

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

TUESDAY, APRIL 16, 2002

SESSION OF 2002 186TH OF THE GENERAL ASSEMBLY

No. 26

SENATE

TUESDAY, April 16, 2002

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

The PRESIDENT (Lieutenant Governor Robert C. Jubelirer) in the Chair.

PRAYER

The Chaplain, Reverend PAUL MAULFAIR, of Garden Chapel Church, Middletown, offered the following prayer:

The word of God says in Timothy 1:2, First of all I urge you that entreaties and prayers and petitions and thanksgivings be made on behalf of all men, for kings and all who are in authority, in order that we may lead a tranquil and quiet life in all godliness and dignity. This is good and acceptable in the sight of our God and Savior who desires all men to be saved and come to the knowledge of truth, for there is one God and one mediator also between God and men, the man Christ Jesus who gave himself as a ransom for all.

Let us pray together.

Dear Heavenly Father, we thank You that You have given us the great institutions of our society to carry out Your will in this world. We thank You for the family and the stability it brings to our society. We thank You for the government that You have given us that brings order and peace and tranquility to our lives. We thank You for the church that has the duty to uphold the truth and to preach the gospel.

Lord, I pray that You would help each of those institutions to fulfill its role in our society. We thank You for those who are leaders in our Senate here today. We thank You for their diligence to carry out the things that You have set before them. Lord, we ask that You would give them direction as they carry out their task, and that they would acknowledge their need to depend on God for His guidance and strength and wisdom. Lord, we praise You that the church has the privilege of carrying out another mandate, and that is to preach the good news that Jesus Christ died for sins and was buried and rose again, and if we trust Him, we can have eternal life. And Lord, we thank You that we have the privilege of living in a country where we have the freedom to vote our conscience, that we have the freedom to vote and to carry out Your will through our lives.

Lord, I do pray for this Senate as they continue the work You have set before them, that they would do all for the good of those who live in Pennsylvania and for the glory of God, and we thank You for this in Jesus' name. Amen.

The PRESIDENT. The Chair thanks Reverend Maulfair, who is the guest today of Senator Piccola and Senator Brightbill.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of April 15, 2002.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator PICCOLA, and agreed to by voice vote, further reading was dispensed with and the Journal was approved.

HOUSE MESSAGES

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate SB 369 and 1007, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

**HOUSE CONCURS IN SENATE
CONCURRENT RESOLUTION**

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

Weekly adjournment.

RESOLUTION INTRODUCED AND REFERRED

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

April 16, 2002

Senators CONTI, TOMLINSON, ARMSTRONG, BELL, BODACK, BOSCOLA, BRIGHTBILL, CORMAN, COSTA, DENT, EARLL, ERICKSON, FUMO, GERLACH, GREENLEAF, HELFRICK, HOLL, HUGHES, JUBELIRER, KASUNIC, KITCHEN, KUKOVICH, LAVALLE, LEMMOND, LOGAN, MADIGAN, MELLOW, MOWERY, MURPHY, MUSTO, O'PAKE, ORIE, PICCOLA, PUNT, RHOADES, ROBBINS, SCARNATI, SCHWARTZ, STACK, STOUT,

TARTAGLIONE, THOMPSON, WAGNER, WAUGH, WENGER, D. WHITE, M. WHITE, A. WILLIAMS, C. WILLIAMS and WOZNIAK presented to the Chair SR 209, entitled:

A Resolution recognizing the contributions of the Blue Star Mothers of America, Inc.

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, April 16, 2002.

REPORTS FROM COMMITTEES

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

SB 705 (Pr. No. 1860) (Rereported) (Concurrence)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for integrated pest management programs in schools.

SB 907 (Pr. No. 1907) (Amended) (Rereported) (Concurrence)

An Act designating a portion of SR 11 in Salem Township, Luzerne County, as Salem Boulevard; a portion of US Route 119 in Indiana County as the Patrick J. Stapleton Memorial Highway; a portion of State Route 413 between its intersection with State Route 13 and the Pennsylvania Turnpike in Bristol Township, Bucks County, as Veterans Highway; a section of SR 1011 in Clearfield, Cameron and Elk Counties as the Quehanna Highway; the North George Street Bridge in the City of York, York County, as the Governor George M. Leader Bridge; and the ramp from the I-279S HOV lane to Anderson Street in Allegheny County as Cigna's Way.

HB 1289 (Pr. No. 3678) (Rereported) (Concurrence)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for approval of unfunded debt in certain distressed school districts, for educational assessment centers and for notification of pesticide treatments at schools.

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

HB 1458 (Pr. No. 2677) (Rereported)

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for bonds for county officers, for bonds of deputies and other appointees, for taking money and property by gift, for creation of a capital reserve fund, for the operating reserve fund, for billing and collecting by the county treasurer, for functions of the controller, for custody of documents, for books of fiscal affairs, for claims against a county, for reports to commissioners, for fees of witnesses and jurors, for receipts and accounts of money due a county, for preparation of proposed annual budget, for amending budgets, for levies, for tax rates, for appropriations, for filing the budget, for notice and for the preparation of uniform forms; providing for refusal to submit to examination and for the procedure for approval; and making an editorial change.

HB 1935 (Pr. No. 3703) (Amended) (Rereported)

An Act providing for a commercial downtown enhancement program to be administered by the Department of Community and Economic Development.

HB 2545 (Pr. No. 3683) (Rereported)

An Act apportioning this Commonwealth into congressional districts in conformity with constitutional requirements; providing for the nomination and election of Congressmen; and requiring publication of notice of the establishment of congressional districts following the Federal decennial census; imposing duties on the Secretary of the Commonwealth and the Legislative Reference Bureau; and making a repeal.

Senator MURPHY, from the Committee on Aging and Youth, reported the following bill:

SB 1400 (Pr. No. 1905) (Amended)

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, further providing for definitions, for drug utilization review system, for program generally and for supply; providing for a mail order program for maintenance drugs; further providing for reimbursement and for Pharmaceutical Assistance Contract for the Elderly Needs Enhancement Tier; providing for Pharmaceutical Assistance Contract for the Elderly Needs Enhancement Tier Plus, for senior wellness program, for prescription drug clearinghouse, for provider assistance, for priority of prescription drug assistance; defining "best price," "average wholesale cost" and "average wholesale price"; further providing for terms of rebate agreement, for amount of rebate, for excessive pharmaceutical price inflation discount and for disposition of funds; and providing for interstate bulk purchasing program and for fair prescription drug provisions.

Senator MOWERY, from the Committee on Public Health and Welfare, reported the following bills:

SB 1324 (Pr. No. 1781)

An Act authorizing the Department of Public Welfare to enter into interstate compacts relating to adoption assistance; and providing for terms and implementation of the interstate compacts.

SB 1371 (Pr. No. 1848)

An Act directing the Department of Public Welfare to file an application for the Commonwealth to participate in the Federal Pharmacy Plus program.

Senator GERLACH, from the Committee on Local Government, reported the following bills:

SB 1118 (Pr. No. 1398)

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, further providing for exercise of eminent domain and for restrictions as to certain property.

HB 411 (Pr. No. 3701) (Amended)

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, further providing for purpose of act; defining "no-impact home-based business"; and further providing for ordinance provisions, for procedure for landowner curative amendments, for hearings and for governing body's functions.

HB 1222 (Pr. No. 1413)

An Act amending the act of May 25, 1945 (P.L.1050, No.394), known as the Local Tax Collection Law, further providing for

compensation of tax collectors in first class townships; and making an editorial change.

HB 1459 (Pr. No. 1741)

An Act prohibiting a political subdivision or its authority or agency from requiring a proportion of workers on a construction project to be residents of a particular municipality.

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

SB 1258 (Pr. No. 1904) (Amended)

An Act amending the act of May 15, 1933 (P.L.565, No.111), known as the Department of Banking Code, making extensive changes to modernize and update the law.

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

SB 1164 (Pr. No. 1436)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting deception relating to solicitations for charity.

LEGISLATIVE LEAVE

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

Senator PICCOLA. Mr. President, I request a legislative leave for Senator Bell.

The PRESIDENT. Senator Piccola requests a legislative leave for Senator Bell. Without objection, the leave will be granted.

CALENDAR

HB 2048 CALLED UP OUT OF ORDER

HB 2048 (Pr. No. 2698) -- Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator PICCOLA, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2048 (Pr. No. 2698) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 25, 1999 (P.L.205, No.27), entitled, as amended, "An act authorizing the Department of General Services, with the approval of the Governor, to convey to East Allen Township, Northampton County, certain land situate in East Allen Township, Northampton County, and to convey to the trustees of the University of Pittsburgh certain land situate in the City of Pittsburgh, Allegheny County; authorizing and directing the State Armory Board of the Department of Military and Veterans Affairs and the Department of General Services, with the approval of the Governor, to convey to the Historical and Genealogical Society of Indiana County a tract of land situate in the Borough of Indiana, County of Indiana, Pennsylvania; authorizing and directing the Department of General Services, with the approval of the Governor and Department of Transportation, to sell and convey to the Borough of Hollidaysburg certain land situate in the Borough of Hollidaysburg, Blair County, Pennsylvania; authorizing the

Department of General Services, with the approval of the Governor, to convey a tract of land in the Borough of Selinsgrove, Snyder County, to the Eastern Snyder County Regional Authority in exchange for another tract of land in the Borough of Selinsgrove, Snyder County; and authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Snyder County certain lands situate in Penn Township," further providing for reversion of property.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-50

Armstrong	Greenleaf	Mowery	Tartaglione
Bell	Helfrick	Murphy	Thompson
Bodack	Holl	Musto	Tomlinson
Boscola	Hughes	O'Pake	Wagner
Brightbill	Jubelirer	Orie	Waugh
Conti	Kasunic	Piccola	Wenger
Corman	Kitchen	Punt	White, Donald
Costa	Kukovich	Rhoades	White, Mary Jo
Dent	LaValle	Robbins	Williams, Anthony H.
Earll	Lemmond	Scarnati	Williams, Constance
Erickson	Logan	Schwartz	Wozniak
Fumo	Madigan	Stack	
Gerlach	Mellow	Stout	

NAY-0

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

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

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR JAKE CORMAN
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

Senator CORMAN. Mr. President, this is usually the time of Session that we introduce guests, and I had some guests here today and if we would have had Session around the time we thought we were to, they would have still been here, but unfortunately with the delays, they had to leave, but I did want to read into the record some of the accomplishments of my guests who were here.

Today we had with us the Penn State University Icers Hockey Team. With head coach Joe Battista, the Icers Hockey Team won their third consecutive American Collegiate Hockey Association National Title. Coach Joe Battista was the Coach of the Year this year in hockey. They defeated Big Ten rival Illinois by a score of 4-0 to win the national championship. Neal Price, one of the players, was named tournament MVP. Defenseman Josh Mandel, forward Glenn Zuck, and goalie Scott Graham were named first team all-tournament selections. More importantly, Mr. President,

the Icers have a team GPA of 3.12 for the fall semester, had 10 players on the Dean's List and 19 players with a 3.0 or better and 7 ACHA Academic All-Americans, so I think that was quite an accomplishment, not only on the ice but also in the classroom.

Also, Mr. President, we had the Penn State University Fencing Team here earlier today with head coach Emmanuil Kaidanov, head coach at Penn State for 20 years. He has a record of 513-36-1. This year they won a 2002 NCAA Combined National Championship, the ninth combined title in the school's history, the seventh in the last 8 years. The Lady Lions placed third in the nation, and the men's team placed first in the team competition. Penn State claimed the first place honor for the women's epee and the men's foil, and sophomore Non Panchan won the national championship in the men's foil.

Mr. President, I am not going to ask people to applaud because they are not here, but I will say for the record if we would have started Session on time, I would have asked for an applause and the Senate would have applauded.

Thank you, Mr. President.

(Applause.)

The PRESIDENT. The Chair thanks Senator Corman, and let the record show that the Senate did indeed applaud these national championship teams.

RECESS

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

Senator PICCOLA. Mr. President, I request a recess of the Senate for the purpose of a Republican caucus, with the expectation that we will return to the floor about 6:15 p.m.

The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I ask the Democrats to report to our caucus room.

The PRESIDENT. For purposes of Republican and Democratic caucuses to begin immediately in their respective caucus rooms, without objection, the Senate stands in recess.

AFTER RECESS

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

CONSIDER OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 824 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

PREFERRED APPROPRIATION BILLS LAID ON THE TABLE

SB 1354 (Pr. No. 1790) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission.

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

SB 1358 (Pr. No. 1794) -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto.

