

# The Pennsylvania Legislative Pay Raise

*A review and statistics on the status of state legislators' actions regarding the 2005 vote to increase their pay, the repeal of the raise and subsequent actions of individual lawmakers regarding any accepted increased income*



Prepared by John A. Drexler and Eric J. Epstein for RocktheCapital.org and distributed May 12, 2006 as a guide for the media and the public in evaluating incumbent candidates prior to the 2006 primary and general elections.

Also available on the Democracy Rising PA Web site: [www.democracyrisingpa.com](http://www.democracyrisingpa.com)

### **Acknowledgments**

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*“We are encouraging voters to monitor the ‘back-end’ of the ‘pay back’ process. ‘Unvouchered expenses’ by definition are unmonitored work-related expenses. The public has a right to know where the money went and who is coming clean with taxpayers,” – Eric Epstein*

### **Introduction**

RockTheCapital.org (RTC) is a nonprofit, nonpartisan voter education organization formed to rally against the pay raise, Gov. Rendell, the “unvouchered expenses” and advocate for full repayment of any salary increase accepted by elected officials to the Department of Treasury.

RTC seeks to ensure the lawmakers abide by federal and state law in reporting “unvouchered expenses” as income and paying any and all applicable taxes.

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## Summary

Background: The Pennsylvania House and Senate passed Act 44 at 2 a.m., July 7, 2005 increasing the salaries of officials in all three branches of government without public hearings, public debate or public knowledge.

Payments were received between July 7 and November 16, 2005, ranging from \$1,288 to \$14,553.32 (before taxes). The repealed pay raises would have boosted lawmakers' salaries from 16 to 54 percent, depending on seniority, rank, title and "leadership."

## House

**House members who opted to "cash in": 131.**

**Members who will not pay back "unvouchered expenses": 32.**

**Members who donated the pay raise to charity: 8.**

**Members who are retiring and kept the money or donated it to charity: 20.**

\*There is no official reporting method for data on individual lawmakers regarding pay raise issues and we've received no cooperation from the leadership in obtaining relevant information. While we have made every effort to provide a comprehensive report on this matter, official reticence to provide facts necessitated the extrapolation of some numbers from various sources. Contact the offices of House Speaker John Perzel (717)-787-2106 and Majority Leader Sam Smith (717)-787-3845 for more detailed information.

## Senate

**Opted to "Cash In": 27 of 50 or 54 %**

**Will not pay back "unvouchered expenses": 9 of 50 or 18%.**

As a result of public pressure, the General Assembly passed and Gov. Edward Rendell signed Act 72 of 2005 repealing the raise on November 16, 2005. Act 72, however, did not require those who had received increased salaries to return the funds.

COLA: After the repeal of the pay raise, legislators received a consolation prize on December 1, 2005 in the form of a 3.64% cost-of-living-adjustment (COLA). This number also has to be factored into the pension payout for retiring legislators.

Pension bumps: In total, 158 lawmakers at some point accepted the raise. Numerous legislators have opted not to repay the "unvouchered expenses" or donated the money to charity. In addition to the immediate salary increase, legislators who accepted the raise and refuse to return it will also receive a pension bump upon retirement or defeat at the polls, including those who donated the illegal pay raise to charities.

### **Calculating SERS Retirement Benefits**

1. SERS is a defined benefit plan, meaning it is based on employee earnings and not contributions made to the plan (defined contribution).
2. Retirement contributions are taken from the employee and employer on earnings that are subject to Medicaid earning thresholds. The employee contribution rate is 6.25 percent. Not sure what the employer contribution percentage is but there are two depending on when the employee joined.
3. Retirement annuities are based on years of service and age. To qualify for full-retirement an employee must have either 35 years of credited service or 5 years of credited service at age 60.
4. Retirement monies are based on the average of the employee's three highest earning years. For example, an employee's three highest years are, \$58K, \$60K and \$62k. The employee's salary base is \$60K.
5. An employee earns 2.50 percent per year of service. When an employee retires, the percentage received is the number of years times creditable service times salary base. If an employee retires after 35 yrs (full retirement) with a \$60K salary base a typical formula for gross retirement would be  $35(2.25)(60) = \$47.3K$ .
6. The kicker on early retirement (see 3 above) is the age factor. Assume an employee retires w/34 years of service and is not 60. There is a penalty of approximately 4 percent for each year under age 60. The formula would be  $34(2.25)(60) = \$45.9K$ . If the employee is 58, the annual pension would be "docked" \$3,672 or 8 percent of the full benefit due at age 60.

### **Calculating Legislators' SERS Retirement Benefits**

Basically the same as above but as they are in a different class of service (D-4) there are some differences:

✓ The age for full retirement benefits is 50 (The 35 years of service threshold is moot because they would have to be elected at age 15, which, at least for now, is not permitted).

✓ The multiplier (percentage points/per year) is 3.00.

✓ The formula is the same: multiplier X years of service X final average salary

Example:  $3 \times 20 \times 80 = 48k/\text{year}$ .

✓ Legislators contribute 7.5 percent (tax deferred). It's unclear what the state (taxpayers') share is as it was paid in a lump sum and is still being drawn down. When they need more scratch an actuary will determine the rate.

### Pension Increases For Select House Members

Legislator	Pension bump	Phone
• Elinor Z. Taylor (R-Chester)	\$9,500.00 ✓	783-3737
• William Rieger (D-Philadelphia)	\$5,390.00✓	787-7855
• George Hasay (R-Luzerne)	\$5,390.00✓	787-1117
• John Perzel (R-Philadelphia; if defeated)	\$3403.12*	787-2106
• William DeWeese (D-Greene; if defeated)	\$3,386.00+	783-3797
• Michael Veon (D-Beaver; if defeated)	\$2,280.74*	787-1290
• Steven Stetler (D-York; if defeated)	\$2,183.49*	787-8995
• Victor Lescovitz (D-Allegheny)	\$1,339.00*	787-2769
• Tom Corrigan (D-Bucks)	\$1,275.00✓	787-2663
• Larry Roberts (D-Fayette)	\$721.00+	783-1359
• Michael Sturla (D-Lancaster; if defeated)	\$816.16*	787-3555
• Stephen Maitland (R-Adams; if defeated)	\$714.14*	783-5217
• Linda Bebkco-Jones (D-Erie)	\$675.00/	772-4035
• James Shaner (D-Fayette)	\$456.00+	772-5771

Sources:

+ *Herald Standard*: February 24, 2006.

\* WGAL: March 9, 2006.

✓ *Philadelphia Inquirer*: March 26, 2006

/ *Erie Times*,: April 29, 2006.

### Retirement is only subject to federal tax.

Additional information can be obtained by visiting the IRS Web site, [www.irs.gov](http://www.irs.gov), and downloading form 3949(a) by typing in the form number in the appropriate window.

### Where did the money come from?

“Unvouchered expenses” were drawn from “Salaried Accounts.” Reporting is voluntary and depends on the cooperation of the clerk(s) and legislators from both chambers. Where does the money go? Legislators who elect to return the money can choose to have their wages reduced over a period of one month to three years. The “unvouchered expenses” are being returned to the original “Salaried Accounts.” From which they were originally disbursed.

Because these accounts are “non-lapsing,” once the funds have been appropriated they are available for an indefinite period of time. In other words, the money is being returned to the “Salaried Accounts” managed by the House and Senate.

### Senate Repayment Update

Of the 27 senators who accepted “unvouchered expenses,” 17 have agreed to pay back \$165,800.82 over a period of one month to three years.

Name	Status	Phone
Hughes (D-Philadelphia)	Will <i>not</i> repay	(717)-787-7112
Kitchen (D-Philadelphia)	Will <i>not</i> repay	(717)-787-6735
LaValle (D-Beaver)	Will <i>not</i> repay	(717)-787-3076
Lemmond (R-Luzerne)	Will <i>not</i> repay	(717)-787-7428
Mellow (D-Lackawanna)	Will <i>not</i> repay	(717)-787-6481
Musto (D-Luzerne)	Will <i>not</i> repay	(717)-787-7105
Stack (D-Philadelphia)	Will <i>not</i> repay	(717)-787-9608
Tartaglione (D-Philadelphia)	Will <i>not</i> repay	(717)-787-1141
Thompson (R-Chester)	Deceased	(717)-787-5709
Williams, A. (D-Philadelphia)	Will <i>not</i> repay	(717)-787-5970

As of April 13, 2005, the Office of Chief Clerk of the Senate (717-787-7163) stated that there had been no changes to the initial list of senators identified in *Repayment of Unvouchered Expense Allocation* on December 1, 2005

## Senate Repayment History

*The following is a recap of state senators' actions regarding repayment of the pay raise, the source of the information, a brief commentary on each gleaned from various sources and the legislator's Harrisburg office phone number.*

**Armstrong** (R-Lancaster) repaid \$7,708.54 in a three-month payment deal.

Source: Senate clerk, 2/1/06. Office number: 717-787-6535

Sen. Armstrong voted for the 2005 pay raise and accepted "unvouchered expenses."

Armstrong said he's happy the issue has been resolved.

"I'm glad it's over," he said. "It was extremely distracting to the Legislature and consumed way too much of our time" (*Intelligencer Journal*, November 17, 2005.)

