

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

WEDNESDAY, JUNE 6, 2007

SESSION OF 2007 191ST OF THE GENERAL ASSEMBLY

No. 39

**SENATE**

WEDNESDAY, June 6, 2007

The Senate met at 10:30 a.m., Eastern Daylight Saving Time.

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

**PRAYER**

The Chaplain, Reverend ROBERT MOORE, Jr., of New Salem Baptist Church, Philadelphia, offered the following prayer:

Let us pray.

Father God, we come to You this morning, Lord, in no form or fashion, but we come to uplift Your holy and divine name. Father God, we know that without You nothing is impossible, but with You, Lord, all things are possible.

Lord, we ask Your blessings on this Senate Session, on every public official that is here. We ask, Lord, that You give them a better understanding how to serve Your people. O Father God, we come to You because we know that You are God and You are God all by Yourself. We ask that You bless everything that may be proposed this morning, Lord, bless everything that may be voted on. Give them the wisdom and understanding, Lord, that they be on one accord this morning, that they may serve Your people in the way that You want.

Father God, we thank you for great things that are going to take place in this meeting today. In Jesus' name we pray. Amen.

The PRESIDENT. The Chair thanks Reverend Moore, who is the guest today of Senator Kitchen.

**PLEDGE OF ALLEGIANCE**

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

**BILLS INTRODUCED AND REFERRED**

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

June 6, 2007

Senators GREENLEAF, COSTA, RAFFERTY, STACK, O'PAKE, BROWNE and WASHINGTON presented to the Chair **SB 895**, entitled:

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

Which was committed to the Committee on JUDICIARY, June 6, 2007.

Senators CORMAN, PILEGGI, SCARNATI, ARMSTRONG, ROBBINS, ERICKSON, TOMLINSON, RAFFERTY, BOSCOLA, REGOLA, ORIE, BAKER, FOLMER, EARLL, COSTA, M. WHITE, RHOADES, WAUGH and BROWNE presented to the Chair **SB 914**, entitled:

An Act requiring the posting of certain State contract information on the Internet; and making a related repeal.

Which was committed to the Committee on STATE GOVERNMENT, June 6, 2007.

Senator FUMO presented to the Chair **SB 916**, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey, at a price to be determined through a public solicitation for proposals, certain lands, buildings and improvements situate in the City and County of Philadelphia, known as the Philadelphia State Office Building.

Which was committed to the Committee on STATE GOVERNMENT, June 6, 2007.

Senator WOZNIAK presented to the Chair **SB 917**, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to CDM Ebensburg, LLC, certain lands situate in Cambria Township, Cambria County.

Which was committed to the Committee on STATE GOVERNMENT, June 6, 2007.

**BILLS REPORTED FROM COMMITTEE**

Senator TOMLINSON, from the Committee on Consumer Protection and Professional Licensure, reported the following bills:

**SB 455 (Pr. No. 1097) (Amended)**

An Act amending the act of May 1, 1933 (P.L.216, No.76), known as The Dental Law, further providing for the definitions of "dental hygienist" and "board"; providing for the definition of "public health dental hygiene practitioner"; further providing for the general powers of the State Board of Dentistry and for radiologic procedures, education and training; and providing for the public health practice of dental hygienists.

**SB 838 (Pr. No. 973)**

An Act amending the act of May 26, 1947 (P.L.318, No.140), known as the CPA Law, further providing for definitions, for State Board of Accountancy, for general powers of the board, for examination and issuance of certificate, for education requirements, for experience requirements; providing for requirements for issuance of certificate; further providing for certificates issued by domestic reciprocity and for certificates issued by foreign reciprocity; providing for practice in this Commonwealth by individuals under substantial equivalency, for practice outside this Commonwealth under substantial equivalency; further providing for licenses to practice, for licensing of firms, for peer review, for grounds for discipline, for reinstatement, for unlawful acts and for acts not unlawful.

**LEGISLATIVE LEAVES**

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Madam President, I request temporary Capitol leaves for Senator Armstrong, Senator Erickson, and Senator Punt.

