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No. 20

SENATE

WEDNESDAY, March 12, 2003

The Senate met at 9:30 a.m., Eastern Standard Time.

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

PRAYER

The Chaplain, Reverend LYNN R. SCHULTZ, of First United Church of Christ, Carlisle, offered the following prayer:

Let us pray.

Almighty and gracious God, we pause long enough in the midst of another very full and busy day to thank You for Your gift of life to us and all the possibilities of this day that are before us. This is the day that You have made. We do rejoice in it and offer You our awe and praise. In the same breath, we also confess how we need Your presence if we are to live this day fully and faithfully. Life is difficult, not only for us as individuals who seek to be responsible to You and to our neighbor, but also for us as members of our communities, this Commonwealth, our country.

We have not asked for the current crises in our generation, but pray that You will help us to face them. Our ancestors in faith had to face their crises amidst war, winter, and their people's well-being. Now we must do the same in our generation. Therefore, we pray for all of those who govern us, who have civil and military authority over us, all of those who are heavily burdened with responsibilities and duties on our behalf, not only here in our neck of Penn's Woods concerning our common will, but also over there wherever our young women and men serve to protect and to defend the peace.

In dealing with the budgetary issues of this day, may Your spirit of discernment and wisdom, Your sense of shalom, not only surround every Member who serves the people in this venerable Chamber, but also abide with each of them and those who love them in their homes and those who care for them in their respective houses of worship, in church, in mosque, in synagogue, and in temple. You granted us such a gift of freedom, O Holy One, now grant us the gift to truly be free to do all that needs to be done here and now for our people, really, and for Your glory, ideally. Amen.

The PRESIDENT. The Chair thanks Reverend Schultz, who is the guest today of Senator Mowery.

LEGISLATIVE LEAVES

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

Senator O'PAKE. Madam President, I request legislative leaves for Senator Mellow and Senator Anthony Williams.

The PRESIDENT. Senator O'Pake requests legislative leaves for Senator Mellow and Senator Anthony Williams. Without objection, those 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 11, 2003.

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

Senator BRIGHTBILL. 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 BRIGHTBILL 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.

RECESS

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

Senator O'PAKE. Madam President, I request a brief recess so that the Senate Democratic Caucus can meet immediately in the caucus room at the rear of the Senate Chamber. It should be relatively brief.

The PRESIDENT. For the purpose of a Democratic caucus, without objection, the Senate stands in recess.

AFTER RECESS

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

CALENDAR

THIRD CONSIDERATION CALENDAR

PREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

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.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

Senator O'PAKE. Madam President, so here we are, the Senate Republican Majority stampeding to spend \$21 billion of taxpayer money, no thought given to allow the taxpayers and the public to have their say, no hearings in the Committee on Appropriations, for the first time in history, no deliberation, no study, not even the ability to vote on four amendments that we sought to introduce yesterday, nobody really with a clue as to what is

actually in this budget, and it is \$21 billion of taxpayer money. As a matter of fact, yesterday on the floor our astute Majority Leader said that this is Governor Rendell's budget. It was amended in the House of Representatives, and I am going to address at least one of those amendments in a minute. The only thing our friends on the other side seem interested in is playing the same old, tired partisan games, like the games slapped by the House in one amendment in the House of Representatives by the Republican Party. That amendment hamstringing our new Governor's ability to promote economic development and jobs, and if there is one theme, one reason that the people of Pennsylvania decided they wanted change was the commitment of this Governor to change the way we do business in Harrisburg and the way we attract new businesses to Pennsylvania. There is no doubt that we are in an economic rut and we have to do something to improve the jobs, the economic conditions, the attractiveness of our economic climate. Well, let us see how the Republicans responded to that.

It was okay under Republican one-party rule for former Governors Ridge and Schweiker to shell out more than \$260 million in the so-called Keystone Opportunity Grants for business projects during their 8 years. They were given carte blanche, no legislative interference, no strings, no rules. Now, the budget that we are voting on today, as amended by the House of Representatives, Governor Rendell would not be able to decide how the economic development grants would be distributed without going through the bureaucracy and IRRC and a lot of other hoops that they have imposed as a result of that amendment.

Specifically, Governor Rendell proposed \$50 million for the Keystone Opportunity Grant Program to develop jobs, economic opportunities throughout Pennsylvania for the coming fiscal year, \$28 million of which was already committed by the outgoing Republican administration. That leaves our new Governor with \$22 million for the program for economic growth and the creation of new jobs. But, according to this budget, as amended by the House Republicans and probably to be rubber-stamped here in a few moments by the Senate Republicans, Governor Rendell, with this amendment, will not be able to do his job in creating new jobs until the Independent Regulatory Review Commission and the Republican-controlled General Assembly sign off on a series of new regulations for the program. Is that not interesting? It really comes as no surprise that those new rules, whatever they are or will be, will not apply to the \$28 million already committed by our former Republican Governor. They are only applied to the Democratic incoming Governor Rendell.

What happened, Madam President, to all the talk about Republicans cooperating with our new Governor for the best interests of the people of Pennsylvania? This sure is not the way to show it, nor is the Republican mad rush to pass this budget that the Governor requested we hold off on until he had a chance to deliver his total plan. As a matter of fact, I think anyone can understand that the revenue projections that will be available now in mid-March are certainly not the revenue projections that are going to be available at the beginning of this fiscal year on July 1.

The lead story in The Patriot-News talks about the possibility of standing at the brink of war with Iraq. "President Bush is preparing to roll the dice on a high-risk gamble that could remake

the Middle East in America's image or trigger an explosion of violence, chaos and terrorism that shakes the world, shocks the economy and destroys his presidency." Sunday's Patriot-News. The impact here on our economy is totally unpredictable. What we do know is that what looks like a balanced budget today may be anything but a balanced budget on June 30, with the uncertain economic times that are bound to impact Pennsylvania, just as the recession of the last 2 or 3 years has devastated our budget here in this State.

Unanimously across the State, those people who watch what we do are amazed at this farce. And let me just quote headlines from just about every paper that has commented on this. An editorial in the Pittsburgh Post-Gazette, "Rendell's half-budget/Lawmakers should wait for the rest of the plan." They point out the need to have public hearings and citizen input into this \$21 billion spending plan. The Philadelphia Daily News: "Ed Rendell bet Harrisburg would be responsible. We all lost." Today's Philadelphia Inquirer, "Great Weird Way. Legislative theater of the absurd hurts need for a smart Pennsylvania budget." Delaware County Daily Times editorial, "Pa. budget: GOP wins, everyone else loses." Centre County Daily Times, "Senate should avoid House budget rush." People who are concerned about the future of this State have spoken out. The executive director of the Pennsylvania Council of Churches says, "The budget proposed by Governor Rendell only presented one side of the story. We need to let the Governor present the other side before a final decision is made in haste, needlessly harming thousands of Pennsylvanians in the process." Common Cause of Pennsylvania says, "The budget process should not be treated as some political chess match, with the citizens - and their needs and aspirations - treated as expendable pawns."

Madam President, I could go on and on. Unfortunately, by rubber-stamping what the House did, we are hurting the potential for solving Pennsylvania's long-term problems. As the Governor said early on, a no-tax increase budget is okay for preserving the status quo, but the people of Pennsylvania said in November they want changes to the status quo. They want improved educational opportunity. They want a better program for attracting jobs, economic development incentives. I do not know why we could not listen, why we could not reach out to the people of Pennsylvania. There may be better ways. The executive branch proposed a budget in the 4 weeks or so that he had to do it. It is amazing, it is astounding, it is a mockery to come in here without anybody knowing what is in that budget and asking us to rubber-stamp it. This is wrong, and I urge all rational men and women here in the Senate who are willing to put the people's interest above a narrow, partisan political chess game, to do what is right, give us more time to study this, give us more time to listen to the people of Pennsylvania, and I am sure that we can work this out in a way that we can all be proud of, rather than one process that we must be ashamed of.

Thank you, Madam President.

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

Senator HUGHES. Madam President, I think it is worthy, again, Madam President, to discuss this issue, and the Members, obviously, are clear, we would hope. And some may assume that they are not clear. But the public needs to know the fact that what

we do, what any legislative body does, whether it be in Washington, D.C., in the Congress, the U.S. Senate, here in the Pennsylvania Senate and the Pennsylvania House, at the State level, local city councils, township commissioners, whatever they do, whatever we do during the normal course of business of a year of work and activity, the most important thing that is done, notwithstanding any other piece of legislation that might come before us, the most important thing that is done is addressing the budget of that particular entity of government, the township, city, State government, Federal government, the most important thing that is done on an annual basis is making a determination of how the people's dollars are going to be spent. That is the crux of probably most legislation that comes through the process, the budget itself, and then everything else that revolves in the legislative process during the course of that legislative year. Most activities have some kind of budgetary implications. They impact on the dollars that are spent in that entity of government. So this is it. This is the most important thing that we will be dealing with in this legislative year, and we are just ramming it right through with no public discourse, no public conversation, no public back and forth about what it is that we are dealing with.

Senator O'Pake read earlier, and I think they are worthy of repeating, some of the editorial headlines that have come up in the last few days, just in the last 4 or 5 days that this issue has been around. The newspapers themselves, the editorial boards themselves have not had the opportunity to hear what it is or to understand and process what it is that is going on here. A Philadelphia Inquirer editorial, "Great Weird Way," I am repeating what Senator O'Pake said, because I think it is worthy to repeat it, and I think the public at large needs to hear this. "Legislative theater of the absurd hurts need for a smart Pennsylvania Budget," legislative theater of the absurd. The gambler, "Ed Rendell bet Harrisburg would be responsible." Our new Governor, elected with the mandate to do specific things, bet Harrisburg would be responsible. "We all lost." That was in the Philadelphia Daily News. The Pittsburgh Post-Gazette editorial, "Stop the Budget/The Senate should hold hearings, then vote." That is not what is happening today. "Thrash it out. State residents are entitled to hear a full debate on Governor Rendell's budget." Centre Daily Times, "Senate should avoid House budget rush." This is what Senator O'Pake talked about. This is what is printed in the newspapers that have had a chance to gather and to hear what it is we are dealing with. The Herald Standard, and this is real good, "Budgetary indigestion." That is what we are dealing with right here, Madam President, budgetary indigestion. That was on March 9 of this year. The Delaware County Times editorial, "Pa. budget: GOP wins, everyone else loses." All across the State, big cities, small areas, everyone who has had the chance, and that is probably the key thing, Madam President, most folks have not had the chance to see what is actually happening here because it is happening so fast.

The budget was introduced last Tuesday, 8 days ago, Madam President. You led us to the House of Representatives to sit in that Chamber to hear from our newly-elected Governor what his proposal was 8 days ago, 8 days to digest a 410-page document addressing \$21 billion of State spending. Then when you add on Federal expenditures and other expenditures that come in from various different places, it is over \$40 billion of spending that we

have to digest and vote on, and Pennsylvania's people will have to deal with it in 8 days. The process is completely obliterated, completely obliterated. Why is that important? Well, it is important because, number one, our newly-elected Governor, elected with a mandate, asked us to slow down. There are two parts to this. We have a budget that he has to put on the table. By law he has to put this document on the table, but in 2 weeks he wanted to provide all of us with additional information that would impact on the substance of what it is that he put out first. Now, by law, he had to put the first piece out there, but he also said that there was more coming, and he gave us an indication of what those issues would be: property tax reduction, fully funding public education, revitalizing Pennsylvania's economy in an unprecedented new investment of new dollars coming into Pennsylvania's economy. Deal with both parts, part one and part two, obliterates his request, a request, by the way, Madam President, that he was elected with a mandate to put on the table. But why is it important? Well, the process is important because the process, the hearing process itself, allows the public, through us, through the Senate and through the House and the various committees, the Committee on Appropriations in the House and the Committee on Appropriations in the Senate, allows the public to have input into what was put on the table, allows the public to hear the substance.

We do not get a chance to hear the substance now, Madam President; we do not. We are just rushing this thing right through, and the details in this 410-page document with \$21 billion worth of spending are going to be left on the table to be figured out somewhere down the line. Hopefully, we will get a chance to have some public conversation. It will be after the fact. The commitments will have been made. So it is kind of like, well, you know, what is the point? You have to do what you have to do, but this process moves down the line and the public is shut out. The voters and the average person gets shut out because someone wants to run this thing in 8 days. It allows the public to review the details, it allows the public to provide input, to call us, to call Members up and say, well, we like this, we like this, you need to know what the impact of this line item means on our program. We need to hear that. That stuff is vital to us, and it is even more vital, Madam President, in the time of a new administration. The cabinet Secretaries, the heads of the agencies who come before us are all new people. I would dare say about 90 percent of these individuals are all new folks. What happens in the process when we have our hearings is there is a back and forth. We hear from them and then we are allowed to share with them our perspectives on various programs that have been around for as long as we have, or maybe even longer. It is an institutional memory, an institutional history that we have, that we can assist these new heads of agencies to allow them to do their work. But now that is all gone, and 410 pages, here it is again, Madam President, 410 pages, line by line, paragraph by paragraph, subsection by subsection, section 214, section 212, look at this, stuff lined out. I do not know what this is all about. This must have been the stuff that the House of Representatives put in place that the Governor did not even introduce. We do not even get a chance to work on that. Look at this, lined out, lined out, lined out. Look at all of this stuff, Madam President. It is ridiculous. It violates the trust that Pennsylvania's people have put in us to allow us a fair discourse

on the substance of this document, so we can bring out all of the issues. It violates the mandate that Governor Rendell was elected to serve the people of this Commonwealth, because it tells him that he cannot put in totality his whole piece as he requested of us in a friendly gesture.

It has to be a "no" vote, Madam President, if you care about the public, if you care about the people of this Commonwealth getting a chance to voice their opinion, through the elected officials and directly to us and to the Governor, about what their concerns are and how this impacts on them. It is a violation, Madam President, and I ask everyone to vote "no" on this process.

Thank you.

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

Senator FERLO. Madam President, just very briefly on two personal notes. On behalf of many of my constituents, as well as myself and my staff, I would like to offer a personal note of condolence to our colleague, Senator Jubelirer, for the tragic loss of his family member. My sincere condolences.

Madam President, I want to thank the Chair. I think the Chair did a great job yesterday facilitating a difficult discussion, and I want to thank the Chair for all her hard work. I thought the Chair was fair and democratic yesterday, notwithstanding the successful attempt by our colleagues on the opposite side of the aisle to effectively cut off legitimate debate and discussion.

Being the first time here at the podium, though, I would be remiss if I did not at least take one opportunity again, very briefly, to thank the Senate leadership, especially within the Democratic Caucus, Senator Mellow in particular, Senator Furno, and a great professional staff, as well as secretaries, clerks, and everybody combined, who have really made me as a newcomer just in the last few weeks not only feel at home, but have really done a great job in facilitating my ability to adequately perform the obligations of my newly-elected position. So from the bottom of my heart, I want to thank all the staff and leadership for making me feel comfortable and giving me a good running start.

Madam President, I want to ask respectfully if the Majority Leader would stand for interrogation?

The PRESIDENT. Will the gentleman stand for interrogation?

Senator BRIGHTBILL. I will, Madam President.