Armstrong did not return calls for comment placed to his Lancaster and Harrisburg offices about repayment of the "unvouchered expenses." (*Lancaster New Era*, November 17, 2005.)

**Brightbill** (R-Lebanon) repaid \$13,380.54 in a two-month payment deal.

Source: Senate clerk, 2/1/06. Office number: 717-787-5708

Brightbill voted for the 2005 pay raise and accepted "unvouchered expenses."

Senator Brightbill hopes to resolve the issue completely by returning the additional \$11,288 he was paid since July, most likely by forfeiting his December Senate paycheck, and then taking another deduction in January, according to *The Patriot-News* of Harrisburg (*Lancaster New Era*, November 17, 2005).

"We are here to correct a mistake. As one of the people who exercised poor judgment, I would like to apologize," he said as he introduced the repeal legislation on the Senate floor.

**Conti** (R-Bucks will repay \$10,893.96 over 11 months.

Source: Senate clerk, 2/1/06. Office number: (717)-787-7305

Conti voted for the pay raise and accepted "unvouchered expenses, but said he isn't sure how much he collected, although he estimates the amount at between \$3,000 and \$5,000. Shortly after the vote to rescind the raises on November 16, newspapers quoted the Republican from Doylestown saying that he did not intend to pay the money back because he spent it on a new water heater (*The Morning Call*, November 28, 2005.)

Senator Conti declared, "I'm not giving it back. I believe in it." Conti declared that the only way he would return the expense payments would be if "the [Pennsylvania state] treasurer came to pick up the new hot-water heater" that he purchased for his home.

Senator Conti later reversed course and said he planned to refund the money (*Philadelphia Inquirer*, December 1, 2005.)

Conti stated, "I'm glad it's over."

**Costa** (D-Allegheny) will repay \$12,291 over 11 months.

Source: Senate clerk, 2/1/06. Office number: (717)-787-7683.

Senator Costa voted for the pay raise and accepted "unvouchered expenses."

Senators from the Pittsburgh area who had taken the extra money, including Jay Costa, D-Forest Hills, Gerald LaValle, D-Beaver, and John Wozniak, D-Johnstown, brusquely refused to answer yesterday when asked whether they would return the money.

I have nothing more to say to you about the pay raise," Mr. Costa told a reporter (*Pittsburgh Post-Gazette*, Harrisburg Bureau, November 17, 2005.)

"Fourteen of the 25 state senators who took the expense money -- including Jay Costa Jr., D-Forest Hills, and Gerald LaValle, D-Rochester -- have not yet returned it (*Post-Gazette*, December 2, 2005.)

Several lawmakers who took the unvouchered expenses said it went to pay for home repairs, charities, or, in Sen. Jay Costa's case, student scholarship funds. "It's still my plan," Costa (D-Forest Hills) said. "That's what I am going to do with the money I received earlier from the pay raise" (*Pittsburgh Tribune*, December 2, 2005.)

According to the list issued by the Chief Clerk of the Senate of Pennsylvania on Jan. 10, 2006, Costa has agreed to return the unvouchered expenses they collected.

**Fumo** (D-Philadelphia) will repay \$12,413.86 over three years.

Source: Senate clerk, 2/1/06. Office number: (717)-787-5662

Fumo voted for the 2005 pay raise and accepted "unvouchered expenses."

Fumo said the monetary expense of the pay raise is minor compared to the loss of time spent on the legislation and the damage the controversy has caused to the fabric of the Legislature. "In the end, the people of Pennsylvania are going to suffer far more than the pay raise has cost them," Fumo said (*Patriot News/AP*, Wednesday, November 16, 2005.)

According to the Chief Clerk of the Senate Fumo has agreed to return the unvouchered expenses.

**Hughes** (D-Philadelphia) will *not* repay

Office number: (717) 787-7112

Hughes voted for the 2005 pay raise and accepted "unvouchered expenses."

Sens. Vincent J. Hughes and Joseph B. Scarnati have seen their salaries soar to \$106,986, or 54 percent - a far bigger percentage boost than any other legislator gets.

Under a little-noticed provision, the pay-raise law gives Senate deputy whips - new positions now held by Hughes and Scarnati - the same pay as those in certain other long-standing leadership posts. Their pay rose so sharply because, unlike other ranking members, they had been collecting the base legislative pay of \$69,648 before the new law. (*Philadelphia Inquirer*, September 3, 2005.)

**Jubelirer** (R-Blair) will repay \$14,553.32 over four months.

Source: Senate clerk, 2/1/06. Office number: (717)-787-5490

Jubelirer voted for the 2005 pay raise and accepted "unvouchered expenses."

Jubelirer, the state's longest-serving Senate president, wanted to get rid of the unvouchered expenses portion of the pay raise. Unvouchered expenses were a backdoor way of providing immediate raises for lawmakers, thus skirting a constitutional prohibition against increases during their term of office. Without the unvouchered expenses, lawmakers would have been forced to wait for a new term of office to get more pay.



"The fact is, we were getting nothing done," Jubelirer said in an interview with the *Pittsburgh Tribune-Review*. "It dominated everything. And I felt the time had come to absolutely listen to the public out there (*Tribune-Review*, Sunday, November 20, 2005.)

"This summer, I made a mistake. I voted for a pay raise for judges, state officials, and legislators. The pay increase was too large, the unvouchered expense provision offended nearly every Pennsylvanian and the measure was passed without proper public input. By way of e-mails, letters, telephone calls and personal visits, people throughout our area let me know they disapproved of my action. They were right; I publicly apologized, taking responsibility for my mistake" (Senator Jubelirer's letter to constituents: 'I made a mistake' on pay raise vote, *Centre Daily Times*, December 1, 2005).

**Kitchen** (D-Philadelphia) will *not* repay

Office number: (717)-787-6735

Kitchen voted against the pay-raise bill on July 7, 2005, but accepted the "unvouchered expenses."

**LaValle** (D-Beaver) will *not* repay

Office number: (717)-787-3076

LaValle voted for the 2005 pay raise and accepted "unvouchered expenses."

Senator Gerry LaValle's constituents have called him a thief, a crook and "everything else under the sun" in the wake of his vote supporting the pay rise (*Beaver County Times*, November 4, 2005.)

Senators from the Pittsburgh area who had taken the extra money, including Jay Costa, D-Forest Hills, Gerald LaValle, D-Beaver, and John Wozniak, D-Johnstown, brusquely refused to answer yesterday when asked whether they would return the money (*Post-Gazette*, Harrisburg Bureau

Thursday, November 17, 2005.) LaValle voted for and took the pay raise. A spokeswoman from his office said that he is no longer commenting on the matter (*Vindy.com*, November 20, 2005.)

Fourteen of the 25 state senators who took the expense money -- including Jay Costa Jr., D-Forest Hills, and Gerald LaValle, D-Rochester -- have not yet returned it (*Post-Gazette*, Friday, December 2, 2005.)

A small Beaver County development agency has spun into a \$10.6 million outfit controlled by a powerful Democratic lawmaker and financed exclusively by Pennsylvania taxpayers.

In the case of the Beaver Initiative for Growth, the power lies exclusively with state Rep. Michael Veon, of Beaver Falls -- the second-ranking Democrat in the House -- and state Sen. Gerald LaValle, of Rochester, another veteran Democrat...As board members, Veon, 49, and LaValle, 74, determine how BIG spends its cash. As top-ranking lawmakers, Veon and LaValle influence the distribution of special grants controlled by legislative leaders to outfits such as BIG (*Tribune Review*, February 26, 2006)

**Lemmond** (R-Luzerne) will *not* repay

Office number: (717)-787-7428

Lemmond voted for the 2005 pay raise and accepted "unvouchered expenses." He will retire after his term expires at the end of 2006.

**Logan D-Allegheny**) repaid \$2,831.71 over one month

Source: Senate clerk, 2/1/06. Office number: (717)-787-5580.

Logan voted against the pay raise and accepted "unvouchered expenses."

Logan, who took one unvouchered expense payment in August and then refused any more, also gave his extra cash to constituent charities, he said (*Tribune-Review*, Wednesday, November 16, 2005.)

However, Senator Logan's actions occurred after a challenge from KDKA talk show personality Fred Honsberger in Pittsburgh.

**Madigan** (R-Bradford) will repay \$7,708.54 over one year.

Source: Senate clerk, 2/1/06. Office number: (717)-787-3280

Madigan voted for the 2005 pay raise and accepted "unvouchered expenses."

Sen. Madigan, long quiet about collecting the money early or repaying it, changed his mind, apparently after the legislature caved in to righteous public pressure and canceled the pay raise (*Daily and Sunday Review*, December 4, 2005).

**Mellow** (D-Lackawanna) will *not* repay

Office number: (717)-787-6481

Mellow voted for the 2005 pay raise and accepted "unvouchered expenses."

"There is no reason legally why I should give it back, so I'm not," said Senate Minority Leader Robert J. Mellow. The raises were established law for four months, and similar ones were upheld by the courts, he added. (*Philadelphia Inquirer*, December 1, 2005.)

**Musto** (D-Luzerne) will *not* repay

Office number: (717)-787-7105

Musto voted for the 2005 pay raise and accepted "unvouchered expenses."

"When the pay raise issue first came up I felt in my case it was justified and I voted for it," Musto said. "This issue varied throughout the state. In some areas of the state it was unpopular, in some areas it was mediocre and in some areas it was not an issue" (*Citizens Voice*, November 3, 2005.)