The PRESIDENT. Senator Pileggi requests temporary Capitol leaves for Senator Armstrong, Senator Erickson, and Senator Punt.

The Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Madam President, I request a legislative leave for Senator O'Pake.

The PRESIDENT. Senator Costa requests a legislative leave for Senator O'Pake.

Without objection, the leaves will be granted.

**LEAVES OF ABSENCE**

Senator PILEGGI asked and obtained leaves of absence for Senator EARLL and Senator WONDERLING, for today's Session, for personal reasons.

Senator COSTA asked and obtained leaves of absence for Senator A.H. WILLIAMS and Senator C. WILLIAMS, for today's Session, for personal reasons.

**CALENDAR****SENATE RESOLUTION No. 130  
CALLED UP OUT OF ORDER, ADOPTED**

Senator PILEGGI, without objection, called up from page 5 of the Calendar, as a Special Order of Business, **Senate Resolution No. 130**, entitled:

A Resolution adopting a temporary rule of the Senate relating solely to amendments to the General Appropriation Bill and other appropriation bills for the fiscal year beginning July 1, 2007, including any amendments offered to or for supplemental appropriations for prior fiscal years.

On the question,  
Will the Senate adopt the resolution?

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

**YEA-46**

Armstrong	Fontana	Musto	Stack
Baker	Fumo	O'Pake	Stout
Boscola	Gordner	Orie	Tartaglione
Browne	Greenleaf	Piccola	Tomlinson
Brubaker	Hughes	Pileggi	Vance
Corman	Kasunic	Pippy	Washington
Costa	Kitchen	Punt	Waugh
Dinniman	LaValle	Rafferty	White, Donald
Eichelberger	Logan	Regola	White, Mary Jo
Erickson	Madigan	Rhoades	Wozniak
Ferlo	McIlhinney	Robbins	
Folmer	Mellow	Scarnati	

**NAY-0**

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

**SPECIAL ORDER OF BUSINESS  
GUESTS OF SENATOR MICHAEL BRUBAKER  
PRESENTED TO THE SENATE**

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

Senator BRUBAKER. Madam President, I am honored today and have the pleasure of introducing Charlie Wenger, a World War II veteran and hero, who is here today along with his wife, Betty, and special guests Dennis Groff, Katherine Wood Jacobs, Pastor Shan Cleck, and Sally Riehl.

Currently, Charlie lives in Ronks, Pennsylvania, which I am proud to say is located in the district I represent, but most importantly, over 60 years ago Charlie found himself in a foreign land fighting what has been referred to as a defining moment of the 20th century. Charlie was a member of the 38th Infantry Division stationed in the Pacific theater and charged with the task of recapturing the Philippine Islands from the Japanese.

He is a decorated hero, being awarded the Bronze Star, the Good Conduct Medal, the Asiatic-Pacific Campaign Medal, the World War II Victory Medal, and the Philippine Liberation Medal, all of which he is proudly wearing today.

The Philippine Islands liberation was a fulfillment of a promise made by General Douglas MacArthur to the Philippine people. When forced by the Japanese to leave the islands in the early part of the war, General MacArthur vowed to return and liberate the people of the Philippines.

On January 9, 1945, that promise was fulfilled and captured in the photo we see before us today, which will be placed here in just a moment. At General MacArthur's side, as he made his triumphant return, was Charlie Wenger. Today, Charlie has graced us with his presence and offered to talk about that important moment in history. I ask that you join me, Madam President, in welcoming a true American hero, Charlie Wenger.

The PRESIDENT. Welcome to the Senate of Pennsylvania.  
(Applause.)

Mr. WENGER. Good morning. This instance happened in the Lingayen Gulf on the Luzon Island of the Philippines. I have titled it, "I Shall Return."

During World War II, I was a private first class in the 38th Infantry Division serving in the Pacific. I will say 38th, I do not

have that written here, but I remember it. The 38th was the Indiana National Guard, and I joined them. We left New Guinea and arrived on Leyte in January of 1945, where we stayed for 3 days.