Senator FERLO. Madam President, as I stated earlier, this is actually my first budget. Obviously, when I say that, I am saying that this is my first budget inside this Chamber as an elected Senator, it is certainly not my first budget from outside this Chamber, having served for 15 years as a public official in the city of Pittsburgh, and having served a lot longer in the capacity of being a consumer advocate on a broad range of public policy issues. But I am trying to understand exactly what the process is, and I will be honest with you, actually until about last week I thought I knew what the process was going to be. Now I am not so sure.

Madam President, does the General Assembly normally hold hearings on the budget?

Senator BRIGHTBILL. Madam President, in normal times they do.

Senator FERLO. Madam President, I was wondering if the gentleman could characterize more explicitly, if he could just

elucidate that point of "normal times." I am trying to get a sense, because I am not an historian of the Senate, and clearly, our colleague has a great knowledge of the history and the workings of the Senate. I just wanted to better understand the anomaly of the actions today and exactly whether or not this has been done in the past, where the public hearing process by the Senate, and the Committee on Appropriations in particular, has been averted. I do not know if I clearly understood the answer to that question.

Senator BRIGHTBILL. Madam President, normally the Executive gives us his total budget proposal at one time, not dividing the issue, and normally the Executive leaves open some options for the General Assembly, which I do not think that this Executive left open in his speech. I would particularly refer the gentleman to the portion of the speech, and I do not know if I have it here at my desk or not, but I am sure they are scampering around to get it now, where he made it very clear that even with his enhancements, he was not interested in going back and reviewing the cuts that he made. And I will read that portion to the gentleman, since he asked. What he said is, "And on March 25, I will be ready to submit my detailed Plan for a New Pennsylvania. That plan will provide a blueprint for Pennsylvania's future and will lay out the details of how we pay for it. 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." So these are not normal times, I would say to the gentleman. These are times that the Governor, the Executive, has pretty much grabbed the bull by the horns and said we are going to have to make tough decisions.

I remember being a new Member on this floor also, and I clearly remember being here 20 years ago as we debated a budget and then-Senator Jim Lloyd was on the floor. Senator Lloyd was a Member from Philadelphia, a very articulate man, and had run for Lieutenant Governor the year before, and this was either the first or second year after that election, I would judge. And I clearly remember him on this floor because he did such a terrific job, and I clearly remember his being on the floor and talking about how after months of debate and months of negotiations, there were things in this budget that he wanted to vote for and there were things in this budget that he did not like, Madam President. So that after the process, which suddenly has become sacred, at the end of the process, Members got up and decried the fact that there were positives and negatives in the budget. We understand this budget. We have a pretty good feel, we believe, of what is here and where the compromises are. And as I said yesterday, none of us are thrilled. Governor Rendell said he hates this budget. We may not like it either, but we think that when you are sick you take medicine, and this is the medicine that we have to take. We have to have a tight, fiscally constrained budget. Does that answer the gentleman's question?

Senator FERLO. Madam President, respectfully returning more succinctly to the explicit intent of my question, I wanted to know, to the Majority Leader's knowledge, have we ever not held hearings on the budget?

Senator BRIGHTBILL. Madam President, I thank the gentleman, and we do intend to hold hearings on the spending plan for this year. We are actually anticipating that, and I think that Chairman Thompson is going to be putting out a schedule in the very

near future. We believe that those hearings serve a number of purposes, and we do intend to hold the hearings.

Senator FERLO. Madam President, is the final effect of our vote today not in effect creating law in appropriations in final form?

Senator BRIGHTBILL. Oh, it is, Madam President. As a result of today's vote, we are going to pass a budget that is a no-tax budget proposed by Ed Rendell, and an "aye" vote supports the Governor, and a "no" vote does not support the Governor's budget.

Senator FERLO. Madam President, again indicating the fact that I am new, can the Majority Leader explain why budget hearings have been traditionally held? Why have they been traditionally held?

Senator BRIGHTBILL. Madam President, frankly, the process is actually a mixed process. The budget hearings are usually more directed at the overall public policy positions of the Governor and really do not get into the numbers a lot. What happens is that the numbers end up being talked about in the negotiation process that occurs here. So if you go to the budget hearings, what you hear is the broadbrush governmental policy movements that are being undertaken rather than saying that we are going to be buying pencils for \$10,000 and we are going to be bidding copy paper, last year we got it for a tenth of a cent a sheet, or something like that. What the budget hearings are for is to look at the policy initiatives and look at what we have done in the past. Did this policy work? Are we going to make changes in it? Maybe a Member gets to say we do not think this policy is working, the time has come to make a change in it, and those hearings will be held.

Senator FERLO. Madam President, just by way of trying to better understand the intent, assuming that the same majority votes in favor of the budget, whether it be today, or tomorrow, or later in the week, or 3 or 4 weeks from now, and assuming again there would be no net change in the overall budget totals, I am trying to understand what is so inappropriate about holding budget hearings? If the actual outcome, if there is an agreement, as was tried to be discussed yesterday, regardless of some wanting to increase the overall budget, if there is a presumption that the votes are there, whether it is today, tomorrow, or the next several weeks and that what we are actually talking about are changes within the budget line items with the net overall total result unchanged, I am still perplexed as to why we would avoid any level of public discourse and ability to scrutinize the actual appropriations by departmental and programmatic expenditure?

Senator BRIGHTBILL. Madam President, we believe that this is the time to act, and I think that if you review the Governor's speech, you will see that his language was exactly the same. One of the things that I heard the Governor correctly criticize the General Assembly for was that we do not take risks and we do not act. Well, we want to act. And the gentleman used the words "assumption" and "presumption." Those are words I am familiar with in the legal context, but the way you find out if there are 26 votes to pass a bill is to vote. And we will not know that until the vote has passed. We anticipate that there will be 26 votes. We believe today we can pass this conservative, tightfisted, no-tax budget, and we believe that position can erode in the future. We believe it is most responsible to pass this budget at this time to

put Pennsylvania on a solid footing to move forward. Remember, this was the Governor's plan, and to be very candid, my sense is that they did not start talking about do not pass plan one until they found out that we were thinking about passing phase one. This is the Governor's plan, and what we are doing is adopting his plan.

POINT OF ORDER

Senator FUMO. Madam President, point of order.

The PRESIDENT. For what purpose does the gentleman rise?

Senator FUMO. Madam President, the gentleman is leading, he is being deceptive by omission, and I do not think that goes to his motive. This is not the Governor's plan. The Governor was very clear in that the rest of--

Senator BRIGHTBILL. Madam President, point of order.

Senator FUMO. --the plan is in the totality.

Senator BRIGHTBILL. Madam President, point of order.

Senator FUMO. Madam President, I am trying to make my point. I have my point of order. The Governor said that on March 25 he will conclude--

Senator BRIGHTBILL. Point of order, Madam President.

Senator FUMO. --his budget plan. This is not his spending plan. This is one part of it.

The PRESIDENT. Will the Senator please yield.

Senator FUMO. Yes, Madam President.

POINT OF ORDER

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Brightbill, for a point of order.

Senator BRIGHTBILL. Madam President, I was responding to an interrogation from another Member, and Senator Fumo jumped up to interrupt. I believe it would be more appropriate if he got up under his own mantra at some time, asked to be recognized, and if he wants to take a different position regarding whether or not this is the Governor's plan, I think that is very appropriate, but this is the Senate of Pennsylvania, and we do need to maintain order.

Senator FUMO. Madam President, in response.

The PRESIDENT. We will have a 2-minute recess. Can the gentlemen come up here, please.

(The Senate was at ease.)

POINT OF ORDER WITHDRAWN

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

Senator FUMO. Madam President, in the interest of time, I will withdraw my point of order.

And the question recurring,
Shall the bill pass finally?

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

Senator FERLO. Madam President, in the interest of time, also, because I desire now to more explicitly talk about the bud-

get, and certainly many of my colleagues, at least on this side of the aisle, obviously would like an opportunity to speak, I do not know if we will hear much from the other side, and more importantly, given the disingenuous response where there is not an explicit response to explicit questions I am asking, I see this as somewhat of a futile interrogation. So I will move on and thank Madam President for the level of interrogation, at least for the few minutes that I was on the floor on that point.

But I would like to move on now, Madam President, more specifically on resolving the concerns I have and expressing my concerns about the budget. Obviously, I am going to end up voting "no" on this budget, but I feel a strong sense of responsibility to the constituents whom I represent, not only in Allegheny but in Armstrong and Westmoreland Counties, to give an explanation of why I would take the action of voting "no" on what has been characterized incorrectly as the Governor's budget.

I do not know what is more upsetting to me, and others have expressed it as well, I do not know if I am more upset about the process or the end product of what we are about to do by majority vote today. I find both equally distasteful, not only as a new Member of the Senate, but I think it is a complete abortion of the public process that we are obligated to perform in the due course and duty and responsibility that we have to act in the public's best interests and to fully set into law a budget which responds legitimately to the needs of the Commonwealth residents and all the institutions that serve people throughout 67 counties.

I want to make it clear, because there has been such an expeditious attempt to move this debate along and vote without any public discourse, no meetings with the Committee on Appropriations, public hearings, I would be remiss if I did not at least highlight very briefly some of the concerns and the impacts of some of these cuts that not only will affect Allegheny County, which I have some specific figures for, I do not have, because of the shortness of the time, a response from Armstrong and Westmoreland Counties, but certainly in proportionate numbers there would be similar cuts. In the area of aging, again, a very important area, just to have a 1-percent increase in effect, given just the CPI alone and other basic costs of inflation, collective bargaining awards, which certainly for these service workers are very low, unfortunately somewhat insignificant, but nevertheless represent a cost. In effect, when you only have a minor increase, you are actually talking about a cut in services for the elderly who have relied upon the institutional network of service providers throughout the three counties that I represent. And that is certainly equally true in the area of Children and Youth Services as well.

Most notably and most dramatically, there is a Draconian cut of 90-percent funding in Allegheny County for the human service department and development funds. That is a significant cut, not only by way of percentage, but in the aggregate total of amounts of money. And I want to draw just a couple brief points. I am sure, like other Members of the Senate, we have received an inordinately large number of constituent letters, calls, communications, responses from forums held back in the district, and there are two statements here that I received from a couple of constituents specifically regarding the Human Services Development Funds that would be cut in Allegheny County and are proposed in this budget. And this one individual is actually em-

ployed at the United Cerebral Palsy Agency, and to paraphrase, she has seen firsthand what a resource that agency can be for people, and to quote, these moneys are always used for people who have no other funding options available to them. Because an individual is diagnosed with a developmental disability does not mean that they automatically qualify for mental retardation services. This funding is vitally important to those individuals who have developmental disabilities but are not specifically or medically diagnosed with mental retardation. If it were not for this funding source, many of the people would be committed to long-term care in State-funded institutions. Many of these people are young and would live for years in an institution. The Human Services Development Fund serves over 10,000 folks alone in Allegheny County. And again going to some of the pontificating polemics that our Majority party colleagues spoke about yesterday, that this is penny-wise and pound-foolish, that this is an area that will necessitate individuals moving into higher levels of care at significantly greater costs ultimately to the State budget and to the public.

Another individual who is equally concerned about the Human Services Development Fund, and I quote, the people who receive these services are typically the ones who fall through the cracks. Again, this individual points out that some 10,000 individuals are receiving these services. And I think it is fair, although this one individual I am quoting now actually works as a human services worker in an agency funded through the Human Services Development Fund. I know oftentimes there is an attempt to dismiss those who go in every day and do the hard task that most individuals in this room would not enjoy having to do. Most of those human service workers are nonunion, they work for very low wages and benefits, and do an inordinate amount of work, and most do not want to take up that call. So I think it is fair when this individual points out their job, if this budget is greatly reduced, will probably result in a layoff. There are multiplying impacts of service cuts and budget cuts in the human service arena, and I think it is equally appropriate to talk not only about the direct care or lack thereof that will ensue, but I think it is also that we care about the people who care, those men and women who for very low wages do a good job every day to provide those kinds of services. And in effect, if they hit the unemployment line, what are the corresponding impacts to the State budget when they go and get unemployment compensation or require assistance grants or other kinds of services in order to support a working class family? Those are issues that rightfully could have been explored and discussed within a public hearing process and forum here at the Senate, and I guess I naively presumed that we were going to be so intelligent as to allow that discourse and discussion to happen, but apparently that is not the case.

We have a program in Allegheny County that will be cut by 37-percent funding, an intermediate punishment program. Again, this is the infamous alternative sentencing program. It is a controversial issue. There are pros and cons on each side, especially in regard to community and neighborhood impact, but the fact of the matter is that there are large numbers of individuals in correctional institutions who would be better off and more productively dealt with through community treatment and alternative sentencing programs. One cannot really fulfill that wish, even conserva-

tive judges in Allegheny County who are "hang 'em high" judges are now basically asking for alternative sentencing options, that we provide them that instructive language so they have those options. We are greatly reducing those moneys. Again, it is penny-wise and pound-foolish. There is no discourse here through public hearings and appropriation policies to be able to talk about those impacts. In the end, if folks stay in at greater length in State correctional institutions, and given the overcrowded nature, even the Secretary of Corrections spoke eloquently about the large increase in the prison population, it is something that we really needed the opportunity, under the microscope through Senate hearings, to discuss.

Something that is of concern not only to the urban communities but certainly to suburban workers who need to get in, at least in the city of Pittsburgh, to downtown and certainly to the lifeblood of the city of Pittsburgh, and that is the Oakland corridor of medical and health care and educational institutions, is public transit and Port Authority funding, which is going to see a significant 6-percent reduction on top of a reduction that occurred last year that necessitated a significant rate increase for those working individuals who get on that bus every day. And I know some in this Chamber and across the counties that we all represent perceive that this is an urban issue. It is not an urban issue. There are a lot of individuals who live in urban areas who need to go out on those buses to retail malls that service the nonurban areas. There are a lot of suburban workers who find it a much more cost effective and pleasant trip to get on the bus rather than grapple with parking and other costs. To greatly reduce that operation really runs counter to the productivity of individuals who are seeking and want to maintain employment in the communities in which they work. I am very concerned also about probation and parole funding for juveniles, which has a significant reduction.

There are other cuts that are outlined in this budget that include significant reductions, again, a 5-percent reduction in most social service grants, including those for domestic violence, rape crisis, and services to the homeless. The basic education subsidy and the special education subsidy remains the same, but the real impact again is a cut with inflation alone. Other valuable educational programs are significantly reduced, including the Safe Schools Initiative, improvement for library services, professional development, school improvement grants, educational support services grants, and technology for nonpublic school grants. In behavioral health services, again, funding drug and alcohol, very vital, necessary programs, \$48 million was zeroed-out of the State budget. Successful elimination of the sewage treatment plant operation grants, which many small towns and communities that I represent, not only ALCOSAN but others at the small community level that they greatly rely on, we know it is going to happen. Again, we get to say no-tax increase, but the ratepayers back home will eventually bear those additional costs. I pointed out earlier that my grave concern, given the overcrowded nature of some of our correctional facilities, that, in effect, there will be a moth-balling of SCI Pittsburgh and presumably a delay of the SCI in Forest. Again, those are significant concerns that I have, Madam President, that certainly make it extremely easy to vote "no" on this budget.

