

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

TUESDAY, MARCH 11, 2003

SESSION OF 2003 187TH OF THE GENERAL ASSEMBLY

No. 19

SENATE

TUESDAY, March 11, 2003

The Senate met at 1:30 p.m., Eastern Standard Time.

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

PRAYER

The Chaplain, Reverend LARRY KULICK, of St. Joseph Roman Catholic Church, New Kensington, offered the following prayer:

Let us pray.

Almighty and Eternal God, You are the Lord of all times and seasons. Come to our aid this day as we gather for this Senate Session. You are the source of all wisdom. Influence us with Your divine knowledge, so that we may know and do Your will.

You are the font of all justice and love. Help us in our work to be agents of Your compassion and caring, as we defend and promote what is right. You are the divine model of mercy. Help us to be sincere in our service and act with compassion and understanding. You are the only one who can grant perfect peace in the midst of conflict and division. Help us to work for greater peace in our communities, our State, our nation, and our world.

Be with us today and every day. Bless our work, our lives, and all who we serve. Protect us in mind, body, and spirit, and may we be the best of examples by what we say and do. We ask this in Your name, who lives and reigns forever and ever. Amen.

The PRESIDENT. The Chair thanks Father Kulick, who is the guest today of Senator Kukovich.

LEGISLATIVE LEAVES

The PRESIDENT. The Chair recognizes the gentleman from Lehigh, Senator Dent.

Senator DENT. Madam President, I request a legislative leave for Senator Jubelirer.

The PRESIDENT. The Chair recognizes the gentleman from Westmoreland, Senator Kukovich.

Senator KUKOVICH. Madam President, I request legislative leaves for Senator Mellow, Senator Stack, Senator Anthony Williams, and Senator Connie Williams.

The PRESIDENT. Senator Dent requests a legislative leave for Senator Jubelirer.

Senator Kukovich requests legislative leaves for Senator Mellow, Senator Stack, Senator Anthony Williams, and Senator Connie Williams.

Without objection, the leaves will be granted.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of March 10, 2003.

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

Senator DENT. Madam President, I move that further reading of the Journal be dispensed with and that the Journal be approved.

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

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

YEA-49

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

NAY-0

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

The PRESIDENT. The Journal is approved.

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR CHARLES W. DENT
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Lehigh, Senator Dent.

Senator DENT. Madam President, I would like to introduce very special guests today, the Parkland High School Football Team, seated in the gallery. They brought great honor to the Lehigh Valley in District 11 this fall when they won the Class AAAA Championship, defeating Woodland Hills 34 to 12. In

doing so, they became the first team in District 11 to win a AAAA State Football Championship. The team is joined by their very capable head coach, Mr. Rob Melosky; team captain, Michael Collins; the superintendent of the Parkland School District, who also earned the distinction as Superintendent of the Year, Gary P. McCartney; the athletic director, Mike Dobil; the principal of Parkland High School, Mr. Richard Sniscak; and the president of the school board, Mrs. Roberta Marcus. I should also note that there are some very capable young men who are fine football players, as you would imagine with a State championship team, including the Decker brothers, Travis and Cody, the twin towers at tackle. Also, Nick Pinchek will be going to Penn State next year, and the one whom we have all been reading about, Austin Scott, is here as well, who broke just about every high school scholastic record we could think of as a running back. Also joining the team are two of their most important cheerleaders from South Parkland, my daughter, Kathryn Dent, and Amy Stephens. So with that, I would like to welcome the Parkland Football Team, and please rise.

Thank you, Madam President.

The PRESIDENT. Please stand.

(Applause.)

GUESTS OF SENATOR ALLYSON Y. SCHWARTZ PRESENTED TO THE SENATE

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

Senator SCHWARTZ. Madam President, I appreciate the opportunity to ask my colleagues to welcome two of my constituents, Dr. Andrea Brockman and Dr. Vincent DiLorenzo. They are both dentists, and up until recently had a dental practice together. They live in Cheltenham, which is part of my district. They have been affected directly by the medical malpractice crisis, and they were sitting in on some of the hearings this morning. We belong to the same synagogue, so they bought a day with Senator Schwartz and they have been spending a very interesting morning, and I ask that you welcome them, as they have had a chance to enjoy watching democracy in action. So, for Dr. DiLorenzo and Dr. Brockman, I ask that you warmly welcome them.

Thank you.

The PRESIDENT. Would you please stand.

(Applause.)

GUESTS OF SENATOR CHARLES D. LEMMOND PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Luzerne, Senator Lemmond.

Senator LEMMOND. Madam President, up in the northeastern corner of Pennsylvania is Pike County, one of the fastest growing by virtue of population and by black bear population. It is also one of the leaders in arts in education, and today we are visited by the Delaware Valley High School Choir and the String Quartet. I am delighted to have Gordon Pauling, the vocal music teacher, Dave Swinehart, the orchestra director, and 49 of the finest musicians in the Commonwealth of Pennsylvania, who are

delighted to be with us in the State Capitol. I hope that we can say hello to them all.

The PRESIDENT. Would the Delaware Valley group please stand.

(Applause.)

GUEST OF SENATOR MIKE WAUGH PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from York, Senator Waugh.

Senator WAUGH. Madam President, one of the most rewarding roles that we play as State Senators, I guess, is mentoring aspiring young public policymakers, and I have a guest in the gallery today who is just that. His name is Bob Kikola. He is an intern in my York City office, and is from Stewartstown in York County, a little southern York County town. He is a sophomore at Penn State York Campus, majoring in public policy, and he will be transferring to Penn State Harrisburg in the fall. He enjoys watching baseball and football. Please welcome him.

Thank you.

The PRESIDENT. Bob, will you stand.

(Applause.)

GUEST OF SENATOR STEWART J. GREENLEAF PRESENTED TO THE SENATE

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

Senator GREENLEAF. Madam President, I rise to recognize Chris Rager, who is a recent graduate of Lycoming College in Williamsport and has been interning in my office, helping with research with the Committee on Judiciary. He has also interned with Senator Specter, and he has just landed a job with Congressman Todd Platts. He will be going to Washington very soon, and I wanted to take this opportunity to have the Senate recognize him for his work.

The PRESIDENT. Would Chris please rise.

(Applause.)

GUESTS OF SENATOR DAVID J. BRIGHTBILL PRESENTED TO THE SENATE

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

Senator BRIGHTBILL. Madam President, it is my honor to introduce two guests of mine who are in the gallery today. They are Ted and Andrea Anspach, who are personal friends and life-long residents of Lebanon County. Ted is an independent businessman and also a court officer with the Lebanon County Court of Common Pleas. Andrea is the secretary to Judge John C. Tylwalk of Lebanon County, and they have one daughter, Kimberly, and a grandson, Cole. Kimberly served as a summer intern with me. She is a terrific young lady, and this is their first visit to the State Capitol.

The PRESIDENT. Would the guests please rise so we may give you a warm welcome.

(Applause.)

HOUSE MESSAGE**HOUSE CONCURS IN SENATE
CONCURRENT RESOLUTION**

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

Recess adjournment.**BILLS INTRODUCED AND REFERRED**

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

March 11, 2003

Senators CONTI, ERICKSON, SCARNATI and WONDERLING presented to the Chair **SB 434**, entitled:

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, further providing for annual income limitations for PACE and PACENET; providing for best price for pharmaceuticals; establishing the Prescription Drug Access Clearinghouse Authority and providing for its powers and duties; providing for the Medicare Managed Care Fair Share Program; and establishing the Medicare Participation Fund.

Which was committed to the Committee on AGING AND YOUTH, March 11, 2003.

Senators CONTI, ERICKSON, ORIE and WAUGH presented to the Chair **SB 435**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for the sale or transfer of unused research and development tax credits and unused net loss deductions.

Which was committed to the Committee on FINANCE, March 11, 2003.

Senators CONTI, GREENLEAF, KUKOVICH, MUSTO, COSTA, PILEGGI, ERICKSON and TOMLINSON presented to the Chair **SB 436**, entitled:

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, providing watershed zoning cooperation among adjoining municipalities.

Which was committed to the Committee on LOCAL GOVERNMENT, March 11, 2003.

Senators CONTI, O'PAKE, ORIE, SCHWARTZ, ERICKSON, COSTA, LEMMOND and SCARNATI presented to the Chair **SB 440**, entitled:

An Act excluding certain real estate transactions involving family partnerships from the State and local realty transfer tax.

Which was committed to the Committee on FINANCE, March 11, 2003.

Senators CONTI, TOMLINSON, SCHWARTZ, MUSTO, ERICKSON, WENGER, O'PAKE, M. WHITE, COSTA, WAUGH, KASUNIC, GREENLEAF, TARTAGLIONE, LEMMOND and WONDERLING presented to the Chair **SB 441**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for persons qualified to solemnize marriages.

Which was committed to the Committee on JUDICIARY, March 11, 2003.

Senators GREENLEAF, COSTA, LEMMOND, SCHWARTZ, ORIE, RAFFERTY, MUSTO, WAGNER, WOZNIAC and TARTAGLIONE presented to the Chair **SB 444**, 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.

Which was committed to the Committee on JUDICIARY, March 11, 2003.

Senators GREENLEAF, STACK, LEMMOND, KUKOVICH, RAFFERTY, TARTAGLIONE, SCHWARTZ and COSTA presented to the Chair **SB 445**, entitled:

An Act providing for new home warranty programs; and imposing duties upon the Department of Labor and Industry.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, March 11, 2003.

Senators GREENLEAF, TARTAGLIONE, STACK, LEMMOND, PUNT, KUKOVICH, RAFFERTY, WAUGH, COSTA and KASUNIC presented to the Chair **SB 446**, entitled:

An Act regulating credit information reporting; providing for consumer report preparation, dissemination and use, for disclosure requirements, for dispute resolution and for public record information; and imposing civil and criminal penalties.

Which was committed to the Committee on BANKING AND INSURANCE, March 11, 2003.

Senators GREENLEAF, LEMMOND, MUSTO, WENGER, TARTAGLIONE, TOMLINSON, SCHWARTZ, DENT, ERICKSON, WAUGH, COSTA, STACK and KASUNIC presented to the Chair **SB 447**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for a child-care tax credit.

Which was committed to the Committee on FINANCE, March 11, 2003.

Senators GREENLEAF, MUSTO, O'PAKE, TOMLINSON, LEMMOND, TARTAGLIONE, COSTA and STACK presented to the Chair **SB 448**, entitled:

An Act providing for playground safety, for powers and duties of the Department of Conservation and Natural Resources and for the Playground Safety Advisory Committee; and making an appropriation.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, March 11, 2003.

Senators GREENLEAF, MOWERY, O'PAKE, TOMLINSON, MUSTO, LOGAN, RAFFERTY, COSTA, STACK and THOMPSON presented to the Chair **SB 449**, entitled:

An Act amending the act of July 9, 1976 (P.L.817, No.143), known as the Mental Health Procedures Act, adding provisions relating to assisted outpatient treatment programs.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, March 11, 2003.

Senators GREENLEAF, STACK, COSTA, MOWERY and RAFFERTY presented to the Chair **SB 450**, entitled:

An Act regulating private safe deposit box companies; providing for the powers and duties of the Department of Banking; and specifying penalties.

Which was committed to the Committee on BANKING AND INSURANCE, March 11, 2003.

Senators GREENLEAF, MUSTO, LEMMOND, O'PAKE, RAFFERTY, TARTAGLIONE, COSTA, STACK and KASUNIC presented to the Chair **SB 451**, entitled:

An Act amending the act of July 1, 1987 (P.L.187, No.24), entitled "An act requiring retail gasoline dealers to post gasoline additive information; and imposing penalties," requiring the Department of Agriculture to establish standards relating to octane levels and additives, to develop a testing program and to enforce the standards established; establishing the Automotive Fuel Testing Account; and making an appropriation.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, March 11, 2003.

