

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

WEDNESDAY, NOVEMBER 16, 2005

SESSION OF 2005 189TH OF THE GENERAL ASSEMBLY

No. 68

SENATE

WEDNESDAY, November 16, 2005

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

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

PRAYER

The Chaplain, Reverend JOHN H. PECK, Order of Saint Benedict, of St. Paul The Apostle Church, Annville, offered the following prayer:

Let us pray.

We gather this day to direct and guide our government. We gather this day to make the lives of Pennsylvania's citizens healthier and more just. Therefore, we gather with God, who is the root of all laws and center of all decisions.

Creator of all, bless these men and women with hearts of justice, with hearts of peacemakers, with the heart of mercy, with the heart of knowledge of good and evil. Bless this day of discussions and decisions. May it lead to a year of l'shana tova, a year of good and sweet. May we find in shala God's will be done. May you see nomestae, God's light to each of us, and find pax, peace with us.

Let us pray. May the blessings of God rest upon you, may his peace abide with you, may his light illuminate your life, now and forever, Lord. Amen.

The PRESIDENT. The Chair thanks Reverend Peck, who is the guest today of Senator Brightbill.

PLEDGE OF ALLEGIANCE

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

LEGISLATIVE LEAVES

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

Senator BRIGHTBILL. Madam President, I ask for legislative leaves for Senator Madigan and Senator Punt.

The PRESIDENT. Senator Brightbill requests legislative leaves for Senator Madigan and Senator Punt.

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, the leaves will be granted.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of November 15, 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-50

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

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
GUEST OF SENATOR PATRICIA H.
VANCE PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentlewoman from Cumberland, Senator Vance.

Senator VANCE. Madam President, I am very pleased to introduce Anna Bassler, who is from Dillsburg. She is a student

at Shippensburg University and is part of the Harrisburg Internship Program. She has been in my district office the entire semester, and she is in the gallery.

The PRESIDENT. Would Anna please rise so we can all recognize you.

(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, it is indeed an honor and privilege today to introduce another participant in our Wondership Fellowship Program. Today, spending a day with me in Harrisburg is Matthew Suplicki. He is currently a senior at Souderton High School, and has been associated with our Lansdale district office over the past year, during which time he has and continues to conduct research relative to privacy issues and RFID technology, smart card technology. Matt is an outstanding young citizen, scholar, and Eagle Scout. In fact, his academic career is so superb that he is literally one year ahead of schedule as a senior at Souderton High School, serving in absentia as their class president, but intending to start college in the fall to study government and political science. So I ask for a hearty and warm welcome for Matt Suplicki.

The PRESIDENT. Would Matt Suplicki please rise so we can give you a round of applause.

(Applause.)

COMMUNICATION FROM THE GOVERNOR

NOMINATION REFERRED TO COMMITTEE

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

**MEMBER OF THE ENVIRONMENTAL
HEARING BOARD**

November 15, 2005

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Michael L. Krancer, Esquire, 844 Harristown Road, Bryn Mawr 19010, Montgomery County, Seventeenth Senatorial District, for reappointment as a member of the Environmental Hearing Board, to serve for a term of six years or until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

HOUSE MESSAGES

HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bill for concurrence, which was referred to the committee indicated:

November 15, 2005

HB 893 -- Committee on Local Government.

HOUSE RESOLUTION FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following resolution for concurrence, which was referred to the committee indicated:

November 15, 2005

HR 382 -- Committee on Environmental Resources and Energy.

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR SEAN F. LOGAN
PRESENTED TO THE SENATE**

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

Senator LOGAN. Madam President, I would like to introduce some guests in the gallery today. They are from my high school alma mater in Monroeville and Pitcairn, Pennsylvania, Gateway High School, Barbara Bain's class. If they would please rise, I ask that the Senate give them a warm welcome.

The PRESIDENT. Would the students from Gateway High School and their teachers please rise.

(Applause.)

LEGISLATIVE LEAVE

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

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

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

HOUSE MESSAGE

**HOUSE CONCURS IN SENATE
CONCURRENT RESOLUTION**

The Clerk of the House of Representatives informed the Senate that the House has concurred in the resolution from the Senate, entitled:

Weekly recess.