**O'Pake** (D-Berks) repaid \$12,413.86 over three months.

Source: Senate clerk, 2/1/06. Office number: (717)-787-892

O'Pake voted for the 2005 pay raise and accepted "unvouchered expenses."

O'Pake noted that the Pennsylvania Legislative, Judicial and Executive Pay Raise of 1995 was revenue neutral, "It is very important to note that this will not result in a tax increase. The money was in the budget."

**Pileggi** (R-Delaware) repaid: \$2,831.71 over one month

Source: Senate clerk, 2/1/06. Office number: (717)-787-4712

Pileggi voted for the 2005 pay raise and accepted "unvouchered expenses."

Sen. Dominic Pileggi returned the money months prior to the repeal after voting for both the raise and the unvouchered expenses. After receiving an increase of \$2,831.71 [on] August 1, he had it stopped and taken out of his September check. "I notified the clerk I wanted to waive unvouchered expenses going forward," Pileggi said. "It wasn't a controversy I wanted to be involved in." (*The Daily Times*, December 2, 2005).

**Punt** (R-Franklin) will repay \$7,708.54 over three years \*

Source: Senate clerk, 2/1/06. Office number: (717)-787-4651

Punt voted for the 2005 pay raise and accepted “unvouchered expenses.”

Punt's office released this written statement: "The senator would like to thank those who supported his vote on the pay raise and respects the opinions of those who disagree with the pay raise. Now that the Legislature has voted to repeal the pay raise, Senator Punt is returning the pay increase " (*York Dispatch*, December 2, 2005.)

**Rhoades** (R-Schuylkill) will repay \$7,708.54 over three years \*

Source: Senate clerk, 2/1/06. Office number: (717)-787-2637

Rhoades voted for the 2005 pay raise and accepted “unvouchered expenses.”

Asked about judges' losing their raises, Rhoades said: "They are going to have to suck it up like everyone else." (*Philadelphia Inquirer*, November 3, 2005.)

Rhoades stated after that regarding the Pennsylvania Legislative, Judicial and Executive Pay Raise of 1995, “During my tenure in the Senate, I have never voted for a legislative pay raise.”

**Robbins** (R-Mercer) repaid \$10,893.96 over two months

Source: Senate clerk, 2/1/06. Office number: (717)-787-1322

Robbins voted for the 2005 pay raise and accepted “unvouchered expenses.”

Senator Bob Robbins does plan to return the money. "Simply put, this is the right thing to do," he said in a press release.

Robbins, who initially voted for the raise, said he's heard from many voters who urged him to repeal it. He says it's now time to focus on property tax reform and other statewide issues (*Vindy.com*, November 20, 2005.)

**Scarnati** (R-Jefferson) will repay over three years (1)

Source: Senate clerk, 2/1/06. Office number: (717)-787-7084

Scarnati voted for the 2005 pay raise and accepted “unvouchered expenses.”

Senators Vincent J. Hughes and Joseph B. Scarnati have seen their salaries soar to \$106,986, or 54 percent - a far bigger percentage boost than any other legislator gets.

Under a little-noticed provision, the pay-raise law gives Senate deputy whips - new positions now held by Hughes and Scarnati - the same pay as those in certain other long-standing leadership posts. Their pay rose so sharply because, unlike other ranking members, they had been collecting the base legislative pay of \$69,648 before the new law.

Senate Republicans had no such position until the pay raise. Scarnati was appointed several weeks after the raises became law. (*Philadelphia Inquirer*, September 3, 2005.)

**Stack** (D-Philadelphia) will *not* repay

Office number: (717)-787-9608

Senator Stack voted against the pay-raise bill on July 7, 2005, but accepted the “unvouchered expenses.”

**Stout** (D-Washington) will repay \$7,708.54 over three months.

Source: Senate clerk, 2/1/06. Office number: (717)-787-146

Stout voted for the 2005 pay raise and accepted “unvouchered expenses.”

Washington County's Democrat Barry Stout said he's returning \$7,700 in three installments that will be deducted from his future payroll. Stout said since the pay raise repeal was meant to return salaries to their previous level, that should include an erasure of the interim pay (*Herald-Standard* December 2, 2005.)

"I thought it was responsible to return the money to the commonwealth," said Stout, who voted for the pay raise and supported the repeal. "I felt, as a result of supporting the repeal, I had an obligation to return the money" (*Pittsburgh Tribune*, December 2, 2005.)

**Tartaglione** (D-Philadelphia) will *not* repay.

Tartaglione voted against the pay-raise bill on July 7, 2005, but accepted the “unvouchered expenses.”

Office number: (717) 787-1141

**Thompson** (R-Chester), deceased.

Office number: (717)-787-5709

Thompson voted for the 2005 pay raise and accepted “unvouchered expenses.”

Senator Robert J. Thompson said he believed the pay raise was fair when he voted for it. And besides, he has spent much of his four-month salary increase on charitable contributions, he said. "I don't really have a lot to give back," Thompson said (*Patriot News/AP*, Wednesday, November 16, 2005.)

On December 6, 2005, Senator Thompson's staff referred inquires to the Chief Clerk's Office of the Senate: (717)-787-7163.

**Wenger** (R-Lancaster) repaid \$12,291 over three months

Source: Senate clerk, 2/1/06. Office number: (717)-787-4420

Wenger voted for the 2005 pay raise and accepted “unvouchered expenses.”

“There were concerns raised by the people over the raise, and we addressed them, and I'm pleased that we did” (*Intelligencer Journal*, November 17, 2005.)

“I'm thinking about [repaying the “unvouchered expenses”] that and I don't know what we are going to do,” Wenger said. “There is no direction in the bill on that” (*Lancaster New Era* November 17, 2005.)

**Williams, A.** (D-Philadelphia) will *not* repay

Office number: (717)-787-5970

Williams voted for the 2005 pay raise and accepted “unvouchered expenses.”

Senator Anthony H. Williams, said he had already spent the money. "I paid my bills," he said, adding that it wasn't his intent to enroll in a 12-month refund program.

He said he'd have an aide research how much he received. After voting for the raise and the unvouchered expenses, he said he only voted for the repeal because his caucus asked him to do that.

Williams explained that he believed a legislator should be compensated for the service provided (*The Daily Times*, December 2, 2005).

**Wozniak** (D-Cambria) will repay \$7,708.54 over three years

Source: Senate clerk, 2/1/06. Office number: (717)-787- 5400

Senator Wozniak voted for the 2005 pay raise and accepted “unvouchered expenses.”

The Johnstown Democrat, who represents three western Centre County municipalities, introduced legislation Tuesday that would use the money budgeted for the pay raise to help low-income families with their heating bills in the months ahead, Wozniak aide Jason Gerard said (*Centre Daily Times*, November 16, 2005.)

Senators from the Pittsburgh area who had taken the extra money, including Jay Costa, D-Forest Hills, Gerald LaValle, D-Beaver, and John Wozniak, D-Johnstown, brusquely refused to answer yesterday when asked whether they would return the money (*Post-Gazette*, Harrisburg Bureau, Thursday, November 17, 2005.)

Senator John Wozniak, who voted for the pay raise and decided to accept it early as "unvouchered expenses," and who bashed legislators who opposed the increase, saying: "They're the ones who voted no and are hiding behind their mothers' skirts. I'm sure there's quite a few of them who crossed their fingers and hoped it would pass without them voting for it" (*Centre Daily Times*, November 19, 2005.

\* On April 13, 2006, RocktheCapital.org asked Marilyn Baker, Manager, TE: GE Customer Account Services Department of the Treasury and Thomas D. Kimmet, Esquire, Office of the Chief Counsel, Dept. 281061, Commonwealth of Pennsylvania Department of Revenue to investigate the following tax issues related to extended pay back terms:

If legislators are paying back the net amount of “unvouchered expenses” over several years, are they in violation of state rules on repayment of overpayment?

Does the PDR consider repayment plans over a certain period of time a loan? If so, should inputted interest be applied at the applicable state rate even if no interest is actually accruing?

Does avoided interest count as income for state tax purposes?

## House: Repayment Update

*House Speaker John Perzel, Majority Leader Sam Smith and the Chief Clerk have refused to ask the Clerk of the House of Representatives to provide a running list of legislators and the status of the “unvouchered expenses” they have paid back.*

*There has been no independent verification through the Department of Treasury to confirm repayment of any House member. Since the repeal of the pay raise, the House republican leadership has consistently stated that such an accounting would not occur.*

*Thirty two House members have written reimbursement checks or arranged to have their wages garnished in a 12-month plan to deduct it in portions from their next dozen paychecks as of December 2005. However, the House figures could not be verified by the Department of Treasury.*

*And, like the Senate funds, the money that has been returned flows back into non-lapsing, salaried accounts controlled by the four men who have refused to cooperate with independent researchers.*

*Regardless of who repays the “unvouchered expenses,” lawmakers recieved a 3.6 percent boost in their monthly paychecks beginning in December, 2005 through a provision in a 1995 law meant to keep legislators' salaries in line with annual inflation. The inflation adjustment will raise base salaries to about \$72,182 - less than the \$81,050 base salary under the now repealed pay-raise law. (Marc Levy - Associated Press, 12/01/2005.)*

The following House Members have **refused to return the “unvouchered expenses”** and will also realize **a pension boost** if they are defeated at the ballot box in 2006 or 2008.