The night we landed on the Luzon Islands, we worked to make a beachhead. The next morning after we secured two square miles, my sergeant came and asked me if I remembered how to get back to where we had landed on the beach that morning. I told him I knew the way out and asked him what I was to do. His answer was, just go do it. Security, but I did not realize, being 19 years old, I did not realize that it was security. I told him, okay, I would go do it. He did tell me I would meet a soldier coming out from each company to join me. Those soldiers came from different regiments.

When we got to the beach, there was an LCI with the front end opened and three sailors on it. Their command to us was get on quick before they drop a bomb on us. I asked them, what are we going to do? Their answer was, do not worry about it, we are going to do it. Then we went out to a ship and we watched as General MacArthur came down the side of the boat. If there are any sailors in here, I am sorry, they call them ships. MacArthur came down the ropes and he got on the LCI. He looked me straight in the eye, and asked me, who is in charge here? My answer was, no one.

There was one man from each company and he was asking for someone to lead him into headquarters. I told him I would be his guide and take him to the Third Battalion Headquarters. I did not know where the head district was.

As we left the LCI, this photo was taken. I told the general that was the third time I was getting wet feet that morning, but he did not seem to be concerned about my wet feet.

After we got to headquarters and dropped him off, I never saw General MacArthur after that.

Our division served as the liberators of the Bataan Death March. That is what the 38th was called. It started where we landed. Carl Mydans, the photographer who made this picture possible, had been on the death march, as well as his wife, and was liberated earlier by another division.

In regards to his wife, she was a nurse in the Army. They were not married then, and not too long ago I read in the paper where Carl Mydans died in July. I think his wife, as far as I know, is still living. That was indeed an honor for me. That will cover my story. Thank you.

(Applause.)

The PRESIDENT. This was the scene, you are the man on the right. That is remarkable. God bless you.

Mr. WENGER. That is General MacArthur, and I am told that this man here is his doctor. I am not sure of that. This is General Sutherland, who took over when FDR, we all realize that he was President then, FDR told MacArthur to get your butt down to Australia, and General MacArthur did not want to go.

General MacArthur did not want to go, and I thought they put him on a speedboat and took him to Australia, but just the other day I read a book where it seemed that he might have gone on a submarine. I do not know. Anyway, they got him to Australia and later on, after Leyte was taken, he came back and took charge. There is a picture of him being led ashore.

(Applause.)

## GUEST OF SENATOR WAYNE D. FONTANA PRESENTED TO THE SENATE

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

Senator FONTANA. Madam President, I rise to recognize a special guest from Allegheny County who is in the gallery. I served 5-plus years on Allegheny County Council, and this gentleman was the solicitor there. He is in Harrisburg today, and as I understand it, winning a case in Commonwealth Court. I would like the Senate to give a warm welcome to Attorney Jack Cambest.

(Applause.)

## CONSIDERATION OF CALENDAR RESUMED

### THIRD CONSIDERATION CALENDAR

#### BILLS OVER IN ORDER

**SB 317, HB 688 and SB 826** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

#### BILL OVER IN ORDER TEMPORARILY

**SB 831** -- Without objection, the bill was passed over in its order temporarily at the request of Senator PILEGGI.

### SECOND CONSIDERATION CALENDAR

#### BILL REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

**SB 385 (Pr. No. 1087)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 9, 1990 (P.L.340, No.78), known as the Public Safety Emergency Telephone Act, providing for interconnected Voice over Internet Protocol service; and establishing the VoIP 911 Emergency Services Fund.

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

#### BILLS OVER IN ORDER

**SB 87 and SB 333** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

#### BILL ON SECOND CONSIDERATION

**SB 413 (Pr. No. 460)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing for assessment of signs and sign structures; and making related repeals.