RESOLUTION INTRODUCED AND REFERRED

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

November 15, 2005

Senators ORIE, CORMAN, RAFFERTY, BROWNE, ERICKSON, BOSCOLA, CONTI, WENGER, VANCE, LEMMOND, WONDERLING, FONTANA, COSTA,

RHOADES and ARMSTRONG presented to the Chair SR 200, entitled:

A Resolution directing the Legislative Budget and Finance Committee to perform a study of cost control measures for the Medicaid program.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, November 15, 2005.

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 meeting of the Committee on Appropriations to be held in the Rules room, which will begin immediately. When we return to the floor, we will vote at least one of the bills that we expect to come out.

The PRESIDENT. There will be a brief recess of the Senate for a meeting of the Committee on Appropriations. For that purpose, without objection, the Senate will stand in recess.

AFTER RECESS

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

BILL REPORTED FROM COMMITTEE

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

HB 1956 (Pr. No. 3104) (Rereported)

An Act repealing the act of July 7, 2005 (P.L.201, No.44), entitled, "An act amending Titles 42 (Judiciary and Judicial Procedure), 46 (Legislature) and 71 (State Government) of the Pennsylvania Consolidated Statutes, providing for compensation; and making an inconsistent repeal"; reenacting and amending the act of September 30, 1983 (P.L.160, No.39), entitled "An act establishing salaries and compensation of certain public officials including justices and judges of Statewide courts, judges of courts of common pleas, judges of the Philadelphia Municipal Court, judges of the Philadelphia Traffic Court, district justices and the Governor, the Lieutenant Governor, the State Treasurer, the Auditor General, the Attorney General and certain other State officers and the salary and certain expenses of the members of the General Assembly; and repealing certain inconsistent acts," and further providing for members of the General Assembly; and making editorial changes.

CALENDAR

BILL WHICH HOUSE HAS NONCONCURRED IN SENATE AMENDMENTS

BILL LAID ON THE TABLE

HB 1539 (Pr. No. 3059) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, providing for public official compensation; further providing for reports to the Secretary of Revenue; establishing and providing for appropriation to the Emergency Energy Assistance Fund; and making a repeal related to public official compensation.

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

THIRD CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 713 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

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

SB 868 (Pr. No. 1332) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1929 (P.L.1798, No.591), referred to as the Forest Reserves Municipal Financial Relief Law, increasing distribution of annual charge; and making editorial changes.

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

On the question, Shall the bill pass finally?

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

YEA-49

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

NAY-1

Fumo

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

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

BILLS REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 881 and SB 897 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL OVER IN ORDER

HB 111 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL AMENDED

SB 178 (Pr. No. 1237) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act, further providing for powers and duties of the Office of Victims' Services, for Victims' Services Advisory Committee membership and for powers and duties of committee.

On the question,

Will the Senate agree to the bill on third consideration?

Senator CORMAN offered the following amendment No. A4252:

Amend Title, page 1, line 9, by removing the comma after "SERVICES" and inserting: and

Amend Title, page 1, line 10, by striking out all of said line and inserting: membership.

Amend Sec. 2 (Sec. 321), page 6, line 7, by striking out "16" and inserting: 17

Amend Sec. 2 (Sec. 321), page 6, line 15, by striking out "TEN" and inserting: Eleven

Amend Sec. 3, page 6, lines 29 and 30; page 7, lines 1 through 30; page 8, lines 1 through 22, by striking out all of said lines on said pages

Amend Sec. 4, page 8, line 27, by striking out "4" and inserting: 3

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 ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 629 (Pr. No. 1371) -- The Senate proceeded to consideration of the bill, entitled:

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

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 gentlewoman from Venango, Senator Mary Jo White.

Senator M.J. WHITE. Madam President, I intend to vote against this bill, and I ask my colleagues to consider joining me. We are amending Title 18 to provide that an assault on certain people, because of their employment, automatically raises the

level to an aggravated assault, and we move the offense from a simple assault to an aggravated assault, with significantly higher penalties. This started out with officers of the courts, police officers, firefighters, and the list has grown steadily. It seems every Session we add people. We added judges, deputy attorneys general, law enforcement officials, public defenders, parking officers, magisterial district justices, constables, psychiatric aids, school board members, teaching staffs, and no offense, Governor, but we added the Lieutenant Governor and the Governor, as well as ourselves, Members of the General Assembly. Then we got into the Department of Environmental Protection employees, private detectives, people working in Children and Youth Services, public utility employees, and now we are adding mass transit. It is getting to the point where the list would be shorter if we just have the people for whom a simple assault is a simple assault.

