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SESSION OF 2005 189TH OF THE GENERAL ASSEMBLY

No. 52

SENATE

TUESDAY, September 20, 2005

The Senate met at 1 p.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, Reverend JAMES W. BRIGHT, Jr., Emeritus, of St. Paul's United Church of Christ, Manheim, offered the following prayer:

Let us pray.

Gracious God, known to us by a variety of names and revealed to us in countless ways, we gather in this Chamber to begin another Senate Session. We have come here from many walks of life, many faith experiences, many hopes and fears, and many agendas, both personal and corporate. Help us now to focus on what is right, fair, and truthful, that will serve the good of the sisters and brothers of all ages of this great Commonwealth of Pennsylvania, that all our people be fairly represented to the end, that everyone may find a richer, deeper, and more just way of life.

As we gather, we are mindful of all those who suffer and are in harm's way. Whatever their circumstances and wherever they may be, lead us to share a common responsibility to assist them towards a fuller, safer, and freer life.

We also pause to remember those who need Your special presence along life's rocky road, Your guiding and healing hand, Your tender embrace, and Your constant companionship. Come to them and to us and touch us all with Your love and grace.

Bless this body here gathered to deliberate and enact, and guide them with wisdom, patience, compassion, honesty, and equity. Let us feel Your presence and hence serve as faithful and accountable servants. In Your name we humbly pray. Amen.

The PRESIDENT. The Chair thanks Reverend Bright, who is the guest today of Senator Wenger.

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 Stout.

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

LEAVE OF ABSENCE

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

JOURNAL APPROVED

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

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

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

On the question,

Will the Senate agree to the motion?

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

YEA-49

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

NAY-0

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

The PRESIDENT. The Journal is approved.

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR NOAH W. WENGER
PRESENTED TO THE SENATE**

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

Senator WENGER. Madam President, it is indeed a pleasure to have the Reverend James Bright as our Chaplain today, a person whom I have considered a personal friend. We have an additional pleasure, and that is to have his lovely wife, Mrs. Bright, visit with us today, so I would appreciate a warm welcome for Mrs. Bright as well.

The PRESIDENT. Would Senator Wenger's guests please rise so we can give you a round of applause. Welcome to the Capitol. (Applause.)

**GUEST OF SENATOR ROBERT C.
WONDERLING PRESENTED TO THE SENATE**

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

Senator WONDERLING. Madam President, I briefly would like to welcome as a guest of the Chamber today Kaysha Reiss, a young woman who has just completed time in our Emmaus office as part of our Wondership Internship and Research Project and Program. Kaysha is a graduate of the Emmaus Baptist Academy, and she is currently a freshman at Kutztown University, where she is studying both political science and social work.

As a participant in our Wondership Program, Kaysha spent her summer researching the growing issue of peer-to-peer file sharing, music downloads, and how things such as an iPod and a cell phone currently and increasingly will be a means to distribute not only music but videos. She did an outstanding job and put forth an excellent document to help chart policy on this matter for our Committee on Communications and Technology.

So, Madam President, I ask our traditional warm welcome for Kaysha Reiss.

The PRESIDENT. Would Kaysha Reiss please rise so we can give you a warm welcome.

(Applause.)

RESOLUTIONS INTRODUCED AND REFERRED

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

September 19, 2005

Senators GREENLEAF, COSTA, LEMMOND, ORIE, EARLL, RAFFERTY, O'PAKE, FERLO, ERICKSON, ARMSTRONG, WONDERLING, WASHINGTON and BOSCOLA presented to the Chair **SR 160**, entitled:

A Concurrent Resolution directing the Joint State Government Commission to establish a bipartisan task force with an advisory committee to conduct a comprehensive review of the current status of alternative dispute resolution (ADR) services within the panoply of methods of conflict resolution available in this Commonwealth, to identify relevant best practices in the delivery of ADR services locally and nationally and how to improve conflict resolution in this Commonwealth by incorporating these best practices, to develop a plan

for educating the citizens of this Commonwealth about conflict resolution in general and the use of ADR services in particular, as well as ensuring access to all needed ADR services, utilizing best practices and to propose legislation as may be required to implement the proposed plan and advance the use of innovative conflict resolution methods Statewide in the civil courts and in schools, businesses, government, criminal and juvenile justice systems and other community settings.

Which was committed to the Committee on JUDICIARY, September 19, 2005.