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

BILLS OVER IN ORDER

HB 219 and **HB 235** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL LAID ON THE TABLE

HB 247 (Pr. No. 3459) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for a community services block grant program; and further providing for powers and duties of the Department of Community and Economic Development.

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

BILLS OVER IN ORDER

SB 462 and **SB 785** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1030 (Pr. No. 1900) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for weapons or implements for escape and for contraband; and making a conforming amendment.

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

On the question,
Shall the bill pass finally?

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

YEA-50

Armstrong	Greenleaf	Mowery	Tartaglione
Bell	Helfrick	Murphy	Thompson
Bodack	Holl	Musto	Tomlinson
Boscola	Hughes	O'Pake	Wagner
Brightbill	Jubelirer	Orie	Waugh
Conti	Kasunic	Piccola	Wenger
Corman	Kitchen	Punt	White, Donald
Costa	Kukovich	Rhoades	White, Mary Jo
Dent	LaValle	Robbins	Williams, Anthony H.
Earll	Lemmond	Scarnati	Williams, Constance
Erickson	Logan	Schwartz	Wozniak
Fumo	Madigan	Stack	
Gerlach	Mellow	Stout	

NAY-0

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

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

BILLS OVER IN ORDER

SB 1318, SB 1319 and SB 1367 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL REREFERRED

HB 1546 (Pr. No. 2105) -- The Senate proceeded to consideration of the bill, entitled:

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

Upon motion of Senator BRIGHTBILL, and agreed to by voice vote, the bill was rereferred to the Committee on Communications and High Technology.

BILL OVER IN ORDER

HB 2070 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2087 (Pr. No. 3684) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 6, 1984 (P.L.614, No.127), known as the Sheriff Fee Act, providing for the establishment and modification of fees and for an additional fee in counties of the second class.

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

On the question,
Shall the bill pass finally?

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

YEA-50

Armstrong	Greenleaf	Mowery	Tartaglione
Bell	Helfrick	Murphy	Thompson
Bodack	Holl	Musto	Tomlinson
Boscola	Hughes	O'Pake	Wagner
Brightbill	Jubelirer	Orie	Waugh
Conti	Kasunic	Piccola	Wenger
Corman	Kitchen	Punt	White, Donald
Costa	Kukovich	Rhoades	White, Mary Jo
Dent	LaValle	Robbins	Williams, Anthony H.
Earll	Lemmond	Scarnati	Williams, Constance
Erickson	Logan	Schwartz	Wozniak
Fumo	Madigan	Stack	
Gerlach	Mellow	Stout	

NAY-0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

HB 1237 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILLS OVER IN ORDER

SB 1060 and SB 1321 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL AMENDED AND REREFERRED

SB 1370 (Pr. No. 1829) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 29, 1996 (P.L.434, No.67), known as the Job Enhancement Act, further providing for definitions, for the Pollution Prevention Assistance Account and for eligibility and terms and conditions of loans; providing for job and work force training; and further providing for the power and authority for the Pennsylvania Economic Development Financing Authority; and making a repeal.

On the question,
Will the Senate agree to the bill on second consideration?
Senator SCHWARTZ offered the following amendment No. A1537:

Amend Sec. 1, page 1, line 22, by inserting after "Act,": amended or

Amend Sec. 1, page 1, line 23, by striking out "are amended" and inserting: and November 17, 1998 (P.L.788, No.100), are amended and the section is amended by adding a definition

Amend Sec. 1 (Sec. 1301), page 2, by inserting between lines 11 and 12:

(2) To bring a small business enterprise into compliance with Federal or State environmental laws or regulations or to complete an approved remediation project or to permit the small business enterprise to adopt generally acceptable pollution prevention practices.

(3) To provide assistance to small business enterprises that are recyclers of municipal or commercial waste or that are manufacturers using recycled municipal or commercial waste materials.

(4) To assist a small business enterprise with defense conversion activities.

(5) For the manufacture of products to be exported out of the United States by a small business enterprise as part of a for-profit project or venture not of a mercantile or service-related nature, except for export-related services and international export-related mercantile ventures or advanced technology and computer-related services and mercantile ventures, which will increase this Commonwealth's national or international market shares.

(6) As part of a for-profit project or venture that meets the requirements of section 1303(a.1).

(7) To assist in the start-up or expansion of a for-profit or not-for-profit child day-care center subject to licensure by the Commonwealth.

"Child day-care center." Any premises in which child day care is provided simultaneously for seven or more children who are not related to the provider.

Amend Sec. 1 (Sec. 1301), page 2, lines 18 through 26, by striking out all of said lines and inserting:

"Small business [enterprises] enterprise." A for-profit corporation, partnership [or], proprietorship, limited liability company or other entity which meets the eligibility requirements established by the department. The term shall include, but is not limited to, a small business [enterprises] enterprise which:

(1) is located in a small business incubator [facilities, small business enterprises which are] facility;

(2) is an agricultural [processors and small business enterprises which manufacture] processor;

(3) manufactures apparel products[.]; or

(4) is a for-profit or not-for-profit child day-care center subject to licensure by the Commonwealth.

On the question,
Will the Senate agree to the amendment?
It was agreed to.

On the question,
Will the Senate agree to the bill on second consideration, as amended?

Senator BRIGHTBILL. Mr. President, I move that Senate Bill No. 1370, as amended, be rereferred to the Committee on Appropriations.

On the question,
Will the Senate agree to the motion?
A voice vote having been taken, the question was determined in the affirmative.

The PRESIDENT. Senate Bill No. 1370, as amended, will be rereferred to the Committee on Appropriations.

BILLS OVER IN ORDER

HB 1731, HB 1933 and HB 2088 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 1

BILLS OUT OF ORDER

Without objection, the bills on Supplemental Calendar No. 1 were called out of order by Senator BRIGHTBILL, as Special Orders of Business.

SENATE CONCURS IN HOUSE AMENDMENTS

SB 705 (Pr. No. 1860) -- 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, providing for integrated pest management programs in schools.

On the question,
Will the Senate concur in the amendments made by the House to Senate Bill No. 705?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 705.

On the question,
Will the Senate agree to the motion?

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

YEA-50

Armstrong	Greenleaf	Mowery	Tartaglione
Bell	Helfrick	Murphy	Thompson
Bodack	Holl	Musto	Tomlinson
Boscola	Hughes	O'Pake	Wagner
Brightbill	Jubelirer	Orie	Waugh
Conti	Kasunic	Piccola	Wenger
Corman	Kitchen	Punt	White, Donald
Costa	Kukovich	Rhoades	White, Mary Jo
Dent	LaValle	Robbins	Williams, Anthony H.
Earll	Lemmond	Scarnati	Williams, Constance
Erickson	Logan	Schwartz	Wozniak
Fumo	Madigan	Stack	
Gerlach	Mellow	Stout	

NAY-0

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

BILL REREPORTED FROM COMMITTEE
AS AMENDED ON SECOND CONSIDERATION

HB 1935 (Pr. No. 3703) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for a commercial downtown enhancement program to be administered by the Department of Community and Economic Development.

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

BILL ON SECOND CONSIDERATION

HB 2545 (Pr. No. 3683) -- The Senate proceeded to consideration of the bill, entitled:

An Act apportioning this Commonwealth into congressional districts in conformity with constitutional requirements; providing for the nomination and election of Congressmen; and requiring publication of notice of the establishment of congressional districts following the Federal decennial census; imposing duties on the Secretary of the Commonwealth and the Legislative Reference Bureau; and making a repeal.

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

SENATE CONCURS IN HOUSE AMENDMENTS
TO SENATE AMENDMENTS

HB 1289 (Pr. No. 3678) -- 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, providing for approval of unfunded debt in certain distressed school districts, for educational assessment centers and for notification of pesticide treatments at schools.

On the question,
Will the Senate concur in the amendments made by the House to Senate amendments to House Bill No. 1289?

Senator BRIGHTBILL. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate amendments to House Bill No. 1289.

On the question,
Will the Senate agree to the motion?

The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I fully realize what an important issue this is to the city of Philadelphia, but I also fully realize that the record that I have personally tried to establish through my many years here in the Pennsylvania State Senate is to vote for any district or any city or any county or any

municipality, for that matter, on a bipartisan or nonpartisan basis when the individual who represents a particular area comes to us and says to us, it is in the best interest of the people I represent that we try to pass a certain piece of legislation. Mr. President, it is from this background that I want to talk about what is being proposed here in this particular bill.

Mr. President, a bond issue where there is no ceiling on the bond issue, as far as I am concerned, is inappropriate. But more importantly, a bond issue that pays for operating costs of a school district or of any municipal government is an inappropriate thing to do. Mr. President, in the discussion that we had in the Committee on Rules and Executive Nominations, I specifically asked the question, will this money be used to pay operating expenses? And the answer that I was given back was that this money will be used to pay for unfunded debt. Unfunded debt, Mr. President, purely and simply means that expenses that have been ascertained by this particular school district, bills will be paid for by floating a bond issue, which has been estimated will be a \$300 million bond issue, but there is no clear-cut amount as to just exactly how far this bond issue will go. Mr. President, it is not appropriate for any one Member of this body to cast an affirmative vote in the guise of good government, to give any governmental agency the opportunity to be able to borrow money on the bond issue, which would strap the taxpayers of that community, for the purpose of paying for operating expenses.

Now, when you factor in what has happened with Philadelphia--

Mr. President, this is a very, very important issue. Could we please have some order on the floor of the Senate?

The PRESIDENT. Senator Mellow is correct. It is an important issue. He is entitled to the attention of the Members, and we would ask that all sidebar conferences please be removed from the floor and the Members please take their seats.

Senator MELLOW. Mr. President, this is an extremely important issue because it deals with the taxpayers of the city of Philadelphia and ultimately with the taxpayers of the Commonwealth, and, finally, with each one of the taxpayers that the 50 Members of this Senate represent and what potential tax consequences they could be facing in the future, and that is why it is such a very important issue, Mr. President, and why I asked if we could have order on the floor of the Senate is so that each and every one of us knows exactly what we are going to do, whether we are going to make a vote purely and simply for politics or whether we are going to try to make a vote in the best interests of the people of Pennsylvania.

Mr. President, in the purest sense, what this particular bill does is gives the Philadelphia School District the opportunity to float a bond issue, which we have been told will be \$300 million, which basically will be a bailout of the Philadelphia School District to pay for their current operating expenses at the expense of the people of Pennsylvania. Mr. President, this bond issue is to be used to pay for operating costs. That is an inappropriate thing to do by any elected official, to give authorization to a municipality or a school district or to any governmental agency to be able to float a bond issue for the purpose of paying unfunded debt. Mr. President, if any school district in Pennsylvania, other than the school district represented in the city of Philadelphia, had this same problem, they would have to

go to the taxpayers of the district in which they live and they would have to say to the taxpaying people of that district, we have one or two options. The only options that we have are we can either increase your taxes for the purpose of paying off or paying for the operating expenses and meeting the budget, or we can make substantial cuts in the operation of our school district for the purpose of meeting the expenses of our school district. You must live within your means.

It is very, very hard, Mr. President, for me to comprehend how the Republican Party in Pennsylvania, because it is going to be the Republican Party in the Senate that is going to have to pass the financial bailout of the Philadelphia School District at the expense of the people of Philadelphia and, indeed, the people of Pennsylvania, because what we are doing here, Mr. President, is telling the city of Philadelphia and the school district that it does not matter what kind of money they are spending in Philadelphia in their school district, because we are going to give you authorization to float a bond issue to pay for that debt, to pay for those operating expenses. But if you were one of the other 500 school districts in Pennsylvania, if you were in suburban Philadelphia, if you were in a school district in Montgomery County, which is right near Philadelphia, or Delaware or Chester or Bucks Counties, or if you were a school district in Erie or in Lackawanna Counties or Luzerne County or right here in central Pennsylvania, if your school district had financial problems, they would have one or two options: They would either have to cut the budget or increase taxes, with the one exception of the Philadelphia School District, because the Majority party in this Senate this evening is going to give them the opportunity to be able to float a bond issue to pay for their current operating expenses instead of telling them that it is time, administratively, that they look at exactly what is happening with their budget. It is time that you tell those individuals who are privately running the school district in Philadelphia that they must cut back somewhere in the cost of operating the school district in Philadelphia, or the administration of Philadelphia must increase taxes for the purpose of educating the children in Philadelphia.

This is a very bad business concept. It is a very bad business practice, and I guarantee you that every Member of this body who says it is important to run government like you run a business and then is prepared to vote for this particular proposal is being intellectually dishonest with the constituents they represent, because when you leave this room here this evening and you go out and talk to any businessman in Pennsylvania, from the smallest businessperson you could find to the largest of the major corporations in Pennsylvania, and you tell them that we tonight have given authorization to a school district to pass a bond issue for the purpose of funding an unfunded debt, they would think there was something wrong with you, because if they ran their businesses that way, Mr. President, they would be bankrupt immediately. It is unfortunate that we are putting a harness on the backs of children and taxpayers, future taxpayers in Pennsylvania, by putting such a bond issue on them.