Senators GREENLEAF, COSTA, ERICKSON, LEMMOND, RAFFERTY and KUKOVICH presented to the Chair **SB 452**, entitled:

An Act amending the act of April 23, 1956 (1955 P.L.1510, No.500), known as the Disease Prevention and Control Law of 1955, further providing for the prevention and control of tuberculosis.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, March 11, 2003.

Senators GREENLEAF, KUKOVICH, RAFFERTY and PUNT presented to the Chair **SB 453**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the prevention of the utilization of bull hooks in connection with elephants.

Which was committed to the Committee on JUDICIARY, March 11, 2003.

Senators GREENLEAF, WONDERLING and RAFFERTY presented to the Chair **SB 454**, entitled:

An Act amending the act of August 31, 1971 (P.L.398, No.96), known as the County Pension Law, changing vesting rights; and providing an additional class option.

Which was committed to the Committee on LOCAL GOVERNMENT, March 11, 2003.

Senators GREENLEAF, WAUGH, ERICKSON, COSTA, SCHWARTZ, LEMMOND, RAFFERTY, KUKOVICH and THOMPSON presented to the Chair **SB 455**, entitled:

An Act providing for Lyme disease education, prevention and treatment; and making appropriations.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, March 11, 2003.

Senators GREENLEAF, STACK, O'PAKE, LEMMOND, RAFFERTY and COSTA presented to the Chair **SB 456**, entitled:

An Act amending the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921, further providing for powers and duties of the rehabilitator.

Which was committed to the Committee on BANKING AND INSURANCE, March 11, 2003.

Senators WAUGH, RAFFERTY, SCHWARTZ and KASUNIC presented to the Chair **SB 457**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for judicial oath.

Which was committed to the Committee on JUDICIARY, March 11, 2003.

Senators WAUGH, ORIE, THOMPSON and C. WILLIAMS presented to the Chair **SB 458**, entitled:

An Act amending the act of June 22, 2001 (P.L.374, No.24), known as the Optional Occupation Tax Elimination Act, further providing for earned income tax rate limits.

Which was committed to the Committee on FINANCE, March 11, 2003.

REPORTS FROM COMMITTEE

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

SB 275 (Pr. No. 465) (Amended)

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for child custody generally and for child custody jurisdiction and enforcement.

SB 392 (Pr. No. 406)

An Act amending the act of April 27, 1927 (P.L.414, No.270), entitled as amended, "An act providing for a system of recording the identification of persons convicted of crime, and of fugitives from justice, and habitual criminals; conferring powers and imposing duties upon the Pennsylvania State Police, district attorneys, police officers, wardens or keepers of jails, prisons, workhouses, or other penal

institutions, and sheriffs; providing for the payment of certain expenses by the counties; and imposing penalties," providing for a short title; defining "correctional institution"; and further providing for criminal records, for reporting, for fingerprinting, for unified criminal identification, for district attorneys and for violations.

RECESS

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

Senator BRIGHTBILL. Madam President, at this time I ask for a recess of the Senate for the purpose of a Republican caucus, which will begin immediately.

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

Senator O'PAKE. Madam President, I also ask the Democrats to report immediately to the caucus room at the rear of the Chamber.

The PRESIDENT. For purposes of Republican and Democratic caucuses, without objection, the Senate will stand in recess.

AFTER RECESS

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

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 97 (Pr. No. 96) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the limited right of jurors to take notes.

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-48

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

NAY-1

Ferlo

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

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

BILL OVER IN ORDER

SB 152 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 153 (Pr. No. 158) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 15 (Corporations and Unincorporated Associations) of the Pennsylvania Consolidated Statutes, further providing for qualifications of directors.

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

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

Senator FUMO. Madam President, will either Senator Dent or Senator Brightbill stand for interrogation?

Senator BRIGHTBILL. Senator Dent will be glad to.

Senator FUMO. Madam President, does he always volunteer for the gentleman that way?

Can the gentleman tell me if he is aware of any possible ramifications regarding insurance for directors and officers on these nonprofit corporations, if in fact you have members who are this young?

Senator DENT. Madam President, I am not aware of any issues that have been raised to date. I talked to various organizations, and I wish I could tell you their names right now, but people representing various nonprofit boards saw no problems in terms of insurance issues, that a board may be able to purchase insurance for any errors or omissions. I should also point out that this legislation is a "may" bill. No organization would be required to put anyone under the age of 18, 16, or 17 years of age on their board of directors.

Senator FUMO. Madam President, would it also be safe to assume that if I had a nonprofit organization and I had members of this age and tried to get insurance and could not get it, that I could then ask them to resign to clear that problem?

Senator DENT. Madam President, the question is, if I understood the gentleman, if I could not purchase insurance as a board, could the board then ask them to resign?

Senator FUMO. Madam President, to cure the problem.

Senator DENT. Madam President, I see no reason why that request could not be accommodated.

Senator FUMO. Thank you, Madam President. That answers my questions.

And the question recurring,
Will the Senate agree to the bill on third consideration?
It was 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-47

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

NAY-2

Earll Rafferty

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

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

BILL OVER IN ORDER

SB 164 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

SECOND CONSIDERATION CALENDAR

PREFERRED APPROPRIATION BILL
ON SECOND CONSIDERATION

HB 648 (Pr. No. 898) -- The Senate proceeded to consideration of the bill, entitled:

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 2003, to June 30, 2004, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2003; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Payment Fund, the Banking Department Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund and the Tobacco Settlement Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2003, to June 30, 2004; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2003, to June 30, 2004, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State

Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the establishment of restricted receipt accounts for the fiscal year July 1, 2003, to June 30, 2004, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2003; to provide for the additional appropriation of Federal and State funds from the General Fund, for the Executive Department of the Commonwealth for the fiscal year July 1, 2002, to June 30, 2003, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2002; and making a repeal.

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

FUMO AMENDMENT A0192 OFFERED

Senator FUMO offered the following amendment No. A0192:

Amend Sec. 251, page 342, line 9, by inserting after "(D).":

No funds shall be deposited into an account unless the State Treasurer certifies that prior year appropriations which remain available for expenditure for this purpose total an amount not in excess of 8% of the annual amount appropriated for this purpose for the fiscal year July 1, 2002, to June 30, 2003. The State Treasurer shall not transfer funds if the transfer would result in total expenditures within an account, including expenditures from prior year appropriations, exceeding the total amount appropriated for this purpose during the fiscal year July 1, 2002, to June 30, 2003. Notwithstanding section 2006(b), any unexpended funds remaining in this appropriation shall lapse on June 30, 2004.

Amend Sec. 251, page 344, line 23, by inserting after "(D).":

No funds shall be deposited into an account unless the State Treasurer certifies that prior year appropriations which remain available for expenditure for this purpose total an amount not in excess of 8% of the annual amount appropriated for this purpose for the fiscal year July 1, 2002, to June 30, 2003. The State Treasurer shall not transfer funds if the transfer would result in total expenditures within an account, including expenditures from prior year appropriations, exceeding the total amount appropriated for this purpose during the fiscal year July 1, 2002, to June 30, 2003. Notwithstanding section 2006(b), any unexpended funds remaining in this appropriation shall lapse on June 30, 2004.

Amend Sec. 251, page 345, line 22, by inserting after "(D).":

No funds shall be deposited into an account unless the State Treasurer certifies that prior year appropriations which remain available for expenditure for this purpose total an amount not in excess of 8% of the annual amount appropriated for this purpose for the fiscal year July 1, 2002, to June 30, 2003. The State Treasurer shall not transfer funds if the transfer would result in total expenditures within an account, including expenditures from prior year appropriations, exceeding the total amount appropriated for this purpose during the fiscal year July 1, 2002, to June 30, 2003. Notwithstanding section 2006(b), any unexpended funds remaining in this appropriation shall lapse on June 30, 2004.

Amend Sec. 251, page 346, line 20, by inserting after "(D).":

No funds shall be deposited into an account unless the State Treasurer certifies that prior year appropriations which remain available for expenditure for this purpose total an amount not in excess of 8% of the annual amount appropriated for this purpose for the fiscal year July 1, 2002, to June 30, 2003. The State Treasurer shall not transfer funds if the transfer would result in total expenditures within an account, including expenditures from prior year appropriations, exceeding the total amount appropriated for this purpose during the fiscal year July 1, 2002, to June 30, 2003. Notwithstanding section 2006(b), any unexpended funds remaining in this appropriation shall lapse on June 30, 2004.

Amend Sec. 252, page 347, line 27, by inserting after "(D).":

No funds shall be deposited into an account unless the State Treasurer certifies that prior year appropriations which remain available for expenditure for this purpose total an amount not in excess of 8% of

the annual amount appropriated for this purpose for the fiscal year July 1, 2002, to June 30, 2003. The State Treasurer shall not transfer funds if the transfer would result in total expenditures within an account, including expenditures from prior year appropriations, exceeding the total amount appropriated for this purpose during the fiscal year July 1, 2002, to June 30, 2003. Notwithstanding section 2006(b), any unexpended funds remaining in this appropriation shall lapse on June 30, 2004.

Amend Sec. 252, page 353, line 4, by inserting after "(D).":

No funds shall be deposited into an account unless the State Treasurer certifies that prior year appropriations which remain available for expenditure for this purpose total an amount not in excess of 8% of the annual amount appropriated for this purpose for the fiscal year July 1, 2002, to June 30, 2003. The State Treasurer shall not transfer funds if the transfer would result in total expenditures within an account, including expenditures from prior year appropriations, exceeding the total amount appropriated for this purpose during the fiscal year July 1, 2002, to June 30, 2003. Notwithstanding section 2006(b), any unexpended funds remaining in this appropriation shall lapse on June 30, 2004.

Amend Sec. 252, page 354, line 27, by inserting after "(D).":

No funds shall be deposited into an account unless the State Treasurer certifies that prior year appropriations which remain available for expenditure for this purpose total an amount not in excess of 8% of the annual amount appropriated for this purpose for the fiscal year July 1, 2002, to June 30, 2003. The State Treasurer shall not transfer funds if the transfer would result in total expenditures within an account, including expenditures from prior year appropriations, exceeding the total amount appropriated for this purpose during the fiscal year July 1, 2002, to June 30, 2003. Notwithstanding section 2006(b), any unexpended funds remaining in this appropriation shall lapse on June 30, 2004.

Amend Sec. 252, page 356, line 3, by inserting after "(D).":

No funds shall be deposited into an account unless the State Treasurer certifies that prior year appropriations which remain available for expenditure for this purpose total an amount not in excess of 8% of the annual amount appropriated for this purpose for the fiscal year July 1, 2002, to June 30, 2003. The State Treasurer shall not transfer funds if the transfer would result in total expenditures within an account, including expenditures from prior year appropriations, exceeding the total amount appropriated for this purpose during the fiscal year July 1, 2002, to June 30, 2003. Notwithstanding section 2006(b), any unexpended funds remaining in this appropriation shall lapse on June 30, 2004.

Amend Sec. 212, page 256, line 8, by striking out all of said line and inserting:

State appropriation.. 894,319,000

Amend Sec. 2006, page 408, line 24, by striking out "The" and inserting: Except as specifically provided in Part II, the

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

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

Senator FUMO. Madam President, this amendment would deal with the legislative surplus accounts in the House and Senate. The House inserted a provision regarding school district surpluses, limiting them to 8 percent. This amendment takes that same spirit and says that if our children's educational institutions cannot have more than an 8-percent surplus, we in the General Assembly should not have more than an 8-percent surplus. It is just making us apply the same rules to ourselves that we are asking our school districts to apply. And in addition, it would appropriate out of the surplus money \$20 million into special education.

