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WEDNESDAY, DECEMBER 7, 2005

SESSION OF 2005 189TH OF THE GENERAL ASSEMBLY

No. 73

SENATE

WEDNESDAY, December 7, 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 SCHAEFER, of Grace United Methodist Church, Hummelstown, offered the following prayer:

Let us pray.

We turn to You this day, O God, to ask You to be a part of every word that is spoken and every action that is taken. We pray for Your guidance, that You will know the right path to follow. We pray for Your wisdom, that we may have meaningful discussions and make the best decisions for all concerned. We pray for Your discernment, that we will know what is good and just in Your eyes and act accordingly.

May we be women and men who love Your people and can walk with them, who feel their pain and share their joys, who dream their dreams and strive to accompany them to their common goal. Inspire us to serve Your people with integrity, commitment, compassion, and sincerity. Undergird us with the strength and resolve we may need to make the tough decisions that will affect our State for the good. We know we have been entrusted with great responsibilities, so we pray that You will walk with us in order that our work will not be in vain. May our efforts better the life of our citizens, earn the respect of our constituents, and instill a sense of loyalty and pride into this great State.

We pray for our President, our Governor, and all government officials who serve our country and the great State of Pennsylvania. We pray all these things in Your holy name. Amen.

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

PLEDGE OF ALLEGIANCE

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

LEGISLATIVE LEAVES

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

Senator PICCOLA. Madam President, I request legislative leaves for Senator Madigan, Senator Punt, Senator Thompson, Senator Tomlinson, Senator Wenger, and Senator Armstrong.

The PRESIDENT. Senator Piccola requests legislative leaves for Senator Madigan, Senator Punt, Senator Thompson, Senator Tomlinson, Senator Wenger, and Senator Armstrong. Without objection, the leaves will be granted.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

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

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

LEAVE OF ABSENCE

Senator PICCOLA asked and obtained a leave of absence for Senator EARLL, 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 December 6, 2005.

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

Senator PICCOLA. 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 PICCOLA and were as follows, viz:

YEA-49

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.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fontana	Musto	Stout	Wozniak
Fumo	O'Pake	Tartaglione	
Gordner	Orie	Thompson	
Greenleaf	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
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 am delighted and honored today to introduce yet another participant of our Wondership Program, which is designed to provide high school and college students an opportunity to conduct research and assist us both here in Harrisburg and in the district office.

Today it is my pleasure to introduce Lauren Phelps, a junior at Lafayette College. She has been working for several months in our Easton District Office conducting all shape and manner of research, particularly as it relates to technology issues. She intends to study abroad next year as a government and law student, and she will be moving on to the University of Queensland in Australia. She is a sprinter on the varsity track team, and upon her graduation from Lafayette in the next year or so, she hopes to attend law school.

So, Madam President, I ask that we offer our traditional hearty welcome to Lauren Phelps.

The PRESIDENT. Will Lauren Phelps please rise so we can give you a nice warm welcome.

(Applause.)

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILLS

The Clerk of the House of Representatives returned to the Senate **SB 539** and **596**, with the information the House has passed the same without amendments.

**HOUSE CONCURS IN SENATE AMENDMENTS
TO HOUSE BILL**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 1057**.

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 712**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule XIV, section 5, this bill will be referred to the Committee on Rules and Executive Nominations.

BILLS SIGNED

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

SB 539, SB 573, SB 596 and HB 1057.

DISCHARGE RESOLUTION

Senators HUGHES and TARTAGLIONE offered **Discharge Resolution No. 1**, which was read as follows:

A RESOLUTION

Discharging Committee on Labor and Industry from further consideration of Senate Bill No. 926, Printer's No. 1217.

RESOLVED, That Senate Bill No. 926, Printer's No. 1217, entitled "An Act amending the act of January 17, 1968 (P.L. 11, No. 5), entitled 'An act establishing a fixed minimum wage and overtime rates for employees, with certain exceptions; providing for minimum rates for learners and apprentices; creating a Minimum Wage Advisory Board and defining its powers and duties; conferring powers and imposing duties upon the Department of Labor and Industry; imposing duties on employers; and providing penalties,' further providing for minimum wage," having been referred to the Committee on Labor and Industry on October 13, 2005, and the committee not having reported the same to the Senate for a period of over ten legislative days, the committee is discharged from further consideration thereof.

The PRESIDENT. This resolution will appear on the Calendar.

RECESS

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

Senator PICCOLA. Madam President, at this time I request a recess of the Senate for the purpose of a Republican caucus in the first floor caucus room.

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

Senator O'PAKE. Madam President, there is no need for the Democrats to caucus at this time, and we hope the Republicans will be back in a reasonable amount of time.

The PRESIDENT. Without objection, for the purpose of a Republican caucus, the Senate stands in recess.

AFTER RECESS

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

CALENDAR

SB 1034 CALLED UP OUT OF ORDER

SB 1034 (Pr. No. 1398) -- Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator BRIGHTBILL, as a Special Order of Business.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 1034 (Pr. No. 1398) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 7, 2005 (P.L. , No. 1A), increasing the State appropriation for payment of law enforcement officers' and emergency response personnel death benefits.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-49

Armstrong	Hughes	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.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fontana	Musto	Stout	Wozniak
Fumo	O'Pake	Tartaglione	
Gordner	Orie	Thompson	
Greenleaf	Piccola	Tomlinson	

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.

LEGISLATIVE LEAVES CANCELED

The PRESIDENT. Senator Armstrong and Senator Wenger have returned, and their legislative leaves will be cancelled.

LEGISLATIVE LEAVE

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

Senator BRIGHTBILL. Madam President, I ask for a temporary Capitol leave for Senator Lemmond.

The PRESIDENT. Senator Brightbill requests a temporary Capitol leave for Senator Lemmond. Without objection, the leave will be granted.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

HB 163 -- 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 736 (Pr. No. 1411) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for definitions and for regulations; and providing for applicability on certain uncertified buildings.

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

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.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fontana	Musto	Stout	Wozniak
Fumo	O'Pake	Tartaglione	
Gordner	Orie	Thompson	
Greenleaf	Piccola	Tomlinson	

NAY-0

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

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

BILLS OVER IN ORDER

SB 170, SB 563 and SB 856 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL AMENDED

SB 881 (Pr. No. 1402) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 26 (Eminent Domain) of the Pennsylvania Consolidated Statutes, providing for limitations on the use of eminent domain; and making a related repeal.

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

Senator PICCOLA offered the following amendment No. A4908:

Amend Sec. 1 (Sec. 203), page 4, by inserting between lines 8 and 9:

(4) The exercise of eminent domain within a city of the first or second class in areas that were certified, on or before the effective date of this chapter, as blighted under section 2 of the act of

May 24, 1945 (P.L.991, No.385), known as the Urban Redevelopment Law. This paragraph shall expire December 31, 2012.

(5) The exercise of eminent domain by a home-rule county of the second class A, or a municipality located therein, in areas that were certified, on or before the effective date of this chapter, as blighted under section 2 of the Urban Redevelopment Law. This paragraph shall expire December 31, 2012.

Amend Sec. 1 (Sec. 204), page 4, line 19, by striking out "The" and inserting: (i) the

Amend Sec. 1 (Sec. 204), page 4, line 20, by removing the period after "enterprise" and inserting
; or

(ii) the condemnee does not file or does not prevail on preliminary objection filed to a declaration of taking for the acquisition of condemnee's property.

Amend Sec. 1 (Sec. 204), page 5, lines 27 and 28, by striking out all of said lines and inserting

(iii) the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625, 42 U.S.C. § 12701 et seq.);

Amend Sec. 1 (Sec. 205), page 8, by inserting between lines 26 and 27:

(12) A property having three or more of the following characteristics:

(i) has unsafe or hazardous conditions that do not meet current use, occupancy or fire codes;

(ii) has unsafe external and internal accessways;

(iii) is being served by an unsafe public street or right-of-way;

(iv) violates the applicable property maintenance code adopted by a municipality and is an immediate threat to public health and safety;

(v) is vacant;

(vi) is located in a redevelopment area with a density of at least 1,000 people per square mile or a redevelopment area with more than 90% of the units of property being nonresidential or a municipality with a density of at least 2,500 people per square mile.

Amend Sec. 1 (Sec. 205), page 8, line 29 and 30; page 9, lines 1 through 12, by striking out all of said lines on said pages and inserting:

(1) For purposes of acquiring multiple units of property by eminent domain, a condemnor is authorized or permitted to declare an area, either within or outside of a redevelopment area, to be blighted only if:

(i) a majority of the units of property meet any of the requirements under subsection (b) and represent a majority of the geographical area; or

(ii) properties representing a majority of the geographical area meet one or more of the conditions set forth in subsection (b)(1) through (11) or satisfy the conditions of subsection (b)(12) that are necessary for a condemnor to declare them blighted under subsection (b) and at least one-third of the units of property meet two or more of the requirements under subsection (b)(1) through (11) or satisfy the conditions of subsection (b)(12) and one or more of the requirements under subsection (b)(1) through (11).

(2) A condemnor may use eminent domain to acquire any unit of property within a blighted area so declared pursuant to this section.

(3) Properties owned by the condemnor within such geographical area may be included in any calculation of whether such units constitute a majority of the geographical area under this subsection.

(4) For purposes of this subsection, a building containing multiple condominium units shall be treated as one unit of property.

Amend Sec. 4, page 11, line 4, by striking out "60" and inserting:

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 897 (Pr. No. 1369) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 26 (Eminent Domain), 42 (Judiciary and Judicial Procedure) and 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, adding provisions relating to eminent domain; and making related repeals.

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

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.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fontana	Musto	Stout	Wozniak
Fumo	O'Pake	Tartaglione	
Gordner	Orie	Thompson	
Greenleaf	Piccola	Tomlinson	

NAY-0

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

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

BILL OVER IN ORDER

HB 1686 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 656 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

HB 1690 (Pr. No. 3218) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for unlawful devices and methods and for license requirements.

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

BILLS OVER IN ORDER

HB 87, HB 213, SB 660 and SB 770 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILLS ON SECOND CONSIDERATION

SB 811 (Pr. No. 1234) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 31, 1971 (P.L.398, No.96), known as the County Pension Law, further providing for transfers between certain classes and for additional class options.

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

HB 894 (Pr. No. 2133) -- 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 program of continuing professional development.