Mr. President, we were told in the meeting of the Committee on Rules and Executive Nominations today that if this bond issue was paid off over a 30-year period of time, and if up to \$300 million is borrowed, then it is going to cost \$700 million to pay off the debt service of \$300 million to pay for existing operating

expenses. I ask the Members of this body today, is that what you think is in the best interests of the people of Pennsylvania? And why can you not do that for your own particular school district? If you in fact are having a problem in your school district, which every school district in this State, maybe with a rare exception, is having because there is not a sufficient amount of money being appropriated here in Harrisburg to appropriately and properly fund public education throughout the Commonwealth, well, every school district, with the exception of Philadelphia, either has to cut back on operating expenses or they must go to the taxpayers of that district for the purpose of raising money to pay for the budget. But what the Majority party here is saying this evening with this particular proposal is that with the exception of Philadelphia, and the fact that there has been a Philadelphia bailout here in Harrisburg and the Philadelphia School District, because in the budget proposal that has been submitted by Governor Schweiker, there is a \$75-million figure in here called the Commonwealth Grant, \$75 million for this year alone for the purpose of trying to bail out the city of Philadelphia, at the expense of the other 500 school districts in the State. In addition to that, we are going to give them the opportunity to float a bond issue of some \$300 million to pay for an unfunded debt.

Mr. President, I sometimes do not understand what we are trying to accomplish here in Harrisburg, because for many, many years Members of the General Assembly who represent the Republican Party have made a living out of running against the Philadelphia School District. Members who live in suburban Philadelphia right outside of the city limits of Philadelphia have made a political living of running against the Philadelphia School District and blaming the Democratic Party in Pennsylvania for continuing to put up special appropriations for the purpose of the operation of the Philadelphia School District. I can remember a Republican Leader of this body being critical of a Democratic Member from western Pennsylvania, and he said that every time this particular Member from western Pennsylvania votes in the Senate for Philadelphia, they must genuflect first to Philadelphia and cast that affirmative vote for the city of Philadelphia and for the Philadelphia School District to guarantee solvency.

Well, what you are doing tonight is exactly what you preached against for many, many years, because you have participated in the takeover, the Pennsylvania takeover, the State takeover of the Philadelphia School District, and by guaranteeing them, which was promised by Governor Schweiker to the mayor of Philadelphia, that there would be \$75 million in this year's budget as a special appropriation, and according to Governor Schweiker, it will not be a one-time appropriation, it will be \$75 million this year, in fiscal 2004—he is going to try to tie the hands of the next Governor—it will be \$78 million, in fiscal 2005 it will be \$80 million, in fiscal 2006 it will be \$82 million. That is for the city of Philadelphia. What about the other school districts and the other taxpayers in Pennsylvania? Why are they not benefitting from the same amount of money? What is so involved in the Philadelphia School District, and why is the Republican Party so entrenched by this involvement that they are prepared to sacrifice their own school districts to bail out the city of Philadelphia?

Mr. President, it just does not make sense what is happening here. And then to have a bill reported out of the Committee on

Rules and Executive Nominations today that would allow the Philadelphia School District to float a bond issue of up to \$300 million, and very possibly more, because there is no cap in the bill, for the purpose of paying for current operating expenses is reprehensible.

Mr. President, I can recall, and I know maybe we are not supposed to invoke names, but I have to invoke the name of a former Member of the Pennsylvania House of Representatives, because he lost his seat last November on one particular issue that he failed to rebut in an appropriate manner. His opponent accused him of doing nothing but voting to bail out the city of Philadelphia every time the Philadelphia School District had a problem, at the expense of ignoring his own school districts, and that is former Representative Joe Battisto. Nothing could have been further from the truth, but for some reason former Representative Battisto decided not to answer those particular ads, and they eventually led to his demise, because people who live outside of Philadelphia do not want to see the other Members of the General Assembly voting at the expense of the school districts that they represent for the purpose of benefitting the school district of Philadelphia, and, Mr. President, that is all this particular proposal does. There is no possible way that any Member of this body voting in good faith, representing the best interests of the district in which they live, could cast an affirmative vote to allow the Philadelphia School District to float this bond issue.

Mr. President, I request a negative vote on the proposal. Thank you.

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

Senator PICCOLA. Mr. President, I rise to support concurrence in the amendments to House Bill No. 1289, and in doing so, I think it is important to outline to the Members of the Senate exactly what this bill does, and exactly what this bill does not do. With respect to the comments of my distinguished colleague from Lackawanna County, I would say to him that I agree in part and disagree in major part. The gentleman is accurate in stating that this bill will simply enable the city of Philadelphia to float a bond for the purpose of covering unfunded debt that has been incurred by the city school district. And I would agree that under normal and ordinary circumstances such a tactic would not be particularly prudent. However, the situation in Philadelphia, as all of us know, is not the typical situation. I would characterize this more like an individual who has gone on a spending spree imprudently and run up credit card debts and has seen the error of their ways and has decided they are going to consolidate those debts and move on into the future, and I believe that is the way we need to address this problem. There is no doubt that prior to December of last year the school district of the city of Philadelphia was like a person with credit cards running amok. They were accumulating debt, spending more than they were taking in, and probably more importantly, not providing, and perhaps incapable of providing, a decent and adequate education for the kids who are to be served by the Philadelphia School District.

But something happened late last year that I believe makes this piece of legislation a necessary evil that we need to adopt. Just like the person who, while they do not want to take out a

loan to consolidate their credit card debt, must do it and then find a way to keep themselves solvent in the future. And exactly what happened in December? Finally, after many years, the Philadelphia School District is no longer being operated by the city of Philadelphia, the mayor, or the school board of the city of Philadelphia. This General Assembly enacted legislation creating a School Reform Commission appointed by the Governor and by the mayor who have taken control of that district and are in the process of making changes and developing a plan for major changes in the future. And one of the things that that commission has to deal with is the debt that has been accumulating and which is not of their making.

This is not, and I repeat, this is not a bill that will bail out the Philadelphia School District. It is an enabling piece of legislation that will allow the city of Philadelphia to pull itself up by the bootstraps and bail itself out, if you will. As a matter of fact, any debt that is the result of this bill that the city council wishes to issue will have to be paid for by city council. And it is my understanding that the day after tomorrow, Thursday, city council is prepared to act to dedicate \$25 million annually to service any debt that is incurred by this enabling legislation. That is a commitment on behalf of the governing body of the city of Philadelphia. And if they decide, and I do not think they will, but if they would decide not to take that action on Thursday, this enabling legislation will just simply sit there and not be used.

Now, what occurred in the past that made all of this necessary? You will recall last summer that the city of Philadelphia was threatening to shut down its school district because of a lack of funds. Governor Ridge, at the time, entered into negotiations in a contract with a company to determine what the best way to remedy the problems in Philadelphia might be. And last fall we enacted legislation and amended prior legislation that created the possibility for the Governor to take over the Philadelphia School District with the School Reform Commission, and that is what occurred in December of 2001, with the concurrence of Mayor Street and I believe the acquiescence of the majority of city council, who appear to be supporting the overall plan by taking the actions that are required under the plan that the mayor and the Governor have agreed upon. And I might add that Mayor Street, as everyone knows, is a Democrat, and city council is controlled by the Democratic Party, so this is a bipartisan, not a partisan, initiative. It is a bipartisan initiative with the goal of providing a decent quality education to the children of the city of Philadelphia, which is something that has not been provided for many, many years.

Now, why did we take this action to create the School Reform Commission last year and why was that School Reform Commission put in place to take over the city school districts? Well, very simply, Mr. President, the school board, the governing body of the city school district in Philadelphia, was not living up to the promises of providing good education, was not living up to the fiscal promises of providing an efficient system of education for the taxpayers of Philadelphia. The School Reform Commission, which took over in December, is not beholden to the same political forces that the mayor and his city council and his school board would be beholden to. They are not beholden to the unions and the pressure that local unions place upon that governing body of the mayor and the city council and the school

board of the city of Philadelphia. They are not beholden to the whims of the political winds that blow throughout Philadelphia on various issues, and they can focus, Mr. President, as a School Reform Commission made up, I might add, of very, very high level, quality people who are interested in performing a quality job for the people of Philadelphia and the people of Pennsylvania, because if it fails, we will all bear the burden. They are not beholden to all those interests, and they can therefore break free of those constraints, break free of those pressures, and provide the quality education in a very cost-efficient and cost-saving kind of way.

Now, it was mentioned by the previous speaker, Mr. President, that this bill will harness the schoolchildren of Philadelphia and the taxpayers of Pennsylvania. Quite the opposite, Mr. President; quite the opposite. This bill will break the shackles that are presently upon the schoolchildren of Philadelphia and the taxpayers of Pennsylvania who have been pouring money, dollar after dollar after dollar, into that city school district system and not have a whole lot to show for it over the years. It will break that cycle, Mr. President. It will not be turned around in a year, that is clear. It may take as much as 5 years to turn it around. It took many decades to get into the condition it is in, and it is a big system and a lot of changes have to be made. But, Mr. President, we have to start and we have started, and this bill is just simply one relatively small piece of the process to break that cycle, and it is so small for us here in Harrisburg to do because it is not going to cost the taxpayers of Pennsylvania anything. It is going to allow the city of Philadelphia, the taxpayers of Philadelphia, to commit themselves to pulling themselves up by the bootstraps and changing that cycle of failure and that cycle of mismanagement that has been endemic of that system for so many years. This bill is not the only answer. I am not making that promise. It is not the sole piece. There have been others and there will probably be more down the road, but it is an important piece because it enables Philadelphia to help themselves.

Mr. President, I urge very strongly that all Members of this Senate join with me and concur in the amendments that have been inserted into this bill by the House of Representatives.

Thank you, Mr. President.

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

Senator FUMO. Mr. President, first I want to clear up a few mistakes, misconceptions, or whatever, that Senator Piccola may have given this body. If you read the bill, which I know none of us ever want to take the time to do, but if you read the bill, on page 2 it says, "notwithstanding any other provision of law, the governing body of a distressed school district may approve the issuance of bonds or notes to fund unfunded debt of the school district if the governing body finds all of the following," and there are a whole bunch of subclauses. This is not the city of Philadelphia that is going to borrow this money. This is the State, whatever they call it, the SRC, the State Reform Commission, that you voted for, that you set up. We voted "no." They are State appointees who have been appointed by Governor Schweiker, three of them by him without consultation with the mayor, one of whom with consultation by the mayor, and only one by the mayor, so let us get that straight. City council, what they are

about to vote on is not money to pay the debt. If you recall early on in discussions about the so-called deal that was made between Mayor Street and ultimately Governor Schweiker, it called for the State to put up \$75 million, and for the city to put up \$45 million. Originally, they asked the city for \$75 million, the city council balked and said we are not doing that. They eventually arm twisted and got them down to \$45 million. But interestingly, \$25 million of that \$45 million that you might think is going to run the schools will be for the debt service. So really they hoodwinked you even further, they got a better match than Federal funds for highways. They put up \$15 million, you put up \$75 million.

Now let us take a look here. Senator Piccola says it is like credit card debt, we are just going to consolidate credit card debts. No big deal. In fact, that term "credit card" gets used a lot by people in this discussion. Jim Nevels, the Governor's appointee who is the chairman of this so-called SRC, said sheepishly and embarrassingly, look, I admit this is like buying groceries on a credit card, but I do not know what else to do. You see, this is your quicksand. You got conned into voting for this last year, and you did not listen to me. I got up on this floor and said the following, and I quote from October 23, 2001:

(Reading)

"Mr. President, in addition to that, I quite frankly want to thank you on behalf of the children of Philadelphia, and more importantly than that I guess the taxpayers of the city of Philadelphia, because by any stretch of the imagination, with privatization...with custodians, without custodians, the best case scenario is that they are going to be \$150 million short.

Now, I apologize to you, I was wrong. It is only \$128 million. And I continued: *(Reading)*

And with authority comes responsibility. You will fund that \$150 million, and you will do that next year in a budget, and maybe I am wrong. Maybe it will only be \$100 million or \$75 million, but you will fund that, and I want to thank you as a Philadelphian for that, because it has been a long time since I have seen that kind of largess ever expressed toward the city of Philadelphia. [However,] I will not be up here during the next budget cycle telling my colleagues on this side of the aisle that they have to give me \$75 million or \$100 million more for my [school] district when they are not getting anything more for their districts. I am not going to make that argument. I have a responsible position here, I am elected by my Caucus. But I want to thank all of you, because at some point in time that money will flow with this control, and I will not even have to fight for it. So I am thanking you in advance for that.