Rep. Louise **Bishop** (D-Philadelphia) voted for the raise, voted to repeal the raise, but kept the money.

Rep. Mark **Cohen** (D-Philadelphia) voted for the raise, voted to repeal the raise, took the money, took \$46,270 in per diems between 2004-2005 and read 800 books over tow years while traveling at a cost of \$28,200.

Rep. Angel **Cruz** (D-Philadelphia) voted for the raise, voted to repeal the raise, took the money and is waiting to collect pension and health benefits before running for City Council.

Rep. Bill **DeWeese** (D-Greene) Minority Leader, supported the pay raise and demoted party members in leadership positions who voted against the pay raise.

If defeated in 2006 or 2008, Mr. DeWeese’s pension bounce will be at least \$3,386.00 per year.

“Among state lawmakers, no one uses the planes more often than Rep. Bill DeWeese, D-Greene. He flew on them 11 times last year and twice this year -- at a total cost of nearly \$24,000” (Tribune Review, December 1, 2005).

Mr. DeWeese also made the top ten list for per diem recipients, cashing in for \$41,717 between 2004-05.

Rep. Robert **Donatucci** (D-Philadelphia) voted for the raise, voted to repeal the raise and took the money.

Rep. Dwight **Evans** (D-Philadelphia) voted for the raise, voted to repeal the raise and took the money.

Rep. Teresa **Forcier** (R-Crawford) voted "no" on the pay-raise bill but accepted "unvouchered expenses" so that she could collect the extra money immediately. RocktheCapital.org spoke with staff on May 3, 2006, and is awaiting staff response on repayment terms.

Rep. Adam **Harris** (R-Juniata and Mifflin) is keeping \$3,800 in “unvouchered expenses.”

Rep. Dick **Hess** (R-Fulton) RocktheCapital.org spoke with staff on May 3, 2006, at 787-7076 and is awaiting staff response on repayment terms.

Rep. Harold **James** (D-Philadelphia) voted for the pay hike, voted to repeal the raise and took the money.

Rep. Babette **Josphehs** (D-Philadelphia) voted for the raise, voted to repeal the raise and took the money.

Rep. Bill **Keller** (D-Philadelphia) voted for the raise, voted to repeal the raise and took the money.

George **Kenney** (R-Philadelphia) voted for the raise, voted to repeal the raise and took the money.

Rep. Frank **LaGrotta** (D-Beaver) said he's not giving the money back. He claims the money was used to buy a new computer for his office and pay some mileage to his employees (Vindy.com, November 20, 2005).

Rep. Stephen **Maitland** (R-Adams) used the \$5,100 raise to attend law school. Even though Maitland voted to repeal the raise, he said keeping the money is not hypocritical. "I think it would if the money were merely extra salary. Again, in my case it's actual reimbursement for actual expenses," Maitland said. (WGAL-Channel 8, January 11, 2006)

If Mr. Maitland is defeated this year or in 2008, his pension will increase by at least \$714.14 annually.

Rep. Keith **McCall** (D-Carbon). Failed to respond to a request for information left at 783-1375 on May 3, 2006.

Rep. Mike **McGeehan** (D-Philadelphia) voted for the raise, voted to repeal the raise and took the money.

Rep. John **Myers** (D-Philadelphian) voted "no" on the pay-raise bill but accepted "unvouchered expenses" so that he could collect the extra money immediately.

Rep. Dennis **O'Brein** (R-Philadelphia) voted for the raise, voted to repeal the raise and took the money.

Rep. Frank **Oliver** (D-Philadelphia) voted for the raise, voted to repeal the raise and took the money.

Joe **Petrarca** (D-Westmoreland) voted "no," but took the raise and \$44,377 in per diems during 2004-05.

Rep. John **Perzel** (R-Philadelphia), Majority Leader and the architect of the pay raise, once defended the scheme based on his belief that farm workers in Lancaster County actually made comparable wage to state legislators.

Mr. Perzel presides over the only legislative chamber in America without lobbyist disclosure. If defeated in 2006 or 2008, Mr. Perzel's pension bounce will be at least \$3,403.12 per year.

Rep. James **Roebuck** (D-Philadelphia) voted for the raise, voted to repeal the raise, took the money but told the Philadelphia Daily News, "I supported the pay raise, but it seems to me once you rescind it you should give it back" (February 27, 2006).

Rep. Ken **Ruffing** (D-Allegheny) Voted for the raise, took the money and did not pay it back. RocktheCapital.org called his office (787-4591) on May 3, 2006. Ruffing, who was on the House floor, did not return the call.

Rep. Mike **Sturla** (D-Lancaster) has not repaid his raise. His raise cost taxpayers more than \$5,100. If Mr. Sturla is defeated this year or in 2008, his pension will increase by at least \$816.16 annually.

Rep. John **Taylor** (D-Philadelphia) voted for the raise, voted to repeal the raise and took the money.

Rep. W. Curtis **Thomas** (D-Philadelphia) voted for the raise, voted to repeal the raise and took the money.



Rep. Mike **Veon** (D-Beaver), unrepentant Minority Whip, voted for the pay raise and opposed the repeal. Mr. Veon has already cashed in with \$45,595 in per diem reimbursements for 2004 – 05. If he is defeated in 2006 or 2008, his pension bump will be at least \$2,280.74 per year

A small Beaver County development agency has spun into a \$10.6 million outfit controlled by a powerful Democratic lawmaker and financed exclusively by Pennsylvania taxpayers.

In the case of the Beaver Initiative for Growth, the power lies exclusively with state Rep. Michael Veon, of Beaver Falls -- the second-ranking Democrat in the House -- and state Sen. Gerald LaValle, of Rochester, another veteran Democrat...As board members, Veon, 49, and LaValle, 74, determine how BIG spends its cash. As top-ranking lawmakers, Veon and LaValle influence the distribution of special grants controlled by legislative leaders to outfits such as BIG (*Tribune Review*, February 26, 2006)

Rep. Ronald **Waters** (D-Philadelphia) voted for the raise, voted to repeal the raise and took the money.

"From what I understand the legislation doesn't ask for that, but if my constituents want me to give the money back that's what I'll do," said state Rep. Ronald Waters, D-191, who represents portions of Southwest Philadelphia and the Borough of Yeadon (Delco Times, November 11, 2005).

Rep. Don **Walko**, D-Allegheny) voted for the raise and took the money. Did not return message left at his office (787-5470) on May 3, 2006.

Rep. Jake **Wheatley** (D-Allegheny) voted for the raise and took the money. "No," said Rep. Jake Wheatley, D-Hill District, when asked if he'd give back the \$5,151 he's gotten from the raise so far. (Tribune-Review, Wednesday, November 16, 2005).

Wheatley did not return a message left at his office (783-3783) on May 3, 2006. Capitol office response to an inquiry from RocktheCapital.org on May 3, 2006: "You can e-mail him at [jwheatley@pahouse.net](mailto:jwheatley@pahouse.net)."

Rep. Jewell **Williams** (D-Philadelphia) "I'm going to give it back when a bill is passed that says we have to give it back." (Philadelphia Inquirer, December 1, 2005).

Rep. Rosita **Youngblood** (D-Philadelphia) voted for the raise and took it: "I work almost seven days a week," Youngblood said. She says she dips into her own pocket to help constituents when they do not have money for such necessities as food or air conditioners and will continue to do so. (Inquirer, August 02, 2005).

*The following House Members claim they **donated the “unvouchered expenses”** to charity. However, since the money was not refunded, these legislators are eligible for a **pension boost** if they retire or are defeated at the ballot box in 2006 or 2008.*

Rep. David **Argall** (R-Schuylkill) said he donated all of his voucher cash to the United Way (Morning Call Harrisburg Bureau, November 17, 2005).

Rep. Paul **Costa** (D-Allegheny) said he had not considered whether he would return the unvouchered expense, saying he already had paid taxes on it and had given away at least some of the money to charities such as the food bank. "I haven't thought about that yet," Costa said when asked whether he would give back the money. "I gotta talk to my wife about it. She gets the paycheck." (Tribune-Review, Wednesday, November 16, 2005).

A member of his staff told RTC on May 3, 2006 that the entire amount had been refunded.

Rep. Russ **Fairchild** (R-Union) noted on May 3, 2006 in an interview with RTC that the proceeds of the “unvouchered expenses” he accepted were donated to local charities in his district and made public.

Rick **Geist** (R-Blair): "To avoid a situation of pay inequity amongst the members of the different legislative bodies, the unvouchered expense allowances were used." Mr. Geist donated the money to charity including his church.

During an interview with RocktheCapitol.org, regarding the pay raise, Geist claimed it was done constitutionally and he said all the courts back him on this. He also insisted that taking unvouchered expenses in anticipation of the pay raise was proper. When asked, "Why did you return the money?" (we've been told he has returned the unvouchered expenses) his answer was unclear. He intimated that he gave the money to his church before he had actually taken it from the taxpayers. When pressed him to clarify, he became indignant and refused to clarify anything. (Meeting with Geist and John McGinnis, Altoona, February 27, 2006).