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

BILL OVER IN ORDER

SB 936 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

RECESS

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

Senator BRIGHTBILL. Madam President, I ask for a 5-minute recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations, which will be held immediately in the Rules room.

The PRESIDENT. There will be a 5-minute recess of the Senate for a meeting of the Committee on Rules and Executive Nominations. Without objection, the Senate stands in recess.

AFTER RECESS

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

BILLS REPORTED FROM COMMITTEES

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

HB 2041 (Pr. No. 3284) (Amended)

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, further providing for the Patient Safety Authority; establishing the Health Care Provider Retention Program and the Health Care Provider Retention Account; and repealing provisions relating to the Health Care Provider Retention Program and the Health Care Provider Retention Account in the Public Welfare Code.

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

SB 157 (Pr. No. 1413) (Rereported) (Concurrence)

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; providing for local services taxes; repealing provisions relating to emergency and municipal services taxes and to continuation of occupational privilege taxes; and making editorial changes.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 1

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 881 (Pr. No. 1414) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 26 (Eminent Domain) of the Pennsylvania Consolidated Statutes, providing for limitations on the use of eminent domain; 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 Dauphin, Senator Piccola.

Senator PICCOLA. Madam President, this afternoon the Senate is taking up Senate Bill No. 881, which is a major reform to our eminent domain law here in Pennsylvania. Eminent domain is a very significant power that we give under our Constitution to local government and State government where government can take property from a private citizen for just compensation for a public purpose. Back in June, the United States Supreme Court, in a case referred to as *Kelo v. New London, Connecticut*, found that eminent domain can, in fact, not only apply to what we would legitimately call a public purpose, such as roads, highways, bridges, and public buildings, but it could also apply where one private citizen's private property is taken by the government and turned over to another private citizen for the purpose of eco-

conomic development simply because that second citizen could utilize that property in a more profitable way and perhaps produce more tax revenues for local government. This notion of transferring private property from one citizen to another private citizen for the purpose of economic development is, as a general rule, outrageous, and it shocked the conscience of many citizens here in our Commonwealth. Just think of it in personal terms, Madam President. Mrs. Kelo was a homeowner with property that was well maintained in a middle-class neighborhood, and her property had been in her family for a number of generations, and the government in New London, Connecticut, was coming through and taking her private property, along with many other businesses similarly well maintained, and other private homes also well maintained, and turned them over to a private developer for the purpose of building office buildings and hotels.

I can identify with that, Madam President, having grown up in a home my mom still lives in, which my dad built, and the prospect of a government coming in and taking that property just has to tear at your heartstrings, if you think about it. Our Constitution was designed to protect that kind of private property and only allow the government to step under some very narrow circumstances. The good news under the decision, however, Madam President, is that the court said that State legislatures could write laws to provide additional protections for private property owners, and that is what we are doing here today. In fact, Justice Stevens of the United States Supreme Court, who authored the *Kelo* majority opinion, actually said publicly that if he were a State legislator, he would vote to provide property owners with greater protection.

Well, Justice Stevens is not a legislator, but we are, and we can provide additional protections to private property owners under the provisions of Senate Bill No. 881, the Property Rights Protection Act, and I urge that the Senate pass this bill today.

In a nutshell, Senate Bill No. 881 provides for several important protections. First, it prohibits, with some exceptions, the use of the power of eminent domain to take private property in order to use it for private commercial purposes. In other words, eminent domain cannot be used for economic development without a finding of blight. It is important, Madam President, that we are defining very carefully the limits upon which the power of eminent domain can be used, and this bill should be broadly construed to protect the rights of property owners.

Secondly, Madam President, this bill reforms and tightens the definition of blight that can be used in any condemnation in the Commonwealth, and particularly, "It reforms the definition of blight that is used in the current urban redevelopment law that allows for a declaration of blight for reasons as vague and subjective as economically or socially undesirable land uses," and that is a quote right from the act. Madam President, we have to tighten that definition. We have tightened that definition in this law, and that law can no longer be used to take ordinary neighborhoods for private developments.

Under the Property Rights Protection Act, Senate Bill No. 881, blight will be restricted to its more traditional definitions, matters of health, safety, abandonment, severe tax delinquency of unoccupied property. No longer will we be dealing with these subjective notions of economically and socially undesirable land use. They will be objective definitions of blight.

I believe, Madam President, that the reforms contained in Senate Bill No. 881 will go a long way in preventing the type of situation that occurred in the *Kelo* case, and with the votes here today, the lawmakers of Pennsylvania can say that we have protected the cherished values that underlie the words in that old saying that appeared in movies and songs, "Be it ever so humble, there's no place like home."

Madam President, I want to take this opportunity to thank many groups here in Pennsylvania that are supporting the provisions of Senate Bill No. 881. It is a broad-based group of organizations, from conservative to moderate to liberal. The Pennsylvania Association of Township Supervisors, the County Commissioners of Pennsylvania, the State Association of Boroughs, those are the municipal groups who are supporting the provisions of this bill. There are a number of conservative groups that are supporting this legislation - the Institute for Justice, the Pennsylvania Family Institute, the Commonwealth Foundation, the American Conservative Union, the National Taxpayers Union, Citizens Against Higher Taxes, Freedom Works, Property Rights Alliance. Some of the more liberal and moderate groups that are supporting this legislation are the NAACP of Pennsylvania, the Mexican American Legal Defense and Education Fund, and the League of United Latin American Citizens. Agricultural groups that we worked with to fine-tune the language in this bill are the Pennsylvania State Grange, the Pennsylvania Farm Bureau, and a variety of other organizations such as the Pennsylvania Builders Association, the Pennsylvania Realtors Association, the Pennsylvania Landowners Association, the Pennsylvania Apartment Association, and the National Federation of Independent Businesses, the NFIB. I also want to thank the groups that had some concerns about this legislation when it was initially introduced and with whom we worked to develop language in the amendment that was adopted earlier this afternoon that made this bill what it is right now, and they are the Pennsylvania League of Cities and Municipalities, the Pennsylvania Association of Housing and Redevelopment Authorities, and the National Association of Industrial and Office Properties. These groups are not supporting the legislation, but they are not opposing it either, and they have worked with us to fine-tune the language.

Madam President, I strongly urge an affirmative vote on Senate Bill No. 881.

Thank you, Madam President.

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

Senator BOSCOLA. Madam President, ever since the United States Supreme Court ruled that a government entity can take personal property out of an individual's hands, I have been dealing with constituents who are angry with the court's decision. I personally was appalled with that decision, and I have been working to try to accomplish exactly what this bill does.

Today is a great day in the Pennsylvania Senate. Senate Bill No. 881 protects the private property rights as our Founding Fathers intended them to be protected. This is a victory for every Pennsylvanian and for our State Constitution, and I commend the bipartisan support of this Pennsylvania Senate to accomplish this bill today.

Thank you, Madam President.

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

Senator FERLO. Madam President, I will be very brief. I support this legislation as well as the earlier bill that Senator Brightbill authored. However, even within this legislation, there are still issues that need to continue to be discussed by the Senate legislative body. I am still particularly concerned that in the case of some of the larger urban redevelopment authorities and/or housing authorities, be they in the city of Pittsburgh or elsewhere around our Commonwealth, that you can still continue to have abuses in terms of private property rights. I am particularly sensitive to the history of an administration within the city of Pittsburgh, albeit an outgoing mayoral administration, that I have found in total disagreement and to be totally violative of individual private property rights as it relates to businesses and those who have successfully owned, managed, and run property, productive property, in the core business districts. One notable case is the urban corridor of the downtown Pittsburgh's fifth quadrant, only for those individual property owners to be harassed and browbeaten by the power of government and the threat of eminent domain. We have had some businesses and property owners who have owned property for up to 100 years, productive property, who have been paying taxes and employing people, proud people, people who have worked hard in small businesses and have been under the gun and the threat of the eminent domain powers of the urban redevelopment authority. I think that abuse should stop. I am totally resentful of the fact that big government can come in and take one private business property owner's rights away because somebody happens to like a newer type of business, and I can name numerous instances where that has happened. That is wrong. To the extent that this legislation improves the situation, I applaud it, but I ask that once again when we return to Session in January, that we come back and look at the actual Urban Redevelopment Authority law, not the two bills that we are moving on today, but that we go back and fine-tune the specific language in the Urban Redevelopment Authority law to prevent these types of abuses from happening in the future.

Thank you.

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

Senator RAFFERTY. Madam President, I am very happy to support this bill today. It is once again restoring our confidence in the fundamental right of ownership of private property, and Senator Piccola was very courteous in working with Senator Thompson and I to include language in this bill, the eminent domain legislation, to prevent an occurrence of what happened in Chester County, where by a quirk of the law, one municipality was able to reach into another municipality and condemn the private property of an individual in that municipality for purposes of recreation. Senator Piccola worked with Senator Thompson and me, and we are very grateful for that, and I think this is a piece of legislation that goes a long way in restoring private ownership rights in the Commonwealth of Pennsylvania.

Thank you, Madam President.

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

Senator COSTA. Madam President, I rise on behalf of Senator Washington to offer remarks that she would have made had she

been here. I offer them for the record.

(The following prepared remarks were made a part of the record at the request of the gentlewoman from Philadelphia, Senator WASHINGTON:)

In June of this year, the U.S. Supreme Court ruled that a Connecticut city could force the sale of any home or business in a neighborhood to make way for private economic development. As a result of this broad court interpretation, this legislature is working to craft legislation that would safeguard property rights here in Pennsylvania.

However, an approach that provides greater protection of property rights cannot bind government efforts to restore neighborhoods in blight and build better communities. We must craft an eminent domain policy that is not so sweeping and reactionary. We must empower government with the tools to revitalize older communities. Senate Bill No. 881 is too far reaching, and it throws out the baby with the bath water. Clearly, it is imperative that this issue be thoroughly debated before anything is passed too quickly.

That is why today I am calling for statewide public hearings to aid us in crafting a thoughtful eminent domain policy that is effective for Pennsylvania. Open, public debate on differing approaches will provide us answers and help us to do our job, to create policy in the best interest of Pennsylvania. We must listen carefully to stakeholders, property owners, redevelopment advocates, and local governments. Only then can we know the best course.

Public hearings will help us craft a thoughtful response to the Federal court ruling, without necessarily or counterproductively restricting its use. Let us have open and constructive discussion on eminent domain. What the citizens want is careful and thoughtful debate on proposals, not hasty, haphazard, and reactionary legislation.