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

#### BILLS OVER IN ORDER

**SB 466, SB 632 and SB 726** -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

#### BILL ON SECOND CONSIDERATION

**SB 799 (Pr. No. 891)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 30, 1987 (P.L.163, No.16), known as the Rural Pennsylvania Revitalization Act, further providing for board of directors and for grants.

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

#### BILLS ON SECOND CONSIDERATION AND REREFERRED

**SB 834 (Pr. No. 970)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 14, 1961 (P.L.324, No.188), known as The Library Code, further providing for appointment, qualification and tenure of members of the Advisory Council on Library Development.

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

**HB 842 (Pr. No. 1832)** -- 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 for third consideration.  
Upon motion of Senator PILEGGI, and agreed to by voice vote, the bill just considered was rereferred to the Committee on Appropriations.

#### BILL OVER IN ORDER

**SB 844** -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

#### LEGISLATIVE LEAVES

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Madam President, I request temporary Capitol leaves for Senator Baker and Senator M.J. White, who are presently at a committee hearing.

The PRESIDENT. Senator Pileggi requests temporary Capitol leaves for Senator Baker and Senator M.J. White.

The Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Madam President, I request a temporary Capitol leave for Senator Washington.

The PRESIDENT. Senator Costa requests a temporary Capitol leave for Senator Washington.

Without objection, the leaves will be granted.

#### CONSIDERATION OF CALENDAR RESUMED

#### THIRD CONSIDERATION CALENDAR RESUMED

#### SB 831 CALLED UP

**SB 831 (Pr. No. 968)** -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Third Consideration Calendar, by Senator PILEGGI.

#### BILL ON THIRD CONSIDERATION, DEFEATED ON FINAL PASSAGE

**SB 831 (Pr. No. 968)** -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentleman from Chester, Senator Dinniman.

Senator DINNIMAN. Madam President, why are judges a special class of people? Every citizen of this Commonwealth, whether they are rich or poor, whether they are a judge or dig ditches, has the responsibility to serve on a jury. Jury duty is the fundamental principle of this Commonwealth and of this nation, and to exempt any class of people, even if they are judges, from jury duty is simply contrary to the very foundations of this nation and contrary to the meaning.

I understand from my own county, judges serve on jury duty, but are usually exempted because they are a judge. At least they get the citation to serve, they have to show up like any other citizen in the jury lounge, and they have to be prepared to do this type of service just like every citizen. I just simply think it is wrong for this Commonwealth to exempt any individual. In our county, in fact, if a doctor in an emergency room tries to get out of jury duty by saying I am an emergency room doctor, they send a deputy to the emergency room to get that doctor so that doctor will show up and serve like you and I have to.

I hope the Senate does not exempt any class of person from that jury duty, whether or not they are a judge. Judges are not demagogues. Judges are citizens like you and I, and they have the same responsibility. So, I rise to oppose this exemption.

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

Senator RAFFERTY. Madam President, I know this was based on Federal legislation, Federal statute, and had I had the opportunity to vote on that statute, I would have voted "no." I plan to vote "no" today on this bill, Madam President. Senator Dinniman touched upon a number of the points that I would have made. We have no class in the Constitution that has been excluded from jury duty. It is everybody's obligation to serve on jury duty.

There are people just as important, or even more important, in society than judges. We talk about operating room doctors, emergency room nurses, police officers, and State troopers who are on the road protecting our health, safety, and welfare. I do not think it is for us to make the decision that we should exempt a class from serving on jury duty. I think it is beneficial that everyone has the opportunity and the experience to do so. There are enough provisions within the law for striking jurors for cause, and if someone, an attorney on either side of the aisle, or the court itself feels that someone is not warranted, they may use that.

Madam President, I feel that exempting judges would be wrong, and I will be voting "no."

#### LEAVES CANCELLED

The PRESIDENT. Senator Mary Jo White and Senator Baker have returned, and their temporary Capitol leaves will be cancelled.

And the question recurring,  
Shall the bill pass finally?

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

Senator BOSCOLA. Madam President, I do not see any reason why any occupation in this Commonwealth should be exempt from jury duty, no matter what occupation it is. It is almost like we are creating a special class of people here and saying they do not have to serve on jury duty.