Rep. Gary **Haluska** (D-Cambria) voted no but took the raise. Capitol office (787-3532) refereed RTC to the district office at 814-674-8939 on May 3, 2006. Mr. Haluska told RocktheCapital.org that he donated the entire amount to local food banks as he did in 1995 when he first arrived in the House.

Rep. Tom **Petrone** (D-Allegheny) donated the \$972.90 he received per month to charitable causes, ranging from a memorial fund for a constituent killed in Iraq to the Red Cross and Meals on Wheels. (Tribune-Review, November 30, 2005 ).

Rep. Chris **Sainato** (D-Lawrence ) voted no but took the raise, kept the money and was removed from his subcommittee chair. Sainato said he initially promised the money to the New Castle Playhouse for a scholarship fund (vindy.com Sunday, November 20, 2005).

Rep. Stephen **Stetler** (D-York) collected \$9,189 and said last month that he had no plans to pay it back. He was not in his Capitol office Thursday and did not return two calls to his district office. (York Dispatch December 2, 2005).

Mr. Stetler donated the money to undisclosed charities, but because the “unvouchered expenses” were not returned, should Mr. Stetler lose reelection in 2006 or 2008, his annual pension could increase by as much \$2183.49.

*The following House Members are **retiring** and have either donated the money to charity or refused to return the “unvouchered expenses.” Both options assure a pension boost after retirement.*

Rep. Linda **Bebko-Jones** (D- Erie) took the pay raise and will receive a pension boost. "If I got the pay raise [\$4,280], it gets built into my pension," Bebko-Jones said. "It wasn't revoked before we got it. And just like in the private sector, if you get a pay raise, obviously your pension is going to go up. All the repeal did is to stop us from getting any continuing pay raises," she said. (Erie Times, April 29, 2006).

Rep. Kevin D. **Blaum** (D-Luzerne) minority caucus secretary and the fourth highest-ranking party job , Mr. Blaum who voted for the pay raise, saw his salary escalate to \$106,986 a year, during the four months the raise was in effect. Mr. Blaum is eligible for a pension bounce.

Rep. Alan L. **Butkovitz** (D-Philadelphia) got a new job as as Philadelphia city controller, and currently receives \$2,006 a month for 15 years of service in the house.

Rep. Gaynor **Cawley** (D- Lackawanna) is eligible for pension bounce and was the largest recipient of per diems from 2004, 05 totaling \$53,030.

Rep. Thomas C. **Corrigan Sr.** (D.-Bucks) will retire with an extra \$1,280 after taking the \$3,801 pay raise .

Rep. Jacqueline R. **Crahalla** (R- Montgomery) is retiring with a \$190 pension bounce for taking the pay raise. After four years of service, she'll receive \$8,500 annually.

Rep. Robert J. **Flick** (R-Chester) will collect an annual pension of \$51,830, or an additional \$1,900 per year for not refunding the “unvouchered expenses.”

Rep. Michael C. **Gruitza** (D-Mercer) spent the raise on chimney work. "It's not worth the aggravation," Gruitza said. "I feel bad that there is a sense out there that you are just trying to take care of yourself, when all these years my main priority has been helping others" (Philadelphia Inquirer, December 1, 2005).

Rep. Jeffrey Earl **Habay** (R- Allegheny) voted "no" on the pay-raise bill but accepted "unvouchered expenses" so that he could collect the extra money immediately. As a convicted felon forcing his legislative staff to perform campaign work while on state

time, Mr. Habay received a pension bounce and collects \$854 per month. He donated the money to charity.

Rep. George C. **Hasay** (R-Luzerne) will realize a pension bounce of \$5,400 up to \$77,600 for taking the money.

Rep. Marie A. **Lederer** (D-Philadelphia) is retiring after 14 years and will receive an additional \$1,100 for taking the pay raise.

Rep. Victor John **Lescovitz** (D-Washington & Allegheny) will realize an annual pension boost of \$1,339.00.

Rep. Sheila **Miller** (R-Berks) accepted the pay raise and will enjoy a pension bounce.

Rep. William W. **Rieger** (D-Philadelphia) will see a bounce of \$5,400 for an annual pension of \$77,600.

Rep. Lawrence **Roberts** (D-Fayette) will realize an annual pension boost of \$721.

Rep. T.J. **Rooney** (D-Northampton) took the money and pension bonus and will not pay the "unvouchered expenses" back unless the Supreme Court deems the measure unconstitutional.

"A lot of people have suggested that the unvouchered expense was inappropriate," he said. "The Supreme Court of Pennsylvania has taken another view on several occasions. Until the Supreme Court tells me differently, I will follow the law of Pennsylvania." (Morning Call Harrisburg Bureau, November 17, 2005).

Rep. Larry O. **Sather** (R-Blair & Huntingdon): "You would have to call the district office at 814-643-9633." Response from district office: "Representative Sather is not even running for reelection and I would not even dignify you by responding." (May 3, 2006).

Rep. James **Shaner** (D-Fayette) voted "no" on the pay-raise bill but accepted "unvouchered expenses" so that he could collect the extra money immediately. He donated the pay to charity. His annual pension boost as a result of taking the money is \$456.

Rep. Thomas M. **Tigue** (D-Luzerne) voted for the pay raise, took the money, voted to repeal the pay raise and will retire with an annual pension of \$61,572.

Rep. Elinor Z. **Taylor** (R-Chester) donated her raise of approximately \$12,000 to charity and will experience a \$9,500 pension bounce

*The following House members have written checks to return “unvouchered expenses.” The money, however, is not returned to the Department of the Treasury. The money is refunded to the non-lapsing, salaried accounts controlled by leadership and is part of a larger pot of discretionary moneys controlled by leadership in both parties totaling approximately \$135 million.*

Rep. William **Adolph** (R-Delaware), \$1,705.77.  
Voted "no" on the pay-raise bill but accepted "unvouchered expenses" so that he could collect the extra money immediately.

Rep. Bob **Allen** (R-Berks & Schuylkill), \$4,783.69.

Rep. Gibson **Armstrong** (R-Lancaster), \$1,348.43.

Rep. Matthew **Baker** (R-Bradford & Tioga), \$1,263.94.  
Rep. Matt Baker, meanwhile, refused to accept the money even after voting for it. Baker said he had "reluctantly" voted for the pay raise when it was passed by the Legislature last July. (The Review, April 1, 2006).  
He said he had never voted for a pay raise for legislators until this year.

Rep. Roy **Baldwin** (R- Lancaster), \$534.81. (also taking monthly deduction)

Rep. Stephen **Barrar** (R-Chester, Delaware), \$1,348.43.

Rep. Raymond **Bunt** (R- Montgomery), \$3,654.20. (Retiring)

Rep. Ron **Buxton** (D- Dauphin), \$3,687.11.

Rep. Thomas **Caltagirone** (D-Berks), \$4,449.76.

Rep. Mario **Civera** (R-Delaware), \$6,104.48.  
Eric Epstein of the RocktheCapital.org suggested that the legislators who took the “unvouchered expenses” emulate State Rep. Mario J. Civera (R-Delaware). Mr. Civera has written monthly checks to the Department of Treasury and announced, "As soon as the governor signs it [Repeal Bill], I’m sending my money back.” (Pottsville Mercury, January 9, 2006).

Rep. Susan **Cornell** (R- Montgomery & Philadelphia), \$929.69.  
Her constituents didn't like the idea and let her know it. "They were loud and clear. They didn't care if the money wasn't going in my pocket or not," she said. "It didn't matter to them. They just didn't want me to take it at all. They just wanted me to give it back." Soon after the repeal, Cornell sent the state a check for \$929.69, the portion of the raise she had received. (Pottsville Mercury, January 9, 2006).

Rep. Lawrence **Curry** (D-Montgomery), \$3,497.03.

Rep. Peter **Daley** (D-Fayette & Washington), \$3,429.41.  
“...he doesn't have the money to return, said Dave Callen, his chief of staff. Daley gave out \$5,000 in food coupons to residents of his district. "It's gone," Callen said about the unvouchered expense. "He spent the whole thing on people in the district." (Tribune-Review, Wednesday, November 16, 2005).

Rep. Frank **Dermody** (D-Allegheny), \$3,687.31.

Rep. John **Evans** (R-Crawford, Erie), \$3,793.79.

Rep. Brett **Feese** (R- Lycoming), \$2,580.87 (Retiring).

Rep. John **Fichter** (R-Montgomery), \$2,065.67 (Retiring).

Rep. Patrick **Fleagle** (R-Franklin), \$4,086.02.

Rep. Will **Gabig** (R-Cumberland), \$1,402.38.  
Voted "no" on the pay-raise bill but accepted "unvouchered expenses" and led an effort to repeal the raises. Gabig said he was “leaning against repaying the extra pay he received” for one month. In the weeks after the salary bill had passed, Gabig announced plans to give his extra pay to charity. After donating his initial \$1,288 check to the Keystone Area Council of the Boy Scouts of America, Gabig declined extra pay. (*Patriot News*, November 15, 2005).

Rep. Thomas **Gannon** (R-Delaware), \$5,074.27.

Rep. Robert **Godshall** (R-Montgomery), \$6,226.96.

Rep. Neal **Goodman** (D-Schuylkill), \$1,282.54.

Rep. Mike **Hanna** (D-Centre & Clinton), \$1,730.11.  
Voted "no" on the pay-raise bill but accepted "unvouchered expenses" so that he could collect the extra money immediately.