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

Senator BRIGHTBILL. Madam President, I think the Senate, indeed, has done a good job, and Senator Piccola's leadership on this issue needs to be recognized. I will note, as Senator Ferlo noted, that we seek to address in the future other issues raised in discussions with him and Senator Vance. We look forward to continuing to work together on eminent domain issues in Pennsylvania.

And the question recurring,
Shall the bill pass finally?

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

YEA-49

Armstrong	Hughes	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.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Stack	Wonderling
Fontana	Musto	Stout	Wozniak
Fumo	O'Pake	Tartaglione	
Gordner	Orie	Thompson	
Greenleaf	Piccola	Tomlinson	

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 SUPPLEMENTAL CALENDAR No. 2

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS AS AMENDED

BILL REREFERRED

SB 157 (Pr. No. 1413) -- 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; providing for local services taxes; repealing provisions relating to emergency and municipal services taxes and to continuation of occupational privilege taxes; and making editorial changes.

On the question,

Will the Senate concur in the amendments made by the House, as further amended by the Senate, to Senate Bill No. 157?

Senator BRIGHTBILL. Madam President, I move that Senate Bill No. 157 be rereferred to the Committee on Rules and Executive Nominations.

On the question,

Will the Senate agree to the motion?

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

UNFINISHED BUSINESS CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. William Beck, Jr., by Senator Armstrong.

Congratulations of the Senate were extended to Natosha Katlyn Lucas by Senator Corman.

Congratulations of the Senate were extended to Michael Jack Talley by Senator Erickson.

Congratulations of the Senate were extended to Jean Labour by Senator Gordner.

Congratulations of the Senate were extended to the Reverend John Whitaker by Senator Kitchen.

Congratulations of the Senate were extended to Kevin William Tomayko and to Matthew John Matyas by Senator Lemmond.

Congratulations of the Senate were extended to Mr. and Mrs. John Steadle and to Brent Henry by Senator Madigan.

Congratulations of the Senate were extended to Clifford Tinklepaugh by Senators Madigan and Lemmond.

Congratulations of the Senate were extended to Honorable Rosemary A. Sigmond, Honorable Reggie Lukish and to Bonnie Arnone by Senator Musto.

Congratulations of the Senate were extended to Mr. and Mrs. Charles Houck by Senator Pileggi.

Congratulations of the Senate were extended to Gwendolyn Williams and to Lindsay Bobb by Senator Rafferty.

Congratulations of the Senate were extended to the Maplewood High School Girls' Volleyball Team by Senator Robins.

Congratulations of the Senate were extended to Mr. and Mrs. Lester R. Rizor by Senator Stout.

Congratulations of the Senate were extended to Ray Shearer, Jr., and to Drew D. Tyger by Senator Waugh.

Congratulations of the Senate were extended to Mr. and Mrs. William Howells by Senator D. White.

Congratulations of the Senate were extended to Honorable Tony Darden, Honorable Olivia E. Brady, Richard O'Neill, Peter Douglas Robinson and to Keith Lee Walters by Senator C. Williams.

Congratulations of the Senate were extended to Joe Iacovitti by Senators C. Williams and Greenleaf.

CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late Honorable Boyd T. Hoats, Sr., by Senator Lemmond.

BILL ON FIRST CONSIDERATION

Senator LAVALLE. Madam President, I move that the Senate do now proceed to consideration of a bill reported from committee for the first time at today's Session.

The motion was agreed to.

The bill was as follows:

HB 2041.

And said bill 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, just briefly, just to remind the Members, remind all those who may be paying attention on PCN and any other body that is focused on the proceedings here, that we are 4 days and counting from adjourning our Session for this year, and to our knowledge, there is no vote scheduled, either in committee or on the floor, for movement of a minimum-wage increase bill. I think it is appropriate that this body and those paying attention to this body continue to be reminded that this is the state of the order today.

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

Senator BRIGHTBILL. Madam President, I believe the initiative that the gentleman is speaking of is one of Governor Rendell's, and if one looks at the Pennsylvania Career Link Web site, there are 29 jobs with the Pennsylvania Conservation Corps

paying \$5.15 per hour, which is the minimum wage. Existing law states that corps members shall receive an hourly wage of no less than the State minimum wage, which is from section 7(b) of the Pennsylvania Conservation Corps Act of 1984. What that means, Madam President, is that Governor Rendell could now, right now, increase those wages for the Pennsylvania Conservation Corps if he chose to. I am going to suggest that if the Governor is indeed serious about raising the minimum wage, that he could take that first important step of raising the minimum wage for the trainees of the Pennsylvania Conservation Corps. He can do that by the stroke of a pen, and he can raise it to whatever he wants.

So we are going to be waiting to see what action, if any, Governor Rendell takes regarding the Pennsylvania Conservation Corps.

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

Senator HUGHES. Madam President, just again as a reminder for the Members and those paying attention to our affairs here, the Governor has said that he would like legislation, a law of the Commonwealth, specific law, specific legislation by the Commonwealth passed and brought to his desk prior to our adjournment this fall and winter Session before we get out for Christmas, and the only way for that to occur is if a bill moves out of this body and gets to the appropriate places and gets to the Governor's desk. That would then be the law of the land, not just for the 20- some people who work at the particular department that the gentlemen referred to, but for everybody, every employer in the Commonwealth of Pennsylvania to pay people more than the current \$5.15 an hour, which I would remind those paying attention, is less than the Federal poverty level. So we are waiting for the law to be changed. The Majority controls the movement of bills, the movement of legislation in this body, and we are waiting for the Majority to act.

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

Senator BRIGHTBILL. Madam President, as I hear the gentleman from Philadelphia, what he seems to be saying is that because it is just 29 jobs in the Pennsylvania Conservation Corps, that it is not worth Governor Rendell taking his pen and raising those salaries to something higher. What I am suggesting is, if it is important for some citizens and for private industry to pay a higher minimum wage and if it is the right thing to do, then it would be the right thing for the Commonwealth of Pennsylvania to do, which established the Pennsylvania Conservation Corps. These are training wages, and my understanding is that if you look at the market, \$5.15 an hour is a starting wage and very often a training wage. Nevertheless, the Governor chooses not to increase these wages, but apparently insists on maintaining them at \$5.15 an hour and wait for the General Assembly.

So I call on Governor Rendell to sign that document right now and raise those wages.

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

Senator HUGHES. Madam President, with all due respect to the gentleman, and to be clear about what I am saying, and I thought I was clear about what I was saying, this body needs to move to change the laws of the Commonwealth of Pennsylvania so that all of the people in the Commonwealth, including the 29

people who work at that department, for all of the people of the Commonwealth, that this body act for the concerns of all of the people in the Commonwealth and change the law so that wages can be raised, so that people can stop being paid below the Federal poverty level. Now, it has been said on this floor by some individuals that it is okay for folks, in some cases, in some circumstances, it is okay and appropriate for people to be paid below the Federal poverty level. I do not believe that, and I daresay that if given the opportunity to vote for an increase, this body would probably vote unanimously. I suggest to my good friends who work in the media, that as they make phone calls to Members' offices about various other issues concerning pay and pay rates, that they probably should make calls concerning the issue of the minimum wage, to do a poll of all the Members both in the House and in the Senate, and to make similar kinds of calls to see where people stand on whether folks should be paid above the minimum wage.

I am focused and would love for the Governor to do that for the 29 people who work in that department, and would ask that the Governor, in fact, do that. That is fine. But, what I am also concerned with, so I can be very clear, crystal clear, as I think I have been every time that I stood on this floor, as I think I have been as cosponsor and prime sponsor of legislation to increase minimum wage ever since I came to Harrisburg in January of 1987, that the minimum wage should be increased so that people can be paid above the Federal poverty level, and that it is completely and wholly unacceptable that we wait as health care costs go up, that we wait as heating rates and heating bills go up, as we wait, as we wait as inflation does not creep up but leaps up year after year, as we wait, as we wait, as we wait even again for this body to act, and this body has chosen, by the dictates of the Majority, not to move legislation. Consequently, we introduced a resolution which was read across the desk today to discharge the bill out of committee, Senator Tartaglione's bill, Senate Bill No. 926, to discharge that bill out of committee to hopefully get action by this body in the remaining days of the Session of this year to raise people's pay scale. We either lead or follow someone else's lead, or we get out of the way and do what is right and appropriate for the pockets of Pennsylvania's poorest workers, lowest-income workers, those who are currently making far below the Federal poverty level. Inaction dictates that we support people making below the Federal poverty level. That is what our inaction states.

After reviewing all the analysis, after reviewing all the studies, after reviewing all of the economists' reports, all of that, after reviewing all of it, when a person making \$5.15 an hour goes home at the end of the day, when a person making \$5.25 an hour goes home at the end of the day, when a person making \$5.60 an hour at the end of the day, at the end of the paycheck, at the end of the week, they are making far too little money. They cannot feed their families. They gross \$206 a week before taxes. That is what they make. That is their income. That is their salary, whether they work 40 hours a week or 30 hours a week or 20 hours a week, or if they have to have more than one job. That is what their salary is, that is what their income is, \$10,700 on a good year, 40 hours a week, without vacation, with no health care. They cannot afford to put gas in their car, if they could

afford a car, and they cannot afford public transportation. That is their salary. That is their story.

So I can be crystal clear, crystal, absolutely, unequivocally clear, a vote or a lack of a vote on this floor for an increase in the minimum wage endorses the fact that this body -- excuse me, the majority of this body, supports people making less than the Federal poverty level. That is what it means. When you walk home at the end of the day, at the end of the week, with less than \$206 in your pocket for busting your rear end, working wherever it is that you may work, at the end of the day, at the end of the week, when you get paid that check, minus your taxes, and you walk home, and what do you bring to your family, what, minus taxes, what, \$180, \$190? Is that appropriate? Is that fair?

Is there no healing for our people? Is there none? The harvest has passed. We have all done extremely well in this body, many people, the economy growing out of the roof, people buying and selling houses, making tons of money. We just passed legislation on that matter, eminent domain, so people can do whatever they want. People are making tons of money. The harvest has passed. Is there no healing for our people? Is there no balm in Gilead? Is there none? They have been left for us as stewards of the needs and benefits of our people, and we have left them. Is there no healing? Nonaction on this bill means only one thing, that we do not care. It has been since 1998, 7 years, 7 cold, long years, and there is nothing for the people but talk, empty rhetoric, that cannot buy a hamburger, cannot buy a hoagie, cannot buy a fish sandwich in Pittsburgh, what do they call those sandwiches? What do they call them? A mayonnaise sandwich?