Senators D. WHITE and STACK presented to the Chair **SR 161**, entitled:

A Resolution memorializing the President and the Congress of the United States to increase the military death gratuity payment and coverage under the Servicemembers' Group Life Insurance program and to require the Federal Government to pay the premiums for members of the armed forces.

Which was committed to the Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, September 19, 2005.

BILLS REPORTED FROM COMMITTEES

Senator ARMSTRONG, from the Committee on Banking and Insurance, reported the following bill:

HB 1261 (Pr. No. 1487)

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for deferred motor vehicle insurance coverage.

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

SB 629 (Pr. No. 1117) (Amended)

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

SB 775 (Pr. No. 954)

An Act amending the act of June 19, 2002 (P.L.377, No.56), known as the Interstate Compact for the Supervision of Adult Offenders Act, establishing the Interstate Compact for the Supervision of Adult Offenders Fund; imposing an application fee; providing for the collection of the application fee; imposing additional powers and duties on the State Council for Interstate Adult Offender Supervision, including the distribution of the moneys in the fund; and providing for definitions.

HB 761 (Pr. No. 1992)

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the offense of invasion of privacy; and providing for actions involving products or services used to invade privacy.

HB 1435 (Pr. No. 2109)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of computer-assisted remote harvesting of animals.

Senator D. WHITE, from the Committee on Veterans Affairs and Emergency Preparedness, reported the following bills:

SB 358 (Pr. No. 420)

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, defining "combat zone;" and further providing for limitations in educational assistance program.

SB 682 (Pr. No. 1116) (Amended)

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for eligibility for subsidized child day care.

SB 869 (Pr. No. 1111)

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for extension of health insurance benefits for certain military personnel who were full-time students at time of deployment.

HB 1069 (Pr. No. 1867)

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for leaves of absence for certain government employees; and making a repeal relating to military leaves of absence.

RESOLUTIONS REPORTED FROM COMMITTEE

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

SR 158 (Pr. No. 1118) (Amended)

A Concurrent Resolution establishing a task force to study the current system for providing services to indigent criminal defendants, to review how other states provide these services and to make recommendations to the General Assembly.

SR 160 (Pr. No. 1112)

A Concurrent Resolution directing the Joint State Government Commission to establish a bipartisan task force with an advisory committee to conduct a comprehensive review of the current status of alternative dispute resolution (ADR) services within the panoply of methods of conflict resolution available in this Commonwealth, to identify relevant best practices in the delivery of ADR services locally and nationally and how to improve conflict resolution in this Commonwealth by incorporating these best practices, to develop a plan for educating the citizens of this Commonwealth about conflict resolution in general and the use of ADR services in particular, as well as ensuring access to all needed ADR services, utilizing best practices and to propose legislation as may be required to implement the proposed plan and advance the use of innovative conflict resolution methods Statewide in the civil courts and in schools, businesses, government, criminal and juvenile justice systems and other community settings.

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

SPECIAL ORDER OF BUSINESS CONDOLENCE RESOLUTION ADOPTED

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

The PRESIDENT pro tempore. Madam President, as a special order of business, I would like to turn to the order of business of resolutions.

The PRESIDENT. The Chair hears no objection.

Senator JUBELIRER, by unanimous consent, offered the following condolence resolution:

WHEREAS, The Senate of Pennsylvania mourns the loss of Chief Daniel Stanovich, its Chief of Senate Security and Chief Sergeant at Arms, who passed away on July 20, 2005, at the age of sixty-five; and

WHEREAS, Chief Stanovich was born in Harrisburg to Alma and the late Marko Stanovich on August 14, 1939. He served for eight years as a member of the 28th Infantry Division (Mechanized) of the Pennsylvania Army National Guard, and was a former Sergeant with the Steelton Police Department. A member of St. Nicholas Serbian Eastern Orthodox Church in Oberlin, Chief Stanovich also was a member of the Antique Automobile Club of America. On November 15, 1984, Chief Stanovich began his career with the Senate of Pennsylvania, and for almost twenty-one years, he served well and with distinction. He will be sorely missed; and therefore be it

RESOLVED, That the Senate of the Commonwealth of Pennsylvania note with great sadness the passing of Chief Daniel Stanovich, whose life greatly benefited all those who lived, served and worked with him; and extend heartfelt condolences to his wife, Janice Hess Stanovich; daughters, Marie Duffin and Nikki Ruby; stepson, John Burchette; stepdaughters, Jennifer Hargenrader, Amanda Songer and Julie Crate; and eight grandchildren.