If you want to talk about dangerous occupations, pizza delivery people have dangerous occupations when they have to go into bad neighborhoods at night with cash in their pockets. Maybe next we should add taxi drivers and pizza delivery persons. I think this has absolutely gotten out of control. We do not need more special victims. An assault is an assault, and I think the law should remain as it is.

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-42

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

NAY-8

Corman	Ferlo	Waugh	White, Mary Jo
Earll	Vance	White, Donald	Wonderling

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 NOAH W. WENGER PRESENTED TO THE SENATE

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

Senator WENGER. Madam President, I am pleased to have guests visiting us from my senatorial district in Kinzers, Lancaster County. They are a group of seniors from the Faith Mennonite High School in Kinzers. They are accompanied by their principal, Mr. Jonathan Souder, and they are in the gallery today. They have been touring the Capitol, and I wish to give them the usual and customary Senate welcome to our great State Capitol.

The PRESIDENT. Would the guests from the Lancaster High School and their principal, Mr. Souder, please rise so we can give you a nice warm welcome on behalf of Senator Wenger. (Applause.)

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILL LAID ON THE TABLE

SB 178 (Pr. No. 1374) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 24, 1998 (P.L.882, No.111), known as the Crime Victims Act, further providing for powers and duties of the Office of Victims' Services and for Victims' Services Advisory Committee membership.

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

SB 178 TAKEN FROM THE TABLE

Senator BRIGHTBILL. Madam President, I move that Senate Bill No. 178, Printer's No. 1374, be taken from the table and placed on the Calendar.

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

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

BILLS OVER IN ORDER

SB 895, HB 1049 and HB 1400 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION AND RECOMMITTED

SB 995 (Pr. No. 1370) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for registration of snowmobile or ATV.

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

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

BILL REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

HB 1057 (Pr. No. 3103) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the issuance of identification cards for retired law enforcement officers; and providing for the powers and duties of law enforcement agencies and the Municipal Police Officers' Education and Training Commission.

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

BILL LAID ON THE TABLE

HB 87 (Pr. No. 81) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of January 19, 1968 (1967 P.L.992, No.442), entitled, as amended, "An act authorizing the Commonwealth of Pennsylvania and the local government units thereof to preserve, acquire or hold land for open space uses," defining "municipal corporation"; further providing for property acquired in fee simple and for local taxing option; and making an editorial change.

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

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 163 (Pr. No. 3118) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, further providing for compensation rates.

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

HB 87 TAKEN FROM THE TABLE

Senator BRIGHTBILL. Madam President, I move that House Bill No. 87, Printer's No. 81, be taken from the table and placed on the Calendar.

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

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

BILLS OVER IN ORDER

SB 170, HB 213 and SB 303 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION

SB 394 (Pr. No. 401) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 29, 1956 (1955 P.L.1804, No.600), referred to as the Municipal Police Pension Law, further providing for payments under existing pension plans for service increments to pensions of police officers.

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

BILLS OVER IN ORDER

SB 435, SB 563, SB 618, SB 655, SB 660, SB 733, SB 798, SB 838, SB 845, SB 856 and SB 860 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION

SB 987 (Pr. No. 1297) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Centre County Industrial Development Corporation, certain lands situate in Benner Township, Centre County.

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

BILLS OVER IN ORDER

SB 999 and HB 1686 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION
AND REREFERRED

HB 2082 (Pr. No. 3117) -- The Senate proceeded to consideration of the bill, entitled:

An Act establishing spending limitations on the Commonwealth; providing for the disposition of surplus funds; and making a repeal.

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

SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 1BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 1956 (Pr. No. 3104) -- The Senate proceeded to consideration of the bill, entitled:

An Act repealing the act of July 7, 2005 (P.L.201, No.44), entitled, "An act amending Titles 42 (Judiciary and Judicial Procedure), 46 (Legislature) and 71 (State Government) of the Pennsylvania Consolidated Statutes, providing for compensation; and making an inconsistent repeal"; reenacting and amending the act of September 30, 1983 (P.L.160, No.39), entitled "An act establishing salaries and compensation of certain public officials including justices and judges of Statewide courts, judges of courts of common pleas, judges of the Philadelphia Municipal Court, judges of the Philadelphia Traffic Court, district justices and the Governor, the Lieutenant Governor, the State Treasurer, the Auditor General, the Attorney General and certain other State officers and the salary and certain expenses of the members of the General Assembly; and repealing certain inconsistent acts," and further providing for members of the General Assembly; and making editorial changes.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

Senator BRIGHTBILL. Madam President, we are here to correct a mistake. As one of the people who exercised poor judgment, I would like to apologize, first and most importantly to my constituents, the residents of the 48th Senatorial District, and secondly to the Members of the Republican Caucus. You all trusted me to exercise good judgment, and I did not. I am sorry.

