLIONE, ERICKSON, ARMSTRONG, KASUNIC, LEMMOND, RAFFERTY, RHOADES, PILEGGI, SCARNATI, D. WHITE, STACK, C. WILLIAMS, GORDNER, M.J. WHITE, TOMLINSON and WONDERLING, by unanimous consent, offered **Senate Resolution No. 96**, entitled:

A Resolution recognizing the month of May 2005 as "Amyotrophic Lateral Sclerosis (ALS) Awareness Month" in Pennsylvania and urging the President and Congress of the United States to enact legislation to provide additional funding for research in order to find a treatment and a cure for ALS.

On the question,

Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Montgomery, Senator Greenleaf.

Senator GREENLEAF. Madam President, I rise to support the resolution that would designate the month of May as Amyotrophic Lateral Sclerosis Month, more commonly known as ALS, or Lou Gehrig's disease.

This is a degenerative disease that attacks the cell bodies of the spinal cord, resulting in the loss of motor activities and weakness of the skeletal muscles, especially those of the extremities. Even though the muscles are attacked, the brain is not, so a person who suffers from this disease has clarity of mind and knows what is going on, but has difficulty in functioning with regard to their muscles.

ALS occurs usually in adulthood between the ages of 40 to 70. It is most common at 55, and most commonly attacks men two or three times more than women. There are approximately 5,000 people who are diagnosed with this disease annually, and the survival rate is somewhere between 2 and 5 years after diagnosis.

I am offering this resolution as an effort to call attention to it, hopefully to draw more support for it, and the proposal also requests that the Federal government provide additional funding for research and treatment.

Thank you, very much.

And the question recurring,

Will the Senate adopt the resolution?

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

Senators D. WHITE, BRIGHTBILL, ROBBINS, ERICKSON, STOUT, EARLL, WONDERLING, RAFFERTY, WOZNAK, KASUNIC, BOSCOLA, KITCHEN, TARTAGLIONE, THOMPSON, SCARNATI, TOMLINSON, PUNT, PIPPY, LOGAN, PICCOLA and LEMMOND, by unanimous consent, offered **Senate Resolution No. 97**, entitled:

A Resolution designating May 1, 2005, as "Loyalty Day" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

*(The following remarks were made a part of the record at the request of the gentleman from Lebanon, Senator BRIGHTBILL, on behalf of Senator D. WHITE:)*

Madam President, I offer this resolution designating May 1, 2005, as "Loyalty Day" in Pennsylvania. While "Loyalty Day" is not as well known as some of our other patriotic and commemorative holidays, this special occasion has been with us for nearly 50 years, since President Dwight D. Eisenhower signed Public Law 85-529 in 1958.

Each year the President of the United States issues a proclamation calling on government officials to display the flag on all government buildings and encouraging the observation of "Loyalty Day" in schools and in other appropriate forums. It is also fitting and proper that we note that on May 1, the Department of Pennsylvania, Veterans of Foreign Wars, will again hold its annual "Loyalty Day" program here at the State Capitol.

My resolution commends the VFW, but it also charges each of us as citizens of this great State and this great nation to remember the message of "Loyalty Day," that we honor the service of our men and women in uniform, and that we remember, with thanksgiving, the privileges of freedom and democracy that we enjoy.

Madam President, I call on my colleagues to support this resolution, and I urge all Pennsylvanians to honor the spirit of "Loyalty Day." Thank you.

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

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

Senators C. WILLIAMS, MELLOW, BRIGHTBILL, BOSCOLA, FERLO, KITCHEN, TOMLINSON, CONTI, TARTAGLIONE, M.J. WHITE, O'PAKE, CORMAN, COSTA, ERICKSON, ARMSTRONG, LEMMOND, RAFFERTY, PIPPY, SCARNATI, GREENLEAF, D. WHITE, LaVALLE, ORIE, STACK, THOMPSON and LOGAN, by unanimous consent, offered **Senate Resolution No. 98**, entitled:

A Resolution designating April 28, 2005, as "Take Our Daughters and Sons to Work Day" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

*(The following remarks were made a part of the record at the request of the gentleman from Bucks, Senator O'PAKE, on behalf of the gentlewoman from Montgomery, Senator C. WILLIAMS:)*

A number of years ago I began sponsoring a resolution inviting the Commonwealth to observe an important day for Pennsylvania's children, "Take Our Daughters and Sons to Work Day." Today, I again ask your support in declaring April 28, 2005, as "Take Our Daughters and Sons to Work Day" in Pennsylvania. This program encourages young people to strive for excellence and provides them the opportunity to learn more about the world of work that awaits them.