Again, I just want to point out, and I am trying to summarize because I know other colleagues want an opportunity to speak,

we are getting beat up with the Rendell club here today by the Majority Leader and others. And we can all extrapolate and point out areas of his overall Budget Address, but I, for one, want to thank the Governor, because he basically sat and came here with open arms to both sides of the aisle and said he would like to do business differently than in the past and would like to provide an opportunity to actually engage in some public debate and discourse about what our priorities need to be. The seventh sentence into the Budget Address by Governor Rendell is the following: "The budget discussion that begins today...." I do not know what "begins today" means, but I presume that regardless of the fact that his signature is on this, I think clearly he presumed that there would be legitimate debate about the prioritization of the expenditures, and he said that very clearly. He later on in his Budget Address not only said, "I hate this budget with every fiber of my body. These painful cuts will do nothing but balance the budget. But this budget does nothing to change our future, nothing to change the conditions we find ourselves in at the present, and it will doom us to repeat the past. I don't like this budget - not one little bit - and I pray that it is not enacted until we can complete it with a realistic plan to revitalize our economy, our public schools, and our state and local tax structure." He clearly had the intent or the expectation, unfortunately inappropriately based on the actions of the Majority in the House and the Senate, that he was going to be given a fair shot at a preliminary introduction of the budget with an opportunity to engage in this debate and discussion, and that has been summarily dismissed and aborted by the Majority. I could go on and extract comments by the Governor, but to his credit, I think he wants to do things differently, and I am just totally resentful of not only the process, but even as difficult as it was for the Governor to accept that these are hard times and cuts have to be made, I do not read in any of his documents or statements to date in the media that he was not willing to at least engage in the legislative process to hear what could be increased or decreased, are there other revenue sources we can look at, and I do not believe he wanted this legislative process summarily aborted by the Republican Majority.

I will just close again, Madam President. Time does not permit me, but if I could be permitted to submit into the public record here today a number of letters, seven in particular, from very prominent constituencies in my district. I would like to actually read from them. I will not, in the interest of time and moving the debate. Actually, my worst fear is that they are moved quickly to, once again, table democratic discussion and my other colleagues will not be afforded an opportunity.

Again in closing, I will consistently vote "no" with every strength, fiber, and bone marrow of this little body on this budget. This is a budgetary lack of due process. There is a perfidious wrong being committed by the Republican Majority here today and in the House, and I think the actions of their party and their rush to judgment will create a woe for many of the people whom we are elected to serve. And I think some of these folks are running around, they think it is a joke, it is cute, we got it in, we got it early, we rushed it to judgment, we can go home, but I think the people whom we have been elected to serve, regardless of their party persuasion, expected us to have democratic discussion and discourse. This is a disgusting process, and I think it is extremely unfair, unwarranted, and I ask that all my colleagues join

together in supporting Governor Rendell and vote "no" on this budget and let us live to fight again another day.

Thank you, Madam President.

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

Senator PICCOLA. Madam President, when I was a kid growing up, and to some extent even today, I was a science fiction aficionado. I enjoyed watching and reading science fiction, and I can remember watching some old "Twilight Zone" episodes where the protagonist is somehow transported into a parallel universe, where everything is opposite of what you think it should be: good is evil, evil is good; right is wrong, wrong is right; black is white, white is black. And for a moment this morning, Madam President, I thought I was in the middle of a "Twilight Zone" episode transported into a parallel universe where Republicans are Democrats and Democrats are Republicans. Governor Rendell came to Harrisburg with a plea and a request and a pledge to act in a bipartisan way, and he presented a budget that, and I will talk a bit about that in a moment, really is not a bad budget at all, given the circumstances of the fiscal state of the Commonwealth, and it has been embraced by the opposite party, the Republican Party, and what I am hearing today is the other side of the aisle, the Democratic Party, criticizing his budget, and so I am a little confused and I hope we are not in a parallel universe, Madam President. I do not think we are, because I put science fiction in its perspective and in its place. There does seem to be, however, some dispute over whether this bill that we are passing today is the budget of Governor Ed Rendell, and this bill embodies what is in this budget book that each Governor sends to a printer and places before us the day he delivers his address, and as a preface to this book, the Governor inserted a letter dated March 4, 2003, addressed to the people of Pennsylvania, and I am going to read the first paragraph: "Pursuant to Article VIII, Section 12 of the Constitution of Pennsylvania, and Section 613 of the Administrative Code of 1929 (71 P.S. Section 233), I am transmitting to your representatives in the General Assembly my proposed budget for Fiscal Year 2003-2004." I think this is Governor Rendell's budget.

Now, there is some criticism of the process, that we are stampeding without any thought whatsoever to what is in this particular budget bill. There is a long--and anyone who has been around here any amount of time at all understands this and knows this--there is in fact a long process in which a Governor's budget is formulated. It actually begins in the fall of the previous year when initial requests are sent up to the Budget Office and they are reviewed, and then when the new Governor comes in he further reviews them and his Budget Secretary analyzes them and I do believe, based upon the presentation that I received by the Governor's Budget Secretary, and many of you were at the same meeting that I was, where he addressed us and told us the process by which he arrived at these numbers, that a lot of thought did go into making this budget. And I commend Governor Rendell for the thought that he and his staff put into producing this budget document.

Now, we have also heard that the public has not had the opportunity for input through budget hearings. I do not know how much the public participates in budget hearings. I do not recall ever seeing rank-and-file members of the public very often testify

at budget hearings, but I would submit that there has been a public process for this particular document, and the Governor himself speaks of that process. Two days after he presented his budget to us, when he was in Greensburg, and this was a press conference that he held last week, he said, "When I was in Greensburg, I not only met with firefighters, but met with advocates for the drug and alcohol treatment programs that we had been forced to cut. I talked to them. I listened to them. I tried to explain to them why those cuts were necessary. I tried to explain to them that it was a choice between doing those types of cuts or taking people off of medical assistance like other states have done," end quote. And then he goes on to say in the same interview, "[T]he honest truth was I could produce a balanced budget, [which] administered some pain, but a balanced budget without raising taxes, by doing things that in my judgment we should have been doing here for a long time. And, I presented that budget to the people, a no-tax budget that is a no-change budget." So I submit, Madam President, that there has been public discussion. In my own county, and I am quoting from a Friday, March 7 story that appeared in The Harrisburg Patriot-News, and since we are relying so heavily on the editorial writers and the headline writers in Pennsylvania, I might add that the headline characterizes the story about the Rendell budget, and the effect of some of the line items on the various county spending programs was discussed. And with respect to my county, Dauphin County, one of my county commissioners, Anthony Petrucci, who is a Democrat, was quoted and said that the Rendell budget should prompt the county to curb spending. Commissioner Petrucci said, quote, "The opportunity is to become more responsible with the resources we are allocated," end quote. That was a very responsible and responsive quote from Commissioner Petrucci.

I am confused, Madam President. It seems that we on this side of the aisle are being criticized because we are supporting our Governor and our Governor's budget, and there is another Democratic Party out there that is criticizing our Governor's budget and does not want us to vote for it. The Governor himself makes the best argument for adopting this in various statements that he has made in the last week. "This budget makes sense," Rendell said. "It has cuts that are absolutely necessary." That was in The Harrisburg Patriot-News, March 9.

He said in the same edition, "When you look at other states, gosh, I don't think they should be whining," Rendell said of his critics [who oppose the cuts]. "I think they should look upon us as angels of mercy."

He said his budget has pain, "but I believe it is moderate and temperate pain as compared to our brethren states."

"Compared to what other states are going through, it's a walk in the park," Rendell said...." And that was in the Wall Street Journal last week.

Madam President, this budget does not just contain cuts, which tells me that it was a well-thought-out, well-strategically-placed budget. It contains some spending increases as well. A \$25 million increase for volunteer firefighters and EMS, the Main Street program is increased by \$5 million, the Elm Street program is increased by \$5 million, mental health services are increased as they relate to services by about \$31 million or \$32 million. Veterans homes are increased by \$7 million.

Madam President, under the circumstances of this economy, and I think the economy in Pennsylvania is mirroring the national economy, but under the circumstances of this economy, Pennsylvania, is relative to our sister States, very well-positioned, and Governor Rendell has rightly acknowledged that. And this is a remarkably good and responsible response to State government spending in the context of that economic situation. It is a budget that is balanced. There is no deficit after we pass this bill today. We do not talk anymore about deficits because they do not exist. It is a good budget because it does not raise taxes, and the last thing we should do after we tried everything else in the context of a bad economy is to raise taxes and take money out of people's pockets, out of the private sector's pocket, and put it in the government's pocket. Governor Rendell recognized that when he sent us this budget, and we should commend him for doing that.

It seems to me, Madam President, that the people who do not like this budget simply want to spend more money, money that Pennsylvania does not have unless we raise the taxes. So I suggest, Madam President, that this is a very, very good vote to adopt this budget for the next fiscal year. It will be a record-setting vote because it will be an adopted budget earlier than any in history. We should get about that business, and then if the Governor has another package he wishes to send to us, which he tells us he does, we should take that up in due course and give it all due and fair consideration.

Thank you, Madam President. I urge the adoption of the budget.

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

Senator SCHWARTZ. Madam President, I am pleased that I can get up and speak today. I did make a few comments yesterday, and I am also glad that I actually followed the previous speaker, because when he read the sentence about the Governor's budget and stated that the reason we ought to pass the budget today is because the Governor sent us, quote, "not a bad budget," it is Rendell's budget. He read the line, "Governor Rendell's proposed budget," and he is sending it to the representatives of the people. The two pieces of that sentence that the previous speaker neglected, and the other side of the aisle is neglecting, is that it was the Governor's proposed budget, and that he sent it to us, the people's representatives. What we are doing today by passing the budget, and it is a balanced budget and it is a no-tax budget, and I would be delighted, and, first of all, constitutionally, I have to vote for a balanced budget, we have always done that, but a no-tax budget would please me tremendously. But what he neglected was to actually take seriously the fact that the Governor sent us his proposal and has asked us to represent the people of Pennsylvania and to contribute our ideas to improving that budget. Now, it may be that we would have no ideas. Apparently the other side of the aisle does not have any suggestions for this Governor about how he might actually make some changes in this budget. But we know, Madam President, that we have been here for some time, we represent the interests of the people, we want to understand the consequences of this lean budget, this budget that contains quite a few cuts, many of them necessary, but we want to and have an obligation as Senators to represent our people and the interests of the Commonwealth and to contribute to the budget process. And while it is always good to look

efficient and to move quickly, the fact is that there is no difference whether we pass the budget today or we do it after several weeks of deliberation. This budget does not go into effect until July 1. There is, in fact, ample time for us to give this budget fair and due consideration, as the previous speaker suggested we do for future proposals. But we are not doing that.

Madam President, we have not done what we need to do on behalf of the people. And these are tough times in Pennsylvania and in this country. Unemployment is up, businesses are not making the investments for new jobs that we need them to, and we also know that the State revenues are down, so what are we to do? We are to pass a difficult budget, there is no question about that. We are going to see in our budget cuts that none of us are going to be happy about, we know that, but for us not to consider the consequences, for us not to say maybe we have some way we can contribute to move some dollars from this pot to that pot in order to spare some of those difficulties. If we know that our hospitals are already in trouble, is that the right place to cut? If we know our young people are having a hard time being able to afford college tuition and their tuition is going to go up, is that the right place to cut? Now, maybe when we are at the end of this process we may decide that is the best place to cut, but we do not know that right now. And the Governor has reached out to the legislature, reached out to Republicans and Democrats, and said this should be a bipartisan budget, that we should move forward and we have to move Pennsylvania forward, and we should do so in a bipartisan way. He has reached out to the public and explained and is willing to travel around the State to explain this budget to the people of the Commonwealth of Pennsylvania. But he is also a Governor who is open to ideas, who is demanding from us creativity and innovation and ability, to not only do what is right for today, but to think about the future of Pennsylvania. And we are, by passing the budget today, making a joke of the process, of our obligation as representatives of the people to speak up on their behalf, to represent the best ideas, to be smarter about government, and we may well have those ideas. By moving the budget today, we are making light of the process, and I, for one, take very seriously my obligation not only to my constituents, but to the entire constituency of Pennsylvania, to be able to do it right, to use those hard-earned tax dollars as best as we possibly can. And we do not know today that by refusing to give voice to not only the administration and the Secretaries who have come before us in hearings of the Committee on Appropriations, to the many constituency groups, to the people who might meet us on the street when we go back to the districts and say, wait, how could you do this, this is a better idea. There may be some really better ideas out there.

In this process, we have an obligation to bring those ideas forward, to participate in a negotiated budget. There are no negotiations. The other side of the aisle is saying, this is it. We are taking this Governor's budget and we are passing it as is. But, again, let me say to you, we are expected, in a democracy, to have a debate that actually says we are going to bring ideas forward, that we are going to come up with other ideas, and then we are going to do our best in using our taxpayers' dollars wisely and well, to do what government is expected to do and to be clear about what we cannot do because these are difficult economic times. We could do that. But I take seriously the obligation I

have to the people of Pennsylvania to create a balanced budget, possibly a no-tax budget, that would be acceptable to probably most of us. But we cannot do that unless we understand the consequences to the people, and we cannot do that without hearing from our Governor about his plans for the future. We did not dictate this process, this is the process we have been given, but we are rejecting the opportunity we have to do better for the people of Pennsylvania. We are not acting as smart as we are, as smart as we could be. We are not acting to move Pennsylvania forward by passing a budget without that kind of input. And I, Madam President, as much as I would like to vote for a budget that is balanced, and I will, and one that may not even include increases, I want to do so understanding those consequences, and I want to do so after I have had the input of all the best ideas that exist out there, and to do it in the best way possible for the people of Pennsylvania. By truncating the process, we have rejected that, and I, for one, do not want to participate in that rejection. I want a due and fair process, and that is not what we are getting today.

So, Madam President, I will vote "no" on this budget and I hope that we can move Pennsylvania forward toward a better day, and we are not doing that on behalf of Pennsylvania citizens today. By refusing to hear from them and refusing to offer our input, we have rejected our obligation as Senators, and that to me is unacceptable, Madam President.

Thank you very much.

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

Senator THOMPSON. Madam President, I rise in support of this budget. The Governor has proposed a budget which accurately reflects fiscal reality here in Pennsylvania. It does inflict pain. It inflicts pain on all of us, but it also reflects courage and determination on the part of the Governor to require the Commonwealth to live within its means by reducing expenditures rather than raising taxes at this point. It is not taking the easy way out of a problem at all; it is facing a problem head-on.

I also want to commend the Governor for finding some resources, albeit one-time resources, that we overlooked last year in putting the budget agreement together. Actually, this money is well used and something that we were criticized heartily by the other side of the aisle for doing last year in order to balance last year's budget. What the Governor has done is meet his constitutional requirement as far as providing a budget is concerned, and there is no question that this budget addresses the status quo, a status quo that changes from week to week, and one that also will allow us to continue the ship of State while we discuss his vision for the future and one that is a vision for all of us: tax reform, economic development, and school funding, issues that are important to all of us, issues worthy of full discussion, and issues worthy of public hearings. We can do that by passing this budget today without the July 1 sword of Damocles hanging over our heads, that all government operations will stop because the budget is not passed by July 1 because certain other parts of the budget have not been agreed to.