On Sept. 10, Hanna said this week, he sent a check for \$1,703.11 to the controller's office to return the unvouchered expenses, then sent a follow-up check for \$27 to complete the return of all of his unvouchered expense money to the treasury. (Centre Daily, November 24, 2005).

Rep. Lynn **Herman** (R-Centre), \$3,870.67 (Retiring).  
Herman said he said he does not yet have a detailed accounting of how much he was paid -- and how much he will return -- but will make that accounting public when he does get it. Herman said he will give the state back everything that he has not yet already distributed as charitable donations to such organizations as the American Red Cross. (Centre Daily, November 24, 2005).

Rep. Arthur **Hershey** (R-Chester), \$4,823.69.

Rep. Thomas **Killion** (R-Chester, Delaware), \$1,102.37.

Rep. Daylin **Leach** (D-Montgomery), \$1,330.72.

Rep. Dennis **Leh** (R-Berks), \$4,717.01.

Rep. Joseph **Markosek** (D, Allegheny, Westmoreland), \$4,548.37.

Rep. Mark **McNaughton** (R, Dauphin), \$3,687.11 (Retiring).

Rep. Nicholas **Micozzie** (R-Delaware), \$1,882.13.

Rep. Mark **Mustio** (R-Allegheny), \$1,089.12.

Rep. Joseph **Petrarca** (D- Armstrong & Westmoreland), \$1,107.40. Voted no, took the raise and then paid it back.

Rep. Tina **Pickett** (R-Bradford, Sullivan & Susquehanna), \$3,436.96.  
"I gave it right back after we did the repeal," said Rep. Tina Pickett. She produced a memorandum dated Jan. 13 showing she paid the money back, which she said was "in the neighborhood of \$3,000." The state House of Representatives memorandum, addressed to Pickett, reads, "This memo will serve as confirmation that you repaid the unvouchered expenses that you received in 2005" (Daily and Sunday Review April 1, 2006).

Rep. Frank **Pistella** (D-Allegheny), \$4,204.62.  
State Rep. Frank J. Pistella decided to take the legislative pay raise in the summer to help cover expenses from his divorce. He knew it would be an unpopular move, pay raises always are, but he underestimated the public scorn. Nasty letters and phone calls started immediately, and they kept coming. "I knew that the issue wasn't going away," Pistella (D., Allegheny) said. So he decided to stash away the money and not spend any of it. Then, after the Nov. 16 vote to repeal the raises, Pistella did what he called the only logical next step: He gave it all back, \$4,204.62. (Philadelphia Inquirer, December 1, 2005).

Rep. Joseph **Preston** (D-Allegheny), \$2,344.90.

Rep. Sean **Ramaley** (D -Allegheny & Beaver), \$921.69. Voted "no" but took raise then paid the money back.

Rep. Ron **Raymond** (R-Delaware), \$4,360.88.

Rep. Douglas **Reichley** (R-Berks, Lehigh), \$1,398.00. Voted no but took the raise.  
Rep. Doug Reichley who voted against the raises but opted to take the early windfall, said he'd used part of the \$2,600 in expense payments he received to buy supplies for a police department and elementary school in his district. Reichley said he wrote a check to the state last week returning the \$1,398 balance (Morning Call Harrisburg Bureau, November 17, 2005).

Rep. Dante **Santoni** (D, Berks), \$3,362.23.

Rep. Mario **Scavello** (R, Monroe), \$4,225.58.  
Rep. Mario M. Scavello had committed his raise to give \$50 savings bonds to each of the sixth graders in his legislative district who make the honor roll. But upon the repeal, he decided to return the money, about \$4,450. Even so, he's going to keep his commitment to the students from his own pocket. (Philadelphia Inquirer, December 1, 2005).

Rep. Curt **Schroder** (R-Chester), \$1,390.49.

Rep. John **Siptroth** (D-Pike & Monroe), \$2,058.71  
Voted "no" on the pay-raise bill but accepted "unvouchered expenses" so that he could collect the extra money immediately.

Rep. Bruce **Smith** (R-York, Cumberland), \$4,469.60 (Retiring).

Rep. Sam **Smith** (R- Armstrong, Indiana, Jefferson), \$5,762.15.

Rep. Tim **Solobay** (D-Washington), \$4,042.45.

Rep. Jess **Stairs** (R-Fayette & Westmoreland), \$1,850.78.  
Voted against, took it and paid it back.

Rep. Thomas **Stevenson** (R-Allegheny), \$2,720.12.

Rep. John **Yudichak** (D-Luzerne), \$2,662.01.  
Voted "no" on the pay-raise bill but accepted "unvouchered expenses" so that he could collect the extra money immediately.  
However, Mike Carroll chief of staff to state Rep. John Yudichak, D-Nanticoke, pointed out he was proud to work for a lawmaker who refused the pay raise and pension increase. Yudichak was the only lawmaker representing Lackawanna and Luzerne counties who voted against the pay-raise that ranged from 16 percent to 54 percent (The Citizens Voice, April 27, 2006).



*Unlike the Senate, where the terms of repayment range from one month to three years, the following House members are repaying the raise through a deduction in their monthly check over a 12 month ending in November 2006.*

Rep. Roy **Baldwin** (R- Lancaster) Opted for monthly deduction of \$323.23.

Rep. Jerald **Birmelin** (R- Monroe, Pike & Wayne) Retiring but opted for monthly deduction of \$700.78.

Rep. Marc **Gergely** (D- Allegheny) Voted no, took raise and opted for monthly deduction of \$827.59.

Rep. Camille “Bud” **George** (D-Clearfield). According to staff on May 3, 2006, Rep. George is participating in the monthly deduction program.

Rep. Tim **Hennesey** (R-Chester) Monthly deduction of \$555.20 applied to House income.

Rep. Beverly **Mackereth** (R-York) Repaying the total amount back through monthly deductions of \$203.95.

"It was the wrong thing to do. It was a terrible thing to do," Mackereth said. "I just wish it was done." [Rep.] Mackereth is the only local legislator who voted against the pay raise, only to ultimately take a boost totaling [earlier estimate was 1,288] \$2,243 via "unvouchered expenses," according to her office. Explaining the rationale for her decision, Mackereth said she was told not taking the money meant it would go to leadership accounts or to other representatives (The York Dispatch, February 27, 2006).

Rep. Sandra **Major** (R-Susquehanna, Wayne & Wyoming). Enrolled in monthly deduction program of \$555.20

Rep. Eugene **McGill** (R-Montgomery). One of the few southeastern representatives agreeing to pay back “unvouchered expenses” at a monthly rate of \$321.03.

Rep. Paul **Semmel** (R-Berks & Lehigh). Monthly deductions have been reported at \$700.78.

Rep. Dan **Surra** (D-Clearfield). According to staff on May 3, 200 in a conversation with RTC Rep. Surra donated the money to charity and has agreed to pay back the “unvouchered expenses” through payroll deductions.

Rep. Jim **Wansacz** (D-Lackawanna, Luzerne, Susquehanna & Wyoming). A monthly deduction of \$555.20 is taken out of Representative Wansacz’s pay check.

Rep. Pete **Zug** (R-Lebanon). "I haven't figured out how to do it [pay it back]," Zug said yesterday (Patriot Tuesday, November 15, 2005). Mr. Zug owes \$5,152 for the four months in which vouchers were paid and he has agreed to monthly deductions of \$555.20.

\* Key:

**Key** for pages: 28-36

**D:** Donated "unvouchered expenses" to charity which will bump-up pension payout if legislator retires or is defeated in the next three years.

**K:** Kept pay raise which will bump-up pension payout if legislator retires or is defeated in the next three years.

**R:** Returned pay raise to salaried accounts.

**O:** Took no money.

**TBD:** To be determined.

The following tables condense the above information. They include House members' actions on the pay raise, individual pay increases, pension implications and post repeal disposition of the funds when known.

The average pay increases are:

Position	Original Salary	New Salary	Increase (%)
Rank and file	\$69,648	\$ 81,050	16
Subcommittee	\$69,648	\$ 85,102	22
Committee chair or vice chair	\$69,648	\$ 89,155	28

In the Pennsylvania House, 15 members in leadership posts took the pay raise. Their compensation changes were:

Leader	Old Salary	New Salary	Increase (%)	Pension Increase	Post Repeal*
David Argall, R-Berks	\$93,373.82	\$124,788.48	34		D
Fred Belard D-Lackawana	\$79,417.61	\$106,986	35		TBD
Kevin Blaum D-Luzerne	\$79,417.61	\$106,986	35		K
Raymond Bunt R-Mongomery	\$79,417.61	\$106,986	35		R
Mario Civera R-Delaware	\$79,417.61	\$106,986	35		R
Mark Cohen D-Philadelphia	\$84,441.13	\$115,544.88	37		K
Bill DeWeese, D-Greene	\$100,910.58	\$134,771.52	34	\$3,386.00	K
Dwight Evans D-Philadelphia	\$93,373.82	\$124,788.48	34	TBD.	K
Brett Feese R-Lycoming	\$93,373.82	\$124,788.48	34		R
John Perzel, R-Philadelphia	\$108,724.46	\$145,553.28	34	\$3403.12	K
Merle Phillips R-Northumberland	\$79,417.61	\$106,986	35		TBD
Sam Smith R-Indiana	\$100,910.58	\$134,771.52	34		R
Stephen Stetler, D-York	\$79,417.61	\$106,986	35	\$2,183.49	D
Elinor Taylor, R-Chester	\$84,441.13	\$115,544.88	37	\$9,500.00	K
Mike Veon, D-Beaver	\$93,373.82	\$124,788.48	34	\$2,280.74	K