Next, Madam President, we need to make reference to the Pennsylvania Constitution, Article V, Section 16(a), which is designed to keep people like us, legislators, from exercising undue influence on the courts or interfering with the operation of the judiciary, and it is designed to do this by preventing us from punishing them. The judiciary needs to be able to exercise independent judgment. The Founders envisioned that a time might come when the General Assembly would try to impose sanctions upon the courts by lowering their salaries. This is not an unreasonable concern. That is not, however, what is occurring here today with House Bill No. 1956, Printer's No. 3104, which will return all of us - legislators, the executive branch, and the courts - to where we were in terms of compensation prior to July 7, 2005. This is not intended to be punitive. This is intended to rectify a mistake.

The Constitution says, in referencing our courts: "Their compensation shall not be diminished during their terms of office, unless by law applying generally to all salaried officers of the Commonwealth." The Constitution places the duty of setting compensation for all three branches of government with the General Assembly. As a result, we voted a pay raise for the salaried officers of the Commonwealth. It was done at a time when separate treatment of judicial salaries was not an issue.

Determinations were made regarding who would constitute salaried officers, and they are the officers in the class, including judges, for compensation purposes. Now we are diminishing the salaries of the same class. It is a law applying generally, without exception. No salaried officers will receive less as a result of this legislation than they would have if Act 44 had not been enacted. No group of salaried officers has been singled out for diminishment or other special treatment.

Our action here today of diminishing these salaries meets the test of Article V, Section 16(a). The record is clear that these reductions are intended to apply generally and not impact in any way on the independence of the judiciary. My plea here is that the statute be construed in accordance with the traditional presumption of constitutionality, there being no fact or circumstance on the record to change that longstanding presumption.

Thank you, Madam President.

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

Senator LOGAN. Madam President, I urge an affirmative vote on House Bill No. 1956. Two weeks ago the Senate unanimously approved an amendment I sponsored to repeal the entire pay raise for legislators, cabinet officials, and judges. This legislation today largely mirrors my proposal, and will effectively eliminate last summer's pay raise in its entirety. Madam President, today's vote will clearly demonstrate that an active and involved public is what makes democracy work.

Now it is time to get back to work on equally crucial issues, like cutting property taxes, raising the minimum wage, and making health care more affordable for working families and senior citizens.

Thank you, Madam President.

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

Senator FERLO. Madam President, in the interest of time and given all the debate and discussion that has gone on for days and weeks and months preceding this vote, I will try to be succinct and brief.

It is high noon in the State Senate and the State Capitol, and we are not going to be looking to the back door for Errol Flynn or Randolph Scott to enter the room, because that is not going to happen, that only happens in the movies. But I think what has entered the door, at least in this Chamber, if not in the House as well, is the vociferous tide of what I would characterize, as I did a week ago, of a very principled and creative protest by thousands of Pennsylvanians from all 67 counties. People spoke up about what they thought was an inappropriate salary increase, not only in the dollar figure, but certainly the manner in which it had taken place. I think that protest has led us, appropriately, to the action today. I think the action of a week ago in the Senate appropriately moved the legislation that we did to repeal the pay raise, inclusive of the severability clause, recognizing as Senator Brightbill eloquently spoke about in terms of Article V, Section 16(a), I believe is the right and appropriate thing to do.