Senator BRIGHTBILL. Madam President.

Senator HUGHES. I am not finished, Madam President.

Senator BRIGHTBILL. Madam President, I was just going to offer that in Lebanon we call them bologna sandwiches.

Senator HUGHES. Madam President, that is about what they are getting these days, a bunch of bologna, Oscar Mayer, to be exact, or Seltzer's, and it is nasty, too. I am a vegetarian, Madam President.

But that is the deal, and in all the levity, in all of that, the reality is that we choose not to act and these people suffer. These people suffer, and that is the truth. Think about what you would do if you were making \$5.15 an hour. Yeah, go to community college, go to college, get an education. The problem is your day is consumed at 40 hours a week. That is just on the work force. You have to get to work. You have to get home from work. If you have children, you have to take care of them. Is there day care available? Is there quality day care available? What is available? Think about the time consumption that exists. To say go to college, go somewhere, get a degree, do something with \$5.15 an hour. The rich are getting richer, the poor are getting poorer, the middle class is getting squeezed out, and that is the story of the day.

I would love to do earned income tax credit. I think that is a noble idea. I would love to expand health insurance. I think that is a noble idea. We need to do all of that stuff, but the problem is, Madam President, including today and the 3 days on the Calendar scheduled for next week, we are running out of time. We are running out of time to act this year, and to those who say, well, let us just wait until next year, when is the next year coming? When is the healing coming? When?

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Anthony Williams.

Senator A.H. WILLIAMS. Madam President, I was sitting in my office, and of course, I cannot avoid this issue. I ask if Senator Brightbill would stand for a brief period of understanding, not even interrogation. I would appreciate it.

Senator BRIGHTBILL. Madam President, for my good friend, Senator Williams, I will be happy to do that.

The PRESIDENT. The gentleman indicates he will.

Senator BRIGHTBILL. Madam President, the rules do not provide for me to stand for a period of understanding, but they do provide for me to stand for interrogation.

Senator A.H. WILLIAMS. Okay, Madam President, there was discussion with regard to a particular department, and I want to understand it. The Governor has control over a particular department, and if the gentleman could name it again, and if he knows how many employees there are, I would appreciate that information.

Senator BRIGHTBILL. Okay, Madam President, there is an entity in Pennsylvania called the Pennsylvania Conservation Corps, and they hire people to go out and work, and it is considered a kind of training position. They are supposed to go out and train and learn and develop good work habits. My understanding is that there are similar entities in other States. In fact, I have a friend who participated in California's, and right now on Pennsylvania's Career Link, there are 29 jobs with the Pennsylvania Conservation Corps, and they pay \$5.15 per hour. The State law says that corps members shall receive an hourly wage no less than the State minimum wage. It could be higher, but it says no less than. What that means is that the Governor would control the Pennsylvania Conservation Corps and would control that wage, so he could take out his pen and sign a document that would mean that the Pennsylvania Conservation Corps, he or one of his cabinet members, but ultimately it is he, would earn more than \$5.15 an hour.

So I would suggest that all the emotion from the other gentleman from Philadelphia, Senator Hughes, should be directed at Governor Rendell, because all the arguments that he made regarding the size of the paycheck of someone who makes \$5.15 an hour apply then to the Pennsylvania Conservation Corps. What I suggested was that perhaps Governor Rendell, since we are supposed to either lead, follow, or get out of the way, as the saying comes from an advertisement that I heard on television once, that he should lead by signing that document and raise the pay of the Pennsylvania Conservation Corps.

Now of course, if he does that, the economic consequence is that the funding for the Pennsylvania Conservation Corps, which is a fixed amount, will then provide for fewer people to work in the Pennsylvania Conservation Corps. I am going to suggest that, perhaps, if we raised it to \$6.25 or \$6.50 an hour, and if he did that today, the first thing that would happen is that they would have to eliminate the 29 jobs that are on Career Link for the Pennsylvania Conservation Corps because they do not have as many dollars. That is the economics of this, and that is what I referenced.

Senator A.H. WILLIAMS. Madam President, let me ask a question. If the matter of leading is a matter of partnership, if the Governor were so inclined, because we found money for heating,

we found money for a variety of other issues around here on occasion, if the Governor is so inclined to increase that listing from a minimum wage to say a dollar, as the gentleman proposed, are we then inclined as a body to move the legislation forward?

Senator BRIGHTBILL. Madam President, that, of course, becomes a decision of the body, and of course, as we all know in government, if we put money into the Pennsylvania Conservation Corps, we have to put less money into something else. As the gentleman knows, as he has a lot of experience here, whenever you want to put money into something, that part of the decision is easy. The hard part of the decision is where do we get it.

Senator A.H. WILLIAMS. Absolutely, Madam President. So I am just trying to conclude on one item. The issue was raised about the Conservation Corps, which, by the way, I am very familiar with because they do a great deal of work in the parks of Philadelphia, and we supplement that money, that minimum wage, with additional contributions from a variety of other groups. But on that issue, since it was raised and used as an illustration, and since it was used as a beginning point, and I suggest if you are going to talk about it, you have got to be about it—that is another phrase I use from watching television—but if you are going to do it and you raised it, and you said, hey, if you think this is fair, if you think this is so important, then the Governor should lead with these 25, 29 people who are making this minimum wage, so I am willing to take up that request personally. I am willing to go to the Governor and say, hey, Governor, there are 29 people who are listed on a site at minimum wage. The Majority Leader of the Republican Party in the Senate said, if you all feel that the minimum wage is so important, let us take on this first task, let us raise the minimum wage listing from minimum wage to a dollar more, and if he does that, there has to be a consequence. Otherwise, we just cannot raise anecdotal commentary for the sake of avoiding what we are talking about. Otherwise, that is what we are doing. So if that is raised, and you raised it, I am asking, what is the consequence of that? The Governor will change that amount of money to something else. Yes, it will be his responsibility to rob Peter to pay Paul, to use your analogy, as we do on a variety of issues around here and will continue to do over the year, but I think we are confident to get him to do that. So, I am asking, what are we going to do as a body? Are we going to, as a body, say fine, he did that, now it is our turn to follow, since he led, and move the bill?

Senator BRIGHTBILL. Not necessarily, Madam President.

Senator A.H. WILLIAMS. Okay, Madam President, with that, I would like to continue with my comments. I appreciate the gentleman standing for interrogation.

I also draw the gentleman's attention to the Senate. The Governor has in his administration a department that has 25, 29 members who make minimum wage. I ask the gentleman, has he ever heard of an intern here before? As a matter of fact, does he know how much the Pages get paid here? Does he know for a fact that some of the Pages here in the summer, students, get minimum wage? And by the way, we list them at minimum wage. Does he in fact know that there are some senior citizens here who, when they first started, started at minimum wage because they serve on this great floor? They do so, sometimes at financial peril, because they have to, because maybe one of their spouses passed away

and they do not have the income that they had. So I agree that the Governor should raise that minimum wage as a statement toward progress, but I would ask that in this body, in this place that we do control, does he know how many Pages we have, does he know how many of those Pages are making minimum wage, and does he have any inclination to change that minimum wage listing?

Senator BRIGHTBILL. Madam President, did he ask me a question?

Senator A.H. WILLIAMS. Madam President, it was a rambling kind of commentary, but yes, someplace in there.

Senator BRIGHTBILL. Well, Madam President, I ramble myself from time to time. All I am going to say is that I do not know what any of the wages are in terms of the Pages and that sort of thing here, and whatever they are, they are. So, the gentleman has that information as accessible to him as it would be to me, if I were to go look, as it would be to any Member of the general public.

Senator A.H. WILLIAMS. Madam President, well, let me ask, if we are not going to move the bill, we are going to point to the Governor—

Senator BRIGHTBILL. Madam President, he might ask one of the Pages to stand for interrogation.

Senator A.H. WILLIAMS. Madam President, sure, if they choose to. If I were them I would run, but I probably would be happy to have one of them stand.

But let me ask the gentleman this. If we are going to ask the Governor to raise that minimum-wage listing, we are not going to move the bill, I do not think the Governor controls the expenses of the Senate Chamber, I believe we do, and I believe we have the right to set those listings at a certain comparable level, does he feel it appropriate or inappropriate that we should have any minimum-wage listed jobs in the Senate?

Senator BRIGHTBILL. Madam President, I am not in a position to answer that, but I will say this. There are 29 people who are listed, who are wanted for the Pennsylvania Conservation Corps. If we raised their salary \$1 per hour, the calculation is very simple, 40 hours a week times 52 weeks. It would cost the State \$60,000, and of course, that is not just to raise it for the 29, that calculation of \$60,000 is just for the 29 new members of the Conservation Corps. I do not know if there are 100, 200, or 300 now, but what we are looking at is serious money.

In this world we have the laws of God, the laws of economics, and the laws of man. I tell my constituents that we cannot impact upon the laws of God, nor the laws of economics. Sometimes the laws of man will work in a way that are contrary to the other two sets of laws, and more particularly, often in the terms of the loss of economics. So if we pass what seems like a very equitable and simple law that says that the minimum wage in Pennsylvania is raised \$1 per hour, what that means is that a small business that would employ people at minimum wage or at a wage a little bit higher than the minimum wage, it would maybe have to bump their salary to \$1 an hour, they would see an increase if they have 29 people at \$60,000 a year in their costs.