Before I was elected to the House of Representatives and then to the Senate, I was a deputy court administrator. One of the jobs that I had was serving as the jury clerk when that person was ill or unavailable. It is interesting to know what people have to go through when they serve on a daily basis and come for jury duty, sit, and understand what is going on. Interestingly enough, in Northampton County, some of the judges used to get exempted from jury duty because of who they were. They also wanted to exempt district justices from serving on jury duty, but a lot of district justices would not want to get exempted from jury duty, and they should not be exempt from jury duty.

So, not only Court of Common Pleas judges, Commonwealth Court judges, and Superior Court judges would be exempt, but this would also include district justices. There is no reason why these individuals should be exempt from jury duty, none whatsoever.

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

Senator GREENLEAF. Madam President, I rise in support of this legislation. I am the sponsor of this legislation, and there are several reasons for its introduction.

First of all, there is now a Federal law that exempts judges and, in fact, all public officials from jury service in the Federal courts. What this legislation does is mirror that legislation, but it is much more restrictive. It proposes that the Pennsylvania judges would not serve on juries, but it does not exempt all public officials as the Federal legislation does.

Second, the reality of it is that some will argue that we should give them the experience of serving on a jury. They spend every day in a courtroom with jurors. They know what is happening with the jurors. They know what they are thinking. They know what is going on in the jury room. They do not really need that experience. In fact, in a practical sense, judges are not accepted on the jury. If you have a judge in your pool and you are an attorney, you are not going to accept a judge. That is what happens. There might be an isolated case, but the vast, vast majority of judges who are called for jury service are not picked for the jury.

Third, we are wasting a lot of time and a lot of money. We pay these individuals to serve as judges, and when they are taken out of circulation and have to show up for jury duty that day--and we know and everyone knows that they are not going to be picked--we are wasting time, effort, valuable judicial money, and talent by forcing them to come to that location.

They are certainly serving their Commonwealth every day, and I think it is important for us to recognize the practicality of it, that they are not chosen, and this is a tremendous waste of capital and money that the Commonwealth does not have to spend and lose by forcing them to show up for jury duty. So, I ask for an affirmative vote.

The PRESIDENT. The Chair recognizes the gentlewoman from Venango, Senator Mary Jo White.

Senator M.J. WHITE. Madam President, I certainly agree with Senator Greenleaf that it is unlikely, but not impossible, that a judge would be accepted for jury duty. You could make the same argument about district attorneys and about public defenders. As a former public defender, when I was called for jury duty, I assumed I would not be selected, but I was picked for a criminal jury. I did not get to sit because they settled the case, but I think once we go down this road, who else are we going to exempt? First of all, we will start with judges, then district attorneys, public defenders, and other persons who are unlikely to be selected for a jury, perhaps State troopers who are unlikely to be selected on a criminal case. Then we can make the argument that emergency room physicians are too important to be spending time on a jury when they could be helping people in an emergency room.

I think once we go down this road of exempting classes of persons based on their employment from jury duty, we are heading down the wrong path. I think as a practical matter the system will take care of itself. Judges most likely can be excused by other judges, but I think we should leave the process the way it is. Jury duty is a privilege and a responsibility.

Thank you, Madam President.

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

Senator BOSCOLA. Madam President, I know I am speaking for the second time, but I just had a thought here. There was a controversial pay raise that was enacted a couple years ago, and guess who got exempted from that pay raise? The judges that we are now exempting from jury duty. This is why I am saying they think they are a special class of people.

Thank you, Madam President.

The PRESIDENT. The Chair recognizes the gentleman from Chester, Senator Dinniman.

Senator DINNIMAN. Madam President, will the gentleman from Montgomery, Senator Greenleaf, stand for interrogation?

The PRESIDENT. Will the gentleman from Montgomery, Senator Greenleaf, permit himself to be interrogated?

Senator GREENLEAF. I will, Madam President.