I do want to thank the leadership of the Senate here today on both sides of the aisle, as well as the House leadership on both sides of the aisle, of coming to one commonality and one appropriate approach as to how we truly repeal the pay raise in

its entirety and how we do it in a manner that is legally defensible and appropriate. So I want to thank the leadership, and I am glad that we are all on the same page today as we vote to affirm this repeal. But, I think because it is not stated clearly enough in the actual repeal legislation today, that there should be a clear statement of findings by at least this one Senator that it is the intent that there be uniformity in repealing the pay raise and that we take back the time to July 6, the day before the vote on the pay raise. This has nothing to do with any inappropriate activity on the legislature to hamstring or dissuade the independent judiciary from doing anything they want to do. That is already defined, thank God, by the Pennsylvania State Constitution, but it is clearly our intent to make sure that all three bodies of government do not benefit from the pay raise. So I just want to put that on the record, because I am sure this is a continuing chapter for at least another branch of government outside the Senate and the House, and I think we should at least make it clear what our intent is.

Now a week ago I spoke about repent and repeal, and there has been enough of that, and I am not going to dwell on that point, but I also spoke about the issue of reform, and I do not think we can have the two-thirds of the equation here today. I think we at least need to enter into the public record some level of discussion and discourse on the issue of reform, because whether we like it or not, what has sparked anew is the sense of advocacy and the expression of folks across the State as to the manner in which the State House and the Senate and the legislature itself indeed operates. I do not think we can just move on with repent and repeal without at least framing some issues for further consideration on the issue of the reform of the institution itself. I want to just dwell very briefly on the issue of institutional change and not so much the issue of constitutional change, because I think really what is at play here today is more the need for institutional change in the days and weeks and months ahead, and less focus on long-range constitutional change. I, for one, am fearful of reinstating a constitutional convention. For different reasons, I would be a little fearful of what might come out of that, to be quite honest with you. I think we should focus immediately on institutional change.

I am not going to be specific, other than to talk about some categories, but I do think it is appropriate that we find, through the leadership of the House and Senate on both sides of the aisle, some appropriate way for us to look at the issue that is being debated about the size of the legislature, because I think some are quick to say, let us just reduce the size of the legislature. There are a lot of issues at play here in terms of whether or not there is adequate representation, fairness, and balance in terms of the political parties that are represented in the House and the Senate, and whether or not there is a full complement of the opinions of the Commonwealth residents. I am particularly concerned about whether or not urban areas will continue to be fairly represented in the legislative bodies if we just gerrymander and redo the manner in which the elections take place and the size of the districts, and the sort. So there are a lot of actual key, important issues that people need to think about. I know people are angry and want to be quick to judgment, but I ask that there be a lot more deliberative thought when we throw around various issues, and that we take the time to actually engage the public in some

spirited and creative debate. My challenge to all the political pundits out there today, including the editorialists, is to start thinking about this issue and not just with cheap one-liners, but help us work through, with the electorate, to find an appropriate way to have some meaningful dialogue on these issues.

The cost of the legislature is an issue, and I think we need to deal with it, and I do not think we should run and hide from that. There is an issue that has been raised, and I think an appropriate one, about the manner in which the legislative branch carries over fund balances. I think there are reasons why we want to maintain our independence and want to be safeguarded from the executive branch on the carryover of the balances, but to the extent that they are of such magnitude and lack transparency, I think that is a fair and legitimate issue for the leadership to try to struggle with.

The leadership of the Senate, thanks to Senator Jubelirer, clearly states in Senate Bill No. 1 regarding disclosure of lobbyists, which pretty much went silent in the House, if I am not mistaken. So we took leadership, went to the plate and did the appropriate thing, but it is the adopted rules of the Senate that really need to be codified into law in statute in the Commonwealth. I ask that we renew that battle with the House, and that they also step up to the plate on this issue of ethics of public disclosure of lobbyists. There needs to be fuller transparency, and I do not care if they are Jim Ferlo's expenditures for my staff or office or rent or car mileage, or anything else I have. I think it is appropriate that the public know any tax dollar that is being spent, and that includes the leadership, for dinners and events, or anything else. It is a tax dollar. I do not understand how individuals, especially some in other chambers, can get away with saying the public does not have a right to know why those dollars are expended. I am totally perplexed and I cannot understand that.

I also think there is some legitimacy in hard economic times for us to at least discuss the level of privileges and perks and benefits that we get as elected officials, and that is the issue of health care. I benefit greatly. I have diabetes, and I have had a lot of serious hospitalizations the past 2 years. I have seen the bills. I benefit a lot from that. I am not unreasonably disposed to contributing some level of percentage back to health care, but I think it should be part of an institutional change by all Members of the elected Senate and House. I also think there is an issue that has been raised about the sine die Sessions and what appropriate actions we take in the twilight hours of the legislature, and whether or not the incoming new Members of the elected body should not be moving on significant issues. Obviously, there will be emergency issues, issues that come into play, but I think that is a serious public debate that we should engage with our constituencies.