Now, what I hear, and I am not an economist, but my father who owned a diner trained me in economics, and the professors at the Pennsylvania State University, before they gave me an economics degree, told me everything that my pop had taught

me, but they put fancy names on it like marginal costs, marginal return, that kind of thing. A business, in terms of a business's income, is limited by the market they work in. Businesses do not have the option of simply passing the costs on to their customers. So if we in government pass a law that says that from now on you shall pay \$60,000 a year more to your 29 employees, they cannot pass that along because every business is, in most cases, charging what the market will bear. They have to absorb that cost. One of the best ways to absorb that cost is to say, well, you know what? We can do this with 28 employees, and I saw my pop make those decisions at the Lincoln Diner. I remember the times when he made money for 9 months and lost money for 3 months, and had to make some tough choices. If you talk to business people, they will tell you there is nothing worse than walking onto the floor of their shop and telling somebody they are laid off because there is not enough work, there is not enough margin. That is what we are doing here, Madam President. We are playing in an area that would seem to be an area where it would be easy and just, and the other day I think Senator Hughes referenced that there was a poll in Pennsylvania and the poll said that 80 percent of the people support raising minimum wage. Well, what that means is that you call some people, and there are some who will agree to talk to you on the phone, and you ask, what do you think about this issue and what do you think about that, and if you ask the average person, what do you think about raising the minimum wage? The average person is going to say fine, because they do not really focus on it. But it is not that simple.

Now, let me give you some numbers here.

Senator A.H. WILLIAMS. Madam President, I did not finish my process.

Senator BRIGHTBILL. Madam President, I am answering the gentleman's question.

Senator A.H. WILLIAMS. I know, Madam President. He answered part of my question, but let me finish.

Senator BRIGHTBILL. Madam President, I did not know that I had, but I am glad that I did, but I have more to say.

Senator A.H. WILLIAMS. Madam President, okay, great. A couple of things were raised. One, I studied economics, I actually have a degree in economics, so I know a little bit about it. Let us get some things clear. The laws of economics really are not the laws of economics, and I think the gentleman knows that. They are principles of economics that are applied to an economy, and the way it works is this. And by the way, President Bush, the distinguished President of the United States, followed by another distinguished President of the United States, President Reagan, all followed the same principles that he is talking against today. As a matter of fact, during the Great Depression these principles were applied, not the law, but these principles, and these principles were that you generate money, you generate spending so that we have more tax revenue, so that at the end of the day we can spend more on good things in government. That is what we did. In tough times, those fiscal conservatives went out and spent more money, and they did it in the form of tax cuts to corporate America, cutting revenue from the government rolls, saying they are going to go spend more, so there is going to be more for the bottom line. In the Great Depression, they hired more so that there could be more for the bottom line.

So let me suggest to our distinguished friend from the other side of the aisle, that if they go out and raise those Pennsylvanians' income, guess what they are going to do? They are going to spend more, and there are going to be more tax revenues, so they will be replacing what we spend here. That makes sense. So he studied economics, I studied economics, the law is the law, it is not a law, it is a principle. It is called supply and demand. Marginal terms, and by the way, in economics we know we do not compare government to business, we know that. The spending practices of government are set in a different category than those of business, we know that. And by the way, I was a small business owner, paid all my taxes, paid all my employees, and made a profit. It was very clear about the bottom line. I worked at one of the largest companies in the United States, Pepsi Cola, and had a good career, and had what they called a P&L, a profit and loss statement, so I know what he is talking about. I, too, had to lay people off. I, too, had to make difficult decisions. I, too, understood all that. By the way, one of the things we were very clear about at Pepsi Cola and in my company was there was value placed upon employees, and part of that value was represented in the salary we offered them, and part of that salary certainly never represented the minimum wage because we were clear about the statement we were making.

So, with all due respect to all the examples the gentleman wants to offer, all the angles he wants to play, all the manipulations of the conversations, if we are going to ask the Governor to lead, once he leads, then we are either obligated to follow or move out of the way. I did not create the example.

I also suggest that if we are going to be serious about this conversation, that we need no longer come to the floor sort of with anecdotal commentary to sort of embarrass someone without the understanding that if you cast a stone, a brick is coming back. The brick is, what does the Senate do? You want to talk about the Governor as a deflection?

I am married, happily married most days, and there are some days when it is not so happy, and those days when we have an argument, my wife's best defense is a good offense. I come home and say, you spent something, and her response is, so did you, and then we get into an argument about how I said whatever I said or I did not say it the right way, and before you know it, I do not even know what the heck I was talking about. The main point of the fact is that we did not have it to spend, or we had it to spend, or you did not discipline right, or you did not do something right, and that is all lost because distraction was offered. Well, this is the place where the bill is housed. This is the place where we either make a decision to move the bill or do not move the bill. This is the place where we either make a statement in Pennsylvania about how we feel about them or we do not. This is not about the Governor. This is not about 29 young people who do great work in Pennsylvania. This is about a bill that sits here in the Senate of Pennsylvania, but for some reason is not being moved. But if we want to use distractions, I will do the same thing that I do with my wife, I try to offer logic, try to offer logic. I will say it again, honey, I try to offer logic. But guess what? Logic does not always work in those arguments. It may not work tonight. I say, look, we will talk to the Governor. We will tell him to raise that rate, because the gentleman is right, it is not an appropriate statement. So if the gentleman wants him to raise

his rate, what is he going to do? Nothing. That is curious. Why did he raise it? Distraction. Okay.

Well, let us forget that. Let us talk about how we operate our own house, because if we are so concerned about those folks who work for the Governor, who do not even work here, how about the people who work here, because we know we are concerned about them. Right? How many people here make minimum wage? I do not know. Can we find out? Sure. When we find out, are we going to change that rate? I do not know. What is that? Distraction, because we are not serious about this issue when it comes to understanding the consequences. It is not about the minimum wage bankrupting anybody in Pennsylvania. It is not about driving business to New Jersey, Florida, Texas, or to Japan. As a matter of fact, those jobs have already left, they have already left. This rhetoric is about avoiding the reality of being responsible, being honest and telling the truth, and the truth is that there is a bill in the Senate of Pennsylvania that we have the ability to move. So I hope that the people listening to this tonight will understand some pretty lofty opinions are weighing in tonight, and they are taking principled, if not important, positions. We are resting our heels on one side, and that is we are speaking for the 29 people who work for the Governor, we are speaking for the hundreds of people who work in the Senate, we are speaking for the countless thousands of people who reside in Clearfield County, Lackawanna County, Berks County, Philadelphia County, Delaware County, and Montgomery County, the counties across Pennsylvania, where somebody, where somebody in this holiday season is looking for a small blessing.

And by the way, those polls, you know how those polls work. Somebody calls you on the phone and they ask you questions. Well, you know, those polls do not mean a lot, but they sure meant a heck of a lot when we were polling people about the pay raise, because you know what? That is all I heard about for 2 weeks, the polls said, and all of a sudden people got religion because people took a poll or two and it was not good in their district. So the poll means something someplace, sometime, and on some occasion, but maybe because they are not polling their district about the minimum wage, maybe because they are not feeling the heat about the minimum wage yet, but maybe at some point in time it will quietly sneak up on them and not tap them on the shoulder but clobber them over the head when someone says, hey, you are talking about my cousin. You are talking about that person I go to church with who may be past retirement but continues to work because he needs benefits at a minimum wage job, and he can barely afford to pay for the gas in his car to get to the job so he can keep the benefits that he needs.

There is a reason for this conversation. There is a reason every time it gets injected with illogic, I show up. This is not my mission or charge. Senator Tartaglione has done a great job of introducing the bill every year and Senator Hughes has done a great job talking about it, but if we are going to have important, major people stand up and talk against it, and then try to offer distractions as a reason as to why we are not going to move the bill, then I am going to have to show up. I am going to show up and say, I know something about economics.

My first job out of college was to do economic analysis for a consulting firm in Washington, D.C., so I am not going to talk about the laws of economics, I am going to talk about the princi-

ples of economics, and then I am going to talk about the principles in a way that they either help people or step on their neck, and that is a reality. The gentleman who is retiring from the Federal Reserve, who survived Republican and Democratic administrations, has distinguished himself because he talks about the principles of economics. He talks about increasing and decreasing taxes when appropriate, regardless of partisan politics. He talks about the power of the dollar. He talked about the minimum wage. He has written about the minimum wage.

So let us talk about this Chamber, its commitment or noncommitment to either move this bill, and if we are clear about the fact that we are not going to move it, then do it for real reasons, not distractions. Have the integrity, the fortitude to stand up and say, hey, the Senate Members, those college students who show up every year, and by the way, with all due respect to people who do not quite understand, the majority of young people who are going to college, their parents can no longer afford to write the whole bill, so this is not frivolous money they are making in the summertime. Those interns who are here every year, who are working for minimum wage with us, need that money not only for books any longer, they need it for tuition. Our children have to work because that is the only way they can get through college.

This is not a theoretical conversation, this is not a lofty conversation in economics, this is a real deal, bottom line conversation about consequences to people's lives every day, and I want people to understand that my level, my passion for it is not because I feel that people are malicious or that they are evil or that they are mean, they are just wrong. They are wrong. Just as people had to finally wake up and understand the Depression, hey, we were wrong. Government spent money on people, and anybody who studied economics knows government spent money on the people, and anybody who studied the language of Reagan and the language of Bush, hey, you have to have a dollar to make a dollar, and you have to use that dollar for tax revenue. We are spending a lot of money in other places of the world, why can we not spend it here and why can we not start with the minimum wage?

Thank you, Madam President.

Senator BRIGHTBILL. Madam President, I was hoping that the gentleman would ask how I happened to find out that the Pennsylvania Conservation Corps wage was \$5.15 an hour, but the gentleman did not ask.

Senator A.H. WILLIAMS. Madam President, he told me.

Senator BRIGHTBILL. Madam President, how did I happen to find that out?

Senator A.H. WILLIAMS. Madam President, he said it was on a Web site.

Senator BRIGHTBILL. Madam President, it was.

Senator A.H. WILLIAMS. Madam President, that is how he found out.

Senator BRIGHTBILL. Madam President, I went to Lebanon County, which is my home county, and I looked to see how many jobs were listed in Lebanon County under Pennsylvania Career Link at the minimum wage of \$5.15 an hour, and the answer is one, and it is, or was at the time I did this, PCC Construction trainee at Sweet Arrow Lake at \$5.15 an hour. So if Ed Rendell raised the \$5.15 an hour minimum wage, if he raised that wage,

which the gentleman says is irrelevant because it is for 29 people, if he raised it, there would be no one looking to hire anyone in Lebanon County at minimum wage.

Senator A.H. WILLIAMS. Madam President, that is not exactly what I said.

Senator BRIGHTBILL. Madam President, well, the gentleman said something like that. I heard the gentleman pooh-poohing these 29 people.

Senator A.H. WILLIAMS. Madam President, if the gentleman would like me to, I will tell him exactly what I said.

Senator BRIGHTBILL. Well, Madam President, the record will reflect that.