The PRESIDENT. The Chair recognizes the gentleman from Chester, Senator Dinniman.

Senator DINNIMAN. Madam President, on exempting judges, does the gentleman feel that Senators and Representatives of this Commonwealth, who usually would not be picked as jurors either, be exempted from jury duty?

Senator GREENLEAF. Madam President, I think if the gentleman was listening to my comments, he would have remembered that I indicated it only applied to judges and it did not apply to the same class of people that the Federal legislation applies to, particularly all public officials. It does not apply to that, and I think I clearly said that during my initial statements.

By the way, while I am at it, this is not the first time that there are groups that are exempted from jury service. For example, members of the military, people who are victims, and people who have a hardship or extreme inconvenience are on the list of individuals who are exempt from service. Also, while I am at it, I would also like to bring up the point that it is not a complete exemption. What it means is that the judge will have the option to ask to be exempted from the service. They would have to ask for it, it is not a blanket exemption.

Senator DINNIMAN. Madam President, would the gentleman concede that when he mentions people in the military who are not in the proper location, or when he mentions individuals who may be old or disabled or inconvenienced, or postponed, that these are not classes based on occupation but rather they are classes of people who have special needs which the court takes into consideration. When we go to judges, we are getting into classes of professions and people.

Senator GREENLEAF. Madam President, I think that is not a relevant comparison because we are dealing with an issue where people are not chosen for jury service. They are almost never chosen for jury service. That is a matter of practicality. So, I do not think there is any distinction between profession and the other exceptions. The fact is that they are never chosen.

Maybe the gentleman would like to decide whether he wants to spend the money to have these people show up and not be chosen. I mean, that is obviously a cost. We know how much there is involved in supporting judges, and if they miss 1 or 2 days in their service, what about the counties that have one judge in their county? What is going to happen with that county? The whole courthouse comes to a close because we are going to say,

no, you have to show up, and you have to sit there and wait until they are either chosen or not chosen? I guarantee that in a county with only one judge, they are not going to be chosen. That, to me, would be a complete waste of time.

Senator DINNIMAN. Madam President, I thank the gentleman for his answer, but anyone who serves on jury duty is giving up salary, and many people who serve on jury duty never get repaid. They give up time and salary and occupation, and I appreciate the intent of this, but the fact of the matter is that I want everyone to have to walk through the door as any citizen to walk down to that jury room hand in hand, poor or wealthy, judge or not judge, and then let them be exempted in a way that everyone is required to be exempted, because I feel that is so crucial to the meaning of our democracy. But, I do understand the intent of what the gentleman is saying.

Senator GREENLEAF. Madam President, I guess that is a question. If it is, I will be happy to answer it. The question obviously is that for individuals who have not experienced public service, maybe that is a good point to make. When you have judges who are there in the courtroom every day for decades, I do not think it is necessary to provide them with a public service lesson. Also, it is not them who are losing the money, it is the Commonwealth that is losing the money. That is the concern.

Senator DINNIMAN. Madam President, well, anyone who cannot--

Senator GREENLEAF. Can I finish, Madam President?

Senator DINNIMAN. But Madam President, based on that logic--

Senator GREENLEAF. Excuse me, Madam President, can I finish?

The PRESIDENT. Excuse me, Senator Dinniman.

Senator DINNIMAN. Madam President, I apologize.

Senator GREENLEAF. Madam President, it is not the fact there are people who lose money when they come, there is no question about that, but the fact is that it is not the judges who are losing the money, it is the Commonwealth losing money.

Senator DINNIMAN. Madam President, under this logic, would the gentleman admit that when any county employee or any State employee goes on jury duty, it is a loss of funds for the Commonwealth, because each of those people have an obligation to serve.

Senator GREENLEAF. Madam President, that is an interesting point, but the fact is that they are accepted as jurors, whereas the judges are not. That is the difference.

Senator DINNIMAN. Thank you, Madam President. Thank you, Senator Greenleaf.

#### LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator Washington and Senator Erickson have returned, and their temporary Capitol leaves are cancelled.