I think if we are going to ask our school districts to be fiscally responsible and conservative, I think we have an obligation ourselves to set the standard for that and to do the same thing here. I ask for an affirmative vote.

POINT OF ORDER

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

Senator BRIGHTBILL. Madam President, my belief is that this amendment violates the temporary budget rule in that it purports to appropriate an additional \$20 million which it does not remove from another line item. My belief is that it is the gentleman's contention that this \$20 million would be generated by eliminating these accounts, but that does not appear on the face of the document, nor does it appear in any way as a result of examining the documents, and therefore as a point of order, we move that this amendment be out of order and move that it be stricken.

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

Senator FUMO. Madam President, if I may. The object of the temporary rule is to make sure that we in the General Assembly do not appropriate over the amount of money the Governor has allocated for appropriations. This does not do that. In fact, Madam President, this amendment saves the Commonwealth \$40 million. It does not cost us anything. In the normal way of doing business, we have said consistently around here, and I have supported this, that you cannot just add money to the budget. In order to be fiscally responsible, you must take it from somewhere and then add it, so that at the end of the day the budget will not be out of balance. Now, granted, this will make the budget out of balance, but it will produce a \$40 million surplus to the taxpayers, so it does not violate the rule. It merely appropriates \$20 million from something like a \$60 million surplus.

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

Senator BRIGHTBILL. Madam President, we agree with the theory of the rule. The gentleman's contention, though, that this will create a \$40 million surplus is what is in dispute. That does not appear in the record and we in fact dispute that as a fact, so we would ask that the amendment be ruled out of order.

The PRESIDENT. Senator Fumo, would you and Senator Brightbill please come to the rostrum, and the Senate will be at ease.

(The Senate was at ease.)

AMENDMENT A0192 WITHDRAWN

Senator FUMO. In order to save time, Madam President, I will withdraw that amendment.

The PRESIDENT. Senator Fumo withdraws the amendment.

And the question recurring,
Will the Senate agree to the bill on second consideration?

FUMO AMENDMENT A0165

Senator FUMO offered the following amendment No. A0165:

Amend Sec. 251, page 342, line 9, by inserting after "(D).":

No funds shall be deposited into an account unless the State Treasurer certifies that prior year appropriations which remain available for expenditure for this purpose total an amount not in excess of 8% of the annual amount appropriated for this purpose for the fiscal year July 1, 2002, to June 30, 2003. The State Treasurer shall not transfer funds if the transfer would result in total expenditures within an account, including expenditures from prior year appropriations, exceeding the total amount appropriated for this purpose during the fiscal year July 1, 2002, to June 30, 2003. Notwithstanding section 2006(b), any unexpended funds remaining in this appropriation shall lapse on June 30, 2004.

Amend Sec. 251, page 344, line 23, by inserting after "(D).":

No funds shall be deposited into an account unless the State Treasurer certifies that prior year appropriations which remain available for expenditure for this purpose total an amount not in excess of 8% of the annual amount appropriated for this purpose for the fiscal year July 1, 2002, to June 30, 2003. The State Treasurer shall not transfer funds if the transfer would result in total expenditures within an account, including expenditures from prior year appropriations, exceeding the total amount appropriated for this purpose during the fiscal year July 1, 2002, to June 30, 2003. Notwithstanding section 2006(b), any unexpended funds remaining in this appropriation shall lapse on June 30, 2004.

Amend Sec. 251, page 345, line 22, by inserting after "(D).":

No funds shall be deposited into an account unless the State Treasurer certifies that prior year appropriations which remain available for expenditure for this purpose total an amount not in excess of 8% of the annual amount appropriated for this purpose for the fiscal year July 1, 2002, to June 30, 2003. The State Treasurer shall not transfer funds if the transfer would result in total expenditures within an account, including expenditures from prior year appropriations, exceeding the total amount appropriated for this purpose during the fiscal year July 1, 2002, to June 30, 2003. Notwithstanding section 2006(b), any unexpended funds remaining in this appropriation shall lapse on June 30, 2004.

Amend Sec. 251, page 346, line 20, by inserting after "(D).":

No funds shall be deposited into an account unless the State Treasurer certifies that prior year appropriations which remain available for expenditure for this purpose total an amount not in excess of 8% of the annual amount appropriated for this purpose for the fiscal year July 1, 2002, to June 30, 2003. The State Treasurer shall not transfer funds if the transfer would result in total expenditures within an account, including expenditures from prior year appropriations, exceeding the total amount appropriated for this purpose during the fiscal year July 1, 2002, to June 30, 2003. Notwithstanding section 2006(b), any unexpended funds remaining in this appropriation shall lapse on June 30, 2004.

Amend Sec. 252, page 347, line 27, by inserting after "(D).":

No funds shall be deposited into an account unless the State Treasurer certifies that prior year appropriations which remain available for expenditure for this purpose total an amount not in excess of 8% of the annual amount appropriated for this purpose for the fiscal year July 1, 2002, to June 30, 2003. The State Treasurer shall not transfer funds if the transfer would result in total expenditures within an account, including expenditures from prior year appropriations, exceeding the total amount appropriated for this purpose during the fiscal year July 1, 2002, to June 30, 2003. Notwithstanding section 2006(b), any unexpended funds remaining in this appropriation shall lapse on June 30, 2004.

Amend Sec. 252, page 353, line 4, by inserting after "(D).":

No funds shall be deposited into an account unless the State Treasurer certifies that prior year appropriations which remain available for expenditure for this purpose total an amount not in excess of 8% of the annual amount appropriated for this purpose for the fiscal year July 1, 2002, to June 30, 2003. The State Treasurer shall not transfer funds if the transfer would result in total expenditures within an account,

including expenditures from prior year appropriations, exceeding the total amount appropriated for this purpose during the fiscal year July 1, 2002, to June 30, 2003. Notwithstanding section 2006(b), any unexpended funds remaining in this appropriation shall lapse on June 30, 2004.

Amend Sec. 252, page 354, line 27, by inserting after "(D).":

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Amend Sec. 252, page 356, line 3, by inserting after "(D).":

No funds shall be deposited into an account unless the State Treasurer certifies that prior year appropriations which remain available for expenditure for this purpose total an amount not in excess of 8% of the annual amount appropriated for this purpose for the fiscal year July 1, 2002, to June 30, 2003. The State Treasurer shall not transfer funds if the transfer would result in total expenditures within an account, including expenditures from prior year appropriations, exceeding the total amount appropriated for this purpose during the fiscal year July 1, 2002, to June 30, 2003. Notwithstanding section 2006(b), any unexpended funds remaining in this appropriation shall lapse on June 30, 2004.

Amend Sec. 2006, page 408, line 24, by striking out "The" and inserting: Except as specifically provided in Part II, the

On the question,

Will the Senate agree to the amendment?

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

Senator FUMO. Madam President, as much as I would have liked to have seen that surplus go into special education, because I think we all need the money there and it would help our children, rather than face the inevitable, even if the Chair agreed with me, the Majority having its way and overruling the Chair, rather than put us through that torturous process, what this amendment does, it limits us to the same 8-percent surplus that the budget limits to the school districts. It makes no appropriation, but rather allows those moneys to lapse, which I believe is somewhere in the neighborhood of \$56 million, so this would inure to the General Fund. It would not make an appropriation, therefore, it would not violate the rule.

I do not necessarily support the concept of limiting our school districts to this 8-percent reserve rule, but if we are going to do that, we in the General Assembly would be obnoxiously unfair by saying that we are not going to limit ourselves to hoarding the same amount of money. I am told that there is at least \$60 million in these accounts, if not more. And we have no right, in a time when we are cutting social welfare programs, when we are cutting drug and alcohol, when we are not funding education, to say to the taxpayers of Pennsylvania that we want to keep this little honey pot of \$60 million in our pocket, but school districts cannot. What is fair is fair. What is good for the goose is good for the gander. If we are going to limit school districts to 8 percent, we should limit ourselves to 8 percent. It is unbelievably unfair for anyone to say that they want to hoard those accounts while we are telling school districts that they will not get an increase in their appropriation this year.

I am not voting for this budget. I know that you are. I do not know how, in good conscience, you can go home to your constituents and say you are not getting any money for your schools, but we are going to hold on to our \$60 million little slush fund. I do not know how you can do that in good conscience. So I am trying to make this as palatable to everybody as we can make it.

Thank you, Madam President.

AMENDMENT A0165 TABLED

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

Senator BRIGHTBILL. Madam President, we are here to pass a budget that our Governor has characterized as one that makes the tough decisions necessary to build a brighter future for Pennsylvania. He has said that we must keep our fiscal house in order. What we are going to see today is that as we move ahead through this process, Members will get up and find alternative ways to spend the money that the State of Pennsylvania has, but at the end of the day, we need to settle on a plan and a program and a budget.

This budget does not raise taxes, it is a fiscally conservative budget, and we believe that this budget ought to be passed now, timely, and we believe that this budget will provide a sound basis for the State of Pennsylvania to move forward. Since the House passed this budget, a fiscal analyst, in fact the fiscal analyst is a man named Timothy Blake, who is a senior analyst with Moody's Investment Service, and what he says of Governor Rendell's two-part budget strategy is that it is preferable to start with a constrained plan that works rather than an expansive, controversial plan and wonder what the fallback plan was. Here you see the fallback first.

We believe we are being responsible in moving ahead. Therefore, Madam President, in accordance with Senate Rule XIV, section 3, I move that we table this amendment.

On the question,

Will the Senate agree to the motion?

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

Senator FUMO. Madam President, I just wanted to clarify the remarks of the gentleman. He said that this is a fiscally tight budget, a conservative budget, the Governor said we have to get our fiscal house in order, yet he wants to maintain a \$60 million slush fund--

Senator BRIGHTBILL. Madam President--

Senator FUMO. --by cutting off debate on this amendment.

POINT OF ORDER

Senator BRIGHTBILL. Point of order, Madam President.

The PRESIDENT. The gentleman will state his point.

Senator FUMO. Madam President, where is the courage in this Chamber?

Senator BRIGHTBILL. Madam President--

Senator FUMO. Slush funds are okay, but money for kids is not? That is responsible?

Senator BRIGHTBILL. Madam President, it is not debatable. The PRESIDENT. Senator Fumo and Senator Brightbill, would you come here? Let us get this settled.
(The Senate was at ease.)

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-28

Armstrong	Greenleaf	Piccola	Thompson
Brightbill	Helfrick	Pileggi	Tomlinson
Conti	Jubelirer	Punt	Waugh
Corman	Lemmond	Rafferty	Wenger
Dent	Madigan	Rhoades	White, Donald
Earll	Mowery	Robbins	White, Mary Jo
Erickson	Oric	Scarnati	Wonderling

NAY-21

Boscola	Kitchen	Musto	Tartaglione
Costa	Kukovich	O'Pake	Wagner
Ferlo	LaValle	Schwartz	Williams, Anthony H.
Fumo	Logan	Stack	Williams, Constance
Hughes	Mellow	Stout	Wozniak
Kasunic			

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

And the question recurring,

Will the Senate agree to the bill on second consideration?

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

Senator FUMO. Madam President, for the benefit of the public viewing audience on PCN, what just happened here was a great display of a lack of courage. The Majority will always have its way, but to cut off the Minority from having its say means that there is just no courage left over there.