This spending plan is a bitter pill to swallow, but it is medicine that has to be taken. We have heard a lot about the lack of hearings, a lot about the lack of public input before the passage of this budget, and the public being denied their right to express

their views. I do not know about you, but my district office phone continues to ring, my e-mails continue to come in from constituents and from interested parties throughout the Commonwealth. My Harrisburg office has been filled with visitors, as I am sure all of your offices have, with public input over the last few days, and my phone at home has been ringing occasionally with people calling expressing their concerns. The public is expressing its concerns. So it is important that we have public input and the public's ability has not been deterred because of the fact that we have not had the hearings that everybody is talking about.

Furthermore, we will have 20 hearings in the Committee on Appropriations on the second part of the Governor's vision for the future. Those hearings have been scheduled, they are being rearranged, and that schedule will be out to all Members and all Members are invited to attend. Those 20 hearings certainly will give the administration ample opportunity to address their concerns, address their ideas for the future, and we can look at it in context with the stop-gap budget, the constitutional budget, the here-and-now budget we continue to have in our back pocket as an insurance policy so that government continues.

So, in summation, the Governor is meeting his constitutional requirements in providing a balanced budget, and I commend him for not increasing taxes to do it. This is two-part process, a two-part process that he himself asked for, and we will have full discussion on his second part. I do not think I have to tell any of my colleagues in here that the budget process is an ongoing process. Nothing precludes us from further review and revisions as revenues and expense pictures clarify during the course of the year and into next year. Just as Governor Ridge and Governor Schweiker and Governor Rendell rightfully reduced and froze spending because of the slowdown in revenues already during this fiscal year and last fiscal year, that may continue. But we also have the obligation to monitor those revenues and make changes in the other direction if those revenues increase and the whole picture brightens during the fiscal year and between now and the beginning of the fiscal year. So, Madam President, for those reasons, I ask for a "yes" vote.

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

Senator COSTA. Madam President, I rise this afternoon to also state my opposition to this year's budget proposal as put forth by the Governor.

Madam President, on numerous occasions, Members of this Chamber have stated on various issues, including lobbyist disclosure information, open record laws, Sunshine Act legislation, that sunshine is the best disinfectant. Unfortunately, the process that we are going through today will not allow that to take place. As several of my colleagues on this side of the aisle have stated very eloquently, the process is a disgrace. It is disgraceful that we are now moving in simply 8 days with one of the most important budgets that we have dealt with in decades. One of the most important budgets that we have dealt with in decades will have 8 days of deliberation and will conclude probably in one of the earliest times in history, and that is very disturbing to me, Madam President. I recognize that the previous speaker indicated that we will still have hearings in the Committee on Appropriations. It is my recollection, however, at the most recent hearing of the Committee on Appropriations that we had, the one and

only hearing we have had up until this point in time, dealing with the Public Utility Commission, which as I understand correctly may not necessarily be part of this budget, which is very disturbing because we have not had a single hearing on any of the aspects of this particular budget. But it was stated at that time that we will have a new schedule of hearings. Many of the departments that, quite frankly, I was looking forward to learning a great deal more about, their line items and the like that are contained in this budget, as a new Member of the Committee on Appropriations, I was looking forward to that opportunity to learn more about those departments, but that may not happen, Madam President, because as I understand it, some of the hearings may in fact be reduced to just a handful of departments and a handful of programs that will deal specifically with, as will be referred to as Rendell II or part II of the budget process, as the Governor so clearly outlined in his Budget Address.

Madam President, my colleague from Dauphin County made reference to the letter affixed to the front of the Governor's Budget Address, and he made reference to the first paragraph. I would like to read into the record, Madam President, the last paragraph, because I think it clearly states the intent of the letter that the Governor affixed and also the intent of the understanding that the Governor had, as I believe the understanding he had with respect to this proposed budget. And it reads as follows, Madam President: "While we will never flinch from making tough choices to reduce spending, cut waste and increase our taxpayers' return on their investment, we must also understand that the current budget proposal represents only the beginning of a new day for Pennsylvania. While our current realities are sobering, it is with a great sense of optimism that we can look forward to working together to achieve the revival of our economy, the renewal of our communities, and the rekindling of our belief that we can chart a better future for the next generation." Madam President, I submit to you that the intent of this particular document was to begin the process, as has been stated by my colleagues, and to allow both sides of this General Assembly to work in conjunction, working with the Governor to state exactly what it is, the new course of Pennsylvania, that we must embark upon.

Now, Madam President, my colleagues have already made reference to a series of editorials that have been published throughout our Commonwealth, and again, from all parts of our Commonwealth, editorials that clearly ask us to slow the process down. And I might add, Madam President, that the last opportunity in the General Assembly for this process to be slowed down lies here this afternoon with my colleagues. All of us here in the Chamber have the opportunity to begin to slow the process down, to allow for the open process, if I may, Madam President, to let the sun shine in on this document. If this document is as wonderful as has been portrayed by the previous speakers on the other side and addresses many of the concerns of Pennsylvanians, why the need to do it today? Why not wait? Why not wait until we have the opportunity to hear the Governor's second part of his budget proposal and let the sun shine in on this document so we have an opportunity to fully appreciate, to fully understand the nature and the impact of what this document does to the residents of our Commonwealth?

Madam President, one editorial in particular that I want to point out is from the Pittsburgh Post-Gazette, and that editorial

says it very clearly. The editorial, dated March 10, is entitled, "Stop the budget/The Senate should hold hearings, then vote." In that editorial, Madam President, it says, "This relentless march to passage has become the mother of all open-records issues." And I agree. This is the epitome of an open records issue. If there was ever an opportunity for the residents of this Commonwealth to understand State government and what role we play and the impact we will have, undoubtedly have, on their lives at the end of the day, this is the time. And this Chamber, just last year I believe, enacted revisions to the open records law. What we will do today is another example of what we do time in and time out. We say one thing, Madam President, to other organizations, to other individuals, and we tell people what they should do, but when it comes to us, we do not want to take the opportunity to look at ourselves and say that we need to do what we are telling people to do. We are far too often saying, do as I say, not as I do.

Madam President, we did open records law. The idea, the fundamental basis of that law, was to make certain that the public had access to information about State government. But here today, in a short 8 days, what we are doing is simply saying do not worry about what we said with respect to open records of State government, and I recognize it does not apply to us. But my point is, the fundamental basis of open records law is to allow the public to have public disclosure about what it is that we are doing, to let the sun shine in, Madam President, if I must. That is what the bottom line is. We are not doing that. As it relates to Sunshine Laws and other laws where the goal and the purpose, the direct purpose, is to let people be informed, we are not doing that here today. And it is no different than the amendment, as I understand it, that was stuck in the budget over in the House. And when you talk about this being the Governor's budget, I must point out, as some of my colleagues may already have done, that there were amendments added over in the House that clearly were not part of the Governor's Budget Message as well. One in particular stands out, which we tried to discuss on this floor yesterday and we were denied the opportunity, is the issue with respect to the 8 percent with school districts, that if they have a surplus, they are limited to 8 percent. We are telling them what they should do with their dollars, the people's dollars, but yet we do not want to take responsibility for ourselves for slush funds that we have in this Chamber and in this General Assembly, we do not want to take the opportunity to do as we say.

Again, Madam President, the bottom line, the goal is that we need to make certain that the public understands the process that we are going through. We have been denied that process and will continue to be denied, and we need the opportunity to continue to discuss this budget as we move forward. I encourage my colleagues to stand up and walk over to those windows and open those blinds and let the sun shine in on this particular document. As was stated so many times, Madam President, this budget is a good budget. Let the sun shine in, let the sunshine be the best disinfectant. Up to this point in time, Madam President, that has not occurred. As I view this particular budget at this point in time, not so much the budget, but more importantly the process, the process that this Chamber has gone through is deplorable, and we need to make certain that we do not let this happen.

Madam President, please, and I call upon my colleagues on the other side of the aisle, let the sunshine be the best disinfectant with respect to this budget.

Thank you, Madam President, for your patience.

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

Senator KUKOVICH. Madam President, I think many of my colleagues have laid out some of the problems with the process, but I do want to make it clear how unprecedented this process has been. We have talked about how early it is to pass a budget. This has never happened before in our history. As a matter of fact, in the last eight budgets, they were settled in June in 1995, June in 1996, late May in 1997. The earliest was late April in 1998, and at the time that was viewed as quite an aberration. In 1999 it was in May, in 2000 it was in May, and 2001 it was June, and last year was June 28. And during almost all of those times we had surpluses, sometimes record surpluses, and still we deliberated and we worked out those budgets before June 30, but also much later in the year. We have never had a budget pass and then had more hearings afterwards. There has never been a Governor who has faced this kind of deficit in his first year. In 1995, when Governor Ridge began, he had a surplus in excess of \$500 million, 8 years before that, in 1987, when Bob Casey became Governor, he had a surplus in excess of \$400 million, 8 years before that, in 1979, when Dick Thornburgh became Governor, we were in the middle of a deficit situation, but he only had a deficit--which at the time was viewed as a serious problem--of \$20 million. There has never been a time that a Governor has begun an administration with a deficit situation like this.

In this budget, contrary to what has been said from those who wish to vote "yes," this is not a balanced budget, because never before have we passed a budget without the enabling legislation that surrounds it, usually a package of 6 to as many as 12 bills. And just looking at the Governor's Budget Message, in order to balance this, we cannot do it with this budget. We need to shift funds from the Rainy Day Fund, we need to shift funds from the Tobacco Settlement Fund. We need to recalculate the escheat dormancy period. The list goes on and on of things that would need legislation in order to accomplish a balance. This being voted on today is not a balanced budget without the surrounding legislation. I would also point out, and it has been brought up, about the \$25 million for volunteer firefighters. What we are seeing today is not what the Governor presented and is not his budget. I know a lot of the Members have been staying up late to read this budget so they will be prepared for a vote today on March 12, but if you take a look at page 330 of the budget--thank you, Senator, for looking that up--I think they are lines 14 through 18, I spent many sleepless nights reading it the last 8 days, but on that page it says that money cannot be spent without enabling legislation. So if you vote for this, please do not go home and say that the fire departments are going to get funds, because we still have to come back, if we can find the votes, and vote for the enabling legislation to do so, without even knowing what that enabling legislation would look like. Maybe the Majority will decide that they will spend that money in every county except Westmoreland. I do not know. It makes it pretty difficult to vote for this particular budget.

For those at home who are not real excited about the budget-making process, what we are doing today, if this passes, is like saying we would like you to write out a check on your account for about \$21 billion. Of course, you will have to trust us to put that into your account later. I do not think anybody feels that is responsible. I think whenever my colleagues complain about the process, they are worried not simply about this budget. What I am worried about is if this sets the stage over the next 4 years for what will be a knee-jerk opposition to everything that is proposed, then it creates a broader question. And the question is, are we going to continue to make short-term decisions based on what is the political gain of some up here, or are we going to begin to change things in Pennsylvania by being more creative, being more dramatic, and working together for the long-term best interests of the common good? I hope we do the latter, but voting for this budget does not seem to do that, and I ask for a "no" vote.

Thank you, Madam President.

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

Senator WAGNER. Madam President, I rise to offer a number of observations and objections to voting on Senate Bill No. 648, the 2003-04 budget, on which I intend to vote "no" for a number of reasons. First and foremost though, Madam President, and I know it has been mentioned by a previous speaker, is that this budget does not need to be voted on today, March 12, 2003. We have 3 1/2 months, precisely 110 days, according to the Constitution, according to the rules, to deliberate, discuss, get input on this budget. Obviously, that is not happening. As the previous speaker indicated, the budget was proposed, Madam President, by Governor Rendell 8 days ago. Two days after the Governor proposed it, the House of Representatives passed it, and 6 days after the House of Representatives passed it, we are voting finally on this budget, the Governor's budget, today.

Madam President, in my 8 1/2 years of being a Senator, there has been no time in which the budget has been voted on as quickly. As a matter of fact, I would challenge every Member of this body, the 203 Members of the House of Representatives, that there is no singular elected official in the legislative body who has read this budget, and we all know that. There are pieces of this budget that no one is aware of, except for the Governor's team, because we have not had sufficient time to properly deal with this document. So there is no doubt in my mind, Madam President, that we are violating the process due to speeding up the process and voting on the budget today. What makes matters worse is that again in my 8 1/2 years as a Senator, I have not seen worse financial times in the Commonwealth of Pennsylvania, and, as a matter of fact, some people have said that in terms of State budgets, that the fiscal times have not been this bad for decades, possibly going back to the 1930s. So, Madam President, there are a number of reasons and a number of objections to voting on this document today. And coincidentally, Madam President, we are not in this boat alone. The States of New York, New Jersey, California, Oregon, Ohio, the majority of States in this country are facing the same type or a worse fiscal crisis than Pennsylvania. And not a one, Madam President, not a single State has chosen to take a document proposed by a Governor and pass it finally in 8 days. Why? Because those States are a little

smarter. They are a little smarter and they understand the importance of this document. A previous speaker talked about living in the "Twilight Zone," Madam President. The "Twilight Zone" is not knowing what is in the document, and the Members of this General Assembly do not understand truly what is part of this document. It is impossible in an 8-day period of time. So, Madam President, we are violating the process today by moving as quickly as we are in terms of voting on this budget. This is a \$21 billion, I repeat, \$21 billion budget with allocations and line items going to literally tens of thousands of purposes, and it is impossible to understand this document in 8 days.

Madam President, I have listened to the discussion today, and probably the one point of the discussion that concerns me most, disturbs me most, is that the budget we are voting on is the Governor's budget. And you know what? That is true. That is true except for five amendments that were made to the budget by the House of Representatives. There has not been a single amendment to this budget by the Senate of the Commonwealth of Pennsylvania. So it is almost in total the Governor's budget except for those amendments made by the House. Well, why does that disturb me, Madam President? Why it disturbs me, and it should disturb every Senator in this Chamber, is we were elected as Senators representing one-fiftieth of the Commonwealth of Pennsylvania, and the way a budget process is supposed to work is that this document, the Governor's document, is presented to the legislative branch of government. And do you know what? When it is handed over, that very moment, it is no longer the Governor's document. It belongs to us. It belongs to the Senate and the House of Representatives, and we are charged as elected officials, put here by the people, to alter this document in their best interests. That is one of the charges of us when we are sworn in as Senators, and we have violated that process also because we have not done a single thing to this document. This Senate has not put its fingerprints on this 2003-04 document. So the question is, why are we here? What are we doing here? You mean 50 Senators, 49 for today, cannot alter this complex document in one single way? If that is not a violation of the process, I do not know what is.

Madam President, I have been in this government 8 1/2 years, I was in the city of Pittsburgh government for 10 years, never, never have I seen a legislative body not impact, influence, change a budget. And that is precisely what we are proposing to do today. And the reason why that is our job is that once we pass this budget, this document, which is now in our hands, which is to have our fingerprints, is that once it is passed it becomes the people's document, the people's budget. And we being the representatives of the people are supposed to put their input, their concerns into this document. There are a variety of areas in here where we have not done that, and I will just state one. I turn to the Crime Victim's Compensation and Services, and what I see in here is a cut of \$15 million in that particular area. That concerns me, Madam President, and it should concern every crime victim, every member of the public, and every Member of this General Assembly. But obviously, Madam President, it does not. But the point I want to make is that this is not the Governor's document. This is our document, and we are refusing to have an impact on this document today, and the people did not put us here to do nothing.