Through the experiences, Pennsylvania's children will learn the importance of staying in school and the amazing array of careers available to them. They will also be involved in a broader discussion about the competing challenges of work and family. The idea behind the day is to explore male and female roles in the workplace, as well as in family and community life. Children are encouraged to share their ideas with the companies that may someday employ them.

By bringing together adults and young people, adults can empower the young people with confidence in their own abilities, as well as showing them the doors to their future success.

I encourage everyone to participate in this wonderful experience. If you do not have a son or daughter, maybe you can ask a niece or nephew, a grandchild, or even adopt a young person for the day. The few hours you give to that young person will be priceless to them in terms of learning about the world of work, understanding what they can achieve, and allowing them to see that they can set their goals high and reach them.

I know that I will have a group of young people shadowing me. In the past, the children have attended groundbreaking ceremonies, toured a recycling facility, and helped to plant trees. I hope each of you will join me in adopting "Sons and Daughters for the day." It only takes a small investment of your time, and the rewards are great.

One final benefit. Employers participating in the day gain a better understanding of the challenges, ideas, and work-life issues of a future generation. I encourage your support for this important day for all of Pennsylvania's children.

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

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

## 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 Ruth Young, Tom Falvey, Honorable Emil Giordano, Reverend James Prior, Robert A. Dotta, Frank Anthony Alexander, Jordan L. Montague, Sandra Landis, William J. Burkhardt, Roseann Corsi, Pulaski Committee of the Lehigh Valley, Walt Groller Orchestra of Whitehall and to the Pius X High School Class of 1955 of Bangor by Senator Boscola.

Congratulations of the Senate were extended to Ralph Daubert by Senators Boscola and Wonderling.

Congratulations of the Senate were extended to Anthony F. Grimm by Senator Brightbill.

Congratulations of the Senate were extended to Dr. Robert J. Piccone, Frank Gohl, Kevin Argentieri and to Three Arches, Inc., of Fairless Hills, by Senator Conti.

Congratulations of the Senate were extended to Mr. and Mrs. Ralph I. Lindsay, David D. Kepner and to the Kiwanis Club of State College by Senator Corman.

Congratulations of the Senate were extended to Vince Fink, Ryan Davies and to Michael James Takach by Senator Costa.

Congratulations of the Senate were extended to the Northwest Pennsylvania Collegiate Academy Academic Decathlon Team by Senator Earll.

Congratulations of the Senate were extended to Arthur Berlin, Richard Gildea and to Joseph G. Sadoff by Senator Erickson.

Congratulations of the Senate were extended to the Philadelphia Prison System by Senator Fumo.

Congratulations of the Senate were extended to Mr. and Mrs. Thomas Doraski, Nicholas Alexander Cooper, Donald Jones, June Kaufman, Margretta Gessner, Myrtha Witkop, Brian Joseph Dentz, Blaine William Loftus McLaughlin, Andrew David Benkovic, Harry M. Katerman, Andrew Jonathan Conrad, Reverend Monsignor Lawrence Raymond Overbaugh and to the Reverend Monsignor Francis Joseph Hudak by Senator Gordner.



Congratulations of the Senate were extended to Leona Brouse by Senators Gordner and Madigan.

Congratulations of the Senate were extended to Charles F. Kremp III by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Eugene Davis, Mr. and Mrs. Jesse Shriner, Mr. and Mrs. David Laughlin, Mr. and Mrs. Robert Pressel, Ruth V. Stewart, Rose Black, Charles O'Feish, Isaac Goodin and to Caleb Goodin by Senator Jubelirer.

Congratulations of the Senate were extended to Matthew Bailey, Cory E. Kaufman and to the Central Christian Church of Uniontown by Senator Kasunic.

Congratulations of the Senate were extended to Reverend Dr. Dominique Joachim, Sr., and to the Mediator Lutheran Church of Philadelphia by Senator Kitchen.

Congratulations of the Senate were extended to Domenic J. Ionta, Thomas E. Llewellyn and to Ralph P. Ramanna, Jr., by Senator LaValle.

Congratulations of the Senate were extended to Clayton and Theresa Karambelas, Michael Keith Hazleton, Edith Costanzo, Christopher Joseph Belles and to Lackawaxen Telecommunications Services, Inc., of Rowland, by Senator Lemmond.

Congratulations of the Senate were extended to Serra Catholic High School Girls' Basketball Team of McKeesport by Senator Logan.