Madam President, what we attempted to do in the last amendment was to get rid of a slush fund--

Senator BRIGHTBILL. Madam President--

Senator FUMO. --a legislative slush fund that exists in a budget that the gentleman says is fiscally conservative --

POINT OF ORDER

Senator BRIGHTBILL. Madam President, point of order.

Senator FUMO. --and supports--

The PRESIDENT. Will Senator Fumo yield.

Senator FUMO. Yes, Madam President.

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

Senator BRIGHTBILL. Madam President, the gentleman's comments are out of place. If the gentleman wants to offer an amendment and make comments in support of that amendment, that is perfectly appropriate. At this point, he has not, at least yet, offered an amendment of any kind.

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

Senator FUMO. Madam President, I am preparing to offer an amendment. I do not tell the gentleman over there how to talk, and I do not expect him to tell me how to talk. I know he does not like it when I talk, because the truth then gets told.

The PRESIDENT. Senator Fumo, do you have an amendment?

Senator FUMO. I do, Madam President. I have a number of amendments, and I am working my way up to them. I am just addressing what happened the last time we got up to offer an amendment, and I am anticipating this time that if it is another tough vote, the gentleman will move to table, because he has to protect his slush fund--

POINT OF ORDER

Senator BRIGHTBILL. Madam President, point of order.

Senator FUMO.--at the same time, he tells the parents of Pennsylvania that we do not have money to educate our children.

The PRESIDENT. Will both gentlemen yield. The only thing debatable right now is the bill.

Senator FUMO. I believe I am about to offer an amendment, Madam President, and the gentleman keeps interrupting me.

The PRESIDENT. That would be in order.

Senator FUMO. Madam President, if he would display a little more manners, I would, too.

The PRESIDENT. Will the gentleman please offer the amendment.

Senator FUMO. Madam President, this is an esteemed, deliberative Chamber. This is not the House where they yell and scream and get into fistfights. We are supposed to be able to speak our minds here and not be cut off from debate, unless it is arduous. Tough debate is supposed to be tolerated. Long debate forever may not be, but tough debate is supposed to be, if you have the courage of your convictions.

I watched the gentleman on television say we ought to pass this budget in a hurry because the people of Pennsylvania might find out what is in it and come up and complain. That is why we have to get this railroad moving out of here. He is afraid of his own constituents. That is why he wants to table amendments.

Madam President, I offer the following amendment, and allow me to explain it, please.

FUMO AMENDMENT A0166

Senator FUMO offered the following amendment No. A0166:

Amend Sec. 251, page 342, line 9, by inserting after "(D).":

No funds shall be deposited into an account unless the State Treasurer certifies that prior year appropriations which remain available for expenditure for this purpose total an amount not in excess of 8% of the annual amount appropriated for this purpose for the fiscal year July 1, 2002, to June 30, 2003. Notwithstanding section 2006(b), any unexpended funds remaining in this appropriation shall lapse on June 30, 2004.

Amend Sec. 251, page 344, line 23, by inserting after "(D).":

No funds shall be deposited into an account unless the State Treasurer certifies that prior year appropriations which remain available for expenditure for this purpose total an amount not in excess of 8% of the annual amount appropriated for this purpose for the fiscal year July

1, 2002, to June 30, 2003. Notwithstanding section 2006(b), any unexpended funds remaining in this appropriation shall lapse on June 30, 2004.

Amend Sec. 251, page 345, line 22, by inserting after "(D).":

No funds shall be deposited into an account unless the State Treasurer certifies that prior year appropriations which remain available for expenditure for this purpose total an amount not in excess of 8% of the annual amount appropriated for this purpose for the fiscal year July 1, 2002, to June 30, 2003. Notwithstanding section 2006(b), any unexpended funds remaining in this appropriation shall lapse on June 30, 2004.

Amend Sec. 251, page 346, line 20, by inserting after "(D).":

No funds shall be deposited into an account unless the State Treasurer certifies that prior year appropriations which remain available for expenditure for this purpose total an amount not in excess of 8% of the annual amount appropriated for this purpose for the fiscal year July 1, 2002, to June 30, 2003. Notwithstanding section 2006(b), any unexpended funds remaining in this appropriation shall lapse on June 30, 2004.

Amend Sec. 252, page 347, line 27, by inserting after "(D).":

No funds shall be deposited into an account unless the State Treasurer certifies that prior year appropriations which remain available for expenditure for this purpose total an amount not in excess of 8% of the annual amount appropriated for this purpose for the fiscal year July 1, 2002, to June 30, 2003. Notwithstanding section 2006(b), any unexpended funds remaining in this appropriation shall lapse on June 30, 2004.

Amend Sec. 252, page 353, line 4, by inserting after "(D).":

No funds shall be deposited into an account unless the State Treasurer certifies that prior year appropriations which remain available for expenditure for this purpose total an amount not in excess of 8% of the annual amount appropriated for this purpose for the fiscal year July 1, 2002, to June 30, 2003. Notwithstanding section 2006(b), any unexpended funds remaining in this appropriation shall lapse on June 30, 2004.

Amend Sec. 252, page 354, line 27, by inserting after "(D).":

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Amend Sec. 252, page 356, line 3, by inserting after "(D).":

No funds shall be deposited into an account unless the State Treasurer certifies that prior year appropriations which remain available for expenditure for this purpose total an amount not in excess of 8% of the annual amount appropriated for this purpose for the fiscal year July 1, 2002, to June 30, 2003. Notwithstanding section 2006(b), any unexpended funds remaining in this appropriation shall lapse on June 30, 2004.

Amend Sec. 2006, page 408, line 24, by striking out "The" and inserting: Except as specifically provided in Part II, the

On the question,

Will the Senate agree to the amendment?

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

Senator FUMO. Madam President, this amendment is very similar to the one the Majority just decided to table, except that this gives them one last chance at the trough. The last amendment would have taken all the excess funds over 8 percent and lapsed them to the General Fund, giving that money back to the taxpayers. But rather than face that vote, the other side decided to table. And I want to let people at home know, who do not understand all this hocus-pocus, that the last vote meant that they

wanted to protect their slush funds and did not want it to go back to the General Fund.

So now I am giving them another choice. This amendment, Madam President, takes the slush funds and gives them one year to throw them away, wherever they want. After that, they go back to the taxpayers, so they have a year to spend like drunken sailors and then they have to give it back. These fiscal conservatives on the other side of the aisle, these tough-minded, bare-bones politicians who do not want to give subsidies to kids in schools, who do not want to fund public welfare, who do not want to give people health care, these tough-minded people want to protect their slush funds, and this is not just a little bit of money. I want the taxpayers of Pennsylvania to know that we are talking about \$60 million, enough money to refund and replenish the money for our libraries, enough money to help out special education, enough money to hire State Police to protect us. They want to keep that in a little slush fund where nobody could bother it, so that when they want to take their next junket, they will have enough money. When they want to buy another car, they will have enough money. I do not think they have the guts to vote for this, so they are going to make another motion to table. Or maybe they do. Or maybe I will be shocked to find a real spirit of penny-pinching in here and watch them say to the school districts they are going to do the same thing to themselves that they are telling you to do. Only the clock will tell in a few minutes.

Madam President, I submit to you that they do not have the guts, the courage, or the courage of their convictions to vote "yes" for this amendment. Now we will wait to see the drama: Do we table, do we say it is out of order, or do we just vote "no"? I suspect they do not have the guts to vote "no." They will find another gimmick.

Thank you, Madam President, and thank you to the people of Pennsylvania.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Connie Williams is back, and her legislative leave will be cancelled.

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

AMENDMENT A0166 TABLED

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

Senator BRIGHTBILL. Madam President, I move to table the amendment.

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

Senator FUMO. Madam President, I was right. I ask for a negative vote on the motion to table—I want to explain this to the people at home—which means that we are going to vote "no" because we want to consider this amendment and we want to give back that slush fund to the taxpayers.

POINT OF ORDER

Senator BRIGHTBILL. Madam President, point of order.

Senator FUMO. Madam President, we do not think that the politicians on that side of the aisle should have that money--

Senator BRIGHTBILL. Madam President, point of order.

Senator FUMO. --to continue to spend it and throw it away--

The PRESIDENT. Will the gentleman yield, and will the two Senators come to the rostrum.

Senator FUMO. --and we hope there would be courage to vote on that.

(The Senate was at ease.)

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

Senator FUMO. Madam President, in all due respect, I think Senator Brightbill had a motion. I wanted to vote for this thing in the spirit of democracy and he wants to cut off debate, so I think that is his motion. He believes in that totalitarian form of government.

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

Senator BRIGHTBILL. Madam President, I made a motion to table, and I think at that point in time Senator Fumo began a debate before the Chair had a chance to set forth the motion. I think the ball is in your court, Madam President.

The PRESIDENT. Senator Brightbill moves that the amendment be laid upon the table. I do not see, in the opinion of the Chair, that the amendment is out of order, so at this point the Clerk will call the roll.

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

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

Senator FUMO. Madam President, are we tabling the bill? What are we voting on? Are we voting on the motion to table or my amendment?

The PRESIDENT. We are voting on the motion to table the amendment, Senator.

Senator FUMO. Does that not take the bill with it, Madam President?

The PRESIDENT. No, not under the rules. This is tabling the third amendment, A0166. Do you have another amendment?

Senator FUMO. I could probably have a lot of them, Madam President, but we obviously are not going to get anywhere. They do not have the guts to debate the budget, so I am not going to offer any more. I just want the public to see what is going on here and see the hypocrisy--

Senator BRIGHTBILL. Madam President.

Senator FUMO. --that is being exhibited by that side of aisle.

POINT OF ORDER

Senator BRIGHTBILL. Madam President, I ask for a point of order in this Chamber.

Senator FUMO. I think we do better by losing some of these things, Madam President.

Senator BRIGHTBILL. Madam President, I would request that you, as a point of order--

Senator FUMO. Now come on, let me speak.

Senator BRIGHTBILL.--maintain order in this Chamber.

Senator FUMO. Madam President, I will not be stifled. Who is going to push me out of order? Did somebody say I am out of order? Who said that? People are making comments but no one wants to stand up?

The PRESIDENT. On the motion to table--

Senator FUMO. I cannot believe what I am witnessing here. Nobody has the guts. They want to hide behind their desks and make little snide remarks and not get up?

Madam President, this is a disgrace what they are trying to do to this legislative body and also to the citizens of the Commonwealth. It is just an absolute disgrace, and we are going to let them win, but in the end they are going to lose by winning.

Thank you, Madam President.

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-28

Armstrong	Greenleaf	Piccola	Thompson
Brightbill	Helfrick	Pileggi	Tomlinson
Conti	Jubelirer	Punt	Waugh
Corman	Lemmond	Rafferty	Wenger
Dent	Madigan	Rhoades	White, Donald
Earll	Mowery	Robbins	White, Mary Jo
Erickson	Orie	Scarnati	Wonderling

NAY-21

Boscola	Kitchen	Musto	Tartaglione
Costa	Kukovich	O'Pake	Wagner
Ferlo	LaValle	Schwartz	Williams, Anthony H.
Fumo	Logan	Stack	Williams, Constance
Hughes	Mellow	Stout	Wozniak
Kasunic			

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

The PRESIDENT. The amendment is tabled.

And the question recurring,

Will the Senate agree to the bill on second consideration?

KUKOVICH AMENDMENT A0194

Senator KUKOVICH offered the following amendment No. A0194:

Amend Sec. 204, page 224, line 15, by striking out all of said line and inserting:

State appropriation.. 32,129,000

Amend Sec. 205, page 226, line 15, by striking out all of said line and inserting:

State appropriation.. 38,548,000

Amend Sec. 206, page 226, line 28, by striking out all of said line and inserting:

State appropriation.. 19,952,000
Amend Sec. 208, page 230, line 20, by striking out all of said line and inserting:

State appropriation.. 26,000,000
Amend Sec. 214, page 272, line 15, by striking out all of said line and inserting:

State appropriation.. 54,541,000
Amend Sec. 219, page 312, by inserting between lines 10 and 11: For behavioral health services.