And I thank you again. You got into the quicksand of coming in and trying to salvage the Philadelphia School District. Now, I will admit that as soon as you got there you grabbed whatever patronage you thought was there. There are contracts for lawyers, consultants, all that kind of stuff. You probably grabbed about \$10 million or \$20 million. I think you would have done better if you just took it out in WAMs among yourselves, but you did get that. But that is all you got. The rest you got is the quicksand, and it is sinking and it is sinking and it is sinking, and you are stuck.

You know, one of the things you do with debt reorganization, even if you are going to consolidate your debt with a low-interest mortgage on your home to get rid of your credit cards, somebody

at that point in time cuts up your credit cards so that you do not go and get more credit cards and more debt because you have already hocked your house. We are not cutting up anybody's credit cards in the Philadelphia School District. We are saying to them, here is 300 million bucks, and guess what? There is absolutely no plan on how to get out of the woods. None.

Some of you were there at the hearing of the Committee on Appropriations when I asked Secretary Zogby, somebody whom I happen to like and respect, is there a plan for this? If we give you the \$300 million, is there a plan that, forget 5 years, I will buy 20 years if this problem gets solved? Oh, yes, there is, was his answer. I will send it to you right away. Well, it is now April 16 and we have yet to hear. We sent him another letter on March 21 asking for the plan again. We did not get it. I submit to you that there is no plan. The only plan, and I admire you for this, because believe me, I know the people on this side of the aisle, we would never put our political careers on the line to protect a lameduck Governor who is going out of office. What this does, if you let him borrow the \$300 million that you are going to give him the authorization to do, my good friend Mark Schweiker will be long gone when this hits, but for those of you who are thinking about coming back, it will be here on your desks, not mine. Because the same way that Governor Schweiker proposes giving \$75 million to Philadelphia, then \$78 million, then \$80 million, then \$82 million, and if you have not looked at the budget document yet, I suggest that you do. It is right in there. I will bet you did not know that, did you? I will bet you thought this was a onetime deal. It is not, and you will vote for it with inflation.

If you think that this is going to solve Philadelphia's problems, it will not, because let me tell you what will happen. After you give them the \$300 million and after you vote to give them \$75 million, \$78 million, \$80 million, and \$82 million, at the end of those 5 years that the gentleman from central Pennsylvania talks about, they will have accumulated at least another \$374 million in debt, at least, in addition to this \$300 million and the payments for this \$300 million, bringing it up to close to a billion dollars. You tell me you are not going to deal with that problem. And realistically, realistically, I do not know that the next Governor is going to buy into giving Philadelphia \$78 million, \$80 million, and \$82 million, no matter who it is. When that happens, and when the real things happen in the city of Philadelphia, and the real numbers come through, they go bust in 2004, 2 years from now, \$72 million in debt. And at the end of the fifth year, \$986,245,000, again, plus the \$300 million, plus the debt service. Now, that is a hell of a plan. And, you know, I thought I was a moderate and I thought you guys were conservatives, at least fiscally. George Dukakis could not have thought of this scheme, I am telling you, and he was a good liberal. I remember him riding around in that tank. He could not have thought up this funding scheme, but you did, all you fiscal conservatives out there. And I am glad that you did, because as Senator Piccola said, this is not over. Quote, there will be more down the road; there will be more coming. You are damned right there will be. There will be more money for Philadelphia schools, and I thank you again.

And in closing, I want to thank you for something that I have not seen in my career for 24 years around here. You have, for the

first time, given me the best of both worlds, and I sincerely thank you for it. I get my schools bailed out and I do not have to make a stupid vote. You do. So I thank you for that. I will enjoy the bailout, and I can leave here with my credibility by telling people that this was a dumb idea and I did not vote for it, and I come from Philadelphia. And if you want to talk about the children in Philadelphia, this is an adult shell game. It does not address the children of Philadelphia. This may address some politics, some fast, down and dirty deal, but in the end, it is going to kill the kids of Philadelphia. And in 2 years when they are all out on the streets, all a quarter of a million of them, you will then ship to us more money. And the same thing I said in October of last year, I am saying it again, and I will read it back to you. So I want to thank you all from the bottom of my heart. Our taxpayers do not want to raise money for schools and taxes, and we think it is great that we do not have to, at least not now. So I want to thank you for that, too, on behalf of every real estate taxpayer in Philadelphia who thinks they are overburdened.

Thank you all.

The PRESIDENT. The Chair recognizes the gentlewoman from Philadelphia, Senator Schwartz.

Senator SCHWARTZ. Mr. President, this is a difficult vote in a lot of ways, and I think it should be for each of us. We are being asked to allow the city of Philadelphia to borrow a significant amount of money, they are talking about \$300 million, to be able to pay back operating debt, both this year and in the future. And I can tell you, Mr. President, I think there are really very few here on the floor of the Senate who have spoken out more frequently, maybe even more passionately, than I have about the need to fund education in our city and across the State. I feel strongly about that. I have offered on many, many different occasions ways in which we can and should fund quality education for the children in Philadelphia and across the State.

Mr. President, I agree with some of the previous speakers in saying that we should not encourage bond debt financing for the payment of operating expenses. It is avoiding what is truly the issue here, and I think you have heard a variety of different descriptions of the history of how we got to this place. It was suggested by a previous speaker that in fact Philadelphia has been running up debt for years, that Philadelphia was not capable of educating its children. Let me say that none of us, certainly not those of us in Philadelphia, are proud of the accomplishments of all of our schools and all of our children. We have to do better, but in fact, Mr. President, we are also proud of some of the work that we have done in Philadelphia. And again, I have said on numerous occasions that Philadelphia has struggled with an extremely high debt, with tax burdens and insufficient funds for the schools in Philadelphia, and even so, so many of our children are successful, so many of our teachers strive every day to do the kind of education that matters.

And, Mr. President, I have suggested that there are a lot of ways we could help Philadelphia and the schools across the State to be able to do what we know it will take to improve the quality of education in Philadelphia. I have suggested that we help them fund full-day kindergarten. I have suggested that we reduce class size. I have suggested that we use a variety of proven strategies that we know can work in improving the quality of education. We have done a lot of those things in Philadelphia in spite of and

not because of a lot of help that we have gotten from the General Assembly and from the Governor. And yet a year ago, or it is really maybe 6 months ago, almost a year ago now, the city of Philadelphia, the mayor, and the school board all said, you know, we have made quite a bit of progress, progress that has rarely been acknowledged by this General Assembly, in improving test scores, in helping children to achieve. And we have done so again without the kind of help financially that we could get from the State. But we cannot make the next leap that we have to in improving the quality of education in Philadelphia without the State being a greater partner.

Now, the way that all worked out, I have to say I was not for. I did not support the State takeover. I did not support the creation of the School Reform Commission. I did not support Philadelphians losing control of our school district, and that is what happened. It did so after the State, the Governor, without our approval, spent \$2.7 million to ask a private company what would be the best solution to improving the quality of education? And lo and behold, they came back and said, hire a private company just like ours, and it has been very controversial. But in fact that is what happened, against many of our objections. And we did so, the Governor made an agreement with the mayor and said in exchange for \$75 million, at a minimum, see what the State would do this year to help try to bring some of the resources that we know you need. We want the city to do more, we want \$45 million from the city, we want you to continue to do more, we will take over the school district, and the State did. They appointed a School Reform Commission, and I agree with one of the previous speakers who said they have really tried to bring in some very qualified people who are serious about wanting to improve the quality of education. They have an enormous task before them, and we are, I hope, committed to that \$75 million that we may get for the school district in Philadelphia.

Many of us have said that we ought to do more for the rest of the school districts in the State as well. This is not only a Philadelphia issue. And when one of the previous speakers said that Philadelphia is so different than the rest of the State, we are in size, we certainly are in the number of children in poverty, but we are not unique in the number of children who need to see improvement in their education, we are not unique in calling on the State for more funding. Half of the school districts in Pennsylvania have sued the State and said they need more funding. Eighty percent of our school districts have raised property taxes to make up for where the State is not. So Philadelphia is not alone in this. We are not alone even in the State takeover, but what has been set up in Philadelphia is unique and it is different, and the School Reform Commission in Philadelphia has unique powers. While one of the previous speakers said it is not beholden to some of the same forces, he is right. It is not beholden to the public in the same way that we ask every other school district to be, either to local taxpayers or to the State.

This School Reform Commission was appointed without the ability of the Governor to remove any of these particular appointees and gives no allowance for the next Governor, who will be here in less than a year, to make any changes. So there is a tremendous amount of responsibility and obligation on the

School Reform Commission. And as I say, they are trying to be somewhat deliberate about this, but what have they given us? They have come back, Mr. President, and said to us, we need \$300 million. We need to borrow \$300 million, and even though we are State appointed and we are in a way maybe obliged to the Governor right now, we are going to ask the residents of Philadelphia, who are already the most taxed citizens of the Commonwealth, to pay back that \$300 million bond that they have no say over how it gets spent. And every week or two the School Reform Commission tells us a little bit more about what they might do in, quote, reforming the schools in Philadelphia. They have not presented a comprehensive plan. They have not presented a budget yet to city council, to the public, or to us, and yet they are calling on us to give them the ability to spend \$300 million of taxpayer dollars without being beholden to us, to the public, to the parents, or to anyone in Philadelphia or in Pennsylvania.

They have come out every couple of weeks and said, you know, we may actually privatize some schools, and they produced a list. We may actually turn over some of these schools to community partners who have no experience in education. We may make some of these schools independent schools. We do not even know what independent schools are, there is no definition, there is no sense of cost. One week they said, we are going to stop allowing any new charter schools in Philadelphia because it is too expensive. How many times have we said that Philadelphia's number of charter schools are expensive, but we were not allowed to say, let us slow this down, but now they are saying no new charter schools. What about all those parents who were hoping for new charter schools? The fact is that parents and schools and the public, and even those of us in elective office, have not been told yet by the SRC how they are going to spend the dollars they now have. How they are going to spend the new \$75 million or the new \$45 million from Philadelphia? They do not have a plan for this year, they do not have a plan for next year, and they do not have a plan for 5 years from now. And if we are going to put a greater burden on the taxpayers of Philadelphia, we have to insist upon a plan.

And if, Mr. President, as I have been told by many people, we really do not have any say over that plan, the SRC can do what it wants, they are not beholden to any of us. I have said, well, then at the very least we have a right to demand accountability and public information for what they are doing. Mr. President, they have said, trust us, we are going to do it right and we are going to tell you in the end whether we did a good job or not. Well, Mr. President, that is like hiring a company that later tells you they are the best and the only one who can fix a system. Now, I hope the SRC does well, because 215,000 children are relying on the SRC to get it right. But the fact is that they are trying unproven, untested strategies on 215,000 children in Philadelphia. They are doing so potentially with more State dollars, they are doing so with a whole lot more city taxpayer dollars.

I have said at the very least we have a right to know that you are getting the kind of data that we need to assess how the schools function, and we have a right to get an annual report card every year, Mr. President. We in the General Assembly should get an annual report card on how every school in Philadelphia is

doing and how much money they are spending to get there, and how many taxpayers are contributing to that, and whether our children are in fact achieving, and what is working, so we can actually do better at what is working and stop doing what is not working. It seems like common sense to do that, to not leave that as an insider deal, to not have contracts let because of political relationships. I ask that that information be given to the public once a year, at least be printed in the newspaper, and I said that an annual report card on the schools has to be given to the parents of the children in Philadelphia.

There will be enormous choices. There may be marketing. These private companies may use taxpayers' dollars to try to encourage parents to send their children to their schools. Well, do they not have a right to know what happens in those schools, whether those children stay in those schools, whether they leave the schools in droves or not, whether they do better on their test scores or not, whether they are safe in those schools or not? And do you know what I was told? Well, maybe we will do that later. Maybe we will do that in the next bill that we have. They included a little bit of language in here, I suppose to satisfy me, and I am glad at least we got a little bit of language, but what it calls for is an educational assessment and reporting center to monitor and report on the performance of publicly funded schools. What does that mean? What kind of assurance is that to either the taxpayers in Philadelphia or the parents in Philadelphia that our children will have a chance at success?