Congratulations of the Senate were extended to Mr. and Mrs. Calvin Harris, Neil Andre, Malcolm Andre, Dave Andre, Benjamin Philip Carlucci, David A. Taylor, Peoples National Bank and to the Williamsport Tennis Club by Senator Madigan.

Congratulations of the Senate were extended to Kyle Harris, James Wright, Tyler DeRosa-Grund, Taylor Sebring, Juan Montealegre, Amy Welcome, Brian Williams, Joseph J. Corcoran, Adam Slacktish, Albert John Pevec, Michael Doty, Molly Calderone, Kaitlyn Cardone, Jason McConnell, Jonathan Huzzard, Zack Beltran, Kevin Dermody, Alex Frisbie and to Kane is Able by Senator Mellow.

Congratulations of the Senate were extended to Reverend Joseph D. Sibliano, Mae Coyne Middleton McHugh, Mary Ann Stonionis, All Staffing, Inc., of Lansford and to Borton-Lawson of Wilkes-Barre by Senator Musto.

Congratulations of the Senate were extended to Anthony F. Grimm, Donald Hinkle, Kyle A. Bathaser, Sean S. Magee, Drew F. Moyer and to Jonathan P. Butler by Senator O'Pake.

Congratulations of the Senate were extended to Bryan Sculli, Jennie L. Roth, Jack Owen, Kelsey Ballance, Nick Nelson, Mars Area Elementary School and to the Hampton High School Marching Band of Allison Park by Senator Orie.

Congratulations of the Senate were extended to the Allegheny County Labor Council by Senators Orie and Costa.

Congratulations of the Senate were extended to Thomas G. Hostetter, Jane Alwine, Richard Hummel, Caroline Magyar, Eva Lehman, Mervin L. Kemberling, Jake Thuma, Neida Hayes, Bethel African Methodist Episcopal Church of Harrisburg, Open Stage of Harrisburg and to the Steelton-Highspire High School Boys' Basketball Team by Senator Piccola.

Congratulations of the Senate were extended to Mr. and Mrs. Walter Haschak, Mr. and Mrs. Robert Schultz, Steven James Sipos, Paul Gregory Pilone, James Andrew Saylor III, Katrina

June Vinciguerra, Amanda Marie Miller, Amanda Leigh Koch, Kathryn Ann Lucas, Joseph Thomas Costello, Donald S. Guthrie, Dr. Edward S. J. Tomezsko and to the Penncrest High School Ice Hockey Team of Media by Senator Pileggi.

Congratulations of the Senate were extended to Brian Russell Hinch, John Hayes, Joan Murdoch, Harton Semple, Jr., Grant C. Wilson and to the Lions Club of Upper Saint Clair by Senator Pippy.

Congratulations of the Senate were extended to Cory Huntsinger, Anthony J. Bianco, Ryann Kraiss, David Roberts, Patrick Schirk, DeWane's Garage of Collegeville and to Hopewell United Methodist Church of Downingtown by Senator Rafferty.

Congratulations of the Senate were extended to Lawrence W. Roth, Jr., by Senators Rafferty and C. Williams.

Congratulations of the Senate were extended to Charles J. Lori by Senator Regola.

Congratulations of the Senate were extended to Mr. and Mrs. Kenneth Herring, Slatington Moose Lodge No. 1375 and to the Ciletti Memorial Library of Schuylkill Haven by Senator Rhoades.

Congratulations of the Senate were extended to Robyn J. Sye by Senator Robbins.

Congratulations of the Senate were extended to Jerry Volpe and to the Class of 2005 of Leadership Tioga County's Youth Leadership Program by Senator Scarnati.

Congratulations of the Senate were extended to the Board of Commissioners of Beaver County, Temple Beth Ami of Philadelphia and to the Mayo Association of Philadelphia by Senator Stack.

Congratulations of the Senate were extended to Paige Shlosky and to Centerville Clinics, Inc., by Senator Stout.

Congratulations of the Senate were extended to the Fraternal Order of Police National Trail Lodge No. 47, Troop B of the Pennsylvania State Police, by Senators Stout and Robbins.

Congratulations of the Senate were extended to Robert Jablonowski and to the Historical Society of Frankford by Senator Tartaglione.

Congratulations of the Senate were extended to Sarah Hetznecker and to Main Line Life of Wynnewood by Senator Thompson.

Congratulations of the Senate were extended to Ann Jewell, Ann Marie Klibert, Eileen Benedict, Margaret Young, Karen Johnson-Susko, Marge Strange, Sharon Reeder, Barbara Mace, Lunda Miller, Joseph Costello and to the Reverend Lillian O. Ross by Senator Tomlinson.