State appropriation.. 38,000,000
For nonhospital substance abuse residential services.

State appropriation.. 12,240,000
Amend Sec. 220, page 321, line 12, by striking out all of said line and inserting:

State appropriation.. 113,530,000

On the question,

Will the Senate agree to the amendment?

The PRESIDENT.-The Chair recognizes the gentleman from Westmoreland, Senator KUKOVICH.

Senator KUKOVICH. Madam President, this amendment complies with the temporary rule by adding \$50 million basically of alcohol services, which brings us back up to about a 10-percent cut over last budget. It does take money from six different agencies at the rate of about a 14-percent cut to make up for what we add into drug and alcohol.

There are a number of amendments that I would have liked to offer for a number of worthwhile reasons, but I chose this one and one other amendment because of the Draconian nature of the cuts and the fact that we have probably received, I think I am speaking for most of us, more faxes and e-mails and letters and phone calls about these cuts than just about any other within the budget. Apart from that, I think it is very clear that if we do not provide these resources, many of which, in terms of nonresidential detox and nonhospital residential services, are going to adversely impact on somewhere between 17,000 to 18,000 people who cannot get services anywhere else. Many of these people, because of what has happened with the Medical Assistance laws, cannot get any funding or services that way either. This will arbitrarily drive up health care costs and create more problems in our emergency rooms because of other cuts in the budget, such as in HSDf. It will be very difficult for counties to try to transfer, they cannot really transfer any other funds over to care for these folks. So there are a number, I think, of valid reasons why this is one of the holes in the budget which we should prioritize, which we have to fill, which affects every one of our 67 counties and thousands and thousands of people across this State, affects everyone in each of our senatorial districts. And I am sure almost everybody on this floor has heard from not only their organizations, but individuals who are concerned about this.

I have a list here of how much money is lost to each county. I have a letter from my county saying that Westmoreland County will lose approximately \$640,000 and probably another \$214,000 because of the cuts in Act 152, some of these have been zeroed out, and will affect 40 percent of their total operating budget. In the last 18 months, we have seen in some isolated parts of Westmoreland County some increases in problems with heroin, for example. I have been called by frustrated police chiefs not knowing what to do. If this money is zeroed out, if we cannot

restore this kind of cut, then we are abdicating our responsibility to try to provide the treatment necessary to address those problems.

I think for all of those reasons, and I think because this is a fiscally balanced amendment, which does cause some problems for general government operations within those various departments, but I think on balance this is a reasonable approach and a way to at least partially address, by not restoring everything, but just restoring it back to a 10-percent cut, I think it is fiscally responsible. I think it is morally an absolute that we at least do this bare minimum for some of the people in our Commonwealth who need it most, and I ask for an affirmative vote on the amendment.

AMENDMENT A0194 TABLED

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

Senator BRIGHTBILL. Madam President, one of the things that we do not have the benefit of, since this is Governor Rendell's budget, is his thinking or rationale in cutting these particular kinds of services. But absent that, we do know that the budget he has promoted and provided us with provides core services. It is a very difficult and challenging budget, and this is one of those areas where perhaps our judgment might be different than the executive's judgment.

Nevertheless, we believe it is important to pass this basic gubernatorial budget and to send it to him for signature so that we have these core services provided for in accordance with his plan. Perhaps things will develop at some point in the future where we can take another look at these expenditures that the gentleman is promoting. People on this side of the aisle have also been advocates for the expenditures that the gentleman is advocating. Here is what the Governor said. He said, the honest truth was he could produce a balanced budget, administered with some pain, but a balanced budget without raising taxes by doing things, in his judgment, that we should have been doing for a long time. This is his judgment, Madam President. Therefore, I make a motion that we table this amendment.

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

MOTION TO ADJOURN

The PRESIDENT. The Chair recognizes the gentleman from Westmoreland, Senator Kukovich.

Senator KUKOVICH. Madam President, I move that the Senate do now adjourn until 9:30 a.m., March 12, 2003, which takes precedence over the motion to table.

The PRESIDENT. Senator Brightbill moves that amendment A0194 be laid upon the table, and then Senator Kukovich moves that the Senate do now adjourn until tomorrow at 9:30 a.m.

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

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

Senator BRIGHTBILL. Madam President, I ask for a negative vote on Senator Kukovich's motion to adjourn.

Senator KUKOVICH. Madam President, I know this is not debatable.

Senator BRIGHTBILL. Madam President, the gentleman himself made that point.

PARLIAMENTARY INQUIRY

The PRESIDENT. The Chair recognizes the gentleman from Westmoreland, Senator Kukovich.

Senator KUKOVICH. Madam President, parliamentary inquiry. Since the speaker talked about not knowing exactly where the Governor was on this issue, that would give us a little bit of time to find out and then vote knowingly tomorrow.

POINT OF ORDER

The PRESIDENT. This is debate again.

The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Madam President, absolutely, this is debate. This is not debatable, and therefore the gentleman is debating, I am not. I am making a point of order.

POINT OF ORDER

The PRESIDENT. The Chair recognizes the gentleman from Westmoreland, Senator Kukovich.

Senator KUKOVICH. Madam President, I rise to a point of order, that the rationale for this is to just respond to what Senator Brightbill said and give us an opportunity to find out where the Governor stands on this particular issue and vote it tomorrow morning.

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

Senator O'PAKE. Madam President, I ask for an affirmative vote. We are making a mockery of this process, Madam President. We need time. We know what the Governor said. We would like to go out to the people of Pennsylvania and see what they say. We need more time.

Senator BRIGHTBILL. Point of order, Madam President.

Senator O'PAKE. Every amendment we offer is being tabled.

Senator BRIGHTBILL. Madam President, I ask that the Chair take order.

Senator O'PAKE. That is not the way this legislative process is supposed to work.

The PRESIDENT. The clerk will call the roll.

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

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

YEA-21

Boscola	Kitchen	Musto	Tartaglione
Costa	Kukovich	O'Pake	Wagner
Ferlo	LaValle	Schwartz	Williams, Anthony H.
Fumo	Logan	Stack	Williams, Constance
Hughes	Mellow	Stout	Wozniak
Kasunic			

NAY-28

Armstrong	Greenleaf	Piccola	Thompson
Brightbill	Helfrick	Pileggi	Tomlinson
Conti	Jubelirer	Punt	Waugh
Corman	Lemmond	Rafferty	Wenger
Dent	Madigan	Rhoades	White, Donald
Earll	Mowery	Robbins	White, Mary Jo
Erickson	Orie	Scarnati	Wonderling

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

The PRESIDENT. The question now is on the motion to table the amendment.

And the question recurring,

Will the Senate agree to the motion to table amendment A1094?

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

YEA-28

Armstrong	Greenleaf	Piccola	Thompson
Brightbill	Helfrick	Pileggi	Tomlinson
Conti	Jubelirer	Punt	Waugh
Corman	Lemmond	Rafferty	Wenger
Dent	Madigan	Rhoades	White, Donald
Earll	Mowery	Robbins	White, Mary Jo
Erickson	Orie	Scarnati	Wonderling

NAY-21

Boscola	Kitchen	Musto	Tartaglione
Costa	Kukovich	O'Pake	Wagner
Ferlo	LaValle	Schwartz	Williams, Anthony H.
Fumo	Logan	Stack	Williams, Constance
Hughes	Mellow	Stout	Wozniak
Kasunic			

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

And the question recurring,

Will the Senate agree to the bill on second consideration?

MOTION TO RECOMMIT

The PRESIDENT. The Chair recognizes the gentleman from Westmoreland, Senator Kukovich.

Senator KUKOVICH. Madam President, I move to recommit the bill. I believe that is debatable, and I put that motion before the body.

The PRESIDENT. Senator Kukovich moves to recommit the bill. The debate is limited to the propriety of the reference.

On the question,

Will the Senate agree to the motion to recommit?

The PRESIDENT. The Chair recognizes the gentleman from Westmoreland, Senator Kukovich.

Senator KUKOVICH. Madam President, Senator Brightbill referred to the fact that this budget maintained core services. The purpose of the last amendment was that it does not do that. We can quibble about other parts of the budget cuts in this bill, but if we do not restore not all but at least most of the cuts to drug and alcohol, treatment centers will close. That is not maintaining core services.

My next amendment has to do with libraries, a 50-percent cut, again, restoring it to about a 10-percent cut of last year. I have received calls from the head of the library association in my county saying that if that is not at least partially restored, libraries will close. These are not core services. That is why it is important to have this debate and not simply arbitrarily cut it off.

Also, there were comments made about this being the Governor's budget. It was very clear that the Governor simply, because of a matter of time, did not have a chance to put forth everything he wanted to in this budget process. He has said both in his Budget Address and publicly to the media and to organizations that he understands that there are cuts here with which he does not agree, that cause pain. And he has said to them, go to Harrisburg, talk about this. It is not as if this is a finished product. This is a Governor who walked in the door of the State Capitol and saw a fiscal mess, and he did not stand there and blame legislative leaders. He did not stand there and blame the previous administration. He came in and met with everybody. I think he came in in a very bipartisan way and said, let us work this out together. That has not happened, and as a result, I think we should at least have a chance to consider some of these amendments, because there will be more than pain in some of these areas, and we cannot come back later with another deal or with a supplemental and correct some of the pain so some of the people will not fall through the cracks.

That is why I am moving to recommit this bill until everybody can take a look at at least a couple of the amendments that have been offered, can confer with the administration, can work out on what we can agree. If you disagree with only a 10-percent cut in drug and alcohol, well let us see what else we can work out. If we do not want to help 17,000 or 18,000 people, do we want to help 10,000? Let us try to work that out. Let us try to see where we are sure that no one else can pick up the services. Let us try to resolve the problem, and I am not asking to even wait a week or to wait until March 25. I mean, if it is possible to work this out over the next day, we should be willing to do that. And that is why I ask for a recommitment of this bill at any time the Majority wants to reconsider it, whether it is 9:30 tomorrow morning, or whatever, and I ask for a "yes" on the motion to recommit.

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

Senator SCHWARTZ. Madam President, I appreciate the opportunity to speak on this motion. Whether you actually agree with the amendments, one that has been offered and another that will be offered by Senator Kukovich on the budget, the point here is that we have sometimes made choices, we often have

made choices on the floor of the Senate and House by offering amendments, some of them go in, some of them do not, some of them get taken out later with negotiations, but the fact is that I have been here for 12 years, and while we do not always get what we want in the budget, it is usually a negotiated process. It is an opportunity for us to understand, as the other side of the aisle said, they are not really sure what the Governor meant by some of the presentations. That is the reason that we have every one of the departments present to the Committee on Appropriations and talk to us about how they made these choices, define for us the consequences of these choices, for us to be able to raise with them other options for the way we might be able to redirect money.

There is no question that this is a tough year. Even if we do not ever have March 25, even if the Governor does not present other options, we have a budget before us, and it is our responsibility to pass a budget. It is our responsibility to understand the consequences of this budget. It is our responsibility to offer other ideas that might be less painful, other ways that we might be able to redirect dollars. We are going to pass a balanced budget, we are required to, and many of us really feel very strongly about doing everything we can not to raise taxes, if we can do that. But that requires all of us taking our responsibilities seriously. Not saying, you know, we do not know exactly what the Governor meant, we are not going to ask his secretaries, we are not going to wait to hear what the consequences are from the public. We do not really want to know what is happening in the libraries, we do not really want to know what is going to happen to the hospitals that have been dramatically cut, we do not even really want to know if there are some better ideas out there.