Mr. President, it will be a sad day if we come back 1 year, 2 years, 3 years, 5 years from now and say, you know, that was a big mistake. We should not have done that. We should have demanded some more information. We should have demanded that accountability that Senator Schwartz talked about. You know, this is not a partisan issue. We have a right, we should have a right to demand this kind of information about how our public dollars are being spent, how our taxpayer dollars are being spent. We should not write a blank check, and we certainly should not bargain away the future of our children in our schools or bargain away the financial future of our city by indebting it and its taxpayers at a time when we do not have the ability to pay it back.

So, I want the SRC to work. I also want the State to take it seriously and to contribute the dollars that we need. If this \$75 million is not enough, if the \$45 million is not enough from the city, we should have a plan that tells us how those dollars are going to be spent, we should know that it is going to matter in the lives of children in the classrooms, and then we should hold them accountable for doing the kind of job that we have a right to demand as Philadelphia public school parents and as taxpayers across the State. So, I agree, this is not about Philadelphia only. It could happen anywhere, but right now it is affecting 215,000 children. And, Mr. President, I think we need both more information about how these dollars will be spent, a clear plan about how these dollars will be repaid, a commitment from the State to assure that we will know that these dollars are being spent in a way that improves the education of the children of Philadelphia. We do not know any of that now, Mr. President, and until we do, I will not support the authorization of this bond issue.

Thank you.

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

Senator HUGHES. Mr. President, I am asking my colleagues if they could provide an affirmative vote on this measure. Let us be real clear, let us kind of break it down to what this measure specifically is asking for. It is asking for the residents of the city of Philadelphia to put more money into its own public school system. That is what it is doing. By doing the bond financing, no one else from the State is required to pay this money back, the citizens of the city of Philadelphia are the ones who are required to pay this money back, reprioritizing its current spending and focusing more of its current spending on public education. It is not asking anybody else to pay it, it is asking for the citizens of the city of Philadelphia to reprioritize its spending and put up its own money to pay for its own schools, for our own schools.

I have 47 public schools in my senatorial district, Mr. President, 47 public schools in my senatorial district. That would make me, I guess, about the third largest school district in the Commonwealth of Pennsylvania. Now, multiply that out by the number of Senators who are in Philadelphia, and we have a school district which has 260 school buildings, 260 schools, 215,000 children, most of them, unfortunately, in a poverty environment, in a low-income environment. So the opportunity to grab the money to put into public education that may exist in other school districts around the State are just not the case in the city of Philadelphia. But in the last several years, Mayor Street, working with Governor Schweiker, has tried to put a program together to try to tackle this huge issue, which most other folks have not tackled, and tried to get his hands around all of this and tried to redirect his priorities and get it on the right track. Part of the process has been a very tough, a very tough fought, quote, unquote, "reform contract" with the local Federation of Teachers, with the teachers' union. There was a lot of sweat, a lot of blood was left on the table, but there were a lot of concessions that were made to try to get his hands and try for all of us to get our hands around the process.

Part of the process of change that has occurred in Philadelphia just recently is the School Reform Commission, its analysis has said that they have to cut about \$25 million out of central operation of the school district, and over 325 people will be faced with losing their jobs in the school district of Philadelphia, out of the central operation. That is \$25 million in cuts that are being made locally, again, to try to deal with the budget problem and to try to make sure that we have a sleeker, better performing operation.

We are, in the city of Philadelphia, committing in our current year an extra \$45 million on top of what we would normally spend to help deal with this problem, to help deal with the deficit issue, and in the final part of this, the final part of this, Mr. President, and a major part of this, maybe not the final part but a significant part of this is what we are confronting here tonight: Borrowing money, seeking permission from the State to do the borrowing, which the residents of the city of Philadelphia will have an obligation of paying back, and reprioritizing our own dollars to pay back this financing. That is all we are asking for here. We are asking for the opportunity to make our significant contribution to making sure that the 215,000 children in the school district of Philadelphia truly have a bright promise, truly

have a bright future. We are trying to work in partnership with the State, we are trying to work with everybody. We brought in a new team, the School Reform Commission, to provide a new look and a new analysis because we know folks, rightly or wrongly, had lost confidence in the previous circumstances and the previous situation. So now in this segment, in this argument, we are not asking for you, the rest of the people of the State, to pay off this debt, we are asking for ourselves, we are asking for the people who live in the city of Philadelphia and have our opportunity to redirect our priorities, and by redirecting our priorities, we pay off the debt ourselves. It is not complicated. It is pretty simple. Please give us the opportunity to educate our children and to pay off our own debt.

Thank you very much, Mr. President.

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

Senator BOSCOLA. Thank you, Mr. President. It is nice of you to recognize me, it is kind of you.

I voted "no" on the State takeover of the Philadelphia schools about a year ago, and I am going to vote "no" on this legislation today, trying to bail out the Philadelphia School District with a \$300 million bond. And then in the future, when we get that bill in front of us to give \$75 million more to Philadelphia this year and \$78 million next year and \$80 million the following year and \$82 million the following year, I am voting "no" on those, too. Do you know why, Mr. President? I remember when I voted "no" on that State takeover, and I said then that the money was going to have to flow with that State takeover, and now what I see in front of me today is wheelbarrows of money flowing into the Philadelphia School District, with no real plan--and you even admitted it; the other side of the aisle said, well, they are working on developing a plan--no accountability, we are just going to throw money at the Philadelphia school system with no long-term fix, and I guarantee you in 2 years or 3 years from now they will be back asking for more.

And why I am so upset about this is because it directly relates to the people whom I represent in the 18th Senatorial District in Monroe County and Northampton County and Lehigh County, where you read the papers every day, and my local school districts are talking about raising taxes 12 percent, local school property taxes 12 percent. In my own school district in Lower Saucon Township, after 72-percent increases over the last 6 years, residents have said they have had it. So in all these other school districts, their backs are being broken by paying these high school property taxes, but in Philadelphia, we get to float a bond issue to help them. Well, if we are going to do that for Philadelphia, then we should do that for all the school districts in this Commonwealth so that local school property taxes will not have to be raised.

No, Mr. President, I will constantly vote "no" on legislation like this that is obscene, and I am proud to make that vote.

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

Senator A. WILLIAMS. Mr. President, time and time again, I have not been here that long, but it does seem to me that when we debate issues on this floor we debate everything but the issue at hand. I heard all sorts of analogies, and I will get to those analogies tonight, the SRC and borrowing money and all that

other stuff, but I will start with the first analogy, and that was about the credit card discussion. There are about 200,000 children in the Philadelphia public school system; 200,000 children in the Philadelphia public school system. That is about 15 percent of the Philadelphia population. It also represents a significant portion that will not be going to Penn, Drexel, Temple, Villanova. There is no wall between Philadelphia and the rest of the Commonwealth, despite what people would like to describe it as. That 15 percent of the population and Philadelphia County and the southeastern region is the economic engine of Pennsylvania.

Philadelphia and Pennsylvania are aging communities. We are an aging State. We are an aging State, despite all the corporate tax cuts that we put in place. We are an aging State because we are antiquated with our thoughts about education and how we fund it. No one in their right mind moves to Philadelphia County and sends their child to the Philadelphia public school system. There was a number which was floated around earlier, 80 percent of the residents of Philadelphia County do not send their kids to the Philadelphia public school system. That is why we play this political football. That is why we talk about credit card debt. We want to talk about that? Let us give an example. Let us take one of those 200,000 children and put them at a dinner table in a nice restaurant in Philadelphia County, and let us put his parents there - mom, who is a Democrat; and dad, who is a Republican. At the end of the meal at Le Bec-Fin, the bill comes in, oops, we do not have the money. The credit card comes back declined. Mom starts arguing with dad, it is your fault, you do not make enough money. Dad starts arguing with mom, you forgot to take the money out of the bank. Oh, by the way, neither of us have an answer. Guess who is sitting in the middle of this conversation? Jamal, Johnny, Jamie, whoever. Guess who is embarrassed by that discussion? Jamal, Johnny, Jamie, whoever. Guess what? It is not their fault.

This discussion tonight is not about the SRC. That debt was run up a long time ago. The SRC did not spend \$150 million worth of debt. And by the way, the boogeyman is not coming to get you. The State Constitution protects us on this issue, and people know that. These children who live in Philadelphia--by the way, it is followed by "Pennsylvania,"--are Pennsylvanians. I represent Philadelphia County. I represent Delaware County. I represent both school districts. I represent an elected school district, and I represent an appointed school district. Guess what? Both communities are up in arms about how we deal with education in Pennsylvania, and if we keep talking about it like this, we will not have Pennsylvanians to discuss this with. They are sick of all of us because we have no political chutzpah. We are cowards on this issue. We play back and forth, we pass the ball, we elect a Governor, we say it is your fault, it is their fault. Guess what? Those 200,000 Pennsylvanians do not have a vote, but guess what? At the end of this dialogue they will have feet and they will continue to make the decisions that most kids in Pennsylvania do: they grow up, they move away. You probably know a few. They might even be related to you. They move away because they are sick of sitting at the dinner table and listening to the adults debate about who is going to pay the bill. Grow up.

This conversation tonight has not been presented fairly. No one has said this is a panacea. I certainly will not. No one has

said this is going to solve the problem, I certainly will not. And by the way, some of the discussions about credibility, integrity, fairness, and coming forth with information and the SRC should do that, I agree with it 1,000 percent, but guess what? During the 15 to 20 years that they ran that place into a hole we had the same question. Who was standing at the mike then when we passed the budget year after year, sent more money to Philadelphia County and asked that question? Nobody. All of a sudden Jim Nevels and the SRC are the boogeyman and the devil. Well, where was the Philadelphia public school system 20 years ago? It is the same place. Do not dress it up. A pig in a poke is still a pig, and do not play games with children in Philadelphia.

By the way, I want people to know this: we have about 33 people in the Philadelphia delegation between the Senate and the House. The overwhelming majority voted for this, Democrats and Republicans, because at the end of the day, let me explain, for those who do not understand, at the end of the day, when those of us who say, you know, you are going to be here 2 years from now paying for this, I will tell you what, let us take a dare. Let us take a dare. For everybody who did not want to have a July 16 date in the primary, let us have a July 16 primary. Let us have it. And by the way, do not pass this. Let the school district of Philadelphia County shut down. Let a teacher in Philadelphia County not get a paycheck in June and a child be sent home before May. You want to drive voter turnout? Let that happen. Let that happen. Let the consequences, if you want to shut down the district and your attitude is you will be back here 2 years from now. Guess what? What is the answer? Shut it down faster rather than longer? Rush the crisis along, that solves the problems? There is too much of this. It is insane, it is perilous, it is damaging, and it has consequences to children.

This is not about the adults, this is not about party affiliation, this is not about location, this is not about region, this is about Pennsylvania and its children. That is all this is about, and this is about a county. Who in this place, other than a few who want to play other answer issues on it, who in this place, if their school district was going bankrupt and they had to come here and ask this question, would not vote for it? Who? There is not one of us who would not responsibly say I am going to keep those doors open. That is what this is about, keeping those doors open. I did not say those doors provide an adequate education. And by the way, money has been an argument amongst all of us. I have long said that money is not the simple answer for fixing what is wrong with the Philadelphia public school system. That is a part of the record. I do not care if you send more boatloads of money down there. That is not necessarily going to fix all of the problems. We have accountability issues, but we have had accountability issues. We have had performance issues by people who, by the way, are professionals who do not want to take responsibility for that. We dance around this as if people cannot see what we do. It is ugly. People see us for what we are. They may take personal issue with me because every time I stand up I cannot help but do what is obvious, and that is talk about the truth.

Tonight, tonight is about one basic thing: we want to borrow some money, and if we had the right to do it by ourselves we would, but we are not allowed to do that, so we are here saying we need to borrow our own money. Please mom, dad--the kid

who is sitting at the table--mom, dad, I need your help on this. I need to go to college. I cannot sign the loan papers myself. Can you co-sign with me?

There is no way to discredit this discussion. The only way to deal with it is to change it, and that is what everybody is doing. People will come before the mike today and try to make it something that it is not. Now, for those who do not live in Philadelphia, it may not be that. But I would suggest even to you, those who do not live in Philadelphia, this is about Pennsylvania's children, Pennsylvania's children, possibly the next Governor of Pennsylvania. How ludicrous, ridiculous, and dumb it would be to close the door on him or her because we cannot get our political dialogue in the same place.