On the question,
Will the Senate adopt the resolution?

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

The PRESIDENT pro tempore. Madam President, I stand in place and offer a condolence resolution mourning the loss of our Chief of Security, Dan Stanovich. I am not going to read the resolution. All of us knew Dan. All I can say is Dan lived far too short a life, but the life he led was one of distinction, of honor, and one that his family, I know, is very proud of. I have been privileged to know Dan since I started the security force here in the Senate. He was the Chief of Security for some years now, and frankly, was a wonderful, remarkable human being, someone who was helpful to each and every one of the Members of the Senate whenever he could be.

The resolution is sponsored right now by myself, Senator Brightbill, Senator Mellow, and Senator Piccola, and I am sure any Member of the Senate who wishes to cosponsor this as well would be welcome to do it. It is going to be sent to Janice Hess Stanovich at her home in Hershey, Pennsylvania.

Again, Madam President, I ask for a vote on this, reminding people that all of us are very fortunate, very blessed that Dan Stanovich was a part of our Senate and made sure that the security of this Senate was the very best it could be.

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.

CALENDAR

SECOND CONSIDERATION CALENDAR

BILL REREPOR TED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 74 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILLS REREPOR TED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

SB 450 (Pr. No. 1109) -- The Senate proceeded to consideration of the bill, entitled:

An Act prohibiting price gouging; and imposing penalties.

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

HB 619 (Pr. No. 2656) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law, further providing for definitions, for agricultural security areas and for purchase of agricultural conservation easements.

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

BILL REREPOR TED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 711 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL REREPOR TED FROM COMMITTEE AS AMENDED OVER IN ORDER TEMPORARILY

HB 875 -- Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

UNFINISHED BUSINESS SENATE RESOLUTIONS ADOPTED

Senators FUMO, C. WILLIAMS, BOSCOLA, KITCHEN, RAFFERTY, GORDNER, LOGAN, BRIGHTBILL, CONTI, COSTA, TARTAGLIONE, O'PAKE, ORIE, STOUT, GREENLEAF, PIPPY, MUSTO, ROBBINS, LaVALLE, WENGER, FONTANA, FERLO, EARLL, ERICKSON, M.J. WHITE, ARMSTRONG, THOMPSON, WAUGH, MELLOW,

TOMLINSON, WASHINGTON, WOZNIAK, KASUNIC and WONDERLING, by unanimous consent, offered Senate Resolution No. 164, entitled:

A Resolution recognizing the month of September 2005 as "Ovarian Cancer Awareness Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator C. WILLIAMS. Madam President, on behalf of Senator Fumo, I am pleased to offer this resolution to bring attention to the dangers and tragedies of ovarian cancer, and urge all women to make sure that they pay attention to their health needs.

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.

Senator WAUGH, by unanimous consent, offered Senate Resolution No. 165, entitled:

A Resolution recognizing Saturday, September 24, 2005, as "National Sweet Potato Day" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator WAUGH. Madam President, it is great to be back in Session, and we kick it off with some heavy duties here. We often recognize things, and in my district a constituent holds a Sweet Potato Festival at his farm, and at his request and in conjunction with National Sweet Potato Day, this resolution would recognize Pennsylvania Sweet Potato Day.

Thank you very much.

The PRESIDENT. Pennsylvania preferred.

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

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

CONDOLENCE RESOLUTION ADOPTED

Senator C. WILLIAMS, by unanimous consent, offered the following condolence resolution:

WHEREAS, The Senate of Pennsylvania mourns the loss of Thomas W. Langfitt, M.D., who passed away on August 7, 2005; and

WHEREAS, Born on April 20, 1927, in Clarksburg, West Virginia, Dr. Langfitt graduated from Princeton University in 1949, and The Johns Hopkins University medical school in 1953; and

WHEREAS, Dr. Langfitt served as Chairman of the University of Pennsylvania's neurosurgery department from 1968 to 1987, and was President of the trusts from 1987 to 1994; and

WHEREAS, While under Dr. Langfitt's leadership, The Pew Charitable Trusts was transformed from a surreptitious and little-known enterprise to a more open association seeking government reform and input from private citizens; now therefore be it

RESOLVED, That the Senate of the Commonwealth of Pennsylvania notes with sadness the passing of Thomas W. Langfitt, M.D., whose life greatly benefited all those who lived, served and worked with him; and extend heartfelt condolences to his wife, Carolyn Payne Langfitt; sons, David, John, and Frank, a brother, sister and eight grandchildren; and be it further

RESOLVED, That a copy of this document, sponsored by Senator Constance H. Williams, be transmitted to Carolyn Payne Langfitt.