We have a Governor who is very open to ideas, and he has offered a budget which, in his best judgment, is a starting point. We should take it as a starting point. There is absolutely no reason why this budget has to be passed as is. We could, in fact, consider the consequences for the Commonwealth of Pennsylvania. The fact that the other side does not even want to debate amendments that we are trying to offer and rejects them potentially, if in fact they think this is the best we can come up with, they have no other ideas to offer, no other suggestions, then let them say so, or let them say they really do not want to have any hearings because we have no ideas, we have no suggestions for other ways or for other priorities. I mean, I do. Senator Kukovich is offering amendments because he has some other suggestions. The idea, in fact, is that it is our responsibility to debate these ideas, to debate these options, to establish our priorities and within a balanced budget to pass a budget that will meet our expectations for the future of the Commonwealth of Pennsylvania. That is our obligation. Doing it without debate is not meeting our obligation in the Senate for each and every one of us, and it is not just cute. It is not just, you know, let us have a good laugh here about whether we should table it, what maneuvers can we put in there to see if we can refuse debate.

If in fact people believe we should not be funding the programs, then say so. Vote against it. I have often offered amendments on the floor when we had surpluses, and I said, let us spend that money on public education, let us reduce property taxes, let us spend the money on full-day kindergarten. They

have been rejected. There has been no hesitation to do that, and at the same time, even when there was a Republican Governor, the other side of the aisle was perfectly willing to offer their suggestions and advice and debate the issues, and in fact we made changes. Last year's budget, for example, we raised the funding for public education without raising taxes. We did that because of the debate we had here on the floor and in the House. We did raise funds for special education so the burden would not be so great on our schools. We did that because both sides of the aisle wanted to see that happen, and we pushed the Governor's Office. I do not have a problem doing that again this time.

And so I would just say that by refusing to have debate, by refusing to ask the questions, by refusing to really articulate our priorities and to have that negotiation that we have with the front office, as we call it, the Governor's Office, to really be able to understand the consequences for the people of Pennsylvania if we do this budget, particularly if we do this budget and no other action, we should understand that and we should take our obligation seriously. By rejecting debate, by rejecting all amendments, and by rejecting the hearing process of the Committee on Appropriations, we have in fact not met our obligation, and I am disappointed, to say it mildly, that we have not taken more seriously our obligation to the people of the Commonwealth of Pennsylvania.

Thank you, Madam President.

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

Senator BRIGHTBILL. Madam President, in his Budget Address, the Governor said, "We must act now to close the gap. My constitutional obligation requires it. And faced with the harsh reality of the deficit, I am today submitting a budget that closes the gap." And then he says, "And, as Governor, I have an obligation to act." Well we, too, have that obligation to act. Now, if any one of the 50 of us in this room, or the 49 of us in this room, were the Executive and we were to propose a balanced budget, my judgment is that it would be different than this document that Governor Ed Rendell has submitted to us. And perhaps in terms of the libraries that Senator Kukovich talked about or the drug and alcohol expenditure money, many of us would have that in this document, have larger numbers in this document. We would be equally constrained to have a smaller number someplace else, and at the end of the day this thousand-page document has to be balanced.

Now, what we have simply said is that while this document, as the Governor himself acknowledged, is not perfect, it is a reasonable and rational approach to dealing with our deficit. What he has laid out is a budget that does not increase taxes. And while we could differ with him, the simple fact is that we have to attain that goal. He has created this expectation. The reason that we are here on the floor today is to take amendments. Earlier today we were criticized for making motions to table amendments. You get to offer your amendments, we get to make a motion to table. That is the way the rules of the Senate are written. Those are the rules that you agreed to at the beginning of this Session. Then we got a motion to adjourn. Suddenly, we are the bad guys and we do not want to debate, but now we have to face a motion to adjourn, so we voted that down. Now we have a motion to recommit to the Committee on Appropriations. In

this debate, every Member of this Chamber has a right to participate in this debate right now. If it goes back to the Committee on Appropriations, every Member does not have a right to participate in the debate.

So here we are. This is the democratic process. The people who are telling us that we are trying to block the process are trying to end the debate today. We would like to move forward. We would like to consider whatever amendments any Member of this Chamber has to offer. We will consider your amendments, and consideration includes the motion to table those amendments. What we are saying is this is not necessarily a bad idea, this is not necessarily a bad suggestion that we spend more money on libraries or that we spend more money on schools or that we spend more money here or there, we are saying that in order to have a balanced budget and not raise taxes, we believe this is the appropriate place to bite the bullet, stop the debate, and pass the budget, a constitutionally required balanced budget. And on March 25 the Governor is going to be back to speak to us again, and he is going to offer his ideas.

Madam President, I am very excited about hearing his ideas. I have been embroiled as a Member of this Chamber in the concept of tax reform, reducing the reliance on real estate taxes, for 20 years. I am thrilled that somebody from outside this Chamber and outside the House and someone new is going to take a fresh look at this and submit ideas to us because, believe me, before the end of June, I would like to put up a vote that reduces or somehow eliminates real estate taxes, however tough that is. I am willing to go there.

Madam President, he said that he is going to offer us ideas on economic development. And while we believe that we are 35th in job creation, not 48th, we do not want to quibble because we would like to be first, too. And we have some ideas, and we are anxious to hear his ideas and we are anxious to hear the specifics of his ideas, Madam President, and we want to see those ideas and we are going to consider those ideas, but we do not want to consider those being held hostage to providing the basic services for State government. We want to know come July 1 that there is State Police protection and that there is \$25 million in here for the firemen. I think Senator Kukovich stood next to the Governor when they put that in. We want to know that \$25 million is there. So there is a lot of good in this document.

I think the third thing was education. And while we may disagree with the Executive as to the state of Pennsylvania's education, many of us find the public school system to be satisfactory. I have three sons who moved through the public school system and have done very well, and I have two more who are entering it. Nevertheless, we believe there is room for improvement. We want to hear his ideas. Many of us have talked to the new Secretary, Secretary Phillips. We want to hear what she has to say. And we know how tough it is going to be to take the ideas of smaller classrooms, more emphasis on early academics, pre-K, all-day kindergarten, and turn that into public policy because of the number of dollars associated with it. No one believes, Madam President, that this is the last day. And we are not running. We are standing here today to put up our vote on amendments, and we are going to be here tomorrow to put up a vote on this budget. We are not making a motion to recommit the bill to the Committee on Appropriations, we are here to let the

entire Chamber deal with this issue. And we are not making a motion to adjourn, as Senator Kukovich just did, so we can run from it, keep the bill from going over, so that it is no longer eligible to be run tomorrow. We understand, Madam President. So we believe, Madam President, that a "no" vote is in order.

Let us finish this debate tonight, let us stop calling each other names, let us stay on track, and let us talk about the future of Pennsylvania. Pennsylvania first requires a tight-fisted budget, a budget that has no increase in taxes. The Governor has provided that to us. Let us pass this budget and then let us move on to March 25 and hear his ideas, and then let us let the debate again begin. I ask for a negative vote.

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

Senator O'PAKE. Madam President, I rise to support the motion to recommit for public hearings. What the gentleman on the other side of the aisle seems to forget is that the people of Pennsylvania have a stake in their \$21 billion of taxes that they want to rush through in record time, unprecedented time.

For college basketball fans, Madam President, we are approaching March Madness. What is troubling to many Pennsylvanians is why here in Harrisburg we, or they, have engaged in their own form of March Madness. It amounts to a mad rush for what they think is a slam dunk without proper examination, without public hearings, without any input, without even any amendments to be offered and voted upon, without any deliberation, without any review, without any invitation to the people who are going to pass this to pay for this budget in the hearings process. This is \$21 billion of money of the taxpayers of Pennsylvania that is being spent. We do not even have the opportunity for amendment. What we are asking for is to send this bill back to committee like we have done in every other budget that I have been a part of in some 30 years, and let the people of Pennsylvania be heard and let us see if there is a better way to pass a no-tax increase balanced budget. What is happening here, unfortunately, Madam President, as one e-mail from one of our citizens asserts, quote, "Is unworthy of the democracy we live in. We have no chance to influence our own destiny, a destiny which should include all Pennsylvanians," end of quote.

Madam President, Governor Rendell was quite clear and precise when he delivered his Budget Address 7 days ago. He told all of us that it was only part one of a two-part fiscal blueprint to move our State forward during these difficult economic times. Clearly, the message in this election was the people wanted change, they wanted our State to move forward. Now the Republican dash to pass part one of a two-part plan is nothing less than a political chess game of the worst kind. Madam President, this is undemocratic. Tabling amendments so we cannot even vote on them, shutting down the hearing process, rushing to judgment without an accurate revenue forecast, with war looming and 3 months left in the current fiscal year, this is absurd and totally irresponsible. This is a hijacking of the deliberative process. It is an abdication of our obligation to the people we represent, to the oaths of office we are sworn to uphold and defend, to the whole notion of an open government that works for Pennsylvania's people, not for a handful of political leaders, and not for blatant partisan objectives. Madam

President, this is all wrong. It is a slap in the face, not only to a new Governor who just got here and inherited this Republican mess, but to each and every Pennsylvanian who elected him.

Now, Madam President, I am deeply concerned about the direction here for this Senate. I am deeply concerned about the potential it holds to sink the kind of bipartisan cooperation that will be necessary to get anything done over the next 4 years. I say that because of one simple truth: whether you like it or not, whether you can accept it or not, the people of Pennsylvania last November voted for change. They voted to bust up the 8-year-old one-party-rule hold in State government. With a mandate of 300,000 more votes than his Republican opponent, Ed Rendell was elected to break the back of politics as usual and the status quo. The people of Pennsylvania just want fair play, and they want our new Governor to be given the chance he deserves to lead our State forward in a new direction, to lift us out of the gutter, to give the people of Pennsylvania new hope, to keep our young people here, to attract jobs here, to get the kind of quality education that we need. This just does not make sense, Madam President, and as I said, it is all wrong. Governor Rendell has bent over backwards to reach across the political aisle, to do things differently. He has had more face-to-face meetings with all of us legislators, Republicans and Democrats alike, than any new Governor in memory. He is sincere in wanting us to work together, just as our people expect, demand, and deserve that we work together.

Governor Rendell, I believe, said it best last week during his budget briefing, after the House budget vote. He said, and I quote, "The people of Pennsylvania are sick and tired of the rabid partisanship that exists here. The people of Pennsylvania are sick and tired of the gamesmanship and games playing that goes on here. The people want a serious consideration of the real issues." And that is why the only fair thing to do is to send this back to the Committee on Appropriations, have the kind of public hearings that the people are entitled to, let us see if there are ways that we can do a better job of balancing this budget, and give him time to present step two.

Madam President, what happened in the House need not be repeated here in the Senate. We are, after all, Members of what is supposed to be the more deliberative body. What a joke. Let us give our Governor the chance and let us give the people of Pennsylvania the chance to be heard on his total plan before we enact a half a loaf. Let us give the people of Pennsylvania the opportunity they deserve for some meaningful input. Why are we afraid of listening to our constituents? They pay our salaries. They are going to pay the bill. Do they not deserve the chance to be heard on a \$21 billion spending plan that we are ramrodding through here within 1 week, 3 1/2 months before the deadline, 3 1/2 months before we will have a realistic revenue estimate for the next fiscal year? Madam President, we still have a chance to do this the right way. Times are difficult, without this body disintegrating into the all too familiar path of politics as usual. As I said, some have said we have to save us from ourselves. Is that not ridiculous? Save us from our constituents. That is an insult.