And the question recurring,  
Shall the bill pass finally?

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

Senator COSTA. Madam President, I rise to ask for an affirmative vote on Senate Bill No. 831. Senator Greenleaf has

clearly outlined some of the reasons why this is something that is very, very important, and I ask my colleagues to join Senator Greenleaf and myself in supporting this legislation and moving it forward to the House.

Thank you, Madam President.

And the question recurring,  
Shall the bill pass finally

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

#### YEA-21

Armstrong	Greenleaf	Mellow	Stout
Browne	Hughes	Musto	Tartaglione
Costa	Kasunic	O'Pake	Tomlinson
Erickson	LaValle	Pileggi	
Fontana	Logan	Punt	
Fumo	Madigan	Stack	

#### NAY-25

Baker	Folmer	Rafferty	Waugh
Boscola	Gordner	Regola	White, Donald
Brubaker	Kitchen	Rhoades	White, Mary Jo
Corman	McIlhinney	Robbins	Wozniak
Dinniman	Orie	Scarnati	
Eichelberger	Piccola	Vance	
Ferlo	Pippy	Washington	

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

### UNFINISHED BUSINESS

#### BILLS REPORTED FROM COMMITTEES

Senator BROWNE, from the Committee on Finance, reported the following bills:

#### SB 7 (Pr. No. 1099) (Amended)

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for spending limitations on the State and for disposition of surplus funds; and establishing the Taxpayer Protection Fund.

#### SB 23 (Pr. No. 1100) (Amended)

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for disposition of insurance premiums taxes; and authorizing a tax credit for volunteer firefighters and volunteer emergency medical services (EMS) personnel for purposes of personal income tax.

#### SB 707 (Pr. No. 1101) (Amended)

An Act establishing spending limitations on the Commonwealth; providing for the disposition of surplus funds; establishing the Taxpayer Protection Fund; and repealing provisions of The Fiscal Code relating to the funding of a stabilization reserve.

#### HB 876 (Pr. No. 1446)

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for the employer contribution rate.

Senator RAFFERTY, from the Committee on Law and Justice, reported the following bills:

#### SB 674 (Pr. No. 1102) (Amended)

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for the definition of "case," for sale of malt or brewed beverages by liquor licensees; for retail dispensers' restrictions on purchases and sales; further prohibiting interlocking business; and further prohibiting unlawful acts relative to liquor, malt and brewed beverages and licensees.

#### HB 896 (Pr. No. 1844) (Amended)

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

### RECONSIDERATION OF SB 831

#### BILL OVER IN ORDER ON FINAL PASSAGE

**SB 831 (Pr. No. 968)** -- Senator COSTA. Madam President, I move that the Senate do now reconsider the vote by which Senate Bill No. 831, Printer's No. 968, just failed on final passage, and move that the bill go over in its order on Final Passage.

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

### CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Dr. Jon J. Rednak by Senator Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. Albert Caruth by Senator Baker.

Congratulations of the Senate were extended to Anthony DiPierro, Christopher Krenos and to the citizens of the Borough of Pen Argyl by Senator Boscola.

Congratulations of the Senate were extended to April Daugherty by Senator Browne.

Congratulations of the Senate were extended to Mr. and Mrs. George L. Sunderland and to James Raffetto by Senator Corman.

Congratulations of the Senate were extended to Robert G. Logue by Senator Costa.

Congratulations of the Senate were extended to Carol M. Anderson and to Peggy A. Billings by Senator Earll.

Congratulations of the Senate were extended to James A. Chichi by Senator Folmer.

Congratulations of the Senate were extended to Kathryn J. DeHaven and to Linda M. Knorr by Senator Gordner.

Congratulations of the Senate were extended to Dr. Alan Guandolo and to Hopewell High School Girls' Basketball Team of Aliquippa by Senator LaValle.

Congratulations of the Senate were extended to Prospectus/Berco of Reading by Senator O'Pake.

Congratulations of the Senate were extended to Brittany Anne Clair and to James A. Clair by Senator Orié.