On the question,
Will the Senate adopt the resolution?

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

Senator C. WILLIAMS. Madam President, it was with a heavy heart this summer that I learned of this brilliant man's death. Not only was he a leader in America in neurosurgery, he has been called the modern day father in the treatment of traumatic brain injury. He served his country as an Army doctor the year he completed his residency at Johns Hopkins University. This man, whom I was honored to count among my friends, did something else that the entire nation can be thankful for. He transformed the Philadelphia-based Pew Charitable Trusts into one of the nation's largest foundations. Dr. Langfitt took over and began to revitalize Pew in 1987, setting a standard for other charitable organizations. His belief was basic, foundations should be more responsive. The foundation sought not only citizen engagement but also government reform, and it sought the limelight, knowing that this was a means to grow both the trust and the foundation's philanthropic efforts.

Under Dr. Langfitt, Pew grew from a little-known family-run enterprise into one of the nation's largest foundations, championing such causes as childhood development, health care, and the environment. At the time of Dr. Langfitt's death, Pew had an endowment of over \$4.2 billion and ranked third in grant making in the country. Pew makes annual grants of more than \$200 million, many which benefit the citizens of the Commonwealth. Thanks to his leadership and foresight, I believe that Pew will retain this ranking for years to come.

On a more personal note, I would like to say that Dr. Langfitt was a man who truly cared about people, about his patients, about his family, and about his country. He used his own curiosity to better the field of medicine, to help children, and to make a difference in the world. He lived each day as if it were an opportunity for positive change, and that outlook was contagious. If you were around him for any amount of time, you wanted to do the same.

For the past several years, whenever I went into a meeting, a conference on children and youth in the Philadelphia area, Dr. Langfitt was there. He will be missed. We will miss him, but his memory, his legacy, and the gifts of his many talents will live on.

Thank you, Madam President.

The PRESIDENT. The resolution is in memory of Dr. Thomas W. Langfitt, the former head of the Pew Charitable Trusts.

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 Dr. Nicholas Castellucci, W. John Heard, Jean Pinto, David Blau and to John F. Reinhart by Senator Boscola.

Congratulations of the Senate were extended to the Mid-Atlantic Air Museum of Reading by Senator Brightbill.

Congratulations of the Senate were extended to Dennis Landvater by Senators Brightbill and Piccola.

Congratulations of the Senate were extended to Michael Christensen, Greg Jakubowski, Chris Shelly, David Nester, Bret S. Morris, John P. Reinhardt, Chad Block, Brian Patrick Skillman, Kevin Kline, Diane E. Teschuer, Elizabeth Lee Rice and to Christin Haberzettl by Senator Conti.

Congratulations of the Senate were extended to Mr. and Mrs. David Leader and to Pauline Ross by Senator Jubelirer.

Congratulations of the Senate were extended to Lino Marchetti by Senator Musto.

Congratulations of the Senate were extended to Mr. and Mrs. Regis Boyle and to Mr. and Mrs. Ernest Campbell by Senator Orie.

Congratulations of the Senate were extended to Reverend and Mrs. Doc R. Gilmore, William H. Nast and to Heather O'Donnell by Senator Piccola.

Congratulations of the Senate were extended to Furman Gyger, Jr., and to the Second Baptist Church of Pottstown by Senator Rafferty.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph Stas and to Tony Krance by Senator Regola.

Congratulations of the Senate were extended to the Schuylkill Symphony Orchestra by Senator Rhoades.

Congratulations of the Senate were extended to Mr. and Mrs. Roy Buck, Mr. and Mrs. James A. Carter and to Mr. and Mrs. Alfred Kochanski by Senator Stout.

Congratulations of the Senate were extended to Michael Weilbacher and to the Montgomery County Office of Aging and Adult Services by Senator C. Williams.

Congratulations of the Senate were extended to Jane Flanagan by Senators C. Williams and Hughes.

Congratulations of the Senate were extended to Mr. and Mrs. George Marsh, Mr. and Mrs. Peter C. Romanow, Mr. and Mrs. Donald Kephart, Mr. and Mrs. Francis Dukery, Mr. and Mrs. Philip Arnone, Graydon McKissick, Nicole Pennington, Alicia Wilhelm, Courtney Burke and to Holly Lyons 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 John Woodcock, Jr., by Senator Jubelirer.