My point is that if you go to the Pennsylvania Career Link, which is a source of data, as an economist they always look at data, and Ed Rendell was trying to hire one person to work in Lebanon County for \$5.15 an hour as a PCC construction trainee at Sweet Arrow Lake. Now, I happen to know, from talking to a very good friend of mine, I do not know if this is anecdotal, but he has been in business for 20, 30 years, and I have been his friend for 60 years, and I asked him what his lowest wage is and what the person does, and he hires laborers for \$12 an hour. Now I know this person, if he could hire laborers for \$10 an hour, he would do that. Why does he not? Because in hiring people there is a market just the same. Now, what is fascinating is that, and I know this is anecdotal, but looking at this Lebanon County Web site, there were 153 available jobs. The average was \$12.73 an hour, which just happened to be 73 cents an hour above what my good friend hires laborers for, the median was \$10 an hour, and the mode, the number that appears most often, was \$10 an hour. The number of jobs available at or below \$7.15 an hour was three.

Now, what I find interesting about this debate is that I had the opportunity to speak to a group of young people who were participating in the YMCA Youth in Government program, and they come here once a year and they use these facilities. It is an absolutely terrific program, and I used to work with that program, but on one particular occasion I was asked to come in and speak, and I thought, what am I going to talk to these kids about? So in order to incite some discussion, and this was 10 years ago, I came in and said to these young people, I am going to talk to you about a bill I have and I do not want you to tell anybody about this bill, but I want your input on it. I said, I think this is a really good bill that I am going to introduce next week, and I think it will eliminate poverty. They asked, what is it? I said, the bill will make the minimum wage \$10 or \$12 an hour. What do you think, kids? Hands shot up and they were literally sputtering, saying, you cannot do that, you cannot do that. I asked, well, why not? If every business paid at least \$12 an hour, everybody would have a better job. Why should we not do that? They said, well, you cannot do that, and they had a hard time articulating the reason, they were high school kids, but as they sputtered through, they began to say things like businesses will close, they will not be able to afford employees, they will not be able to stay open. There will not be any jobs, that sort of thing. Well, that is what we are talking about here.

Traditionally in Pennsylvania, and I was here to put that vote up, and none of the Members who are now on the other side of the aisle were, and we voted in 1983, 1984 to tie Pennsylvania's

minimum wage to the Federal minimum wage. It used to be that we would wait for the Federal government and then we would decide what we were going to do, and at some point we decided we would simply tie ours to theirs. The logic of that is that when the Federal minimum wage goes up, it goes up nationally, and most businesses are competing in a more regional sense that would pay a minimum wage, and those businesses have, I think the term is "less elastic markets" so that when the wages go up across the country, it is less of a negative impact, although it could be a negative impact on the business. Would I love to stand here and put up a vote and have everybody earn \$10 an hour? Absolutely. I wish I had the power to do that, I wish I had the power for them to earn \$20 an hour, but I do not. What I am told responsibly is that if we raise the minimum wage from \$5.15 to \$6.15 or \$7.15 an hour, what will happen is that some people who are at the very bottom spectrum of the economic ladder will be without an opportunity. I have talked to business people, I know this is anecdotal, not a survey, but what I hear coming from these people is just as anecdotal who say, I do not want to hire people anymore. I want machines. Why is that? Well, because I do not have to provide health care for machines, I do not have to provide a human resources department, I do not have to put up with all the things that you have with people, and I am going to stay at 200, 400 or 500 employees. The regulations that we impose on them and the costs, for example, the costs of workers' compensation and unemployment compensation do not come with a machine. So what happens is, instead of hiring people, they go, very often to Europe, to buy machinery to do the work.

We are happy to look at the facts, I have not seen anybody who is a proponent of this give me a fact on this yet. I have seen a lot of emotion, guys who make great speeches, but I have not seen many facts and figures. I have been lobbied by responsible people, and I asked, does any anybody really make minimum wage in Pennsylvania? And they say, oh yeah, oh yeah, there are thousands of people making minimum wage. Well, I asked, why do you not show me? Nobody has shown me.

By the way, Madam President, I just asked some people here who know, and I am told we do not pay minimum wage either for interns or for Pages, and what we do pay them on our pay scale is a matter of public record, and anyone is welcome to look at it, and I would encourage the gentleman, since he stood on the floor of the Senate and said that we pay minimum wage, to go find out what his facts are, so that maybe he can come back on Monday and know.

Senator A.H. WILLIAMS. Madam President, may I respond?

Senator BRIGHTBILL. I am not done yet, Madam President.

So, having looked at Lebanon and seen that there were 153 available jobs and the kinds of numbers in existence, I thought, boy, I wonder what these numbers are for the rest of my district. So I looked at Berks County. I noticed the gentleman mentioned Berks County. Happily, there are 374 available jobs in Berks County with an average of \$12.40 an hour, just slightly below Lebanon, same median of \$10, same mode of \$10 an hour. Now, there the number of jobs available at or below \$5.15 an hour are four. This is a county that is represented by two Senators, it is a larger county, and the lowest paying job is a waitress, and of course there is an exception in the law for waitresses and waiters on minimum wage because they get gratuities. In fact, everyone

acknowledges, and I can tell you from my own personal experience that a person who is a waiter or waitress does not rely on their paychecks, but they rely on their tips, because, in essence, they are in sales and marketing. In Berks County, there are three PCC construction trainees who, according to the gentleman, are being underpaid by Ed Rendell, and a delivery driver, and whether they can fill those jobs at \$5.15 an hour remains to be seen, but there is at least one soul out there who is trying to find a delivery driver for \$5.15 an hour, and my guess is that it is a pizza delivery person, who will also get gratuities because the wage is so low.

Now what we are seeing in Pennsylvania, Madam President, is that the market for people is higher than the minimum wage, and I am very pleased that it is. I would be pleased if everyone can earn as much as possible, but what has happened is that the minimum wage is, in fact, higher than \$5.15 an hour, but it has been taken up by the market, not by government, which is the way a private enterprise system works. So, Madam President, if the gentleman has facts, figures, data, I will be happy to look at them. I would refer him to the chairman of our Committee on Labor and Industry, who is also concerned about this. The emotion does not get us anywhere.

The PRESIDENT. Are there more comments?

Senator A.H. WILLIAMS. Absolutely. Madam President, with all due respect to the gentleman from the other side, I checked with our comptroller today, who told me that we do have employees at minimum wage, so if the facts are incorrect, then I suggest the gentleman check with the comptroller about the facts. But further, on the facts--

Senator BRIGHTBILL. Madam President.

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

Senator BRIGHTBILL. Madam President, I do not know who the gentleman checked with, but that does not have--

Senator A.H. WILLIAMS. Madam President, I am not finished. I am not finished. Just as he was not when he made his emphatic statement about the facts, I am not finished.

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Anthony Williams.

Senator A.H. WILLIAMS. Madam President, on the issue of the Governor and the facts, after 6 months, and I am sure he knew this, those people get a 10-percent increase in their salary, after 6 months. On the facts, after a year they get a \$1,000 bonus. On the facts, the Governor is prepared tomorrow to move on the minimum wage bill if the gentleman moves it out of here. Those are the facts.

Let me be very clear, this is very challenging. I thought my wife was difficult to argue with, but this is almost impossible because we are all over the place, but I will go all over the place. This issue, and it is an antiquated argument that even the New York Times talked about it being an antiquated argument. But when people bring up this issue and say, you know, if you change the minimum wage in Pennsylvania, you are going to drive enterprise from Pennsylvania to someplace else. I would like to know if the gentleman knows what the minimum wage is in New Jersey, in Delaware, New York, Ohio, or surrounding States. These are the facts, by the way, and no one wants to talk about the facts tonight. In the majority of surrounding States, their mini-

mum-wage rate is higher than ours. That is a fact. And the fact is, those businesses there have not fled here because of the minimum-wage increase. That is a fact.

On the principle of economics, when we talk about the marketplace defining wages, it is not the same as government protecting those from being exploited because they pay less than the minimum wage. That is why we are the pride of the world, the envy of the world, because we do not allow migrant workers to be exploited here because we know the market would be less than the minimum wage. Let us not try to mix apples and vegetables in an argument. We are talking tonight about a bill that we are either going to move or not move, and the gentleman is giving me all the excuses, but not the facts, and please do not try to talk like my wife does: Honey, lower your voice, talk in a whisper, do not be offending, do not sound like you are judgmental or annoyed. Please do not let that distract you from the fact that I am talking about the minimum wage bill that has been here for 7 years, that the Governor is prepared to move on tomorrow and prepared to make a decisive decision for the people whom the other gentleman mentioned.

So my emotion aside, the majority of the surrounding States have a minimum wage that is higher than ours. That would seem to be a compelling argument to refute that companies are going to leave here and go there. I think it would be. He is an attorney and also knows something about economics. That is a fact. He also knows that the argument of companies leaving here and going to other places because the minimum wage is whatever it is going to be, he also knows that argument has been refuted by economists. He also knows that multinational companies are now operating in India, China, and Japan, based upon the principles that we are talking about today. Those are the facts. That is not emotion, that is just reason. Now, if he also understands that his descriptions, based upon facts, are that we have offered all the excuses for the Governor, he has responded. He called tonight and said, look, here is the deal. They do not make minimum wage after 6 months, and as a matter of fact, they make 10 percent more and we offer a \$1,000 bonus. By the way, he asked me to check my facts, and I told him where I got them. They were not mine, someone else gave them to me, so blame that person, do not blame me. And if they made a mistake to me, I think he needs to ask them why they gave me the wrong information, not me. I further said, do you know what? I do not care about all that. That is hyperbole. That is conversation. We are not standing at a mike talking about the bill. Let us talk about the bill.

The only thing I heard from the gentleman's comments, other than to attack me that I did not have my facts accurate, and he did not hear the facts, and I hope I gave him a lot now, he never really responded to the reason why he is not moving the bill, other than he said, you know, I heard anecdotal comments back and forth, that is true. His response was, hey, I have heard from a bunch of people, my best friend of 60 years, and I am only 62, my friend of 60 years tells me, hey, I do not pay people minimum wage because the market does not allow it. The others I heard from said, hey, if the minimum wage goes up, I have to go. I do not know where they are going to go. They are not going to Ohio or New Jersey or New York. So, I just do not know. Oh, he said they went to Europe. Well, that has nothing to do with the minimum wage. That has to do with that great bill, the NAFTA bill,

that we all passed over 10 years ago. That has to do with all the tax cuts we constantly give to corporations in Pennsylvania and beyond, that is what that is about.