Congratulations of the Senate were extended to Linda Schwab and the late Morris Schwab, James A. Eppley and to Sandra J. Hoffman by Senator Piccola.

Congratulations of the Senate were extended to Agnes McCue Diamond Litchko, Jeff Aldrich and to Evan Marble by Senator Pileggi.

Congratulations of the Senate were extended to Sheri L. Stoltenberg and to Kathleen DiLorenzo by Senator Pippy.

Congratulations of the Senate were extended to Dr. Regina Hove by Senator Rafferty.

Congratulations of the Senate were extended to Mr. and Mrs. John Criner by Senator Regola.

Congratulations of the Senate were extended to Lark Enterprises, Inc., of New Castle by Senators Robbins and LaValle.

Congratulations of the Senate were extended to Mr. and Mrs. Frank J. Losko, Mr. and Mrs. Thomas E. Westfall, Judith A. LaVia Jones and to Linda P. Pegher by Senator Stout.

Congratulations of the Senate were extended to Troop 132 of the Boy Scouts of America of Bensalem by Senator Tomlinson.

Congratulations of the Senate were extended to Jean E. Graybill, Theodore R. Slopey, Jr., and to James Frankart by Senator Vance.

Congratulations of the Senate were extended to Jeffrey Shoemaker, Jr., by Senator Waugh.

Congratulations of the Senate were extended to Steven Kuhns and to Brian Mohny by Senator M.J. White.

Congratulations of the Senate were extended to Paul E. Brunswick by Senator Wonderling.

#### CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Farrell Lee Jackson by Senator Stout.

Condolences of the Senate were extended to the family of the late Harold Maddocks, Jr., by Senator Tomlinson.

Condolences of the Senate were extended to the family of the late Honorable Clifford Scott Green by Senator A.H. Williams.

#### POSTHUMOUS CITATION

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

A posthumous citation honoring the late John Cousin was extended to the family by Senator Tartaglione.

#### BILLS ON FIRST CONSIDERATION

Senator KITCHEN. Madam President, I move that the Senate do now proceed to consideration of all bills reported from

committees for the first time at today's Session.

The motion was agreed to by voice vote.

The bills were as follows:

**SB 7, SB 23, SB 455, SB 674, SB 707, SB 838 and HB 896.**

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

#### BILL ON FIRST CONSIDERATION AND REREFERRED

Senator PILEGGI. 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 876.**

And said bill having been considered for the first time.

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

#### PETITIONS AND REMONSTRANCES

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

Senator KASUNIC. Madam President, I rise today to salute the Armed Forces, who, on this date 63 years ago, set out to liberate western Europe. Today marks the 63rd anniversary of Operation Overlord, better known as D-Day, which began the liberation of western Europe from Nazi occupation in World War II. About 156,000 Allied troops, led by the United States, the British, and Canadian troops, stormed five beaches along a 50-mile stretch of beach in Normandy, France, in the largest seaborne invasion that history has ever seen. Madam President, 156,000 Americans stormed the beaches those days, roughly using over 5,000 ships; 29,000 Americans died that day, 106,000 were wounded or listed as missing in action.

The battle of Normandy was fought in 1944 between Nazi Germany in western Europe and the invading Allied forces as part of a larger conflict of World War II. Operation Overlord was the code name for the Allied invasion of northwest Europe, which began on June 6, 1944, and ended on August 19, 1944, when the allies crossed the River Seine. Sixty-three years later, the Normandy invasion remains the largest seaborne invasion in history, involving almost 3 million troops crossing the English Channel from England to Normandy. Operation Neptune was the code name given to the initial assault of Operation Overlord. Its mission was to gain a foothold on the continent, and it started on this day, June 6, 1944, and ended on June 30, 1944.

The primary Allied formations that saw combat in Normandy came from the United States of America, the United Kingdom, and Canada. Substantial free French and Polish forces also participated in the battle after the assault phase, and there were also contingents from Belgium, Czechoslovakia, Greece, the