Close your eyes, put a mask on. On any given day you cannot figure out who is who in this dialogue because people change their conversation, depending upon what party is affiliated with the idea. I am never going to change. I am never going to change, because when I go to a place past this, there is something I want to leave behind, and that is a political record of integrity and a consistency. Sometimes it is very uncomfortable doing the things I do on this issue, very uncomfortable, uncomfortable because those who are around this conversation see it from their vantage point. But because I reside in that place that some people describe as the 'hood, that is my reality. My wife, my kids who go to public school, that is my reality. The kids with whom my children play who go to public school, that is my reality. And every day walking out of my front door, hoping that the trolley runs and the school is open and that there is a teacher there to educate my children, that is my reality. And as long as I stay in public office, that is all I can relate to. I, unfortunately, cannot waiver with the winds of the moment and play games on this. I am not, and I would hope that we stop doing that. There are some legitimate concerns about reforming, improving, and changing the quality of delivery of an adequate or excellent education in Philadelphia County, and I join in support of those concerns. I think they are absolutely right. I think Members are absolutely appropriate when they say we have to be accountable for the money we spend, that we have to measure the performance and the outcome. But I also think that we have to be honest about that record that was established prior to this date, and those of us who are involved are left with cleaning up the mess that others have made.

When I think back to Pennsylvania, I think about the Crystal Cave, I think about going to school in Lancaster, I think about visiting family in Pittsburgh, and I think about, frankly, and I am not a hunter, going to parts of central Pennsylvania to hunt with friends who do. That is my Pennsylvania. And by the way, they do not ask me to pull out my license and say, if you are from Philadelphia County, you cannot come here. They have fed me at their tables, they have taken me into their homes, and by the way, they did not all look like me. By no stretch of the imagination did they all look like me, other than they had two legs and they were human beings with a heart and compassion.

It is my hope that people will understand that they will take my experience as representing Delaware County and Philadelphia County proudly, and understanding the plight of both, but being truthful about the economics and the consequences of both. For those who want to push us to the point

of economic precipice and over in an avalanche, let me tell you, play that game of Russian roulette here. Play that game tonight, and let us not do that. And by the way, let us throw in PGW. Shut down the Commonwealth. Truly, it will be a Pennsylvania problem. New York State knew what they had to do with New York City. New York State had to deal with New York City. Otherwise, there is not a New York State. Like it or not, Philadelphia is a consequence, circumstance, a partner and a relative to all of Pennsylvania, and those children are asking us to grow up, put our agendas to the side, and deal with one bottom line, and that is, do we want the schools to remain open in June? Do we want a teacher to get a paycheck in June? Do we want an educator to remain in front of our children in June? And do we want a possibility, not a promise, a possibility of a new future for children come the new school year? That is all this is about.

All the scare tactics, all the unanswered questions, all the things you want to throw into the pot have nothing to do with the substance of why we are here tonight. And if you focus upon that and you focus upon the fact that the overwhelming majority of Philadelphians who come up here and are elected are for this, then you will understand how dire a situation it is, how needed it is, and how we continue to need the partnership of all of you here tonight.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Mr. President, I rise to oppose this language. The previous speaker talked about his visits to other parts of the State. I love Philadelphia. I enjoy their museums, their culture, their restaurants, the annual flower show, and all the wonderful things they have in Philadelphia. However, in my 22 years in office, it has also been one of the bones of contention here, it always seems that Philadelphia has financial situations where the Commonwealth of Pennsylvania needs to come to the plate to help out.

We are all in denial right now, but we pretty much know if we fast-forward the date to June 2003, this Commonwealth and both Chambers might be facing a tax increase. We do not want to talk about it right now, because we are hoping it is not going to happen. But if it does happen, we are not going to float a bond. We are going to bite the bullet. We will cut the budget where necessary, and upon the last situation, we will raise taxes, if it is necessary. The Philadelphia School District, and we have heard about the Philadelphia School District for years and years and years. Back home in Cambria, Clinton, Clearfield, Centre, Somerset Counties, my school districts constantly complain to me about not getting enough money from Harrisburg, and we have to raise property taxes. Those school board officials are elected by the public and they have to govern and they have to finance their schools. They pay as they go. They raise their taxes to pay the operating costs. Now, they float bonds if they are going to build a building, and they do not build a building every year, once every 20 or 30 years, and that is an appropriate investment.

Many of the emissaries of Philadelphia have come to my office asking me if I could support this, and I truly agonized, because I know that Philadelphia has a fundamental problem in its schools, and nobody wants to see the school shut down,

nobody wants to see the children suffer. But the problem has been that Philadelphia does not show the discipline and it does not have a plan as to how to get out of debt. I remember back in my college years taking economics as a degree, and we had all these bars and graphs and lines that crisscrossed. Well, you have to raise the revenues, you have to drop the overhead, and your lines have to crisscross to balance your budget. This is not going to do it. All this is doing is postponing agony. There is an old cartoon, Popeye, where Wimpy says, I would gladly pay you Tuesday for a hamburger today. What happens when Tuesday comes and Wimpy does not have the money? We are back in that same vicious circle.

I think if you did the arithmetic and took out of the budget what the city of Philadelphia gives to the school district, because unlike my school districts, those people are not elected by the public, they are appointed by the mayor and council, and they are paid by the city to run the schools. If you would take the money that they use for the schools out of the budget, figure out mathematically what the property tax is, I think you would be surprised to see how low it really is. Philadelphia does deserve to deal with its own issues, but it has to do it by being responsible. Temporary fixes never work.

It was brought up earlier that, well, we all refinance our homes and we are in debt with credit cards. Well, not everybody does that, and if you listen to people and are watching the Today Show, or something else, they always caution you that if you are going to do this, you are extending the debt on your property, you had better have a plan to get out of debt, and if you do not have the discipline to not use that credit card again, do not do it. Bite the bullet and pay those credit cards off with the money that you have. That is what the city of Philadelphia has to do. They have to raise their money their own way, because if we let them float a bond, that cost, that burden is going to be much higher 5 years from now, and they are going to be right back here trying to find another way to correct the problem. I am not happy that they have a problem, but they have to face it, they have to look at it, they have to have discipline, and they have to have the political courage not to come here and change the rules of the game for the one specific purpose of floating a bond.

So, I know that if the situation was reversed and the Democrats were proposing this, I can guarantee you the criticisms would be high and mighty by the conservative philosophy of the party. This is voodoo economics, and I think the hero of the conservative Republicans used that term in trying to explain what the liberals were doing. You cannot borrow your way out of debt. You have to fix your problem internally.

Thank you, Mr. President.

LEGISLATIVE LEAVES

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

Senator FUMO. Mr. President, I request temporary Capitol leaves for Senator Bodack, Senator O'Pake, and Senator Williams, who have been called to their offices.

The PRESIDENT. Senator Fumo requests temporary Capitol leaves for Senator Bodack, Senator O'Pake, and Senator Williams. Without objection, those leaves are granted.

And the question recurring,
Will the Senate agree to the motion?

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

Senator FUMO. Mr. President, what occurs and what we are doing in this bill is changing what has been a decades- and maybe centuries-old tradition, I should not say centuries, but decades-old tradition in law in Pennsylvania. There is a reason why the school district of Philadelphia, be it the SRC, or whatever you want to call it, is not allowed to borrow money on its own, and that is because we have said that we demand from every other school district in Pennsylvania fiscal responsibility. We will not allow any other school district in Pennsylvania to finance with debt their operating budgets. We force them to balance their budget. In this case, we are saying to Philadelphia, you do not have to do that.

And I want to close with something that I have said to the editorial boards in Philadelphia when they asked me why I will not support this. The answer is very simple. To support this basically just grants a license to the school district to continue doing business as usual, because they are not forced to have any kind of fiscal responsibility. And, at the same time it inflicts basically a prison sentence on the children who are going to continue to get the same kind of education, if they are lucky, that they are getting today, the education that puts their test scores in the lowest 1 percent of students in the Commonwealth, the education which shows by testing that 50 percent of those children cannot read and write at grade level. And what you are going to do, not me, you are going to give that blank check for business as usual to that school district. I think that is a mistake on behalf of the children, I think it is a mistake as horrible fiscal policy, and it is one of the exceptions to the rule that I do not think Philadelphia should have, and I say that as a taxpayer from the city of Philadelphia. You are doing no favors to our children, you are doing no favors to our districts, you are doing no favors to yourselves.

As was said by every speaker, pass this and they will be back for money and you will put up those votes. I ask you to ask the city of Philadelphia to exercise the same fiscal responsibility and constraint that you ask every other school district in this Commonwealth, every district in your senatorial district to honor, no exceptions. Every school district should have to pay its way. That is why I am against this, because I do not want to see business as usual, whether it is the SRC, whether it is the mayor's school board, whether it is the previous mayor's school board. It just is not the right message to send out. You send it, you will pay the bill.

Thank you.

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

Senator PICCOLA. Mr. President, first, I would like to thank Senator Williams and Senator Hughes for their very constructive and positive comments on this issue in an attempt to solve a real problem in a very responsible and I believe effective way. And I would respectfully suggest and disagree with some of the comments on the other side of the issue, that we should not make blanket statements about never supporting this and never

supporting a State takeover of the city of Philadelphia School District. And, in fact, I suggest to the gentlewoman from Northampton, who indicated that she never did and never will support these kinds of measures, she in fact did support the adoption of Act 46 in 1998, when as a Member of the House of Representatives she voted in favor of that bill, which was the act that we amended last year that provided for the State takeover of the Philadelphia School District.

It has been suggested, Mr. President, that this is some kind of a new idea, something new and unique in the way that we would treat Philadelphia. Mr. President, I would suggest that we have done something very similar, if not identical, in dealing with the similar problems of the city of Philadelphia in 1991. As you may recall, for those of you who were Members of the General Assembly at that time, we enacted legislation that created the Pennsylvania Intergovernmental Cooperation Agency, and one of the provisions of that legislation was to allow the city of Philadelphia to float a bond to fund unfunded debt, to pay for unfunded debt, precisely what we are doing today. And my good friend from Philadelphia, Senator Fumo, at that time had some positive things to say about helping Philadelphia in that regard. He said[sic], "Mr. President, we are all in this boat together. We have to help solve Philadelphia's problems. This is only one step. This is not a bailout. There is not one dime in here for Philadelphia."

"The real obligation," he said[sic], "in this legislation falls on the administration and the City Council of Philadelphia. It provides them with an opportunity to make the changes that the city needs to survive. It means that people have to change the ways they have been doing business in Philadelphia. It means politics must take a back seat to the common good." Again, continuing with Senator Fumo's[sic] remarks, "We know the only real answer in saving Philadelphia is them. This legislation is an opportunity for the city"--

Senator FUMO. Mr. President. Mr. President, I want to get your attention.

The PRESIDENT. You have my attention, Senator Fumo. I am asking Senator Piccola if he would just hold up until I can find out why you rise, Senator Fumo.

Senator FUMO. I would have been happy if you would have done that earlier.

The PRESIDENT. Senator Fumo, as soon as I heard your voice, I rose and tried to get Senator Piccola's attention.

Senator FUMO. It is a shame he did not do the same thing.

The PRESIDENT. Senator Fumo, for what purpose do you rise? What is the point you wish to make?

Senator FUMO. Mr. President, only because I have spoken twice and I do not want to ask for permission to speak a third time, I ask you to ask the gentleman to limit this debate to this issue and not PICA. I could discuss PICA with him forever, and I think I can justify all of the quotes he is giving about my record. Now, if he wants to let me speak three times and we want to sit around here another hour and a half, I will tell you about PICA. He is now talking about the PICA legislation. It has nothing to do with allowing the school district to borrow money to do operating debt.

The PRESIDENT. The Chair thanks the gentleman.

Senator Piccola, you may proceed, and I would ask you to keep it to the concurrence before us.

Senator PICCOLA. Mr. President, it relates directly to the issue at hand, because the PICA legislation allowed for the same kind of funding mechanism for the city of Philadelphia to allow them to help themselves that this bill does. It is directly related, Mr. President.

POINT OF ORDER

Senator FUMO. Mr. President.

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

Senator FUMO. Mr. President, to enlighten the gentleman--

The PRESIDENT. Senator Fumo, you may raise your point of order and the Chair will rule.

Senator FUMO. Mr. President, the gentleman continues to talk about apples and oranges. With PICA, Mr. President, if I may just explain briefly, there was a tax that was allowed that funded the bonds. Now, I know he is not that articulate about that, but that is what happened.

The PRESIDENT. Senator Fumo, the Chair has considered your point of order, and when it comes to how you voted, you are correct on what you said, you are correct, and the Chair would rule in your favor. When it comes to comparing PICA to this issue, I think that Senator Piccola has a right to at least explore the comparison to the city of Philadelphia without using you as an example, and the Chair would so rule that Senator Piccola would be in order only for that purpose, and that very narrow purpose, and will limit him to that narrow purpose and anything further would be out of order.

Senator FUMO. Mr. President, could I then ask the Chair to admonish the gentleman to at least tell the truth and not lie?