So, let us talk about the bill. I want to hear some real reasons. I do not respond well to being on the defensive about something that should be offensive to anybody who sits in Pennsylvania. I do not care if it is one person who makes the minimum wage versus a thousand. I do not think I have to have a reason for that. When one person is murdered, do we sit and argue in court that it is only one person and we need one more and then we will prosecute? No, as a matter of fact, we increase the penalties around here. These are real people. The people who work here are real people. The people who stopped me in the hallways today, based upon what we said yesterday, are real people. They may whisper about it and we may want to avoid it, but they are real people. They are not theory, they are not emotion, they are factually born, exist, work, and are employees paying taxes.

Now, I would like to hear about the bill. We took care of our part. You wanted to hear what the Governor is going to do. The Governor has responded. He wanted to hear facts about other States, how we are going to drive out business from here, and we responded. I told him where I got the information. I responded. I want to hear the facts about what they are going to do about the bill and why, not excuses, not about a dear friend who ran a business for 60 years. I want to hear about this issue here today. If there is something factual, not distracting, not talking about how I talk, I cannot help it, I am sorry, not talking about my delivery, not talking about my diction, not talking about how I slouch, my mom tells me that all the time. Sorry, that is just me, and if he wants me to whisper, I will do that. I just want to know why we are not moving the minimum wage bill.

Thank you, Madam President.

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

Senator BRIGHTBILL. Madam President, I am going to suggest that the gentleman call the Chief Clerk and he can determine for himself whether or not he got the facts correct. Then he can come and talk to me privately if he wants and give me the facts, and one of us is right and one of us is wrong.

Secondly, I am reviewing what I have said here, and I do not think, to be fair, that I have made any criticism of the gentleman in terms of his appearance or delivery or mode of talking, or anything else on this floor. I am not sure what the gentleman is referencing.

Senator A.H. WILLIAMS. My emotion, Madam President.

Senator BRIGHTBILL. Madam President, the use of the word "emotion" I do not equate to the kinds of criticisms that the gentleman said I made. He is making what I consider to be emotional arguments in support of something, but I did not intend it to be any kind of a personal criticism, which I think would be inappropriate for me to do.

Senator A.H. WILLIAMS. Madam President, I do not take it personally, so that is fine.

Senator BRIGHTBILL. Madam President, I just would conclude by saying again that the minimum wage job available in Lebanon County and most of the minimum wage jobs available in Berks County are jobs controlled by Governor Ed Rendell, who now apparently is telling us that after 6 months he gives

them a 50-cents-an-hour, 55-cents-an-hour bonus, and if they stay for a year, he gives them \$1,000 extra. Well, the reason for that is because that is in the statute. He does not have a choice. He has to give them another \$1,000 if they stay here and, of course, these are training positions, and if they stay on the job for 1 year, they get \$1,000. The purpose is that it is intended as an incentive to have people stay. They do not do that in private industry, that I know of. They do have incentives. I have a son who sells advertising, for example, and he has incentives. But this is not emotion, these are the facts. This comes from the State's Career Link Web site. All I am suggesting is that if Ed Rendell is really dedicated to raising the minimum wage, that he would have led by doing so for the Pennsylvania Conservation Corps, and did that first before he asked anyone to put in a bill. What the business community tells me, frankly, is that the minimum wage, where paid, is essentially a training wage for people who are just coming into the system.

Another thing, he mentions my friend for 60 years, and he wonders how I could have a friend for 60 years when I am only a little over 60, looking 40, and the answer is that I have been a friend of his for actually 63 years. We were infants together, there are pictures of us, and I just wanted him to know.

Senator A.H. WILLIAMS. Madam President, I actually thought it was in a previous life.

Senator BRIGHTBILL. Madam President, the first 2 or 3 years we did not talk about economic concepts.

I want to relate back to this, and I know it is not a fact, it is anecdotal, but I asked him, and he told me that he pays \$12 an hour for a laborer. I asked, what is the biggest problem you face? He said, frankly, keeping qualified people. He said he can get people at \$12 an hour, but cannot keep them. They come in and they work a while, he is a masonry contractor, and they learn the trade, or something about the trade, and then they move on. I asked, what is your highest wage? And he said, something like \$24 an hour. I think that was the number. I am relying on my recollection here. So, starting people at \$12 an hour in Lebanon, Pennsylvania, he is still scampering to pay people adequately. At the same time, he does a lot of jobs. In fact, every job he does, somebody wants him to have the sharpest pencil that he can have, because there are other masonry contractors around who are looking to eat his lunch, so to speak.

Show us the facts, show us the facts, that is what we are saying. We have never foreclosed this. We do not say it is a bad thing. We do believe, and most of us have voted at some point in time to raise the minimum wage, and would do so again, but show us the facts. We have not seen them. So if you want to keep going here tonight, that is fine.

Senator A.H. WILLIAMS. Madam President, I am actually already in trouble, I was supposed to be home a long time ago, and I am talking about my wife on television, so I am staying. But I just have a couple of things.

One, I am glad he mentioned this friend, because I have a friend, Sam Staten, who heads the Labor Union in Philadelphia, 332, and I am very proud of that. Sam has a distinguished background. Like the gentleman, he is somewhere over 60 and looks like he is in his 40s, but he does not do that work anymore. He does not do that work anymore because he is too old. So, with everybody who is getting paid \$12 an hour, there is a limited

pool of people who can do that work, and I would suggest that the gentleman turn to AARP if he does not believe us and what we are talking about. AARP understands its seniors, and this is not an opinion, this is a fact. Pennsylvania is one of the older aging States in the country. Florida, Pennsylvania, and Texas, I think, are some of the most aging States in this country. That population, AARP has already stated that people are working well after the normal time period of retirement because they have to, and many of them are working in minimum wage jobs. That is not me, that is them saying it. They are saying they have to work these minimum wage jobs because of pensions and Social Security being restricted, and a variety of other things. That is them speaking.

I would ask if the gentleman has ever been to a restaurant or two or three or four or five. I would think that he knows that most of the waiters or waitresses make minimum wage. They live off tips, and the reason they make the minimum wage is because they live off the tips. The reason the minimum wage was established within that restaurant is because the government requires it. Before that, they were simply living on tips, and we felt in government that was an injustice and commerce responded. I do not think they moved all the waitressing jobs to Europe or Czechoslovakia, which no longer exists. I know you would come back and tell me that Czechoslovakia no longer exists, and I just wanted to get that correct.

Those are the facts. In these places, the minimum wage exists for a reason. It is not the marketplace. It is because the government says they cannot exploit a class of people below this amount economically. That is why it exists, not because the marketplace establishes it. It never has, and if you can find me a book that tells me that, I can retract that. That is my own statement, my statement, not the comptroller's, not the Governor's, that is my statement.

So if we are going to talk about it again, again he asked me for some facts, and I gave them, and it is kind of strange because he is not responding when I put facts out there. I said, you know, the surrounding States, in most part, their minimum wage is higher than ours. If you do not believe me, go check it. So all these business owners who are saying they are going to leave, where are they going to go? They are not leaving. I am asking about that. I asked if he realized that there is a significant senior citizen population in everybody's district who has to work, and they are working at minimum wage. That is not me, AARP said that; that is not me, that is a fact. There is a population of younger workers, be they teenagers, waiters or waitresses, working at minimum wage, that is not me, that is a fact, and that the minimum wage was established by government to establish a credible, civilized or societal norm in terms of how we value working people economically, that is government's responsibility, and that is a fact.

So we are simply saying that if most of industry, small business, and I imagine his friend is what we would describe in Pennsylvania as a small business owner, most of those small business owners tell you the marketplace does not pay minimum wage, well, then why are we scared? You cannot have it both ways. You cannot come here and say, you know what, my friend does not pay minimum wage, but he also told me that he is going to have to leave if we raise the minimum wage. I do not understand that. If you are paying \$12 an hour and all of a sudden it goes

down to \$5 an hour, are you going to leave? That does not make sense to me.

What does make sense to me is that we are trying to avoid this issue, and we use this distraction, that it was not done to stick. It is like my kid, throw enough spitballs against the wall and hope one of them sticks, and it sounds credible. Well, right now they are all sort of slipping off, because one by one, when you bring them up to me, I have a logical response. I have a Governor who has already called and said he is prepared. I do not know how he got in this argument, by the way, because it was Senator Hughes who brought it up and Senator Tartaglione who raised it, so we as legislators, who preceded Governor Rendell in government, know because that program existed when Governor Ridge was here. He did not leave with raising the minimum wage, did he? I do not think so. So, I do not think it is fair to say Ed Rendell, all of a sudden, should be the one to raise the minimum wage standard. I believe there were minimum wage government jobs in Republican administrations and in Democratic administrations around here, so I do not know how he got involved. A legislator introduced a bill. She introduced it in the Senate, and we have not moved the bill.

So, with all due respect, to all the avoidance issues, all the distractions, all the nonlogic, all the facts, emotions, whatever it may be, we still come back to the basic resting point, and that is, why are we not moving this bill? There are good, substantive arguments, reasons, facts, and logic that I have already stated four or five different ways, which he never responds to, by the way. He never says, you know, you are right. In Ohio and most of the surrounding States, I never thought about the fact that their minimum wages are higher than ours. I never thought about the fact that AARP, which we all respond to around here, said, hey, we need to raise the minimum wage. I can keep going on. When the Governor said, hey, I acquiesce. I did not know it, you gave me some information, I will make a change. He responded to all those things. Now I simply want to hear a logical response to as to why we are ignoring and not moving the bill. That is all I am asking.

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

Senator HUGHES. You know, Madam President, I cannot finish the evening, but I will do my best to allow people to return to their homes and for Senator Williams to work on repairs with his wife.

Senator A.H. WILLIAMS. I am not leaving

Senator HUGHES. And I know his wife, and he has some work to do.