The other point I want to make, Madam President, is the budget hearings, and I will not elaborate to any great degree, but we have not had any budget hearings, except for the PUC, on this document. Obviously, if that is not a violation of the process, it breaks a longstanding tradition that has stood in this General Assembly forever, and I mean forever. There probably was never a budget passed in the history of the Commonwealth of Pennsylvania without budget hearings. And this document today is going to be passed without the input of the Members of the General Assembly. And I was thinking, which Member of the General Assembly is the most religious or has been the most religious in terms of budget hearings? And the Senator I thought of was Senator Bell, who was there each and every day, even in ill health, asking Secretaries of departments pointed questions about their performance, about the allocation of dollars to particular items within their departments. I wonder what Senator Bell would think about this Senate not having budget hearings. I think he would be very concerned. And what the opposite side of the aisle is doing today in voting for this budget is taking away the opportunity to sit and ask pointed questions of new Secretaries of new departments. I want that opportunity. I would think all of you would want that opportunity also, and that dialogue that occurs at those budget hearings is in the best interests of all of us, the budget Secretaries, the Senators, of understanding this document, changing this document, impacting the document, and certainly the people of Pennsylvania.

So I have introduced legislation today, Madam President, requiring that in the future, prior to the final passage of a budget in the General Assembly, that the process of having budget hearings must occur, with the various Secretaries that we approve through the confirmation process in the Senate. And I hope that all Members of this body join in with me in support of that legislation to require budget hearings.

Madam President, there is a rule in this Senate, under the rules of the Senate on page 14, as it relates to allocations for charitable purposes, or the nonpreferred legislation that we pass each and every year, and incidentally, Madam President, that is not part of this budget. But keep in mind, we are required to deal with the general operating budget prior to dealing with nonpreferreds. That is part of our role. I think as part of our role we should have budget hearings also, and again, I hope everyone would support that.

Another objection I raise today, Madam President, is a very obvious objection, and I think it should be obvious to everyone in this Chamber and to the 12 million citizens of Pennsylvania. We have a new Governor. Governor Rendell has been in office for approximately 6 weeks. Let us give the Governor a chance. Let us give him an opportunity. Let us let him propose his entire budget to this General Assembly prior to voting in haste on that budget. Would we not give any new Governor that opportunity? Does not a new Governor elected by the people deserve that chance? And the resounding answer to that question, Madam President, is yes. And everyone in this Chamber knows it in their hearts, that in order for this Governor to be the leader of this Commonwealth, to be the Chief Executive of this Commonwealth, in order for him to get us out of the economic turmoil we are in, we need to give that Governor an opportunity. We need to give that Governor a chance. Do we not want to hear the second

part of his budget? Do we not want to see the supplement to his budget? I certainly do, and he is proposing to do that on March 25 of this month. March 25 is still 95 days prior to the need to pass a budget. That is only 2 weeks away, Madam President. Can we not give our new Governor that opportunity? Again, I stated I have been here 8 1/2 years, and was here when Governor Ridge came. This General Assembly laid out the red carpet for Governor Ridge to address a crime problem in this Commonwealth with a Special Session on crime. Because we are in a fiscal crisis today, should we not be giving a new Governor, Governor Rendell, the same opportunity as it relates to the fiscal crisis, similar to what we did for Governor Ridge 8 years ago? The answer to that question, Madam President, is, yes, we should be, but unfortunately, we are not. But the people of Pennsylvania, Madam President, the 12 million people understand and know that we should be giving our new Governor that opportunity.

Madam President, another objection that really should be part of the consideration of not voting on this budget today is that this country faces a national security crisis. There is world unrest, and we all know it is impacting the economy of this country and is one of the reasons why it is impacting the majority of the economies of the States in this country. It is unfolding by the day, by the hour, and none of us, I repeat, none of us in this Chamber can predict the outcome. But what we do know, Madam President, is that a month from now, 2 months from now, we will have a far better understanding of the economic impact of that crisis on this country and on this Commonwealth. So prior to passing a budget, should we not be giving that entire issue time and give the economy of this Commonwealth time to determine the more precise situation that we will be in. The previous speaker indicated this budget has no deficits. Well, if you can predict the future, guarantee that to me. I certainly cannot. And that is part of what the Governor is saying also, that we should wait, we should wait for 30 days, 60 days, 90 days until we pass this budget.

Madam President, I do not want to continue to go over items in the budget that I am concerned about, but we have received letters already in 8 days. The Executive Director of the Port Authority of Allegheny County, Paul Skoutelas, has written us and said how concerned he is with less money going to mass transit in the budget. The same is true in the State System of Higher Education, with \$23 million less in the budget. Sewage treatment plants, human services, domestic violence, crime victims, many, many important issues, Madam President, that simply are not addressed in this budget and hopefully will be part of a future document.

Madam President, I will conclude by simply saying that voting on this budget today is a violation of the process. It is a violation of the responsibility of us as Senators, that we have a document that is no longer the Governor's document, Madam President, this is our document, and we have chosen not to listen to the public to get input prior to final passage of the budget. I urge all of my colleagues to stand up and be Senators representing the people, so that we can make this document the right document for the people of Pennsylvania.

Thank you, Madam President.

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

Senator WOZNIAK. Madam President, I will be brief, because I realize we are not going to be changing any votes on this Senate floor today, but I just want to make a point.

In 1991 in this Chamber and in the House, Governor Casey voted for a very large tax increase. It has been 12 years since this Commonwealth has raised taxes. We have been fortunate enough, because of a strong economy, to give money back to the people, to give money back to businesses, and to try to make Pennsylvania stronger and better. When Governor Ridge became Governor, Governor Casey was able to give him almost \$600 million in surplus. The economy has gone into shambles, our revenues have dropped dramatically. Last year's budget used about every trick in the book to try to balance it. Governor Schweiker, and I think it is pretty well documented, depending on whom you talk to and the spin they put on it, has given Governor Rendell an \$800 million deficit going into this fiscal year. Governor Rendell, with both of his hands out and in his very gregarious way, reached out to the other side and said, let us sit down, break bread, and work together. He made it clear that he wanted to work in a bipartisan fashion, making sure that two of his cabinet people were from the previous administration, Republicans in important positions in the Rendell administration. He came to the Joint Session and gave a budget because of constitutional requirements. He was not yet prepared to put an entire package together, which was the spending package, the issue dealing with property tax reduction, and a whole myriad of issues that both Democrats and Republicans wish to talk about. He offered up the balanced budget, which used everything that was left to balance it and made major cuts in many programs. Some of them we are probably not even aware of at this point in time because we have not had enough time to digest that budget. Then the chess game begins. Governor Rendell offers his olive branch and he gets it lopped off, simply because, well, we will show him, we will not deal with the taxes, we will try to put that burden on Governor Rendell, and we know that he is going to have to come back for Rendell II.

There was no reason to expedite this process, there was no reason unless you are a very archconservative, to sit there and try to punch this budget through. We are in the Minority, we have very little opportunity to make any changes, but I think the olive branch was given in good faith to try to bring a bipartisanship effort back into it, but it was broken. Obviously, we are not going to change the numbers here today, but as we go to Rendell II, let us think of some of those campaign promises or efforts that both parties have made: property tax reduction for people, fair educational proposals for our citizens. That is going to be part of it. We are going to have to deal with some very difficult issues as we move this process forward, but I think we should have done it in a different way. Perhaps Governor Rendell played the chess board wrong, but somebody, once in the while, has to blink.

I am going to ask everybody to vote "no" on this budget, but I know that is not going to be the case. So let us move the process forward.

Thank you, Madam President.

The PRESIDENT. The Chair recognizes the gentleman from Beaver, Senator LaValle.

Senator LaVALLE. Madam President, I do not come to this mike very often for a couple of reasons. One, I look a little fat on

TV, and, two, if you look around, nobody ever listens anyway. There are probably more people in the gallery than on the floor, and I think maybe what we ought to allow in the Senate is the cameras to pan the Senate, as opposed to just me as the speaker.

I have been here for almost 13 years, Madam President, and something, whether it is perceived or real, has bothered me for that entire time, and that is, why does this Senate leadership allow the House of Representatives to dictate how and when we do business in this Chamber? Frankly, Madam President, I am embarrassed by that. Put process and content and whose Governor it is and whose budget it is, and all of a sudden I hear the other side of the aisle saying, "our Governor." I want to know 2 weeks from now if it is "our Governor" on that side of the aisle. Why can we not just do business in this Chamber that serves the best interests of all Pennsylvanians? Let the House have their political fun. Let us do the right thing and delay passage of a budget that we all know the Governor does not want passed until he can present more on March 25. As I said, Madam President, I am embarrassed when many of my constituents want to know why the Senate allows the House to dictate how and when we do business. Let us have the courage to do the right thing and delay passage of this budget until we have all of the information. Do not let that little fellow in the House tell 28 Republican Senators how and when we are going to do business. Vote "no." Let us do the right thing.

Thank you, Madam President.

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

Senator RHOADES. Madam President, I have stayed on the floor and listened to the debate, and I have heard my colleagues speak of letters they have gotten and e-mails they received relative to postponing this process, restoring all the cuts, and making this budget whole, restoring this deficit, and the rest. But I also want to read into the record other e-mails I received. This one is from the Pennsylvania Manufacturers' Association dated March 4. "The Pennsylvania Manufacturers' Association today lauded the FY 03-04 General Fund operating budget proposed by Governor Ed Rendell and urged its immediate passage by the General Assembly.... 'The cuts and freezes he has proposed will be heavily criticized in some quarters and by some interest groups unwilling to join the people who pay the bills in their efforts to cope with hard economic times.... But, this is the first state budget in more than a decade that has not grown at double or triple the rate of inflation. This is the most realistic budget, in terms of restraining state spending, that has been passed since the mid-1980s. I think the business community is willing to bear some pain for a dose of fiscal reality for the state.'" And that was said by Jim Panyard, who is the President of PMA. The next to the last paragraph says, "'The immediate passage of this hard-nosed budget would be precedent-setting and could signal the beginning of a new way - a desperately needed new way - of doing business in Pennsylvania.'" That was PMA. So they want us, as of March 4, to pass it immediately.

Even another one I received, which kind of took me aback a little bit, was from the Commonwealth Foundation. It expressed its, quote, deep disappointment with Governor Rendell's failure to keep his inaugural speech commitment to reduce spending and cut government waste. Rendell's 2003-04 budget proposal spends

nearly \$21 billion, an amount nearly \$1 billion more than the current 2002-03 General Fund budget projected revenues. This budget fails to recognize that the families and businesses of Pennsylvania cannot sustain the spending and growth of State government of the past three decades, said Matthew J. Berlett, president of the Commonwealth Foundation. Quote, not only is Governor Rendell reneging on his commitments to be fiscally responsible by reducing spending and cutting waste, he is proposing a tax increase on the job creators in our State by raising the capital stock and franchise tax from 6.99 mills to 7.24 mills and plans to push even more tax increases later this month. Berlett noted that the capital stock and franchise tax would be the highest rate among all States that impose a tax.

Finally, Berlett argued that while proponents of increased State spending often invoke compassion as their rationale, it is important to remember that government has no money of its own. Too many people fail to recognize that whatever Pennsylvania government gives to one in the name of compassion, it must first forcibly take from another in the form of taxes or fees. Where is the compassion for the average taxpaying family or job-creating entrepreneurs struggling to make ends meet? So I looked at this, part of this process, and one of the things that was talked about all day long is the process and restoring programs and restoring everything and putting the \$2.4 billion back in place, and even projecting out what we were going to be spending after March 25 in terms of taxpayer relief, in terms of new school subsidy, but you know the part that has not been mentioned is if you want a program, you have to fund it. And if you want to fund it, you have to find the money. And the only way we here in Harrisburg can find the money is to raise taxes. So think about this, because that is your bottom line choice today. You can talk process, you can talk programs, you can talk whatever you want, but the bottom line always comes down to dollars and cents, folks. It is the money. And if we look at our fiscal year 2003-04 budget shortfall, as predicted by the Governor, it is approximately \$2.4 billion, and because I have been involved in the property tax relief concept and some education initiatives, I have taken what I call a very conservative number, about \$1.5 billion for property tax relief and about \$500 million for education initiatives. But when you add those conservative numbers to the \$2.4 billion, it comes up to a \$4.5 billion shortfall. So you want to make everybody whole, you want to restore the programs, you want to continue on what we are doing, you want to do the double and triple inflation rate funding, we can do that. But then I think you have to look at the 17 or 18 methods of taxation that we have, and you have to start dividing some numbers into that \$4.5 billion. Do you want to raise your personal income tax to cover this total? You would have to go from 2.8 to 4.5. Or do you want to raise the sales tax to cover this total? Then you have to go from 6 cents up to 9.6 cents. Or perhaps we do not want to do that, we want to go to the corporate net income tax. We have always said we want to reduce that so we are competitive. The rate now is 9.99. Well, if you take in their share that they yield, we will have to increase it 31.6 mills, or up to 41.5 millage rate for the corporate net income tax to be able to make all of this whole. Or maybe you want to do it through the cigarette tax. Then you have to add \$5.32 onto every pack, and then consider that people are going to stop smoking. Probably that will be the fastest way to stop them. Or if you

want to look at the liquor tax, and I will stand corrected, because I keep multiplying this and dividing this, and when I look at the liquor tax that we have now, a 1 percent unit brings in \$10.4 million. When I divided the \$10.4 million into that, into the \$4.5 billion, I came up with like a 443-percent increase. That would stop everybody from drinking. They would not be able to afford it. Now the bottom line, as we come down to all of this, and this is where it comes, if you want to restore the programs, if you want to make everything whole, if you want to go through this dialogue and everything else, then somewhere along the line you have to find the money for it. I gave you an example of where the money would come from and what it would cost. If you are prepared to put those loads on, then I say wait. If you are prepared not to raise taxes, to give us a budget that is tough, lean and mean, and get on with the business at hand, then I say vote "yes" for this budget proposal.

Thank you.

The PRESIDENT. The Chair recognizes the gentlewoman from Montgomery, Senator C. Williams.

Senator C. WILLIAMS. Madam President, this is National Girl Scout Week, and a local Girl Scout Council this morning unveiled a new patch program, Exploring Pennsylvania, which is designed to help girls get to know our State government and to inspire young women to consider careers in public service. That is wonderful. We really need more women in public service and in this body. The Girl Scouts have been invited to listen today to our deliberations, but I hope we do not discourage them, because what is the lesson plan today? It is a lesson in ruthless Republican partisan irresponsibility. A colleague across the aisle just said if you are sick you take medicine, and we all know the importance of second opinions. The Senate is supposed to be a collaborative, deliberative body. What we have today is the Governor's proposed budget put together in the limited time he has been in office in a very difficult economy. But he certainly expected deliberation and input in budget hearings and on the floor of this body, and we can and should do that. I hope we are not sending the wrong message to these Girl Scouts, but this is not good government. This is legislative malpractice. Vote "no."