The PRESIDENT. Senator Fumo, you are out of order at that point. I think Senator Piccola and every other Member here, and I have listened to a lot of debate here tonight, I think everyone is entitled to express their particular view, and if you have an objection to that view, I think the issue would be appropriate in Petitions and Remonstrances, if you wish to respond to it.

Senator FUMO. Mr. President, a point of order is always in order. The gentleman is misrepresenting my comments. That is not right. I should not have to stand here--

The PRESIDENT. The Chair has ruled in your favor, Senator Fumo.

Senator FUMO. Well, Mr. President, then tell him to stop it. You let him go right back and do it again.

The PRESIDENT. Senator Fumo, the Chair has admonished Senator Piccola to not go into your comments or, in particular, your vote on another issue, but I think it is very fair that Senator Piccola have a right to compare this--

Senator FUMO. Mr. President, he is going into my motives. He is trying to ascertain my motives for voting.

The PRESIDENT. The Chair has already ruled for you, Senator. I do not know what more you want.

Senator FUMO. Well, Mr. President, the Chair keeps ruling for me and he keeps talking. I am not getting anything. I would rather lose and you tell him to shut up.

The PRESIDENT. Senator Piccola has a right to respond only to the issue of comparing PICA to this particular issue before us,

and nothing else, and the Chair has ruled that you are correct if he gets into your votes on PICA or your comments on PICA. The Chair agrees that is not relevant, but the PICA issue and this particular issue, generically, are germane. And that would respond to your point, I think, Senator Fumo.

At this point, the Chair recognizes the gentleman from Dauphin, Senator Piccola.

Senator FUMO. Mr. President, well, may I ask, by being germane, what the Chair is saying to me then is that in this School Code bill we would be allowed to insert PICA provisions, attach Philadelphia municipal issues?

The PRESIDENT. No, Senator Fumo.

Senator FUMO. Well, Mr. President, the Chair said it was germane.

The PRESIDENT. I said the debate is germane to compare PICA to this issue. That is all the Chair has ruled, not on your motives, not on your vote, not on your comments.

Senator FUMO. Mr. President, well, I would ask the Chair then to admonish the gentleman to stop using my name and my quotes. He can talk about Mickey Mouse for all I care, but not me while I am in this Chamber.

The PRESIDENT. I think that the Chair has already done that, Senator Fumo.

Senator FUMO. Mr. President, but he does not listen.

The PRESIDENT. He absolutely will be required to.

Senator FUMO. He is in contempt.

The PRESIDENT. Senator Fumo, this is not a court of law.

Senator FUMO. Mr. President, he can be brought before the bar. I was once. You can bring him right up there and yell at him.

The PRESIDENT. Senator Fumo, I am asking Senator Piccola to narrowly use his comments and not to quote you or to go back into the record or suggest what your position was at that time.

Senator FUMO. Well, Mr. President, I would just ask the Chair to ask him that when he talks about PICA, that he also mentions there was a revenue stream set up to pay off the bonds, which does not exist in this legislation.

Thank you.

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

Senator PICCOLA. Mr. President, I certainly have a great deal of respect for Senator Fumo's sensitivities, and I believe he and I have made my point, and I will not further quote him from the record, but anyone who wishes to do so, I would refer them to the Legislative Journal of the Senate of Pennsylvania of June 4, 1991.

Senator FUMO. Mr. President. Mr. President, point of order.

The PRESIDENT. Senator Piccola, would you move on, please.

Senator FUMO. Mr. President.

The PRESIDENT. I have already ruled him out of order, Senator Fumo.

Senator FUMO. Point of order, Mr. President.

POINT OF ORDER

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

Senator FUMO. Mr. President, by making those kinds of snide remarks, he makes it look like there is something nefarious.

Just tell him to get on with the debate about whether or not we are going to let Philadelphia borrow this money - the school district, not the city.

The PRESIDENT. Senator Fumo, I have asked him to move on, and we will.

Senator FUMO. Well, Mr. President, you asked him to move on and then you let him get his digs in.

The PRESIDENT. Senator Fumo, I did not.

Senator FUMO. Mr. President, he just did.

The PRESIDENT. If you had paid attention, I just told him that it was inappropriate and he should move on. Now, gentlemen, let us move on with this debate.

Senator Piccola, please confine yourself to concurrence. Senator Fumo, thank you for your diligence.

Senator FUMO. Mr. President, I am just standing by.

Senator PICCOLA. Thank you, Mr. President.

Mr. President, the point is that this kind of approach to financial issues in the city of Philadelphia is not new and unique. We have done it in the past in bipartisan ways, responsible ways, fiscally responsible ways, and this is the same thing. Mr. President, this is a way, a responsible way of allowing Philadelphia to help itself, as the gentlemen, Senator Williams and Senator Hughes, so eloquently stated.

Mr. President, this bill has been characterized as quicksand, that we are sinking fast into the morass of the Philadelphia School District, that this will allow business as usual to occur in the Philadelphia School District, that there is no plan to deal with the educational problems in the Philadelphia School District. Mr. President, I submit that those allegations are not accurate, that Philadelphia has made great strides and will be making greater strides in the future to correct the problems that have been endemic to that system for years and years and years.

And I can begin, Mr. President, with the School Reform Commission, which was only appointed in December of 2001, probably less than 4 months ago, and when you stop and think about it, a school district of that size, a five-person School Reform Commission has made tremendous strides in those 4 short months. And it might be helpful, Mr. President, to identify who those individuals are, because they are quite distinguished Pennsylvanians. The chairman is Mr. James Nevels, a distinguished gentleman with a great financial background, who comes to us to recommend this plan. Members of the commission include: Dr. James Gallagher, formerly a member of the State Board of Education, who is the president of Philadelphia University; Daniel Whelan, who is the president and CEO of Verizon of Pennsylvania; Michael Masch, the University of Pennsylvania vice president; Sondra Dungee Glenn, who is a former Philadelphia school director, a group of distinguished Pennsylvanians who are providing accountability in making that district a better place to provide education, but more importantly for this debate, a much more fiscally sound entity.

And it is not just a distinguished group of Pennsylvanians. They have taken action. Now, granted, it is not as much action as will need to be taken to solve all of the problems, but they have only been there for 4 months, Mr. President. Let us give them a chance. They began by laying off 325 of the district's administrative personnel, which I believe everyone admits was top heavy and in need of great reform and a housecleaning, a

savings of \$20 million to \$25 million annually. It has identified 10 educational management firms as finalists for partnerships for various schools of the city of Philadelphia. The Philadelphia City Council has, at the request of the commission and the Governor, anted up \$45 million for the current school year. The city of Philadelphia, out of its tax revenues, has brought that money to the table. The commission has announced that as many as 75 of the worst performing schools in the Philadelphia School District will undergo major reforms in time for the beginning of the next school year in September.

But, Mr. President, the reason we are here tonight, to enable Philadelphia to help itself, is because, as Senator Hughes and Senator Williams said, of the past sins of the past administrations. The Philadelphia School District is threatened with bankruptcy and closure, even before this current school year ends, and that is the last thing that we want as Pennsylvanians, to have that district in bankruptcy or closed, because then, Mr. President, if that occurs, we will pay through the nose, and all Pennsylvanians will pay through the nose. This is the responsible vote tonight, Mr. President. A "yes" vote is a responsible vote. It is a vote to enable Philadelphia to clean up its own act, get its house in order, and become the fiscally responsible school district that Philadelphians and Pennsylvanians deserve. I urge a "yes" vote on concurrence.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Schuylkill, Senator Rhoades.

Senator RHOADES. Mr. President, I know it has been a long night, but this issue is not about campaigns and elections. It is not about spin and how you can spin this thing around, and it is not about the amorphous or undefined issue of privatization. It is very simply about meeting our responsibility to kids. There is not anyone who stood here, not one person in this Chamber, who did not put their hands on the Bible and swear to defend the Constitution of Pennsylvania, which says under Article III, Section 14, "The General Assembly," that is you and me, folks, "shall provide for the maintenance and support of a thorough and efficient system of public education to serve the needs of the Commonwealth." When you read that paragraph, nothing says "except for Philadelphia." It says for all of the kids, and that includes the kids in Philadelphia, as much as anywhere else.

The other thing I will make a point on before I get into other parts of the remarks, if you do not approve this \$300 million bond issue, if you do not support the \$374,000 debt that will come, where do you think that money is going to come from? A \$300 million bond issue we are looking to finance right now is going to be paid back by the citizens of Philadelphia. If you do not fund it and they go bankrupt and they go belly-up, the Commonwealth of Pennsylvania, you and me, will pay that \$300 million issue. It is as plain and simple as that, because it has to be paid.

So the facts we should be basing our decision on today are this: The Philadelphia School District will close before the end of the school year if this legislation does not pass.

Fact, the Commonwealth has no responsibility for paying on this bond issue, none whatsoever.

Fact, the Philadelphia City Council will assume responsibility for the bond issue. Council will dedicate 2.7 mills of city tax for

that purpose. This means that the city will provide the school district with \$25 million a year for the next 20-odd years.

Fact, the city council is to act on Thursday to provide the school district with a \$45 million grant for the remainder of the fiscal year. This amount is in addition to the \$15 million the city has already provided, for a total of \$60 million in fiscal year 2001-02.

Fact, for the next fiscal year, the city will provide the school district with a \$35 million grant and a \$25 million annual payment on the bond issue, for a total of \$60 million in fiscal year 2002-03. These are the facts, and I think they very easily add up to one thing: necessity.

Now, I had people in asking, where is this money going to be spent? How will it be spent? And there are some forms available. I have here an enrollment projection. This was provided by SRC, and they will define each school, its enrollment. This is what Senator Piccola was talking about when he said give this School Reform Commission an opportunity to find out what is going on. You have a school here that is projecting an enrollment that is 232 for 2002, 262 for 2003, student capacity 294. They do not intend to close that school down, nor should they. But you get in here to a school with 302, projected enrollment going down to 234, with a student capacity of 663, that is where decisions are to be made. That is where you start finding the savings in there, because this is what should have been done. When the schools shrunk in size, when they were only at 30 or 40 percent of capacity, you do not continue to run them. That is money that is drained into this. That has to be taken out, and they are part of the recommendations that this School Reform Commission is looking at. These are available, and I will be glad to share them with anyone.

We need to pass this bill to keep the schools open and to keep the Philadelphia students learning, but there is something else we need to do. We need to pass this bill to lock in a multi-year financial commitment from the city of Philadelphia, a commitment we have never had before. Yesterday, I will tell you what, like many of you, I had some severe questions. I guess I look at this as a rural legislator. I can say politically this is dangerous territory. But from a moral standpoint, the point of taking this oath, I have a responsibility to those kids as much as I do anywhere else, and I wanted a commitment and I wanted to understand what was going to be done with this bond. So a letter from the school district of Philadelphia: *(Reading)*

"Dear Senator Rhoades:

Thank you for taking the time to meet with us today. The School Reform Commissions/*sic* and The School District of Philadelphia are most grateful for your attention to the School District and your concern for the children we serve.

This letter is furnished —and I furnish it so it is on the record— to summarize our discussion concerning the proposed deficit funding bond issue for the School District and the application of proceeds of the bond issue.

(1) Size and Structure of Bond Issue.

(i) The issue will be in the...principal amount of approximately \$300,000,000 and will yield proceeds of \$300,000,000 to fund the accumulated deficit of the School District and a portion of the projected deficits of the School District.

We will keep it open until the end of the year, and then we will open it next year. *(Reading:)*

(ii) The bonds will be issued as general obligation bonds of the School District and will be payable from the taxes and general revenues of the School District.

(iii) The City Council of the *[sic]* Philadelphia will enact an ordinance (final passage is scheduled for Thursday, April 18, 2002) transferring to the School District the authority to levy an additional tax of \$2.71 million on real estate which will yield \$25 million in additional revenue to the School District. This will provide the School District the funds to pay debt service on the bond issue.

(iv) The bond issue will have an average life of 20 years and will be sized to produce \$300,000,000 in proceeds with annual debt service of \$25 million per year.

This section I think is extremely important: *(Reading)*

(v) The bonds will be solely the obligation of the School District, but will have the benefit of Section 633 of the Public School Code, which authorizes the Secretary of Education to intercept state payments of funds appropriated to a school district to pay debt service on school district bonds in the event of a default. In other words, the bonds will have the same features as the bonds of all other school districts in the Commonwealth.

It also means when you look at the amount of State funds that the city of Philadelphia receives from the Commonwealth comes to \$931 million, this Commonwealth will not be paying for it, our taxpayers will not be paying for it, it will come out of the revenues, the subsidy, that the city of Philadelphia will get, and that is where we stop it from coming and hurting the rest of us. *(Reading:)*

The bonds will not be a debt or liability of the Commonwealth and will not pledge the credit or taxing power of the Commonwealth.