Condolences of the Senate were extended to the family of the late Dr. Thomas W. Langfitt by Senator C. Williams.

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 James Edward Cali was extended to the family by Senator Boscola.

BILLS ON FIRST CONSIDERATION

Senator TARTAGLIONE. 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 358, SB 629, SB 682, SB 775, SB 869, HB 761, HB 1069, HB 1261 and HB 1435.

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

PETITIONS AND REMONSTRANCES

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

Senator HUGHES. Madam President, this past Friday I had the opportunity to participate in a press conference with our Governor at the home of the National Hospital and Health Care Workers Union in Philadelphia on Locust Street, District 1199C. First and foremost, it was great to see my colleague, Senator Tartaglione, and see her in action again and know of the outstanding progress that she is making with respect to being able to rid herself of that wheelchair and to walk. We love that and we appreciate that. That is special.

In addition to that, Madam President, in the course of the press conference and the rally with over 300 people in attendance, working people, elected officials, labor leaders, community people, religious people, all kinds of folks, the press conference was on raising the minimum wage. In the course of all of the speeches and all of the dialogue and all of the conversations that were raised, we were also reminded once again that being generous with a minimum wage worker, being generous that they are working 40 hours a week, that salary comes out to \$206 a week. That salary comes out to, in a 4-week month, a little bit over \$800, and in a 12-month, 52-week year, that salary comes out to \$10,772.

Madam President, probably the most important point that was made in the course of that press conference was the fact that at minimum wage, a minimum-wage worker makes \$2,000 less than the Federal poverty level. We have set a standard in this country of income for our individuals, our friends, our family members, those with whom we live, work, socialize, go to church, enjoy our lives, and those who help us to be the best we can be, we

have set a base salary income of \$2,000 less than the Federal poverty level. That is unacceptable. It is time now, Madam President, that this State stand up and join with so many other States across this country and so many other States that surround Pennsylvania and raise our minimum wage. It is time, Madam President, that it occur now, not later, not anymore studies, not anymore analysis, not anymore so-called hot-red thinking, but let us think about the 254,000 people who make the minimum wage right now and let us try to do something for them and their pockets. Let us help them out and let us act now. Let us move the legislation that has already been introduced, let us get some more assistance and focus and direction from our Governor who has decided to get aggressive on this issue, let us follow that lead, and let us make this thing happen before we leave here for Christmas. Let us have a great Christmas gift for the people who live and work and struggle here in Pennsylvania.

Thank you, Madam President.

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

Senator FERLO. Madam President, I was pleased just a little bit ago to join with all of my colleagues in recognizing both State and National Sweet Potato Day. I know sometimes we get picked on because we have to submit obligatory proclamations of one sort or another, nothing against the sweet potato, it is a great vegetable and food item, agriculture is a great industry, and it is right and just that we give it some recognition. But I note that the date of this event is Saturday, September 24, and I wanted to at least explain that, equally important, if not a lot more important on that date, this Saturday, at least in my district, I have over 800 to 1,000 constituents of mine who will be boarding buses at 5 a.m. and participating in a national march and rally in Washington, D.C., to protest the continued occupation and intervention in Iraq. I ask that we give that a moment of thought, regardless of partisan politics and political persuasion. I think at some point we have to sit back and reflect on what is happening in that country, what the course of action has been. Obviously, I have a strong bias. I have been fundamentally opposed to what I consider an immoral and illegal war in Iraq, a war that has diverted our attention from going after Osama bin Laden and others who are directly responsible, at least ostensibly, for the horrendous acts of September 11, just a few short years ago. This war has seen the squandering of human life, not only more than 100,000 innocent Iraqi civilians, men, women, and children, but certainly our own precious young people, men and women soldiers, who are certainly valiant, whom we honor and respect for their valor, patriotism, and dedication, and one would never make light of that. But one could reasonably argue that they are opposed to what I consider a failed policy, and still at the same time respect and pay tribute to those men and women who are serving presently, and equally important, those who have paid the ultimate sacrifice.

It would be remiss on my part if I did not point out that on September 24, far more important even than the illustrious sweet potato, there is a tremendous march on Washington to protest that failed policy.

In addition, with the backdrop of the horrific events of our own natural disaster in our country, we have seen the squandering of over \$200 billion in human resources and

financial resources for a failed policy, and I think it is important that the themes that are being projected in this march on Saturday give pause to everyone to stop and reflect on the policy that we are pursuing. Regardless of how you originally felt, regardless of what your own views are, I think it is important that we utilize that day of protest to think about where we are, and it is not a very good sign.