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

Senator KASUNIC. Madam President, I have had the honor now to serve in the legislature for some 21 years. In that time, I have never, never seen such partisan acts, especially what I am witnessing here today. Madam President, each Member, each Member of this body took an oath of office, and part of that oath states "...that I will discharge the duties of my office with fidelity." Webster defines "fidelity" as continuing faithfulness to an obligation, trust, or duty. Madam President, there is not a Senator in this Chamber here today who can honestly say that by voting "yes" on this budget that they are conducting the duties of their office with obligation to their constituents, with trust to their constituents, or with duty to their constituents. I wonder how the other side of the aisle can justify moving a plan in a matter of just 5 days, when it expends more than \$21 billion of their constituents' money, of their constituents' tax dollars. Simply put, voting "yes" on this budget sends a clear and concise message to all of our constituents, as well as all of Pennsylvania, and that message is that we really do not care about the future of Pennsylvania. We

really do not care about its people. We do not care about the responsibility that we have to our constituents and that we do not care that we stood here and took an oath in front of our family and our friends and firmly held the Bible in our hands while doing this.

What we are doing here today is being done simply in the name of partisan politics. It is about gamesmanship, one-upmanship. Madam President, the Republican leaders have said one reason they are acting now is to deny special interest groups the opportunity to comment on the proposed cuts. What is the rush? What are we afraid of? For years we have followed the process. A Governor has introduced a budget, we have held budget hearings, and then we have debated and we have listened to the people. And in my 21 years, we have changed every one of those budgets. We have always added or taken something away, based on the fact that we listened to our people in their needs. The so-called special interest groups that we are hiding from, I am afraid, are the people of Pennsylvania, the people who will be denied access to health care, to better education, and to drug treatment. They are the taxpayers who will face an increase in school property taxes, and they will also face increased water and sewage bills.

Why do the Republicans not want to listen to their constituents, to the people of Pennsylvania? Madam President, no Governor has ever proposed a perfect budget. The General Assembly, as I said earlier, has always, has always made extensive changes to every budget submitted by our former Governors, whether it be Governor Ridge, Governor Schweiker, Governor Casey, or Governor Thornburgh. I believe Ed Rendell will be a good Governor for Pennsylvania, and he will be good for the people of Pennsylvania. But this proposal that he made was only phase I, a beginning. It is a good start. But that is all it is, a starting place for our traditional negotiations that always take place between the executive branch and the legislative branch. That is especially true this year when Governor Rendell has made it clear, clearly stating his intentions to submit an additional component to his budget proposal.

Madam President, the vote today, 5 legislative days after it was presented to us, simply baffles me. I have seen a lot of partisan acts in my 21 years here, and I have seen a lot of irresponsible acts, but I have never, never seen such blatant partisan politics. I urge the Members from the other side of the aisle to have the courage and have the conviction to stand behind the oath of office that we all took and to do what is right for Pennsylvania and the people whom we all represent, not the party that you represent. I urge a negative vote, Madam President.

Thank you.

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

Senator STACK. Madam President, I will be brief, and I really mean that. I just want to get a word in edgewise for some people in Philadelphia and in Pennsylvania known as our citizens. I am rising to voice my concern with this budget process, or should I say, lack of process. In years past, we would have taken the responsible course of action of holding public hearings and carefully listening to the concerns of our affected citizens and organizations. This year we are engaging in a reckless and irresponsible pedal-to-the-metal charade. Citizens and taxpayers

are being told only to get out of the way and watch silently until their elected representatives vote on a budget that many, in both Chambers, have not even read. Budget cuts for libraries, drug and alcohol treatment, higher education will likely hurt all of our constituencies. Due to the way-too-speedy consideration of this budget, we received little or no public input. But the input I received has asked us to take our time, to hold hearings, to consider the impact of these cuts. This is the bare minimum we can do. It is not much to ask from the citizens of Pennsylvania, but our answer has been, N-O, no.

We need to understand the impact of these cuts. The District Attorneys Association, the self-help movement, and the drug and alcohol service provider organizations of Pennsylvania have told us that drug and alcohol treatment cuts will result in astronomically higher costs for law enforcement and emergency room costs. They also assert that DUIs and drunk driving will increase dramatically. Yes, Madam President, people are going to be maimed and killed because of these budget cuts. This and other difficult cuts deserve to be heard about in a clear and open forum. The public should have an opportunity to voice their concern and shape the budget. I am voting "no" for this process, a process that none of us should tolerate, a process that leaves the people out. It is not right. It is not acceptable. It is certainly not the best we can do, and I urge my colleagues to join me in voting "no."

Thank you, Madam President.

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

Senator FUMO. Madam President, you know, I have wrestled in my mind for the last week about what I was inevitably going to say today, and I will be very candid in that I wrote in my mind at least six different speeches. And I tried to come to grips with reality, and in order to do that I have to go back to my core. In April it will be 25 years since I first took my oath of office in this Chamber, and believe me, I have seen a lot, but never before have I seen anything like this. I even congratulated that little-known Secretary of the Budget, Michael Masch, for being the first Secretary in history to write a budget that was adopted in less than 10 days. He did not necessarily get my humor, but at least he got a message.

Madam President, I want to speak today to the people of Pennsylvania. There is no sense speaking to the other side of the aisle, because they have made up their minds. So I view my role today as explaining to the people of Pennsylvania what is going on in this Alice in Wonderland drama that is unfolding before us. I was blessed with an Irish mother, God rest her soul, and I used to hear all these sayings when I grew up, some of which never made any sense to me until I got older. One of them was, a friend in need is a friend indeed. I never understood what that meant until I was down on my luck. Then I found out what a friend in need was and why they were truly friends. She also said to me, always remember this: Two wrongs do not make a right. Today, that is what we are faced with. There are two wrongs here. One was done innocently in an honest spirit of faith and bipartisanship and, yes, in a trusting way and also in a somewhat naive way. And that was the Governor proposing this budget on the deadline that was imposed upon him to do so. The other wrong is what we see today. The other is a cold, calculated, blatantly partisan, po-

litical, and, yes, malicious wrong. To take advantage of someone when they offer you bipartisanship and to slap that person in the face is not only wrong, it is uncivil. We here on this side of the aisle read, quite frankly, with partisan aggravation, the stories in the media about how the Governor reached out to Republicans, the list of the job holders that he named who were Republicans, starting with the last gubernatorial chief of staff, David Sanko, the appointments he made who were Republicans. We sat here and said, boy, he must have something really great going with those guys, and we were a little frustrated as Democrats to see that, but we did not say anything about it. We bit our tongues because we knew at some point in time there had to be some bipartisan cooperation to get anything done in here. I said to you weeks ago that on a tax vote we had nine votes, but you had the majority, and I say that again. Do not believe in this Alice in Wonderland fairy tale, that this is the end of the budget process, and we still hold out in a bipartisan fashion our nine votes.

Madam President, no Governor since Milton Shapp came to office faced a deficit the day he walked in. In fact, with Governor Shapp, he faced the fact that there was not even a budget. Some of you may not remember, but we had 18 straight months of stop-gap appropriations. When Shapp came here he said, the nonsense is over, we are going to enact a budget. And I happen to think, although I am prejudice because I served in his administration, that he was probably one of the greatest governors Pennsylvania had, and he did a lot of important, tough things. One of the tough things he did was enact an income tax. Ironically, it was the first in the history of Pennsylvania, and he not only did it once, he did it twice. He did it once, and the Supreme Court, which was Republican controlled, shot it down. He came right back and did it again, because it was necessary. And he went on to be, I think, a great Governor.

As I sat here today and listened, Senator Piccola made the statement, the deficit is gone. We all heard that. There is no more deficit. This is a balanced budget. Madam President, now I know he did not read the book he held up and showed to us, because had he read this wonderful telephone directory and went to page C6, I know he is intelligent enough to know one-time spending sources when he sees them. On page 6, in order to balance this budget, as bare-bones as it is, requires \$722 million in one-time appropriations that will not be available next year. Now that may be a balanced budget, the same way the last balanced budget we had was fraudulent because people said there was no deficit. I just want to tell Senator Pecora [*sic*] and those of you who may believe him, open up the famous book that starts off with the famous letter and has the name Edward G. Rendell on it, turn to page C6 and read the funding sources. The capital stock and franchise tax phase-out, we are stopping that, \$52.6 million. The Governor has pledged to continue that phase-out. But for this year, he picks up \$52 million in one-time spending because he is delaying the implementation.

Number two, tobacco settlement funds, \$330 million, a one-time grab, that is what is sitting there to patch the hole in this budget. The budget stabilization reserve fund, better known as the Rainy Day Fund, \$250 million. Gone. That is the end of it, there is no more, and it is not coming back. And \$90 million in that famous little savings book where everybody goes to at one time or another, escheats. That adds up to \$722 million of a

structural deficit in this magnificent volume that I am so glad you all hold so dear to your hearts, may you choke on it.

What happened here, I am sorry, I referred to Senator Piccola as Senator Pecora. I do want to keep the record straight. We do have a good staff here. And I sometimes miss that cigar-smoking Republican. Maybe it was Freudian.

Madam President, no good deed goes unpunished, and Ed Rendell is learning that. Quite frankly, I have to sit here as one of the people who urged him not to do this, who urged him not to be so trusting of the other side of the aisle, not to embrace them with open arms without a little bit of caution, to watch them do what was absolutely predictable for them to do. But the sad fact is that this budget has not seen any kind of a process. And we have all heard about the public input, and we know from the budget hearings that the public does not come to those hearings. But what we also know is that at those hearings representatives of the public ask cabinet Secretaries questions that their constituents want asked. That is the public process that we have been robbed of in this stampede. And you say to yourself, why are they doing this? Why are they doing this? The answer is quite simple. I watched my good friend, Senator Brightbill, on television. At least he was honest, and I admire him for his truthfulness. He said, we have to pass this quickly before people come up here and start talking to our Members. If not, we are liable to go past the deadline. Now, that does not sound like a person who is interested in listening to the public input. That sounds like maybe somebody who wants to get out of Dodge pretty damn fast. And he is quoted in his own newspaper, The Lebanon Daily News, as having said the same thing. And then you could say, well, we are just a bunch of Democrats, we do not know what we are talking about, we are big spenders, we are all that stuff. But then I start looking at the editorial writers, people with whom I do not have a good relationship, as you well know. The Philadelphia Inquirer, and I think we had a discussion, the Majority Leader and myself, about courage and the comments about that yesterday. The Philadelphia Inquirer says, "But political courage didn't figure into the GOP gamesmanship that was more focused on undercutting Rendell than on tackling the most daunting problems facing Pennsylvanians - the very problems voters want Rendell to tackle." The Philadelphia Daily News, "The Gambler," and we all have an affection for our Governor and some of his positions, "Ed Rendell bet Harrisburg would be responsible...We all lost. The state Senate may now do the same thing" as the House. And I quote, "We hope they don't. We pray they don't. There has to be some grown-ups left in Harrisburg. People's lives are at stake." The Pittsburgh Post-Gazette editorial, another newspaper with which I do not have a stellar relationship, "Stop the budget/The Senate should hold hearings, then vote." Opening paragraph, "Forget who wins, who loses and which political force gets the upper hand in Harrisburg. A \$21 billion budget is about to pass the General Assembly with lightning speed, and Pennsylvanians scarcely know the details." Pennlive.com, which is a Web site for a number of newspapers in Pennsylvania, says, "Thrash it out. State's residents are entitled to hear a full debate on Gov. Rendell's budget." Opening paragraph, "It's too bad the Republicans in Harrisburg aren't offering us any toast with their jam-it-down-our-throats approach to Gov. Ed Rendell's budget. They aren't offering us a lot of things, in-

cluding the opportunity to examine the cuts in the first phase of the budget, nor the tax-reform components of the second phase, due in two weeks." *Centredaily.com*, a conservative newspaper, I am told, although I am not an avid reader of it, "Senate should avoid House budget rush." Opening paragraph, "The state Senate has an opportunity to show some sobriety this week after the drunken impetuosity of House Republicans, who passed Gov. Ed Rendell's budget proposal virtually sight unseen Thursday." A conservative newspaper.

The Herald Standard, regrettably I do not know where this is from. Uniontown. "Budgetary indigestion. House Republicans didn't bother to chew on the half-baked budget the Governor presented to them. They wolfed it down without even nibbling at the contents. If that is all they plan to do in addressing Pennsylvania's sorry financial state, then they deserve all the indigestion their constituents are bound to inflict."

Delco Times editorial, Delaware County. Home of the war board. "Pa. budget: GOP wins, everyone else loses.... Now the measure goes to the Senate. Republicans hold sway there as well, 29-21, meaning passage is likely. We ask Delaware County's Senate contingent, Republicans Ted Erickson of Upper Darby, Dominic Pileggi of Chester, Connie Williams of Lower Merion and Democrat Hardy [*sic*] Williams of Philadelphia, to think long and hard before casting their vote." Now, you guys must be speed readers because this was written today, and I guess you all thought long and hard. Maybe some people do not have the attention span necessary to think long and hard. "The problem, one that Rendell admittedly had a hand in creating, is that this isn't really the budget. It's only half of it." Concluding, "That's not what this was about. And they know it. If you're keeping score, that's Republicans 1, Rendell 0. And the same goes for the rest of us."

Madam President, the feelings are universal. This is a scam. We might have legitimate debates over whether there should be taxes or no taxes. We might have legitimate debates over the amount of money we want to put into education. We can have legitimate debates over drug and alcohol programs, and everything else, but the people of Pennsylvania sent us here to have that debate. Now, yes, you think you have succeeded in getting one over on Ed Rendell. I will bet that in the end you have not. I will also bet in the end we will be back and we will be doing the budget. And with all of this, with all of the laudatory comments that I heard here today from fiscal conservatives on that side of the aisle about living within our means and the horrible state of the economy that mirrors the national economy, which is being led, I might add, by a Republican President who lost the election and by a Republican Congress and Senate who back him up. He has driven the economy into the toilet, and he is going to be there next year to continue driving it into the toilet. We are about to go to war and we cannot find anybody except some stupid countries nobody ever heard of to back us up, but we are going. And what is that going to do to this economy? It is going to flush it down the toilet again. That is what your Republican Leadership is doing.

But in this budget that everyone has said inflicts pain on all of us, that is not true. You kept your slush fund of \$60 million. We said get rid of it yesterday, so that we could all share the pain. You said no, we want to keep our slush fund. We do not want

schools to get funding, we do not want hospitals to get funding, we do not want libraries to get funding, but we want our \$60 million slush account in case we have to take a junket. Now, that does not sound like true believers to me. That sounds like a bunch of hack politicians looking to sweep something under the rug. I do not know what is going on here. I do not mind honesty, I do not mind disagreements, I do not mind if I am a moderate and someone is a liberal and someone is a conservative, but I ask you to at least be consistent. Do not be hypocritical, but I know I ask too much from this august body. I ask way too much.