(2) Use of Proceeds of the Bond Issue.

(i) Approximately \$125 million of the proceeds of the bonds will be used to discharge the accumulated deficit of the School District.

(ii) The balance of the proceeds (approximately \$175 million) will be applied from fiscal year 2003 through fiscal year 2005 to the projected deficits of the School District during that period.

(iii) The bond proceeds will be applied to budgeted operating expenses, consisting primarily of personnel costs (approximately 78% of the School District's annual operating budget). Other operating expenses include supplies, utilities and maintenance expenses.

(3) Funds to be Provided by the City of Philadelphia.

(i) The City Council has authorized a grant of \$45 million to the School District for fiscal year 2002 in addition to a \$15 million grant already paid to the School District.

(ii) Upon passage of the tax ordinance referred to above (yielding \$25 million per year) and the City's operating budget ordinance for fiscal year 2003 (which contains a grant to the School District totaling \$35 million (the \$15 million grant the School District has received from the City for a number of years and a new grant of \$20 million), the City will have provided a total of \$60 million to the School District for the 2003 fiscal year and thereafter. Pursuant to Section 696 of the School Code, the City will be required to continue the taxing authority and

(iii) grants described in this subparagraph for each year the School District is subject to the declaration of distress.

(4) Reports to the General Assembly. —The other thing you are all worried about—

The School District will furnish as part of the quarterly reports required by the Public School Code to the chairs of the appropriations committees of the House and Senate, information on the steps being taken by the SRC and the District in improving the financial and academic performance of the District and will submit these reports to the chairs of the education committees of the House and Senate as well.

That is from Jim Doosey, Chief Financial Officer.

I know that was long, but with all the comments made here as to who has what obligation and where, I think it is very important that that be placed upon the record.

Lastly, the Members of this General Assembly will be asked to cast a vote for an additional \$75 million appropriation to the Philadelphia School District. As a legislator who represents rural Pennsylvanians, many areas that are poorer than some neighborhoods in Philadelphia, my vote for that funding will not come easy, if at all. Before I consider it, I am going to insist upon additional funding for the school districts I represent. But I will also say this, because I think many people have said they are interested in having Philadelphia pay its fair share, let us come up with the additional \$600 million from the taxpayers of Philadelphia.

Let me say in total, if you want to keep Philadelphia going, if you want to meet your constitutional obligation in Article III, Section 14, you must vote for this bill.

Thank you, Mr. President.

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

Senator BOSCOLA. Mr. President, as I was listening to the debate, I kind of thought back on the years that I have been in the House and the Senate, and it occurred to me that in 1997, then Governor Tom Ridge refused to pay for highways, bridges, and infrastructure using bonds, and he insisted on a gas tax increase and a fee increase on car registrations and drivers' licenses instead. And now this same Republican Party stands up and defends--

Senator PICCOLA. Mr. President.

Senator BOSCOLA. --stands up and defends the use of bonds to pay for the Philadelphia School District's operating expenses.

POINT OF ORDER

Senator PICCOLA. Mr. President, point of order.

The PRESIDENT. State your point.

Senator PICCOLA. Mr. President, I do not believe the discussion of the gas tax is germane to the subject at hand, which is the Philadelphia school bill.

Senator BOSCOLA. You can try to hide, but you cannot hide.

The PRESIDENT. Can we just have a little order here, please.

POINT OF ORDER

Senator MELLOW. Mr. President.

The PRESIDENT. Senator Mellow, for what purpose do you rise?

Senator MELLOW. Mr. President, for a point of order.

The PRESIDENT. State your point.

Senator MELLOW. Mr. President, I believe her comments with regard to a bond issue are just as much in order as Senator Piccola's comments were before with regard to PICA. You allowed a lot of latitude on the floor of this Senate, Mr. President. I think it is unfortunate that the gentleman would try to cut off her debate, because she is talking about bond issues with the purpose of funding highway transportation and bridges, which we all know was, in fact, the truth.

The PRESIDENT. Senator, we have allowed a lot of latitude here. The hour is getting late. Everybody is probably hungry, because the President pro tempore once again did not order

dinner in. There are plenty of pretzels available, but we never expected the debate to go this far, and for that I apologize to the Members.

Senator Boscola, you may proceed.

Senator BOSCOLA. Mr. President, my point was just that. What was not good in 1997 is now somehow magically good this year, and it is just ironic, and I wanted to point that out.

Thank you.

The PRESIDENT. Thank you, Senator.

LEGISLATIVE LEAVE

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

Senator PICCOLA. Mr. President, I request a legislative leave for Senator Corman.

The PRESIDENT. Senator Piccola requests a legislative leave for Senator Corman. Without objection, that leave is granted.

And the question recurring,

Will the Senate agree to the motion?

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

YEA-32

Armstrong	Gerlach	Madigan	Scarnati
Bell	Greenleaf	Mowery	Thompson
Brightbill	Helfrick	Murphy	Tomlinson
Conti	Holl	Orie	Waugh
Corman	Hughes	Piccola	Wenger
Dent	Jubelirer	Punt	White, Donald
Earll	Kitchen	Rhoades	White, Mary Jo
Erickson	Lemmond	Robbins	Williams, Anthony H.

NAY-18

Bodack	Kukovich	O'Pake	Wagner
Boscola	LaValle	Schwartz	Williams, Constance
Costa	Logan	Stack	Wozniak
Fumo	Mellow	Stout	
Kasunic	Musto	Tartaglione	

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

**COMMUNICATIONS FROM THE GOVERNOR
REPORTED FROM COMMITTEE ON RULES
AND EXECUTIVE NOMINATIONS,
TAKEN FROM THE TABLE**

Senator ROBBINS, from the Committee on Rules and Executive Nominations, reported the following communications, and called from the table a certain communication from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

MEMBER OF THE NAVIGATION COMMISSION
FOR THE DELAWARE RIVER AND ITS
NAVIGABLE TRIBUTARIES

April 10, 2002

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 4, 2002, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Thirty-first Senatorial District, for appointment as a member of the Navigation Commission for the Delaware River and Its Navigable Tributaries, to serve for a term of four years and until her successor is appointed and qualified, vice John A. Haggerty, Wallingford, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

DISTRICT JUSTICE

April 11, 2002

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 5, 2002, for the appointment of Wha Lee, 820 Clifton Heights Road #3, Hummelstown 17036, Dauphin County, Fifteenth Senatorial District, as District Justice, in and for the County of Allegheny, Magisterial District 05-2-29, to serve until the first Monday of January 2004, vice Guido A. DeAngelis, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

MEMBER OF THE FAYETTE COUNTY
BOARD OF ASSISTANCE

April 15, 2002

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 17, 2002, for the appointment of Florencio Pajar Cardenas, M.D., (Republican), 101 Professional Plaza, Uniontown 15401, Fayette County, Thirty-second Senatorial District, for appointment as a member of the Fayette County Board of Assistance, to serve until December 31, 2003, and until his successor is appointed and qualified, vice Joseph Dorazio, Uniontown, whose term expired.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

MEMBER OF THE INDIANA COUNTY
BOARD OF ASSISTANCE

April 15, 2002

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 4, 2002, for the appointment of Donna Kriner, 6320 Darlington Drive, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the Indiana County Board of Assistance, to serve until December 31, 2003, and until her successor is appointed and qualified, vice James W. Ellermeyer, III, Indiana, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

Mark S. Schweiker
Governor

NOMINATIONS RETURNED TO THE GOVERNOR

Senator ROBBINS. Mr. President, I move that the nominations just read by the Clerk be returned to His Excellency, the Governor.

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

The PRESIDENT. The nominations will be returned to the Governor.

**REPORT FROM COMMITTEE ON
RULES AND EXECUTIVE NOMINATIONS**

Senator ROBBINS, from the Committee on Rules and Executive Nominations, reported the following nominations made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

MEMBER OF THE PENNSYLVANIA DRUG,
DEVICE AND COSMETIC BOARD

March 19, 2002

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Mark B. Guise, M.S., V.M.D., 2336 Forest Hills Drive, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Lawrence R. Soma, V.M.D., Glen Mills, whose term expired.

Mark S. Schweiker
Governor

MEMBER OF THE STATE BOARD
OF OPTOMETRY

March 18, 2002

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Steven J. Reto, O.D., 840 Harmony

Hill Road, West Chester 19380, Chester County, Nineteenth Senatorial District, for reappointment as a member of the State Board of Optometry, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

Mark S. Schweiker
Governor

**COMMONWEALTH TRUSTEE OF THE UNIVERSITY
OF PITTSBURGH—OF THE COMMONWEALTH
SYSTEM OF HIGHER EDUCATION**

March 4, 2002

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Sy M. Holzer, 545 Miranda Drive, Upper St. Clair 15241, Allegheny County, Thirty-seventh Senatorial District, for reappointment as a Commonwealth Trustee of the University of Pittsburgh of the Commonwealth System of Higher Education, to serve until October 5, 2005, and until his successor is appointed and qualified.

Mark S. Schweiker
Governor

**MEMBER OF THE BOARD OF TRUSTEES
OF SCOTLAND SCHOOL FOR
VETERANS' CHILDREN**

March 19, 2002

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John W. Neeves, 2077 D Raleigh Road, Hummelstown 17036, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Board of Trustees of Scotland School for Veterans' Children, to serve until the third Tuesday of January 2005, and until his successor is appointed and qualified, vice Bob P. King, Waynesboro, resigned.

Mark S. Schweiker
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF
SOUTH MOUNTAIN RESTORATION CENTER**

March 19, 2002

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Diane M. Cole, 970 Mount Carmel Road, Ortanna 17353, Adams County, Thirty-third Senatorial District, for reappointment as a member of the Board of Trustees of South Mountain Restoration Center, to serve until the third Tuesday of January 2005 and until her successor is appointed and qualified.

Mark S. Schweiker
Governor

NOMINATIONS LAID ON THE TABLE

Senator ROBBINS. Mr. President, I request that the nominations just read by the Clerk be laid on the table.

The PRESIDENT. The nominations will be laid on the table.

**UNFINISHED BUSINESS
CONGRATULATORY RESOLUTIONS**

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

Congratulations of the Senate were extended to Krystal L. Reid by Senator Bodack.

Congratulations of the Senate were extended to Monica M. Domzalski by Senator Helfrick.

Congratulations of the Senate were extended to Karl J. Westover by Senator Jubelirer.

Congratulations of the Senate were extended to the Wayland Temple Baptist Church of Philadelphia by Senator Kitchen.

Congratulations of the Senate were extended to the Lawrence County Council of Governments by Senators LaValle and M.J. White.

Congratulations of the Senate were extended to Marshall Middle School of Wexford by Senator Orie.

Congratulations of the Senate were extended to Craig R. Morgan, Schuylkill Headwaters Association, Inc., Carbon County Groundwater Guardians and to the Mount Pocono Municipal Authority by Senator Rhoades.

Congratulations of the Senate were extended to Mr. and Mrs. Jess J. Briggs, Mr. and Mrs. Robert R. White, Mr. and Mrs. John F. Apache, Jr., Mr. and Mrs. James C. Jackson, Mr. and Mrs. Frank A. Phillips, Sr., Mr. and Mrs. Edward J. Siedlak and to Dr. Daniel Paul Greenlee by Senator Stout.

Congratulations of the Senate were extended to Charles Gurtizen, Nathaniel D. Krause, Hillsdale Elementary School and to the Domestic Violence Center of Chester County, Inc., by Senator Thompson.

Congratulations of the Senate were extended to Mr. and Mrs. Merle Fahr by Senator Wozniak.

CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Louise Tolbert Banks, to the family of the late John Neal Alston and to the family of the late Carrie Holimon Sanders by Senator Hughes.

BILLS ON FIRST CONSIDERATION

Senator HELFRICK. Mr. 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.

The bills were as follows:

SB 1118, SB 1164, SB 1258, SB 1324, SB 1371, SB 1400, HB 411, HB 1222, and HB 1459.

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

ANNOUNCEMENT BY THE SECRETARY

The following announcement was read by the Secretary of the Senate:

SENATE OF PENNSYLVANIA

COMMITTEE MEETING

WEDNESDAY, APRIL 17 2002

10:30 A.M.

APPROPRIATIONS (to consider
House Bill No. 27)

Room 461
Main Capitol

ADJOURNMENT

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

Senator PICCOLA. Mr. President, I move that the Senate do now adjourn until Wednesday, April 17, 2002, at 12 noon, Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate adjourned at 9:30 p.m., Eastern Daylight Saving Time.