I am also disappointed as we come back into Session, and I will refrain from any lengthy dissertation on my feelings on the legislative pay raise, certainly a majority of my colleagues here know how I felt because I voted that way. Equally important, I am sure my Democratic Caucus Members will speak frankly about how adamant I was on that issue in the past. I am not going to get into that bill in particular, only to say that if we are going to be serious about regaining some level of confidence with our constituency and some credibility with the electorate of Pennsylvania, even before all the other policy and legislative issues on our plate, I think that at some point we need to collectively and in a bipartisan fashion seriously deal with that issue of the pay raise and other associated concerns that have been vociferously expressed by so many constituents and residents across our Commonwealth.

So the forum is not now, it is not today, but I hope in the coming days we can bring some consensus of opinion to mind and recognize that we have grown in disfavor, that there is a gap as wide as the Grand Canyon in relation to our influence and that of the electorate. I think if we are going to move on any other social or political or economic or budgetary matter that is important to our Commonwealth, I ask that we once again revisit that issue and try to get back into at least some reasonable good standing with those by whom we have been elected and are paid to serve.

I hope that we move foremost on the property tax issue. While I personally favor and I have been an advocate of Senator Logan's S.T.O.P. proposal, which I think is a reasonable approach statewide, especially the need for a continued increase of funding for public education, but at this point I am willing to entertain Senator Piccola's bill, I am willing to entertain the Commonwealth Caucus on the sales tax, and with some tweaking, I am willing to consider anything if we could act for once in a bipartisan fashion with some unanimity and some progressive stance. I certainly would be mindful of the fact that we have taken some actions in the past couple of years which I have found distasteful, and now are having their full impact. One is the so-called utility reform legislation, or rather utility deformed legislation, of just this past year, which now sees so many families being hard hit with the shut-off of their basic gas and electric utilities, and this is at a time of rising fuel prices and going into what many consider may be a very cold winter. So, I ask that we revisit that issue of utilities and how we treat our residents and consumers, recognizing that we want our utilities to remain profitable and to be able to conduct their business in Pennsylvania, but I think we need to have some sense of a heart and humanity when it comes to the hard-pressed needs of people to keep basic heat and electricity on. We are not talking about cable, which can be cut off and nobody is going to die. We are talking about a very basic, vital need for electricity and fuel for the winter.

I also ask, to the credit of my colleague, Senator Tartaglione, and other colleagues here, to move forward, at least for a discussion, on the increase of the minimum wage. I ask that we please take that issue up with some haste in the coming days. And there are a number of other issues that I am sure are dear to the hearts of all of our colleagues on both sides of the aisle, from forced overtime for nurses, to the pay raise, the property tax, the issue that I submitted regarding predatory lending reform. Whatever the issues are, can we at least work in a bipartisan fashion for closure to something progressive, something that represents progress, something that is not perceived as all of us just taking care of our own vested immediate self-interest? I hope and pray that we are able to do that in the hours and the days ahead.

Thank you, Madam President.

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR RESUMED

HB 875 CALLED UP

HB 875 (Pr. No. 2657) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Second Consideration Calendar, by Senator BRIGHTBILL.

BILL REREPORTE FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION, AMENDED

HB 875 (Pr. No. 2657) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 24, 1976 (P.L.424, No.101), referred to as the Emergency and Law Enforcement Personnel Death Benefits Act, further providing for death benefit eligibility and for definitions.

On the question,

Will the Senate agree to the bill on second consideration?

Senator BRIGHTBILL offered the following amendment No. A2900:

Amend Sec. 2 (Sec. 1), page 3, line 20, by striking out "who"

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 second consideration, as amended?

It was agreed to.

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

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, SEPTEMBER 21, 2005

Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider certain executive nominations)	Rules Com. Conf. Rm.
10:00 A.M.	PUBLIC HEALTH AND WELFARE (public hearing on Senate Bill No. 602, Clean Indoor Air Act)	Room 8E-B East Wing

**ANNOUNCEMENTS BY MAJORITY LEADER
AND MINORITY WHIP**

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

Senator BRIGHTBILL. Madam President, for the information of the Members of the Republican Caucus, we will have a caucus in the Majority Caucus Room to begin immediately.

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

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

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 Wednesday, September 21, 2005, at 11 a.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate recessed at 2:15 p.m., Eastern Daylight Saving Time.