Congratulations of the Senate were extended to Kelly Lambert by Senators Tomlinson and Conti.

Congratulations of the Senate were extended to the Bucks County Council on Alcoholism and Drug Dependence, Inc., Student Assistance Program, by Senators Tomlinson, Conti, and Greenleaf.

Congratulations of the Senate were extended to Jill Simon by Senators Tomlinson and Rafferty.

Congratulations of the Senate were extended to Mr. and Mrs. Ron Peck, Philip J. Romako, Taylor Jonathan Reese, Robert Deck, Jacqueline B. Deck, Dr. Anthony F. Ceddia, Dr. Gene VanDyke, Lois Drake, Steven Biesecker, Scott G. Zimmerman,



Friends of the Joseph T. Simpson Library of Mechanicsburg, Cumberland Valley Midget Eagle Cheerleading Squad of Mechanicsburg, Cumberland Valley Midget Pee Wee Cheerleading Squad of Mechanicsburg, Cumberland Valley High School Varsity Cheerleading Squad of Mechanicsburg and to the Cumberland Valley High School Junior Varsity Cheerleading Squad of Mechanicsburg by Senator Vance.

Congratulations of the Senate were extended to Jeffrey L. Rineer, James A. Fry, Jr., Anthony Wisman, Dana C. Ward, Jr., Brandon C. Welt, James A. Fry, Sr., Richard E. Searle, Jr., Donald Potter, William Garman, George Howett, Nicholas C. Sabold, Francis C. Plaza, Carolyn J. Henry, Marlin Lloyd, David Scott Bilger, Jr., Wayne Keiser and to Rose Fire Company No. 1, Station 58, of New Freedom, by Senator Waugh.

Congratulations of the Senate were extended to Dr. Carol H. Saylor by Senator Wenger.

Congratulations of the Senate were extended to Mr. and Mrs. Edward Stonebraker, Mr. and Mrs. Robert Dunn, Mr. and Mrs. Wayne Testa, Cassandra Dunn, Harry Wood and to the Department of Pennsylvania, Veterans of Foreign Wars of the United States, by Senator D. White.

Congratulations of the Senate were extended to Joseph Malis, Charles Deahl, Zachary A. Kupec, Ray Prokopchak, Ed Erdos, Thomas Paserba, William Stanley and to Don Montgomery by Senator M.J. White.

Congratulations of the Senate were extended to Reverend Benjamin F. Powell and to the New Central Baptist Church of Philadelphia by Senator A.H. Williams.

Congratulations of the Senate were extended to Harry R. Knorr, Jr., Sandra Loflin and to Laurel House of Norristown by Senator C. Williams.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Anthony DiDomizio, James C. Mitchell, Jr., Aaron-Taj Johnson, Upper Perkiomen Valley Library of Red Hill, Boys & Girls Club of Easton, Raymond Baurkot & Sons, Inc., of Easton, Serenity of Easton, Easton Museum of PEZ Dispensers and to the State Theatre for the Arts of Easton by Senator Wonderling.

Congratulations of the Senate were extended to Franklin J. Hartman, Jr., and to the Allentown Community Concert Association by Senators Wonderling and Boscola.

Congratulations of the Senate were extended to Tim L. Horner, St. James Missionary Baptist Church of Johnstown and to the citizens of the Borough of Ebensburg by Senator Wozniak.

### CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Frederick Clinton Branch and to the family of the late Frances Marie Jones McMillion by Senator Kitchen.

Condolences of the Senate were extended to the family of the late Nick D. Solano by Senators Lemmond and Musto.

Condolences of the Senate were extended to the family of the late John K. Wharrey and to the family of the late Russell C. Loeb, Jr., by Senator Orie.

Condolences of the Senate were extended to the family of the late James F. Merriman II by Senator C. Williams.

### POSTHUMOUS CITATIONS

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

A posthumous citation honoring the late Francis Gantz was extended to the family by Senator Mellow.

Posthumous citations honoring the late Robert Deck and the late William R. Pierce were extended to the families by Senator Vance.

A posthumous citation honoring the late Ralph Ifft was extended to the family by Senator M.J. White.

### BILLS ON FIRST CONSIDERATION

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

The motion was agreed to by voice vote.

The bills were as follows:

**SB 82, SB 457, SB 502, SB 503, SB 519 and SB 520.**

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

### RECESS

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

Senator BRIGHTBILL. Madam President, I move that the Senate do now recess until Monday, May 2, 2005, at 2 p.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate adjourned at 1:20 p.m., Eastern Daylight Saving Time.