Madam President, the excuses for ramming this budget through are inexcusable. It is a fraudulent exercise, it is a mockery of the legislative process. We have an obligation to do our jobs and to do them responsibly. Before we take final action,

let us give our new Governor's total plan a fair hearing. Let us give Pennsylvania's people the opportunity for meaningful input and for the good government they deserve. Madam President, as I said, this is March Madness time. We should also be aware of the ides of March, because it is this Governor who has the final pen.

Thank you, Madam President.

The PRESIDENT. The Chair recognizes the gentleman from Westmoreland, Senator KUKOVICH.

Senator KUKOVICH. Madam President, I want to clarify the record. First of all, I have never called anyone a name, at least not on the floor of the Chamber.

Secondly, regarding the volunteer fire department money, the Governor said that he would not sign any budget unless the funds were in there.

Thirdly, the Majority Leader talked about maintaining the balance. These amendments are all revenue neutral. If they were not, he could make a motion to object because of the temporary rule, but they are admittedly revenue neutral.

Fourthly, when he talks about taking the amendments, that means actually putting up a vote, not trying to hide behind a procedural movement. I think we should recommit and have public hearings, because that is the way we have done things, have always done things in this State. But at the very least, I cannot wait until March 25, because I am eager to see what the Majority Leader looks like in a state of excitement and hopefully also an open mind, and I ask for a "yes" vote on the motion for recommitment.

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

Senator BRIGHTBILL. Madam President, I have no other comments, except that I am sure that in a state of excitement I appear just as cool and calm as everyone else. I simply ask for a "no" vote.

And the question recurring,

Will the Senate agree to the motion to recommit?

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

YEA-21

Boscola	Kitchen	Musto	Tartaglione.
Costa	Kukovich	O'Pake	Wagner
Ferlo	LaValle	Schwartz	Williams, Anthony H.
Fumo	Logan	Stack	Williams, Constance
Hughes	Mellow	Stout	Wozniak
Kasunic			

NAY-28

Armstrong	Greenleaf	Piccola	Thompson
Brightbill	Helfrick	Pileggi	Tomlinson
Conti	Jubelirer	Punt	Waugh
Corman	Lemmond	Rafferty	Wenger
Dent	Madigan	Rhoades	White, Donald
Earll	Mowery	Robbins	White, Mary Jo
Erickson	Orie	Scarnati	Wonderling

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

And the question recurring,
Will the Senate agree to the bill on second consideration?

KUKOVICH AMENDMENT A0167

Senator KUKOVICH offered the following amendment No. A0167:

- Amend Sec. 204, page 224, line 15, by striking out all of said line and inserting:
State appropriation.. 32,129,000
- Amend Sec. 205, page 226, line 15, by striking out all of said line and inserting:
State appropriation.. 38,548,000
- Amend Sec. 206, page 226, line 28, by striking out all of said line and inserting:
State appropriation.. 19,952,000
- Amend Sec. 208, page 230, line 20, by striking out all of said line and inserting:
State appropriation.. 26,000,000
- Amend Sec. 212, page 261, line 7, by striking out all of said line and inserting:
State appropriation.. 67,850,000
- Amend Sec. 214, page 272, line 15, by striking out all of said line and inserting:
State appropriation.. 54,541,000

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

The PRESIDENT. The Chair recognizes the gentleman from Westmoreland, Senator Kukovich.

Senator KUKOVICH. Madam President, in the document before us, the budget for libraries around the State has been cut by 50 percent. We restore this by about roughly \$30 million, so it is only a 10-percent cut. It is made revenue neutral by cuts in general government operations from four agencies, an average 14-percent cut.

We have already talked about this, and I am not going to go on. I do not think this maintains core services. I think if we do not restore those cuts, we will see libraries close around the State. I would also like people to understand that if another motion to table is made, that is a substantive motion, it is much more than a procedural motion, and those who vote to table will be voting against libraries on a revenue neutral vote, and I ask for support of the libraries of Pennsylvania with a "yes" vote.

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

Senator BRIGHTBILL. Madam President, I think the comments I made before are appropriate and applicable. One of the comments of the Governor, and Senator O'Pake was reading from his speech, and one of the things that he said regarding his March 25th plan was, "But it will not reduce all of the pain of the budget I propose to you today - that will need to await the long term growth of Pennsylvania's economy, which will surely come." Now, here again, this is an expenditure that most of us support, and I think I could go out on a limb here and say all of us support, and all of us would like to see more money going to

our libraries. At some point we need to act, at some point we need to have a balanced, no-tax budget, and we believe that point is here.

One of the things that Senator O'Pake indicated or intimated was that Governor Rendell will have the final say on this budget, and maybe that is what is appropriate here, and maybe what we should do is to reject all these amendments and take this bill up and tomorrow pass this budget and let him have the final say. He has told us, we have heard it in the media, that he is going to sign the budget. Then we hear he is not necessarily going to sign the budget. He seems to be a little indecisive at this point in time. Well, let us find out exactly what the Governor wants to do with this budget. This is his budget. This is Governor Rendell's balanced, no-tax plan to get Pennsylvania through this very difficult time. He said he hates this budget. Well, maybe we hate this budget, too. But he felt that he was responsible to put this budget before the people of Pennsylvania. Well, we believe that we need to be responsible and pass this budget.

I see Senator O'Pake reaching for his button.

Senator O'PAKE. When you are finished.

Senator BRIGHTBILL. Be my guest.

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

Senator O'PAKE. Madam President, to correct the record, this is not the budget that Governor Rendell proposed. Even the House of Representatives added five amendments, and we have not been given that courtesy. And I agree with Senator Kukovich, that when you hide behind a vote to table an amendment, that is a negative vote against the contents of that amendment, only you did not have the courage to put those votes up on the board. This is not the Governor's budget, and all we are asking is the time to deliberate, to open this up to the public, to invite the comments of the taxpayers who must pay the bill, and I just cannot for the life of me understand the rush to do this by mid-March, by the ides of March, when the revenue estimates by June 30 may be totally different, and what you think is a balanced budget today may not be a balanced budget in June.

So all we are asking, on behalf of the people of Pennsylvania, is time for public input, time for hearings, time for deliberation, time to consider other options, keeping in mind our duty to balance the budget. So it is not the Rendell budget. We have no idea what the Governor will do. I am sure he is hoping there will be time for public participation. I am sure he is hoping that plan two, step two can be considered in conjunction with this. This budget is a no-tax increase budget to preserve the status quo, but I think the people of Pennsylvania are very upset with the status quo. They are not content to be 48th in job development. They are not content that half of our 11th grade students cannot pass a reading proficiency examination. They are not content with the loss of jobs because of the lack of educational quality, because of the lack of educational funding equity.

So, all that being said, we know that you have the votes to shove anything down our throats that you want, be it tonight or tomorrow. We are just asking, please, let the people of Pennsylvania in on this. It is their money, this is not the Governor's budget, and I think that any arguments to the contrary are misleading. This is probably one of the most important things we do up here, and it is unbelievable that we are foreclosed from

offering amendments or getting votes on amendments, there are no hearings in the Committee on Appropriations. We may be able to save some more money after we get all the cabinet heads in and invite some public participation. So, I see the gentleman is pushing his button. Did he want to say something?

Senator BRIGHTBILL. Madam President, I was waiting for the gentleman to complete his remarks and then I wanted to make a motion, Madam President.

Senator O'PAKE. Be my guest.

Senator BRIGHTBILL. Madam President, could you recognize me? We are getting rather sensitive here that we are watching for button pushes. We are not usually so gentle with each other.

AMENDMENT A0167 TABLED

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

Senator BRIGHTBILL. Madam President, I move that the amendment be tabled.

On the question,

Will the Senate agree to the motion to table amendment A0167?

PARLIAMENTARY INQUIRY

The PRESIDENT. The Chair recognizes the gentleman from Westmoreland, Senator Kukovich.

Senator KUKOVICH. Madam President, may I ask the Majority Leader when he would bring these amendments back from the table? When he stated he does not want to do this, I guess he does want to vote it sometime. So as a matter of interrogation, I would like to know when he would bring them up, or if he would have amendments, which I would gladly support, since I am bipartisan.

The PRESIDENT. That would be debate.

Senator KUKOVICH. Madam President, it is interrogation. I would respectfully ask the Majority Leader when he would bring these back from the table.

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

Senator O'PAKE. Madam President, what is the answer? Has the gentleman agreed to interrogation?

Senator KUKOVICH. Madam President, could I ask leave to interrogate on one or two of those points? Will the gentleman stand for interrogation?

The PRESIDENT. It is a nondebatable motion.

Senator KUKOVICH. Madam President, it is not a motion. It was a parliamentary inquiry about when they would come from the table. I am not debating or asking about the motion. As a parliamentary inquiry, I am asking for interrogation on when tabled amendments would come back.

The PRESIDENT. Could you please come up here, Senator. (The Senate was at ease.)

The PRESIDENT. The Chair recognizes the gentleman from Westmoreland, Senator Kukovich.

Senator KUKOVICH. Madam President, I do not want to draw out a parliamentary inquiry as to whether interrogation is debate, so I will withdraw the parliamentary inquiry and will not ask for interrogation. I think we will have those opportunities tomorrow.

Thank you.

And the question recurring,

Will the Senate agree to the motion to table amendment A0167?

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

YEA-28

Armstrong	Greenleaf	Piccola	Thompson
Brightbill	Helfrick	Pileggi	Tomlinson
Conti	Jubelirer	Punt	Waugh
Corman	Lemmond	Rafferty	Wenger
Dent	Madigan	Rhoades	White, Donald
Earl	Mowery	Robbins	White, Mary Jo
Erickson	Orie	Scarnati	Wonderling

NAY-21

Boscola	Kitchen	Musto	Tartaglione
Costa	Kukovich	O'Pake	Wagner
Ferlo	LaValle	Schwartz	Williams, Anthony H.
Fumo	Logan	Stack	Williams, Constance
Hughes	Mellow	Stout	Wozniak
Kasunic			

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

And the question recurring,

Will the Senate agree to the bill on second consideration?

It was agreed to.

Ordered, To be printed on the Calendar for third consideration.

ANNOUNCEMENT BY MAJORITY LEADER

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

Senator BRIGHTBILL. Madam President, for the information of the Members, we will have a meeting of the Committee on Rules and Executive Nominations at the conclusion of the Calendar, which will be in about 2 minutes, and there will be votes on nominations following the meeting of the Committee on Rules and Executive Nominations, though we do not expect those to be controversial.

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR RESUMED

BILL OVER IN ORDER

SB 8 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION

SB 57 (Pr. No. 57) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for aggravating circumstances in the sentencing procedure for murder of the first degree.

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

BILL OVER IN ORDER

SB 109 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILLS ON SECOND CONSIDERATION

SB 188 (Pr. No. 212) -- 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 arson and related offenses.

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

SB 277 (Pr. No. 284) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 31, 1933 (P.L.1108, No.272), entitled, as amended, "An act providing for the appointment, promotion, reduction, removal and reinstatement of paid officers, firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the third class; defining the powers and duties of civil service commissions for such purposes; and fixing penalties," further providing for residency requirement.

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

BILL OVER IN ORDER

SB 319 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

RECESS

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

Senator BRIGHTBILL. Madam President, I ask for a brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations, which will begin immediately. Thereafter, we will be taking up Executive Nominations.

The PRESIDENT. Senator Brightbill requests a brief recess of the Senate. Without objection, the Senate will stand in recess.