So, again, I am just throwing these open to put the third leg of the stool out there, and that is the issue of reform. I hope that the leadership and all of our colleagues in the Senate take to heart some of these issues and find some appropriate way for us to actually engage in a principled dialogue with the electorate on these kinds of matters.

With that, thank you for your patience, Madam President.

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

Senator BOSCOLA. Madam President, passing this bill today is the right thing to do, and it just has to be the beginning as well. The legislative pay raise destroyed the reputation of this legislature, and that is a fact. A lot of people lost faith in their State legislature to do the right thing. Now all of us, all of us share the responsibility to earn back the public's trust by our actions, by our examples, not just by our words. We have a great opportunity with the Special Session on property tax reform to do just that for the people, by working together, Democrats and Republicans, in a responsible way, passing something that really means something to the people back home on property tax relief. This is our opportunity, and I want to be out there showing an example of how this legislature can work together in a great way to do the right thing.

Madam President, you cannot clean up a category-five manmade disaster overnight. It is going to take a long time and a lot of work. But we do owe it to the people of Pennsylvania to work together and rebuild what has been destroyed, and we owe it to this institution to earn back the trust of the people whom we represent, no matter how long that takes. People have every right to expect us to do things right and to do the right thing. I hope we never forget that.

Thank you, Madam President.

The PRESIDENT. The Chair recognizes the gentleman from Fayette, Senator Kasunic.

Senator KASUNIC. Madam President, today's action will hopefully be the final chapter in this controversial and divisive pay raise issue. Citizens' voices were heard loud and clear throughout this Commonwealth, and the legislature listened. As I said when the Senate approved my colleague Senator Logan's repeal legislation last week, the General Assembly's action is a testament to the power of democracy and what an engaged public can accomplish. Today's action clearly proves this is a government of the people, by the people, and for the people, not a government of the Democratic Party or the Republican Party, but truly a government of the people.

Madam President, I am confident today's action will spur a new era of openness and a renewed cooperative effort to solve Pennsylvania's most pressing problems. By this action today, I am sure that we will be back on track to gain the respect and earn back the trust of the people of this Commonwealth. Madam President, now it is time to step forward and deliver on such promises as property tax relief to all Pennsylvanians. Now is the time to shore up a program that provides heating aid to the poor. Now is the time for solving Pennsylvania's health care crisis and ensure that all of our citizens have access to decent health care and prescription drugs that they need to live a healthy and active life.

Madam President, the citizens showed us today what they can do. Now it is time for us to step forward and show them what we can do for them.

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-50

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

NAY-0

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

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

**UNFINISHED BUSINESS
SENATE RESOLUTION ADOPTED**

Senators STACK, BOSCOLA, ROBBINS, KASUNIC, PIPPY, KITCHEN, FERLO, C. WILLIAMS, COSTA, TARTAGLIONE, BRIGHTBILL, O'PAKE, ERICKSON, MUSTO, CONTI, WENGER, RAFFERTY, MELLOW, STOUT, ORIE, REGOLA, FONTANA, PILEGGI, LaVALLE, SCARNATI, LEMMOND, GREENLEAF and WONDERLING offered **Senate Resolution No. 203**, entitled:

A Resolution observing the month of November 2005 as "Lung Cancer Awareness Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator STACK. Madam President, I rise today to ask my Senate colleagues for approval of a resolution designating November 2005 as "Lung Cancer Awareness Month" in Pennsylvania. Lung cancer is a terrible disease. It is the leading cause of death from cancer in the United States among both men and women. In 2004, 160,000 people passed away from lung cancer. The leading causes of lung cancer are smoking, secondhand smoke, radon, and on-the-job exposure to carcinogens. Too many people contract this terrible disease, and far too many people pass away from lung cancer. Awareness and education about lung cancer causes and prevention is necessary to reduce the incidence of this disease. It is my hope that the Senate will help raise awareness of this disease by unanimously passing this resolution.

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.

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 Robert J. Bodnar, Andrew J. Sherwood and to Ronald M. Lawhead by Senator Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. Donald Foltz, Kenneth R. Noble and to William T. Bleistein by Senator Brightbill.