Seventeen members voted “No” on the pay raise legislation, but accepted the additional income:

Member	Old Salary	New Salary	Increase(%)	Post Repeal*
Gibson Armstrong, R-Lancaster	\$69,648	\$ 85,102	22	R
Teresa Forcier, R-Crawford	\$69,648	\$ 89,155	28	K?
Will Gabig, R-Cumberland	\$69,648	\$ 85,102	22	D*
Jeffrey Habay, R-Allegheny	\$69,648	\$ 85,102	22	K
Beverly Mackereth, R-York	\$69,648	\$ 85,102	22	R
Jess Stairs, R-Fayette	\$69,648	\$ 89,155	28	R
Marc Gergely, D-Allegheny	\$69,648	\$ 81,050	16	R
Gary Haluska, D-Cambria	\$69,648	\$ 81,050	16	D
Mike Hanna, D-Centre	\$69,648	\$ 81,050	16	R
John Myers, D-Philadelphia	\$69,648	\$ 81,050	16	K
Joe Petrarca, D-Westmoreland	\$69,648	\$ 81,050	16	K
Sean Ramaley, D-Beaver	\$69,648	\$ 81,050	16	R
Doug Reichley, R-Lehigh	\$69,648	\$ 81,050	16	R
Chris Sainato, D-Lawrence	\$69,648	\$ 81,050	16	D
James Shaner, D-Fayette	\$69,648	\$ 81,050	16	K
John Siptroth, D-Monroe	\$69,648	\$ 81,050	16	R
John Yudichak, D-Luzerne	\$69,648	\$ 81,050	16	R

Rank and file members who accepted the raise increased their pay from \$69,647.64 to \$81,050.04:

Member	Old Salary	New Salary	Increase(%)	Post Repeal*
Roy Baldwin R-Lancaster	\$69,648	\$ 81,050	16	R
Steve Cappelli R-Lycoming	\$69,648	\$ 81,050	16	TBD

Sue Cornell R-Montgomery	\$69,648	\$ 81,050	16	R
Tom Corrigan R-Bucks	\$69,648	\$ 81,050	16	K
Paul Costa D-Allegheny	\$69,648	\$ 81,050	16	C
Lawrence Curry D-Montgomery	\$69,648	\$ 81,050	16	R
Jackie Crahalla R-Montgomery	\$69,648	\$ 81,050	16	K
Angel Cruz D-Philadelphia	\$69,648	\$ 81,050	16	K
John Evans R-Erie	\$69,648	\$ 81,050	16	R
Marc Gergely R-Allegheny	\$69,648	\$ 81,050	16	R
Matt Good R-Erie	\$69,648	\$ 81,050	16	R
Gary Haluska D-Cambria	\$69,648	\$ 81,050	16	D
Mike Hanna R-Centre	\$69,648	\$ 81,050	16	R
Adam Harris R-Snyder	\$69,648	\$ 81,050	16	K
Tom Killion R-Delaware	\$69,648	\$ 81,050	16	R
Gene McGill R-Montgomery	\$69,648	\$ 81,050	16	R
Mark Mustio R-Allegheny	\$69,648	\$ 81,050	16	R
John Myers D-Philadelphia	\$69,648	\$ 81,050	16	K
Joe Petrarca D-Westmoreland	\$69,648	\$ 81,050	16	R
Sean Ramaley D-Beaver	\$69,648	\$ 81,050	16	R
Doug Reichley R-Lehigh	\$69,648	\$ 81,050	16	R
Chris Sainato D-Lawrence	\$69,648	\$ 81,050	16	D
James Shaner D-Fayette	\$69,648	\$ 81,050	16	D
John Siptroth D-Monroe	\$69,648	\$ 81,050	16	R

The 48 members holding subcommittee chair and vice-chair positions who took the raise increased their salaries from \$69,647.64 to \$85,102.56:

Member	Old Salary	New Salary	Increase(%)	Post Repeal*
Matt Baker R-Bradford	\$69,648	\$ 85,102	22	R
Steve Barrar R-Delaware	\$69,648	\$ 85,102	22	R
Linda Bebko-Jones D-Erie	\$69,648	\$ 85,102	22	K
Louise Bishop D-Philadelphia	\$69,648	\$ 85,102	22	K
Tommie Blackwell D-Philadelphia	\$69,648	\$ 85,102	22	K
Alan Butkovitz D-Philadelphia	\$69,648	\$ 85,102	22	K
Ron Buxton D-Dauphin	\$69,648	\$ 85,102	22	R
Frank Dermody D-Allegheny	\$69,648	\$ 85,102	22	R
Todd Eachus D-Luzerne	\$69,648	\$ 85,102	22	TBD
John R. Evans R-Erie	\$69,648	\$ 85,102	22	R
John Fichter R-Montgomery	\$69,648	\$ 85,102	22	R
Patrick Fleagle R-Franklin	\$69,648	\$ 85,102	22	R
Teresa Forcier R-Crawford	\$69,648	\$ 85,102	22	K?
Will Gabig R-Cumberland	\$69,648	\$ 85,102	22	D*
Neal Goodman D-Schuylkill	\$69,648	\$ 85,102	22	R
Jeff Habay R-Allegheny	\$69,648	\$ 85,102	22	R
Tim Hennessey R-Chester	\$69,648	\$ 85,102	22	R
Harold James D-Philadelphia	\$69,648	\$ 85,102	22	K
Bill Keller D-Philadelphia	\$69,648	\$ 85,102	22	K
Thaddeus Kirkland D-Delaware	\$69,648	\$ 85,102	22	K
Daylin Leach D-Montgomery	\$69,648	\$ 85,102	22	R

Marie Lederer D-Philadelphia	\$69,648	\$ 85,102	22	K
Steve Maitland R-Adams	\$69,648	\$ 85,102	22	K
Sandra Major R-Wayne	\$69,648	\$ 85,102	22	R
Beverly Mackereth R-York	\$69,648	\$ 85,102	22	D
Mike McGeehan D-Philadelphia	\$69,648	\$ 85,102	22	K
Mark McNaughton R-Dauphin	\$69,648	\$ 85,102	22	R
Sheila Miller R-Berks	\$69,648	\$ 85,102	22	K
Phyllis Mundy D-Luzerne	\$69,648	\$ 85,102	22	TBD
Tina Pickett R-Susquehanna	\$69,648	\$ 85,102	22	R
Larry Roberts D-Fayette	\$69,648	\$ 85,102	22	K
T.J. Rooney D-Northampton	\$69,648	\$ 85,102	22	K
Ken Ruffing D-Allegheny	\$69,648	\$ 85,102	22	K
Dante Santoni D-Berks	\$69,648	\$ 85,102	22	R
Mario Scavello R-Monroe	\$69,648	\$ 85,102	22	R
Larry Sather R-Blair	\$69,648	\$ 85,102	22	K
Curt Schroder R-Chester	\$69,648	\$ 85,102	22	R
Tim Solobay D-Washington	\$69,648	\$ 85,102	22	R
Curtis Thomas D-Philadelphia	\$69,648	\$ 85,102	22	K
Don Walko D-Allegheny	\$69,648	\$ 85,102	22	K
Jim Wansacz D-Lackawanna	\$69,648	\$ 85,102	22	R
Ron Waters D-Philadelphia	\$69,648	\$ 85,102	22	K
Jake Wheatley D-Allegheny	\$69,648	\$ 85,102	22	K
Jewel Williams D-Philadelphia	\$69,648	\$ 85,102	22	K
Matt Wright R-Bucks	\$69,648	\$ 85,102	22	R

Rosita Youngblood D-Philadelphia	\$69,648	\$ 85,102	22	K
Peter Zug R-Lebanon	\$69,648	\$ 85,102	22	R

The 44 committee chairs who accepted the pay raise increased their salaries from \$69,647.64 to \$89,154:

Member	Old Salary	New Salary	Increase(%)	Post Repeal*
Bob Allen, R-Schuylkill	\$69,648	\$ 89,155	28	R
Bob Belfanti, D-Columbia	\$69,648	\$ 89,155	28	TBD
Jerry Birmelin, R-Wayne	\$69,648	\$ 89,155	28	R
Tom Caltagirone, D-Berks	\$69,648	\$ 89,155	28	R
Gaynor Cawley, D-Lackawanna	\$69,648	\$ 89,155	28	K
Peter Daley, D-Washington	\$69,648	\$ 89,155	28	D
Bob Donatucci, D-Philadelphia	\$69,648	\$ 89,155	28	K
Russ Fairchild, R-Union	\$69,648	\$ 89,155	28	D
Robert Flick, R-Chester	\$69,648	\$ 89,155	28	K
Tom Gannon, R-Delaware	\$69,648	\$ 89,155	28	R
Rick Geist, R-Blair	\$69,648	\$ 89,155	28	D
Bud George, D-Clearfield	\$69,648	\$ 89,155	28	R
Bob Godshall, R-Montgomery	\$69,648	\$ 89,155	28	R
Mike Gruitza, D-Westmoreland	\$69,648	\$ 89,155	28	K
George Hasay, R-Luzerne	\$69,648	\$ 89,155	28	K
Lynn Herman, R-Centre	\$69,648	\$ 89,155	28	R
Art Hershey, R-Chester	\$69,648	\$ 89,155	28	R
Dick Hess, R-Fulton	\$69,648	\$ 89,155	28	K
Babette Josephs, D-Philadelphia	\$69,648	\$ 89,155	28	K