But let us be clear. Hopefully, some of the workers that the good gentleman, the Majority Leader, talks about, who, in fact, start at \$5.15 an hour, and the fact is that at the point of starting they are guaranteed a 10-percent increase after 6 months, the fact is that they are guaranteed \$1,000 after a year's time. The fact is that the Governor's people, not the Governor directly, the Governor's people have indicated that he is prepared to move on this proposal tomorrow, tomorrow for his workers. Tomorrow. The fact is that most job openings are probably not posted on Pennsylvania Career Link. The job openings at the dry cleaner are not posted on Pennsylvania Career Link, I would not imagine. The job openings at the local 7-Eleven out there on, I think it is on

Paxton Street, or maybe I am wrong, I may have the street wrong, in Highspire, or at the Wawa, are not posted on the Career Link. The job openings posted at the 7-Eleven or down the corner at Sheetz, those places are not posted on Pennsylvania Career Link. It is not the nature of their business or their proprietors to be networked into the reality of State government job postings. That is an economic and employee situation, an employer-employee situation, that does not necessarily connect to the larger reality of Pennsylvania Career Link, or maybe not the larger reality of Pennsylvania Career Link, where most of those job openings are posted.

A significant part of the legitimate Pennsylvania economy and Pennsylvania businesses that operate do not get connected to government-related economic programs, not government-supported, but government-related economic programs. They are there, they are legitimate, they pay taxes, they function, and a lot of people work in those businesses. A lot of people work in those businesses. The fact is that most wait staff, a lot of wait staff who work in restaurants get paid I think it is called a tip wage, tip scale. I might not have the name exactly correct, but it is below the current minimum wage level, with the expectation that those folks are also compensated based on the tips that they receive. That is accepted in the State, and that is accepted nationally. The facts are that even though there may be one position on the Career Link in one county, and a couple of positions on the Career Link in another county, and a few other positions on the Career Link in another county open at the minimum wage, and even though there is just a few of them, we should take care of those few. We should take care of them. We should take care of those positions. We should adjust our vision to those positions. We should raise up the water, raise up the base for those individuals. That is good for the economy.

The facts are, Madam President, that data exists, extensive data exists, extensive information exists. If you check the pasenate.com Web site, and I know the Majority and the staff on the other side go to our Web site regularly just to see what we are doing, just to check us out, keep abreast of what we are doing, and we have a whole separate section on the minimum wage, tons of arguments, tons of information, tons of data, refuting a lot of the information, statistics, research, and analysis that are reported by the Majority and those who support the Majority, refuting a lot of that stuff. You know, studies have been replicated almost word for word from State to State that have not been borne out on the facts saying that if you increase the minimum wage, that there will be job loss. Well, there was an increase, and there was no job loss. There was no job loss. The rates were increased, and there was no job loss. I want people to hear that. The minimum wage rates were increased, and there was no job loss. Those are the facts. The other fact is that at \$5.15 an hour, that is \$206 a week, that is \$10,712 a year in a 52-week year. That is the fact, and for families, that is below the Federal poverty level.

The facts are that there are 4 days left, including this day, on the scheduled Calendar that we are to be in Session, 4 days. The leadership has said, the Majority Leader has said that he has no intention of putting this bill on the Calendar for a vote. That is the fact. If it is not on our Calendar for a vote, it will not be voted. I cannot put a bill on the Calendar to be voted. The people on this side cannot put a bill on the Calendar to be voted, as we

are in the Minority. People on that side, the Republican Majority, can put a bill on the Calendar to be voted. We cannot. That is a fact. We have a discharge move going on, which, hopefully, we will be addressing on Monday. It has been introduced. It was read across the desk. That is a fact.

It is a fact that \$206 a week, \$5.15 an hour, \$10,712 a year, is below the Federal poverty level. I did not set the poverty level. The people in Washington set the poverty level. That is a fact. We are not moving on the bill, according to the leader. He says we are not moving on the bill, that is a fact. The fact stands that unless things change over the weekend, unless things change, the fact is that the minimum wage will be stonewalled by the Senate of Pennsylvania, by the Majority Senate in Pennsylvania. There will be no increase in the minimum wage in Pennsylvania because the Majority party in the Senate, that being the Republican Majority in the Senate, made a conscious decision to allow people to live below the Federal poverty level, and 1 plus 1 equals 2, and that is a fact. If the bill does not move, the law will not change, the wages will not be increased, and there will be sad Christmases for far too many people in Pennsylvania because they chose not to move. That is a fact.

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

Senator BRIGHTBILL. Madam President, I will simply agree with the gentleman that not all jobs are posted on the Career Link, and I suggest to the gentleman that if he believes that places like Sheetz and Wawa, and those kinds of places, employ people at minimum wage, he should go check, because we did, and they do not because they cannot. Would they if they could? Yes. If times were different, maybe they would look at it differently. The fact is that they do not, and they do not because there is a market out there.

What I found interesting trying to discuss this is that they attribute things to me that I have not said, which will appear, if anybody reads the record, but what you see, and the real problem is that if you raise the minimum wage, you impact dramatically and negatively on those people who employ people at \$7, \$8, and \$9 an hour, and there are a lot of those employees. I have not said that those jobs are going to move out of State or to India, or wherever. What I have said is that they are going to find ways to eliminate jobs by perhaps getting a machine or a piece of equipment, or just simply doing less, or having people there who work harder, maybe be open an hour less, that kind of thing. The economics are such that businesses and business people have to compensate. I have said that most of the minimum wage jobs on Career Link are Ed Rendell's, plain and simple, \$5.15 an hour, and he gives them a 50-cent-an-hour raise after 6 months and another \$1,000 if they stay for a year. Well, he could get to the same place by simply paying \$6.25 an hour from the get-go. I am suggesting that Ed Rendell could pick up a pen and write an order and change that immediately, and if he really believes in what he wants to do and if he is not trying to pander to some political group for a political issue, then he should do that if he wants to do some good. He has had the chance. It has passed. It has passed.

So I am suggesting, Madam President, that whether we are talking Philadelphia County, Lebanon County, Berks County, Chester County, I have not looked at the western counties, that

this is not a debate about anything other than political priorities. Ed Rendell wants to deliver for somebody and say I have something for you, I have gotten you a higher minimum wage, and that is what this is really all about, is it not? This is about political priorities and this is about next year being an election year. That is what this is really about. This is not about people, because people are earning \$7 and \$8 an hour and more. America has always been a place where you want opportunities for your children, and you do not get opportunities by having the government set the wage rates. A saying in the Soviet Union used to be: We pretend to work and the government pretends to pay us. What happened in the Soviet Union, among many things, was that when they tried to centralize and establish wage rates and production rates, over a period of time the productivity of the people declined, and they decided that in order to promote productivity, they had to go from an economy where they planned centrally to the private sector. That is what we have.

What I found, Madam President, is that people always want the benefits of the private sector and the private economy, but they do not want to take their hands off of it to let those things happen. Madam President, I know we are going to talk about this again. That is fine. We are ready. We are here. I am just going to ask my colleagues when they come on this floor the next time that they get some facts and figures to talk about.

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

Senator HUGHES. Madam President, I remind the gentleman about how this country was built. It was something called slavery, Madam President, where millions of people came to this country -- excuse me, were dragged over to this country, and worked and slaved to build a nation that they could not participate in. This country was built on land giveaways to people brought out of jails and prisons in Europe, to be brought over here and abdicated of all their debt, everything that they owed, if they came over to this country to places like Georgia, North Carolina, Pennsylvania, and New York, and we gave them acres and acres and acres of land because this country wanted people to come here. The economy of this nation, this great country, was built on the backs of people, was built on the backs of people making slave wages or no wages. That is the unfortunate history of the United States of America. Pennsylvania was built like that, New York was built like that, and North Carolina, New Jersey, and Georgia were built like that. That is how this country was built, Madam President, making people work at salaries below their value. That is how this country was built.

I would remind the good Majority Leader of that economic reality and that economic fact. That is how this country was built. Give away the land, your debt will be absolved. You know, it is interesting when that was brought to mind again, Madam President, I was with my son, who was in 7th grade at the time and attended a fine school in Philadelphia, and I was helping him with his history homework, and it was in the history textbook of how the country, the country just gave away this land to these guys right out of prisons. We will absolve you of your debt, come to the United States, take all this land, and generations and generations of people, generations were made wealthy. They call that old money in this country. That is old money. That is not new-found money, that is old money. Where did that old money come

from? Slavery. I am sure the gentleman is familiar with that. Slave wages, slave wages, and for some people, for some people in this country \$5.15 an hour cannot put a roof over their heads, \$5.15 an hour cannot pay them what they need to sustain themselves or their family, \$5.15 an hour is not sufficient for adequate health care. In fact, not even adequate health care, below adequate health care, \$5.15 an hour does not get it.

The Governor has said he will change his policy, and I thank the gentleman for raising it. Maybe that raised some attention. But the issue is, are we going to move forward as a body to take on this issue? Are we going to stick our heads in the sand and say no? Forget those folks. Ignore their issues. Ignore their cries. Look the other way. Go on about our business and ignore the reality of their situation. By not moving the legislation, by not considering the bill, by not taking on this issue, by not moving the legislation, which the Majority has the ability to do, then we are saying that these people have no value and their economic well-being is not of a concern. That is what we are saying. And I may be emotional, but you know what? It is time somebody get emotional about this, considering public policy has not gotten folks anywhere. Analyzing, studying, researching has not gotten folks anywhere, has not moved the ball forward.

We have four days left. Count them. This conversation started a couple of weeks ago, 7, 6, 5, now we are down to 4. My best guess with all our Members not being here right about now, they are in their offices analyzing work, doing research, what have you, my best guess is we will probably not deal with it tonight. But then Monday will come, we will be at day 3, Tuesday, 2, and Wednesday will be the last day. Is there no healing for the people? The harvest is past. Is there no balm in Gilead?

Thank you, Madam President. Hopefully, that will be the end.

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

Senator BRIGHTBILL. Madam President, I would just note for the gentleman that the concept of minimum wage is a relatively new concept in American history, and my recollection, which may be faulty, is that it might have been the 1950s or 1960s that we have done that, certainly, since the New Deal. I am told that it was in 1938 when we started with minimum wage, so there was a lot of progress in America before the government felt compelled to create a minimum wage, and as I said before, I think it is a good thing. I also would challenge Governor Rendell now, since he is the prime minimum wage payer on Pennsylvania Career Link, that he remedy that situation.

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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, December 12, 2005, at 2 p.m., Eastern Standard Time.

The motion was agreed to by voice vote.

The Senate recessed at 6:50 p.m., Eastern Standard Time.