Congratulations of the Senate were extended to Mr. and Mrs. Paul A. Kahler and to Mark Allen Kresh, Jr., by Senator Browne.

Congratulations of the Senate were extended to Troy D. Gaerthe, Hannah Lockwood, Lindsey Norden, Adita Peri, Samantha Gougher and to Haley Blair by Senator Conti.

Congratulations of the Senate were extended to Mr. and Mrs. Mario Sansosti by Senator Costa.

Congratulations of the Senate were extended to Justin Robert Sonntag by Senator Erickson.

Congratulations of the Senate were extended to Philip Carroll, David Dadura, Samuel G. Sadler, Jr., Don McMonagle and to John Bidey by Senator Fumo.

Congratulations of the Senate were extended to Mr. and Mrs. Andrew C. Donaldson, Jr., Mr. and Mrs. Ray Homiak, Mr. and Mrs. Roland Seward, Mr. and Mrs. Gary Laubach and to the Shiloh United Church of Christ by Senator Gordner.

Congratulations of the Senate were extended to Michael T. Weglinski, Mike Lovecchio and to the Jarrettown United Methodist Church by Senator Greenleaf.

Congratulations of the Senate were extended to the Reverend Paul R. Lee by Senator Kitchen.

Congratulations of the Senate were extended to Jason R. Jolley and to the Dallas High School Girls' Cross Country Team by Senator Lemmond.

Congratulations of the Senate were extended to Joseph Molinaro by Senator Logan.

Congratulations of the Senate were extended to Justin A. Herb and to the Reading Buccaneers Drum and Bugle Corps by Senator O'Pake.

Congratulations of the Senate were extended to Bruce A. Hallman by Senators O'Pake and Rafferty.

Congratulations of the Senate were extended to Myrle K. Hagy II by Senator Piccola.

Congratulations of the Senate were extended to Mr. and Mrs. Frank Moroney, John A. Arrell and to Jeremy Christian Rafter by Senator Pileggi.

Congratulations of the Senate were extended to Elizabeth Albitz by Senator Rafferty.

Congratulations of the Senate were extended to the 69th Pennsylvania Volunteer Infantry by Senator Rafferty and others.

Congratulations of the Senate were extended to Evan E. New and to Alinia Jayereski by Senator Rhoades.

Congratulations of the Senate were extended to Monica Fisher, Nicole Frederick and to Leah Danielson by Senator Rhoades and others.

Congratulations of the Senate were extended to FEMCO Machine Company of Punxsutawney by Senator Scarnati.

Congratulations of the Senate were extended to Freda Novack and to the Ascension Mar Thoma Church of Philadelphia by Senator Stack.

Congratulations of the Senate were extended to Mr. and Mrs. Gerard McTear by Senator Thompson.

Congratulations of the Senate were extended to Jessica Richmond and to Ernest Wichterman by Senator Tomlinson.

Congratulations of the Senate were extended to Clyde McGeary, Erla Stump, Glenn Martin, Clifford L. Jones, Dennis L. Slopey and to the Greater Pennsylvania Chapter of the Alzheimer's Association of Harrisburg by Senator Vance.

Congratulations of the Senate were extended to Honorable Mervin L. Dubs and to the Honorable Vera J. Heilman by Senator Waugh.

Congratulations of the Senate were extended to Richard D. McAlevy by Senator Wenger.

Congratulations of the Senate were extended to Benjamin Lombard by Senator D. White.

Congratulations of the Senate were extended to James Harper, Honorable Louise Williams Bishop and to the Honorable Jannie L. Blackwell by Senator A.H. Williams.

Congratulations of the Senate were extended to Samuel McClay and to the Radnor United Methodist Church by Senator C. Williams.

Congratulations of the Senate were extended to Malcolm and Janet Gross and to Dr. Om P. Sharma by Senator Wonderling and others.

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 Daniel A. Disabato and to the family of the late Robert L. Smith by Senator Jubelirer.

Condolences of the Senate were extended to the family of the late Joseph A. Boros by Senator Orie.

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 Patti Murray was extended to the family by Senator Vance.

BILL SIGNED

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

HB 1956.

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, November 21, 2005, at 2

p.m., Eastern Standard Time.

The motion was agreed to by voice vote.

The Senate recessed at 12:33 p.m., Eastern Standard Time.