AFTER RECESS

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

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:

SECRETARY OF COMMUNITY
AND ECONOMIC DEVELOPMENT

January 21, 2003

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, Dennis Yablonsky, 682 Osage Road, Pittsburgh 15243, Allegheny County, Thirty-seventh Senatorial District, for appointment as Secretary of Community and Economic Development, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, vice The Honorable Samuel McCullough, Wyomissing, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF GOVERNORS OF
THE STATE SYSTEM OF HIGHER EDUCATION

February 20, 2003

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, C.R. Chuck Pennoni, 411 Valley Glen Drive, Bryn Mawr, 19010, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 2006, and until his successor is appointed and qualified, vice Patricia K. Poprik, Doylestown, whose term expired.

EDWARD G. RENDELL
Governor

SECRETARY OF PUBLIC WELFARE

January 21, 2003

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, Estelle B. Richman, 713 Davidson Road, Philadelphia 19118, Philadelphia County, Fourth Senatorial District, for appointment as Secretary of Public Welfare, to serve until the third Tuesday of January 2007, and until her successor is appointed

and qualified, vice The Honorable Feather O. Houstoun, Philadelphia, resigned.

EDWARD G. RENDELL
Governor

NOMINATIONS LAID ON THE TABLE

Senator ROBBINS. Madam 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.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator ROBBINS, That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to by voice vote.

NOMINATIONS TAKEN FROM TABLE

Senator ROBBINS. Madam President, I ask unanimous consent to call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

SECRETARY OF COMMUNITY AND ECONOMIC DEVELOPMENT

January 21, 2003

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, Dennis Yablonsky, 682 Osage Road, Pittsburgh 15243, Allegheny County, Thirty-seventh Senatorial District, for appointment as Secretary of Community and Economic Development, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, vice The Honorable Samuel McCullough, Wyomissing, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF GOVERNORS OF THE STATE SYSTEM OF HIGHER EDUCATION

February 20, 2003

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, C.R. Chuck Pennoni, 411 Valley Glen Drive, Bryn Mawr, 19010, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until December 31, 2006, and until his successor is appointed and qualified, vice Patricia K. Poprik, Doylestown, whose term expired.

EDWARD G. RENDELL
Governor

SECRETARY OF PUBLIC WELFARE

January 21, 2003

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, Estelle B. Richman, 713 Davidson Road, Philadelphia 19118, Philadelphia County, Fourth Senatorial District, for appointment as Secretary of Public Welfare, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified, vice The Honorable Feather O. Houstoun, Philadelphia, resigned.

EDWARD G. RENDELL
Governor

On the question,

Will the Senate advise and consent to the nominations?

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

YEA-49

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

NAY-0

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Senator ROBBINS. Madam President, I move that the Executive Session do now rise.

The motion was agreed to by voice vote.

UNFINISHED BUSINESS SENATE RESOLUTION ADOPTED

Senators ORIE, DENT, SCARNATI, WENGER, ARMSTRONG, O'PAKE, TOMLINSON, MOWERY, CONTI, LOGAN, CORMAN, EARLL, D. WHITE, FUMO, ERICKSON, RAFFERTY, WONDERLING, WAGNER, A. WILLIAMS, TARTAGLIONE, KITCHEN, WAGNER, COSTA, GREENLEAF, LEMMOND, BOSCOLA, MUSTO, THOMPSON, STACK, SCHWARTZ, RHOADES, and C. WILLIAMS, by unanimous consent, offered **Senate Resolution No. 47**, entitled:

A Resolution designating the month of April 2003 as "Child Abuse Prevention Month" in Pennsylvania.

Which was read, considered, and adopted by voice vote.

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 Kyle Brown by Senator Boscola.

Congratulations of the Senate were extended to William H. Kantner III by Senator Conti.

Congratulations of the Senate were extended to William J. P. Mulgrew III and to Bryan W. Poulson by Senator Erickson.

Congratulations of the Senate were extended to Mr. and Mrs. James Chiavaroli and to Mr. and Mrs. William Whitley by Senator Helfrick.

Congratulations of the Senate were extended to Jack Craighead by Senator Hughes.

Congratulations of the Senate were extended to Sean Biddle, Tom Griser, Tony Pratt and to Melissa Mudge by Senator Logan.

Congratulations of the Senate were extended to Clara M. Hartung by Senator Mowery.

Congratulations of the Senate were extended to the Shillington Veterans of War Memorial Committee by Senator O'Pake.

Congratulations of the Senate were extended to Thomas Baldwin, Ira Keech, Steve O'Brien, Kathy Pritchett, Kathy Jansen, Deb Latchaw, Stephanie Muir, Charles DeLauter, Karen Sneddon, Rebecca Garland, Jessica Hovis, David Amspacher, Jeffrey Dellinger, Faye DeLauter and to William Naugle by Senator Punt.

Congratulations of the Senate were extended to Marc Cannon by Senator Rafferty.

Congratulations of the Senate were extended to Jeff Muldawer and to Richaleen Ray Atterbeary by Senator Schwartz.

Congratulations of the Senate were extended to Willie Torres by Senator Tartaglione.

Congratulations of the Senate were extended to the sixth grade students of Dallastown Middle School by Senator Waugh.

Congratulations of the Senate were extended to Mr. and Mrs. Darrell Emigh, Mr. and Mrs. Benjamin Pearce, Mr. and Mrs. Joseph Kish and to Mr. and Mrs. Theodore W. Hurd, Sr., by Senator D. White.

CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late David C. Howard by Senator Orie.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to by voice vote.

The bills were as follows:

SB 275 and SB 392.

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

PETITIONS AND REMONSTRANCES

The PRESIDENT. The Chair recognizes the gentleman from Lehigh, Senator Dent.

Senator DENT. Madam President, I just want to take a moment of the Senate's time to let them know that just last week Pennsylvania celebrated the 20th anniversary of the Ben Franklin Technology Partners. As many of you know, the Ben Franklin Partners were created in 1983, originally called the Ben Franklin Partnership. That program has been enormously successful, and we had a wonderful celebration last week here in Harrisburg, including the Secretary of the Department of Community and Economic Development, Dennis Yablonsky, and others who have been impacted by the program over the years. Some of the highlights of the program include that the Ben Franklin Technology partners has generated over 93,000 job years at a cost to the Commonwealth of \$3,342 per job year. Every public dollar invested in the Ben Franklin Technology Partners yielded nearly \$23 of additional State income, and the State garnered more than \$400 million in additional tax revenue as a direct result of this program, which exceeded the program's operating cost over that same time.

Another prominent guest who was at last week's celebration was former Governor Dick Thornburgh, who was the Governor who signed into law the Ben Franklin Program, and I want to read a quote from him. I think it pretty much says it all about this program. Governor Thornburgh said, "Ben Franklin was created twenty years ago in a time of economic recession and in the midst of tremendous technological change. We launched BFTP to commercialize new technologies and to keep ahead of the curve of rapid changes in production processes, product innovations, capital markets, and entrepreneurial development." He further stated, "Supported by three successive administrations and the General Assembly, Ben Franklin has evolved into a significant, dynamic resource that is helping grow and diversify the Commonwealth's technology industries."

I would also like to say as a board member of the Ben Franklin Technology Development Authority that many of us are very proud of the work that the program has done throughout the Commonwealth. With the four centers, one in the Lehigh Valley at Lehigh University, southeastern Pennsylvania, up in State College, and out in the Pittsburgh area, we have seen some tremendous advances in technology transfer. We have seen product and process development in critical industries, and for that we should all be grateful and we should be proud of what this General Assembly has done in a bipartisan manner over these past 20 years to help facilitate technology investment here in the Commonwealth. There is more work to be done, but we should be proud of this particular program because it has been emulated by other States as a model technology development program and many States replicated it, and we should be proud of our efforts, and I just wanted to take a moment to recognize the 20th anniversary of the Ben Franklin Technology Partners.

Thank you, Madam President.

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS REFERRED TO COMMITTEE

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

MEMBER OF THE PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION

March 11, 2003

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, Oliver Byrd, 6955 Penn Avenue, Pittsburgh 15208, Allegheny County, Thirty-eighth Senatorial District, for appointment as a member of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, vice Allen Wenger, Hershey, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION

March 11, 2003

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, Bishop William R. Clark, 1546 Woodlawn Avenue, Erie 16510, Erie County, Forty-ninth Senatorial District, for appointment as a member of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, vice Leroy Patrick, Pittsburgh, whose term expired.

EDWARD G. RENDELL
Governor

BRIGADIER GENERAL, PENNSYLVANIA ARMY NATIONAL GUARD

March 11, 2003

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, Colonel Jerry G. Beck, Jr., 20 Egret Circle, Denver 17517, Lancaster County, Thirty-sixth Senatorial District, for appointment as Brigadier General, LINE, with assignment as Deputy Commander, Headquarters 28th Infantry Division, Pennsylvania Army National Guard, to serve until terminated, vice Brigadier General John T. vonTrott, reassigned.

EDWARD G. RENDELL
Governor

BRIGADIER GENERAL, PENNSYLVANIA ARMY NATIONAL GUARD

March 11, 2003

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, Colonel Robert P. French, 26 Plymouth Drive, Jonestown 17038, Lebanon County, Forty-eighth Senatorial District, for appointment as Brigadier General, LINE, with assignment as Assistant Adjutant General, Headquarters State Area Command (-), Pennsylvania Army National Guard, to serve until terminated, vice Brigadier General Alan K. Fry, reassigned.

EDWARD G. RENDELL
Governor

BRIGADIER GENERAL, PENNSYLVANIA ARMY NATIONAL GUARD

March 11, 2003

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, Colonel Merrel W. Yocum, 301 Chestnut Street, Apartment 1314, Harrisburg 17101, Dauphin County, Fifteenth Senatorial District, for appointment as Brigadier General, LINE, with assignment as Deputy Commander, Headquarters 28th Infantry Division, Pennsylvania Army National Guard, to serve until terminated, vice Brigadier General Wesley E. Craig, Jr., reassigned.

EDWARD G. RENDELL
Governor

MAJOR GENERAL, PENNSYLVANIA ARMY NATIONAL GUARD

March 11, 2003

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, Brigadier General Wesley E. Craig, Jr., 1615 Brent Road, Oreland 19075, Montgomery County, Seventh Senatorial District, for appointment as Major General, LINE, with assignment as Commanding General, Headquarters 28th Infantry Division, Pennsylvania Army National Guard, to serve until terminated, vice Major General Walter Pudlowski, reassigned.

EDWARD G. RENDELL
Governor

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

March 11, 2003

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 Mason, Jr., 3285 Muirfield Drive, Chambersburg 17201, Franklin County, Thirty-third Senatorial District, for reappointment as a member of the Board of Trustees of Scotland School for Veterans' Children, to serve until the third Tuesday of January 2009, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

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

March 11, 2003

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 Titus, P.O. Box 174, Washington Street, Jefferson 15344, Greene County, Forty-sixth Senatorial District, for reappointment as a member of the Board of Trustees of Scotland School for Veterans' Children, to serve until the third Tuesday of January 2009, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

WEDNESDAY, MARCH 12, 2003

9:00 A.M.	LAW AND JUSTICE (to consider the nomination of Lt. Colonel Jeffrey Brian Miller as Commissioner of the PA State Police; and any other business that may come before the committee)	Room 8E-B East Wing
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider certain executive nominations)	Rules Cmte. Conf. Rm.

ADJOURNMENT

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

Senator BRIGHTBILL. Madam President, I move that the Senate do now adjourn until Wednesday, March 12, 2003, at 9:30 a.m., Eastern Standard Time.

The motion was agreed to by voice vote.

The Senate adjourned at 5:55 p.m., Eastern Standard Time.