And then I have to listen to remarks like, this is the Governor's budget. We are supporting the Governor. Then I have to hear we are in Alice in Wonderland again. Republicans are supporting the Governor, the Democrats are not. At some point in time, people of Pennsylvania, you know what is going on here. This is a scam. Would every single Democratic Senator, within 6 weeks of inaugurating a new Governor, slap him in the face and do what he did not want us to do? Would every Republican Senator, in the spirit of bipartisan harmony, take a budget, pass it in 10 days, unanimously with Republican votes? That is really never-never land, and Peter Pan is not here. Madam President, I was rebuffed by the Majority Leader when I said I corrected his misstatement, when he tried to sell us that bill of goods that this is the Governor's budget. You know, a long time ago, when I was in college--I tell you this anecdote because it is very, very similar--I took a young high school girl to see a play in Philadelphia. It was a musical, I think it was *Don Quixote*. It was great, we were sitting in the first row--I had some pull then; I do not know where I sit these days--but we were in the first row and the first act was completed and she turned to me, picked up her coat, and said, wow, that was great, and started to walk out the aisle. And I had to correct her a little and said, well, you do not understand. See, there is another act and we are going to find out what happened to that guy and that guy. She sat down embarrassed. I ran into her cousin not long ago at the shore, she still remembers that embarrassment. You are doing the same thing, but you are not high school sophomores. You got through the first act and decided, let us leave the theater. You know, there is an old saying, "it ain't over until the fat lady sings." And I know that is true because I just saw "Turandot," and boy, that lady was fat and ugly, but she did sing in the end. The fat lady has not yet sung. And I submit to you, although our Governor has been eating a lot of hot dogs lately, he is the fat guy, and he is going to sing last. We do not have a fat lady. So we are all going to be back, and I enjoy the fact that 29 of you are going to vote "yes" for the scam, and 21 of us are going to vote "no," for honesty.

There are people on this side of the aisle who would like a no-tax budget. There are people on this side of the aisle who would like to see a budget that cuts spending. There are people on this side of the aisle who do not like that. But the one thing that we all agree on on this side of the aisle is that we do not want to participate in a scam. We did not do it last year, we did not vote for that phony budget. Also last year, when you talk about tax and spend, we did not vote for the last tax increase of \$1 billion that you passed, the big no-spending, no tax guys over there, not one Democratic Senator. We are not voting for this because this is nonsense, and we are also not voting for this because we do not believe in keeping a slush fund when you ask

every other Pennsylvanian to tighten their belt. Your definition of tighten your belt is give me more money so I can let mine go to the next notch, while you pull yours tighter. We are not voting for that. We are voting for honesty and integrity and responsibility. So we will see you here in another couple of weeks, and again I offer my nine votes with all humility to solve the crisis that you created. You, the Republican Senators, the Republican House, John Perzel, that great fiscal conservative over there, I watched him beat the heck out of the Governor. All you guys created that with Ridge and Schweiker. You created this mess. You brought us here. And you just want to keep doing that. We are saying, no. We are saying no to you, we are saying no even to our Governor, and you all know, when Bob Casey was here, at times I was his biggest critic. I am going to be critical of governors, be they Democrats or Republicans, when they make a mistake. If I honestly thought that this was Ed Rendell's budget, I would be up here blasting him. But I know what this is. This is the first act, and in order to appreciate the drama, in order to appreciate the musical, you have to hear the second act. The best songs are in the second act. The song that you whistle going out of the theater is in the second act. You are afraid of the second act. You are cowards. I did not say that, the media said it, not me.

Madam President, I ask for a negative vote on this because this whole process smells, and I hope the people of Pennsylvania understand what we are trying to do here today and what you are doing.

Thank you, Madam President.

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

Senator BOSCOLA. Madam President, the budget bill that is before us today cuts a lot of things. And while I agree with a majority of these cuts, the cuts to reduce government spending so we live within our means, there is one cut, one very big cut that this budget does not include. Madam President, last year I was proud to be the first lawmaker in Pennsylvania's history to force a sitting Governor to convene a Special Session. That was a Special Session to reduce property taxes. Local school district property taxes were then and still are today the number one issue in my senatorial district and I believe throughout this Commonwealth. So this budget does cut a lot of things. This budget cuts a lot of programs. But this budget does not cut property taxes in the Lehigh Valley, the Pocono area, across this Commonwealth, by one penny. In fact, what this budget does do, if it is passed as planned, is guarantees that property taxes will raise by a tremendous amount in this fiscal year. It will be raised by proportions you have never seen before. This budget does not offer any hope for one single senior citizen in Lehigh County, Northampton County, Monroe County to be able to stay in their homes. And that is the main concern for the people whom I represent, and I cannot, in good conscience, vote for a budget that does not provide anything, any property tax relief for a single person in my district. As I said, in fact, if we pass this budget as is, there will be thousands of people across this Commonwealth who will be forced to sell their homes because of the dramatic increase in their property taxes due to this budget.

You know, Madam President, I struggled with this vote. I am not going to lie. This is a very difficult vote because you believe in the spending cuts, and yet, when it deals with property tax

relief, it does nothing. Now, a few minutes before I walked onto this floor, I was on the phone with Governor Rendell, and we had a really great talk. In fact, I supported this Governor. I believe in him tremendously, he is a man of his word. He really believed when he presented his budget to this legislature that he would be willing to work with Democrats and Republicans, and in good faith, he tried to work with the Republicans, and I admire him for that. He is a great man, and I know that because when I talked to him about property tax relief and my concern about how can I vote for a budget that does not include property tax relief, he said to me, and he assured me, Lisa, by March 25 we will have a plan in place to reduce property taxes. He assured me that that will be the number one sticking point on his agenda in the second phase. We will deal with property tax reform with the real budget, because today is not the real budget. We know we are all going to come back.

I am proud of this Governor. I think we should give him the time he deserves, and what was called by my other colleague as a scam is a scam, and I just hope in the future, as Democrats and Republicans, that we really do what is in the best interest of the people we represent, instead of the best interest of the party.

Thank you.

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

Senator CORMAN. Madam President, I plan to be brief. I know we would all like to probably get on to the vote of this bill. First of all, I would like to say to our previous speaker that nothing prevents us from dealing with tax reform issues outside the budget process. Passing a budget today does not prevent us from lowering property taxes tomorrow, later this month, the month after that, whatever. Whenever we can come up with 26 votes here on a plan we can all agree with, we can actually lower property taxes, which I think we all have as a goal. So if we pass this budget today, that does not prevent us from doing that in the future, so if that is the only thing that is preventing her, I suggest that she certainly could vote for this budget.

Having said that, we heard a lot about the people, about the citizens, and how they are being shut out. Well, I do not necessarily think that is true. I read a poll put out by Quinnipiac. Quinnipiac University did a poll recently about issues in Pennsylvania and, one, it did say that Governor Rendell was very popular, which I think is fairly obvious, after just coming off a gubernatorial election. But one of the things it said was voters say, by 57 to 29 percent, that cutting government services rather than raising taxes is what they would rather have us do. Clay Richards, the assistant director of Quinnipiac University polling, said, surprisingly, 63 percent of the people believe Rendell will propose a major tax hike to help solve the budget deficit, even though only 29 percent favor a tax hike. Cutting State spending to balance the budget wins out 2 to 1 over a tax hike, Richards said. It also says that 72 percent to 23 percent support a limit on the amount of money awarded to pain and suffering, but that is another issue for another day. Sorry, I could not resist. But, the point is, I think if we asked another poll, would the people rather us vote today and not raise taxes and cut spending, or vote later and raise taxes and add spending, overwhelmingly, they would say vote today and pass this budget.

Now, I am not naive enough to think that we are done today, that this is the end of this process. I am looking forward to coming back in March and finding out some of the other ideas the Governor has, because I want to support property tax reform. I am a cosponsor of Senator Rhoades' bill. It is a very controversial bill, but it is a bill that I thought was important to move the process along for reducing property taxes, so we are going to do that. But what this budget does, which I think is more important than anything else, is puts a budget in place, assuming the Governor is true to his word and signs it. So come June, when we discuss some of these very tough issues - gambling is going to be an issue to get revenue, which some of us will support on this side of the aisle, some of us will not; Property taxes, some of us will support, some of us will not; and other forms of revenue, tax increases, some of us will support, maybe some of us will not.

These are all important debates that we are going to have on this process, but what this budget does, by passing it today, is guarantee we are not going to shut government down on July 1, and that to me, first of all, I have a lot of State employees, Penn State University is in my district, a lot of people who work here in Harrisburg are from Perry County, which I represent, a lot of people who work for the State cannot afford to go 1 month or 2 months or 3 months until we figure out the final budget, what we need to get done here to pass a budget. So it is important to me that we put this in place to prevent that, because if the \$4.5 billion, which was cited by Senator Fumo a couple of weeks ago, is where they want to go, where the Governor wants to go to get this done, we will be here until Labor Day, because we do not have nine votes on this side of the aisle for \$4.5 billion, we do not have one vote on this side of the aisle for new taxes. Maybe there is somewhere in between and we will get to a resolution, but passing this budget today guarantees we will not shut the government down, which I think my constituents are thrilled with, and it also does not raise taxes, which I know they are thrilled with, so I am happy to support this budget today.

Thank you, Madam President.

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

Senator BRIGHTBILL. Madam President, I am going to be brief. Since I have not spoken, I just thought that I would conclude here, hopefully.

I listened to the gentleman from Philadelphia, whom I respect very much. He is very bright and understands this process, but was a little bit chagrined as he referenced this process as a sham, since I do not see it that way at all. I am not sure if he is indicating that the budget we received, this book that many people have held up, if he is referencing that as a sham or if he is referencing our passage of it as a sham. I am not sure exactly what he believes the sham to be. But the point is that I do not see this as a sham, and I think that the taxpayers of Pennsylvania will be better off come July 1 as a result of our passage of this budget. I wish that I could stand here and say that if we pass this budget there will be no new taxes. I really wish I could say that, but I am not going to say that. I do not believe that. But I do believe that if there are any new taxes in Pennsylvania, they will be a lot lower than they would have been had we not passed this budget. Now why do I say that? Well, I am going to go to a source here

that I think is pretty authoritative and ought to understand what is going on, and that source is Governor Ed Rendell.

He held a press conference following the House's action, and a reporter asked him this question:

"John Perzel said repeatedly and said again today and insists that they will give you a fair consideration, and that this will make it easier for them to do it by eliminating a crisis situation. Do you think he's sincere?"

And this is what Governor Rendell answered: "No. I think. Listen, I believe that that's right. They will give me a fair consideration. But, it will be a fair consideration without a whole lot of leverage."

Reporter: "Why should they give you leverage?"

Governor: "Why should they give me leverage? That's the way the process works. The House and Senate have their leverage. The Governor has his or her leverage. That's called checks and balances."

So, you know, let us not be so high and mighty. Let us understand here that an "aye" vote is to pass the Governor's budget, and an "aye" vote is intended to not give this Governor any additional leverage, because we have heard his ideas. And yes, we want to do tax reform, we want to do economic development, we want to do improvement in public education, but we do not want to do a 3.9-percent personal income tax, and we do not want to do another \$2 billion, \$3 billion or \$4 billion in spending. That is what today is all about, and we ask for an affirmative vote. We think an "aye" vote will best serve the taxpayers of the Commonwealth of Pennsylvania in the debates that follow.

Thank you.

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

Senator FUMO. Madam President, just a brief response. I think I used the word "scam," not "sham." And the scam here is leaving the theater at the intermission without waiting for Act II.

Madam President, the Governor does need leverage, because I have been here a long time, and there has to be somebody out there to force people to move this State forward, because given the devices of the General Assembly, the answer is, do not make waves, get me reelected, let me go to Harrisburg and get your license plates and bring them home, do not let me lead because when you lead, you might make a mistake. So if the Governor just sits around and lets a Republican House, headed by John Perzel, and a Republican Senate, headed by Chip Brightbill, decide on how we are going to get property tax reform, he might as well quit. All the years I have been here, I have been hearing about property tax reform. I remember a guy you probably forgot about by the name of Jack Stauffer. He used to be your leader. He would die on his sword for property tax reform. He could not get it done. I watched it happen during the Casey administration, during the Ridge administration. Everybody gives it lip service, something we are all for, just like motherhood and apple pie. As my good colleague, Senator Stack [*sic*], would say, everybody wants to go to heaven, but nobody wants to die. Senator Stout. I am really getting bad today. Sorry, J. Barry. He had a few other great quotes that really do not go in mixed company. But the essence is, leave the legislature to its own devices and you will never see real property tax reform. We just had 8 years of Republican governors and 8 years of Republican legislatures. We did not see any property tax reform. We heard a lot about it, a lot of

pious speeches. No action. You know why? Because there was never anyone living in the Executive Mansion who really believed in it.

We just got off of 8 years of Republican governors, Republican legislatures, did we see any reduction in class size? Did we see any addition in all-day kindergarten? No way. Where have you been? Where have you been? Now you get a Governor who runs on that platform, who tells people, yes, I might raise your taxes, but guess what I am going to do? I am going to move Pennsylvania into the 21st century. And then he wins, breaks records, wins telling people the truth. But in the process of telling people the truth, he also gave them a vision, his vision. You do not want that vision in reality, because if you wanted that vision, you would accept the self-discipline of the deadline of June 30. Yes, that is his leverage, but it is not his leverage to enrich himself. It is not his leverage to take the easy way out. It is his leverage to make you do what you should have been doing for the last 8 years, and you want to take that away from him so that you can continue to give lip service to senior citizens, continue to give lip service to our children, 50 percent who cannot read and write at their grade level. Are you proud of that? Is that something to be proud of? Is that something to rub the Governor's nose in and say, guess what, we are taking away your leverage because we do not want to do a damn thing. Well, if you are proud of that, then go home with your badge of courage. But that is what this is about. This is about a Governor who was honest with people, who said this is what I want to do, who said I may have to raise taxes, who took a ton of aggravation in negative advertising about his honesty about raising taxes, and yet won.

The people of Pennsylvania, the same people when I look into the camera who are listening today, those people voted for him. Those people voted for his dream and for his ideals. Those people voted to give him the leverage to get it done, and you want to rob them of that. You said it yourself, you do not want public input. You want to pass this before anybody can come up here and knock on your door and tell you not to do this. That is why you are in such a hurry. If this were a damn fire drill, you would be killing each other running out the door. So do not get here and get pious with me about doing what the Governor wants you to do. You are not. The Governor wants you to join him and join us and go into the 21st century. The Governor wants you to take this economy and this Pennsylvania and kick it in the ass and get it going so we can have people employed. The Governor wants you to worry about every single child in Pennsylvania, so they get a good education, so they do not leave this Commonwealth like they are leaving it now. You had 8 years to do that and you did not do a damn thing. You did what you want to do today, you passed so-called balanced budgets, and you did not do a damn thing to lead. There was no vision. The only vision I saw from Governor Ridge was coming into my district and putting in some shipyard at \$650,000 a job. And, yes, I voted for it. Anybody who wants to come into my district and give me \$650,000 a job, I am for it. I would not vote for it in anyone else's district. You all thought that was great, that was vision. Well, it did not do a damn thing to raise test scores. It did not do a damn thing to help employment. All during your 8-year reign, this Commonwealth was in the bottom 10 in job creation. While you gave back billions to fat cats, you did not create jobs all during those 8 years.