George Kenney, D-Philadelphia	\$69,648	\$ 89,155	28	K
Frank LaGrotta, D-Beaver	\$69,648	\$ 89,155	28	K
Dennis Leh, R-Berks	\$69,648	\$ 89,155	28	R
Vic Lescovitz, D-Allegheny	\$69,648	\$ 89,155	28	K
Joe Markosek, D-Westmoreland	\$69,648	\$ 89,155	28	R
Keith McCall, D-Carbon	\$69,648	\$ 89,155	28	K
Nick Micozzie, R-Delaware	\$69,648	\$ 89,155	28	R
Denny O'Brien, R-Philadelphia	\$69,648	\$ 89,155	28	K
Frank Oliver, D-Philadelphia	\$69,648	\$ 89,155	28	K
Tom Petrone, D-Allegheny	\$69,648	\$ 89,155	28	D
Frank Pistella, D-Allegheny	\$69,648	\$ 89,155	28	R
Joe Preston, D-Allegheny	\$69,648	\$ 89,155	28	R
Ron, Raymond, R-Delaware	\$69,648	\$ 89,155	28	R
Bill, Rieger, D-Philadelphia	\$69,648	\$ 89,155	28	K
James, Roebuck, D-Philadelphia	\$69,648	\$ 89,155	28	R
Paul Semmel, R-Berks	\$69,648	\$ 89,155	28	R
Bruce Smith, R-York	\$69,648	\$ 89,155	28	R
Edward Staback, D-Lackawanna	\$69,648	\$ 89,155	28	TBD
Jess Stairs, R-Westmoreland	\$69,648	\$ 89,155	28	R
Tom Stevenson, R-Allegheny	\$69,648	\$ 89,155	28	R
Mike Sturla, D-Lancaster	\$69,648	\$ 89,155	28	K
Dan Surra, D-Clearfield	\$69,648	\$ 89,155	28	R
John Taylor, R-Philadelphia	\$69,648	\$ 89,155	28	K
Tom Tighe, D-Luzerne	\$69,648	\$ 89,155	28	K

Seventy-one members did not accept the raise. Their salary remained at \$69,648:

Member	Old Salary	New Salary	Increase(%)
Kerry Benninghoff, R-Mifflin	\$69,648	\$69,648	0
Karen Beyer, R-Lehigh	\$69,648	\$69,648	0
Vince Biancucci, D-Beaver	\$69,648	\$69,648	0
Scott Boyd, R-Lancaster	\$69,648	\$69,648	0
James Casorio, D-Westmoreland	\$69,648	\$69,648	0
Martin Causer, R-McKean	\$69,648	\$69,648	0
Paul Clymer, R-Bucks	\$69,648	\$69,648	0
Tom Creighton, R-Lancaster	\$69,648	\$69,648	0
Craig, Dally, R-Northampton	\$69,648	\$69,648	0
Tony, DeLuca, D-Allegheny	\$69,648	\$69,648	0
Gordon, Denlinger, R-Lancaster,	\$69,648	\$69,648	0
Gene, DiGirolamo, R-Bucks	\$69,648	\$69,648	0
Mike, Diven, R-Allegheny	\$69,648	\$69,648	0
Brian Ellis, R-Butler	\$69,648	\$69,648	0
Florindo Fabrizio, D-Erie	\$69,648	\$69,648	0
Dan Frankel, D-Allegheny	\$69,648	\$69,648	0
Robert Freeman, D-Northampton	\$69,648	\$69,648	0
Michael Gerber, D-Montgomery	\$69,648	\$69,648	0
Keith Gillespie, R-York	\$69,648	\$69,648	0

Mauree Gingrich, R-Lebanon	\$69,648	\$69,648	0
Glen Grell, R-Cumberland	\$69,648	\$69,648	0
Richard Grucela, D-Northampton	\$69,648	\$69,648	0
R. Ted Harhai, D-Westmoreland	\$69,648	\$69,648	0
Julie Harhart, R-Lehigh	\$69,648	\$69,648	0
Kate Harper, R-Montgomery	\$69,648	\$69,648	0
Dave Hickernell, R-Lancaster	\$69,648	\$69,648	0
Scott Hutchinson, R-Venango	\$69,648	\$69,648	0
Rob Kauffman, R-Franklin	\$69,648	\$69,648	0
Mark Keller, R-Perry	\$69,648	\$69,648	0
Nick Kotik, D-Allegheny	\$69,648	\$69,648	0
David Levdansky, D-Allegheny	\$69,648	\$69,648	0
John Maher, R-Allegheny	\$69,648	\$69,648	0
Kathy Manderino, D-Philadelphia	\$69,648	\$69,648	0
Jennifer Mann, D-Northampton	\$69,648	\$69,648	0
Ron Marsico, R-Dauphin	\$69,648	\$69,648	0
Fred McIlhattan, R-Armstrong	\$69,648	\$69,648	0
Chuck McIlhinney, R-Bucks	\$69,648	\$69,648	0
Tony Melio, D-Bucks	\$69,648	\$69,648	0
Darryl Metcalfe, R-Indiana	\$69,648	\$69,648	0
Dave Millard, R-Columbia	\$69,648	\$69,648	0
Ron Miller, R-York	\$69,648	\$69,648	0
Jerry Nailor, R-Cumberland	\$69,648	\$69,648	0
Steve Nickol, R-York	\$69,648	\$69,648	0
Bernie O'Neill R-Bucks	\$69,648	\$69,648	0

John Pallone R-Armstrong	\$69,648	\$69,648	0
Jon Payne R-Dauphin	\$69,648	\$69,648	0
Scott Petri R-Bucks	\$69,648	\$69,648	0
Jeffrey Pyle R-Armstrong	\$69,648	\$69,648	0
Tom Quigley R-Montgomery	\$69,648	\$69,648	0
Kathy Rapp R-Warren	\$69,648	\$69,648	0
Harry Readshaw D-Allegheny	\$69,648	\$69,648	0
Dave Reed R-Indiana	\$69,648	\$69,648	0
Sam Rohrer R-Berks	\$69,648	\$69,648	0
Chris Ross R-Chester	\$69,648	\$69,648	0
Carole Rubley R-Chester	\$69,648	\$69,648	0
Steve Samuelson D-Northampton	\$69,648	\$69,648	0
Stan Saylor R-York	\$69,648	\$69,648	0
Dave Steil R-Bucks	\$69,648	\$69,648	0
Josh Shapiro D-Montgomery	\$69,648	\$69,648	0
Curt Sonney R-Erie	\$69,648	\$69,648	0
Jerry Stern R-Blair	\$69,648	\$69,648	0
Dick Stevenson R-Armstrong	\$69,648	\$69,648	0
Tom Tangretti D-Westmoreland	\$69,648	\$69,648	0
Katie True R-Lancaster	\$69,648	\$69,648	0
Mike Turzai R-Allegheny	\$69,648	\$69,648	0
Greg Vitali D-Delaware	\$69,648	\$69,648	0
Katharine Watson R-Bucks	\$69,648	\$69,648	0
Rod Wilt R-Mercer	\$69,648	\$69,648	0
Ed Wojnarowski D-Cambria	\$69,648	\$69,648	0
Tom Yewcic D-Cambria	\$69,648	\$69,648	0

### **Taxing Questions: Income Or Expense?**

The Pennsylvania Constitution clearly prohibits a sitting legislature from granting itself a pay raise. Article II, Section 8: “The members of the General Assembly shall receive such salary and mileage for regular and special sessions as shall be fixed by law, and no other compensation whatever, whether for service upon committee or otherwise. No member of either House shall during the term for which he may have been elected, receive any increase of salary, or mileage, under any law passed during such term.”

The document also prohibits the methods by which the raise was enacted in Article III, sections 1, 2, and 4.

But, as a state official familiar with the machinations of the state government noted, “It’s only illegal if the (state) Supreme Court says it’s illegal.”

While infighting among the three branches of government may lead to that ruling, it remains doubtful considering the Court is unlikely to void an action that also resulted in more money for sitting judges.

In an effort to expand the inquiry beyond the purview of those with vested interests - sitting judges - RocktheCapitol.org is seeking opinions from the federal and state revenue departments on the raises and their classification for tax purposes.

On April 13, 2006, RocktheCapital.org asked Marilyn Baker, Manager, TE: GE, Customer Account Services, Department of the Treasury and Thomas D. Kimmet, Esquire, Office of the Chief Counsel, Dept. 281061, Commonwealth of Pennsylvania, Department of Revenue to investigate the following:

- If legislators are paying back the net amount of "unvouchered expenses" over several years, are they in violation of IRS rules on repayment of overpayment?
- Does the IRS consider repayment plans as a loan? If so, should inputted interest be applied at the applicable federal rate even if no interest is actually accruing?
- Does avoided interest count as income for IRS purposes?