The only time we moved up the ladder was when the bottom fell out of the whole economy and we were up there because we had such a lousy record and we could not go down much further. That is really something to brag about. That is really something to go home and tell your constituents, we stuck it to that Governor, we took away his leverage, and we are not going to do a damn thing. That is what you are saying here today. Let us be honest about it. You had 8 years to improve test scores. You had 8 years to help the economy. You had 8 years to create jobs, and you did not do any of it. You balanced budgets, at least until the last two, which were scams, but you did not do a damn thing for the people you came here to represent. You went home with the bad news, the economy is bad, yeah, the plant closed, it was not my fault, it was somebody else's fault. You whined to your constituents. When Bill Clinton was in office, it was his fault, Bubba did that. Well, now that Bush is here, oh, he had nothing to do with that. It is this new Democratic Governor's fault. It is not my fault. Well, at some point in time the people behind that camera have a right to say, wait a minute, those people have been in charge for 8 years, 8 years and my kid cannot read, 8 years and I do not have a job, what have I got for 8 years? Nothing.

So, yes, this Governor deserves leverage. He needs leverage. He needs a baseball bat, and if he would have listened to me, he would have had one today, but he did not. He was playing badminton while you guys were playing hardball. Well, let me tell you something, he knows how to play hardball, because if not, we will start playing badminton. This is not the end. This is not the end. But you have taken away his leverage, and if history repeats itself, you are not going to do a damn thing. I used to think you did not want to do it because it was his idea and you did not want him to succeed. You do not want to do it because it takes courage to do. It takes courage to vote for taxes. It is not the easy way out. It takes courage to lead, because when you lead, you are going to have some people mad at you. If you are in the back of the crowd, no one is mad at you, you are just following along. But if you are out front and you are leading, you might make an enemy, but that is what leadership is about. Leadership is not about getting 100 percent of the vote. Leadership is about getting 51 percent of the vote, but moving the ball forward. Anybody can get 100 percent of the vote, just go away. Do not bother anybody. But you are not doing anything for the people you came here to serve. We are not here just to grab a paycheck, we are here to help people. That is what government is about. We are not here to balance some stupid budget, we are here to help people. We are here to help poor people, yes, but we are here to help the middle class, we are here to help kids in the State so they can read at their grade level. Now, is that an astounding request? I do not want that just for my children in Philadelphia, I want that all over. Take a look at the statistics from kids and the way they perform in the suburban ring of Philadelphia, probably one of the most affluent school district areas. By and large, they are just as bad as Philadelphia. That is what we are here for. We are here to help every child, your kids as well as ours, and we need the discipline to do it. Passing this budget today puts us back to where we were 7 years ago, a lot of fluff, no substance, no will, and no desire to change anything. That is a mistake, Madam President, and that is why every Democrat is voting "no" on this side of the aisle. That is why we voted "no" last time, and that is why we

voted "no" for the largest tax increase that you gave us last year, because it did not go anywhere or do anything. I will vote for taxes if there is a reason. I am not voting for taxes for the status quo. And if you think we are coming back here and putting up nine votes for status quo, forget it. You will put them all up for status quo. We will not put up one.

Thank you, Madam President.

And the question recurring,
Shall the bill pass finally?

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

YEA-27

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

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

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

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

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 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-38

Armstrong	Kasunic	Punt	Wagner
Boscola	Lemmond	Rafferty	Waugh
Brightbill	Logan	Rhoades	Wenger
Conti	Madigan	Robbins	White, Donald

Corman	Mellow	Scarnati	White, Mary Jo
Costa	Musto	Stack	Williams, Constance
Dent	O'Pake	Stout	Wonderling
Erickson	Orie	Tartaglione	Wozniak
Greenleaf	Piccola	Thompson	
Jubelirer	Pileggi	Tomlinson	

NAY-10

Earll	Hughes	LaValle	Schwartz
Ferlo	Kitchen	Mowery	Williams, Anthony H.
Fumo	Kukovich		

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

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

BILLS OVER IN ORDER

SB 152, SB 164 and SB 188 -- Without objection, the bills were passed over in their order at the request of Senator PICCOLA.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

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 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.
Ferlo	Mellow	Schwartz	Williams, Constance
Fumo	Mowery	Stack	Wonderling
Greenleaf	Musto	Stout	Wozniak

NAY-0

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

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

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 8, SB 109, SB 275, SB 319 and SB 392 -- Without objection, the bills were passed over in their order at the request of Senator PICCOLA.

UNFINISHED BUSINESS SENATE RESOLUTION ADOPTED

Senators ORIE, RHOADES, O'PAKE, RAFFERTY, COSTA, KUKOVICH, ERICKSON, D. WHITE, WAGNER, ROBBINS, ARMSTRONG, THOMPSON, EARLL, LOGAN, CONTI, DENT, KITCHEN, MUSTO, LEMMOND, STACK and GREENLEAF, by unanimous consent, offered **Senate Resolution No. 48**, entitled:

A Resolution designating April 6, 2003, as "Tartan Day" 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 Mr. and Mrs. Robert Masoner by Senator Armstrong.

Congratulations of the Senate were extended to Nadine Kotlarz, Hieu Nguyen, Jennifer Peters, Diane Nolan, Jeanette McDonald, Angela Carlin, William Cszasz, Jr., and to the St. Nicholas Greek Orthodox Church of Bethlehem by Senator Boscola.

Congratulations of the Senate were extended to Tim Rollings by Senator Brightbill.

Congratulations of the Senate were extended to Lois McClintock, Kyle Alphonse Palmieri, Robert Lawrence Burns, Kevin T. O'Connor and to William L. Hall IV by Senator Conti.

Congratulations of the Senate were extended to Mr. and Mrs. Richard P. Kerstetter, Mr. and Mrs. John S. Berrier, Perry and Adelaide Kretzing, Matthew Kocher, Penn State Men's Ice Hockey Team and to the Juniata Valley Area Chamber of Commerce by Senator Corman.

Congratulations of the Senate were extended to Jeffrey Thomas Gable and to the Woodlawn Fire Department by Senator Dent.

Congratulations of the Senate were extended to Andrew Gordon Wagner by Senator Earll.

Congratulations of the Senate were extended to Jeffrey Emmons by Senator Erickson.

Congratulations of the Senate were extended to the Lions Club of Allegheny Township by Senator Ferlo.

Congratulations of the Senate were extended to Heather Stephenson, Danielle Bourjolly and to the Huntingdon Valley Library by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Charles K. Shannon, Mr. and Mrs. Keith C. Gilbert, Joshua M. Glace and to the Area Polish Cultural Club of Mt. Carmel by Senator Helfrick.

Congratulations of the Senate were extended to Syreeta Blanding, Alison James, Allisia Surmon, Jhamirah Howard, Christa Barfield, Nile Norris-Allen, Nakeshia Simmons, Alia Dickerson and to Latanya Vicks by Senator Hughes.

Congratulations of the Senate were extended to Sister Franceline Krug, Robert W. Montler, Richard A. Consiglio and to John J. Frederick by Senator Jubelirer.

Congratulations of the Senate were extended to Mr. and Mrs. Harry McDougal, Reverend Dr. Ronald K. Hill, Reverend Dr. Charles H. Lett, Sr., Jonathan A. Sidel, John D. Green and to Irish N. Gay by Senator Kitchen.

Congratulations of the Senate were extended to Mandy Pennington, Jennifer Jack, Jessie James Simms, Carl Frank Gravely and to Benjamin Robert Fawcett by Senator Kukovich.

Congratulations of the Senate were extended to Mr. and Mrs. Leroy K. McCoy, Sr., by Senator LaValle.

Congratulations of the Senate were extended to Sean Teer, Agnes Gregson, Zachary Morahan, Edward J. Meade and to Ethel Kocher by Senator Lemmond.

Congratulations of the Senate were extended to Timothy E. Walter and to William N. Lauer by Senator Logan.

Congratulations of the Senate were extended to Mr. and Mrs. Ollin Evans, Mr. and Mrs. Jack C. Deibert, Mr. and Mrs. Dave Hallow, Anna Schuler, Esther Jennings Nesbit Pipher and to the citizens of the Borough of Towanda by Senator Madigan.

Congratulations of the Senate were extended to the Honorable and Mrs. Raphael J. Musto, Robert T. Kelly, Sr., Reverend Monsignor Andrew J. McGowan, James L. Brady and to the Pennsylvania Osteopathic Medical Association by Senator Mellow.

Congratulations of the Senate were extended to Tyler Rees, Ronald C. Brown, Alanna Justice, Robert S. Smee, Ridge Church of the Brethren of Shippensburg and to the Camp Hill Lions Club by Senator Mowery.

Congratulations of the Senate were extended to Jonathan T. Boyson, Brandon Bachert, Neil A. Unternahrer and to Philip Loscombe by Senator Musto.

Congratulations of the Senate were extended to Thomas J. Heffner, George E. Endy, William S. Flippin, Central Catholic Boys' Basketball Team of Reading, Reading Chapter of the Order of DeMolay, the men and women of the Army National Guard, Company C of the 111th Infantry Regiment, and to the City of Reading Commission on Human Relations by Senator O'Pake.

Congratulations of the Senate were extended to Regis N. Kessler, David Garlock, Barbara Baker, Joseph Samuel Thompson, William P. Boswell and to the Pine-Richland Middle School of Gibsonia by Senator Orie.

Congratulations of the Senate were extended to Ronald J. Hackenberg, Grace McLuckie, M. Richard Adair, William D. Hendrickson, Ann M. Fischer, Charles R. Wise, Downtown Daily Bread of Harrisburg and to the EFMR Monitoring Group of Harrisburg by Senator Piccola.

Congratulations of the Senate were extended to Joseph Edward Crossan, Jr., John Walker and to William T. Robinson by Senator Pileggi.

Congratulations of the Senate were extended to Trudy A. Latshaw by Senators Punt and Waugh.

Congratulations of the Senate were extended to Greg Heleniak, David Rishel and to the Douglass Township Police Department by Senator Rafferty.

Congratulations of the Senate were extended to Mr. and Mrs. Paul F. Henne, Marie E. Wanchick, Ronald E. Hepler, Jr., and to the Blue Mountain High School Boys' Varsity Basketball Team by Senator Rhoades.

Congratulations of the Senate were extended to William Thomas Ward, J. Jason Leffler, Casey Lee Shilling, Neal Christopher Lennon, Heidi Lynn Geiwitz, Casey Kucnick, Jim Miller and to the Greenville High School Wrestling Program by Senator Robbins.

Congratulations of the Senate were extended to David P. Anderson by Senator Scarnati.

Congratulations of the Senate were extended to Mr. and Mrs. James D. Bosworth, Mary C. Moore and to the Hickory Lioness Club by Senator Stout.

Congratulations of the Senate were extended to Foto Rodriguez by Senator Tartaglione.

Congratulations of the Senate were extended to Brett Patrick D'Antonio by Senator Thompson.

Congratulations of the Senate were extended to Mr. and Mrs. Richard F. Waters, Sr., Amanda Edgar, David Edgar, Sean Carson, Mallory Cummings, Jennifer Polsky, Christina Trasatti, Dominique Williams, Maria Vishnevskiy, James DeVita, Andrew Kline, Catherine Geist, Michael Anthony Russo, Gregory Allan Brandenburg-Bell, Union Fire Company of Bensalem and to the Bethel African Methodist Episcopal Church of Bristol by Senator Tomlinson.

Congratulations of the Senate were extended to the citizens of the Borough of Heidelberg by Senator Wagner.

Congratulations of the Senate were extended to Michael L. Simmons, A. J. Tristan Spector, Tammy S. Blymire and to Keith A. Nelson by Senator Waugh.

Congratulations of the Senate were extended to Raymond S. Sheller and to Corey James Schwerin by Senator Wenger.

Congratulations of the Senate were extended to Mr. and Mrs. William Hazlet, Abram Piper, Harry E. Richards and to the citizens of Indiana County by Senator D. White.

Congratulations of the Senate were extended to George Stephen Stutz, Jr., Philip Kirk Glasgow, Brent David Pollock and to Edward D. Kaufman by Senator M.J. White.

Congratulations of the Senate were extended to the Veterinary Hospital of the University of Pennsylvania by Senator A.H. Williams.

Congratulations of the Senate were extended to Conshohocken Fire Company No. 2 and to the Colonial Middle School Vocal Ensemble of Plymouth Meeting by Senator C. Williams.

Congratulations of the Senate were extended to Lucas Brommer and to Donald Spalding by Senator Wonderling.

Congratulations of the Senate were extended to Earl L. Neiderhiser and to Margie Roseman by Senator Wozniak.

CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Christine C. Phillips by Senator Lemmond.

Condolences of the Senate were extended to the family of the late Michael Perry and to the family of the late William F. Galey by Senator Orié.

POSTHUMOUS CITATION

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

A posthumous citation honoring the late Most Reverend Bishop Richard T. Guilfoyle was extended to the family by Senator Jubelirer.

PETITIONS AND REMONSTRANCES

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

Senator CORMAN. Madam President, I wanted to bring to the attention of the body an issue on another matter that is of grave importance to this Commonwealth, the issue of medical malpractice liability reform that kind of got sidetracked somewhat as we got into these budget discussions, but still something that is very important to this Commonwealth, not only to the economy of this Commonwealth because it means jobs, but more importantly, to the quality of health care we have in this Commonwealth. And I wanted to bring to the attention of the body something that happened as recently as yesterday in the State of West Virginia. Yesterday in West Virginia, the Governor, Bob Wise, a Democratic Governor, signed into law House Bill No. 2122, medical liability reform, to ensure the accessibility, affordability, and stability of the health care system in West Virginia. And I quote Governor Wise. He said, "My number one commitment is the health and safety of the citizens of West Virginia. I introduced, and the Legislature passed, legislation that will help keep our physicians practicing medicine and will attract new doctors to our state. This bill also will preserve and strengthen our emergency medical and trauma system." Governor Wise, in his state of the State address of 2003, said, "We must set reasonable caps, varying with the severity of injury, on awards for pain and suffering. I will propose a base cap of \$250,000, with a sliding scale similar to that recently adopted in Ohio." West Virginia previously, Madam President, had a cap of \$1 million, and in their bill, House Bill No. 2122, which they passed, they had a series of reforms, most notably was a cap on noneconomic damages of \$250,000 that lowers the existing from \$1 billion on awards for noneconomic damages to \$250,000, as I said, per occurrence, regardless of the number of plaintiffs and defendants and distributees of the estate. The cap is an index for inflation over time up to \$375,000 per occurrence. So West Virginia is taking a leading step in solving their malpractice crisis as we need to do here. It is a very broad crisis that has very many different components to it, and caps are not the only component to it, but it is a very important component to it because no reform will be complete without some sort of caps on noneconomic

damages, because that is the only thing that really brings stability to the marketplace so that we can attract high quality insurance companies back into Pennsylvania to write malpractice reform.

And as I mentioned sort of in jest earlier, for the viewers on TV who may not know that we have a constitutional barrier which prevents us from enacting caps here in Pennsylvania, we have to change our Constitution, which essentially we will have to vote here and then send it out to the voters of Pennsylvania to make the final decision. And if you are wondering what the voters of Pennsylvania might think, in this Quinnipiac University poll which I cited earlier, by a 72 to 23 percent margin, voters support a limit on the amount of money awarded for pain and suffering in medical malpractice cases. So I think at least there is an argument to be made that it is worth a vote. There is a strong sentiment of support out there, and I am sure it will be a healthy debate and a debate that I am looking forward to having here in our Chamber. We have honest differences of opinion on this issue. I can certainly understand the people who may be hesitant to want to go this far in medical malpractice reform, but other States are doing it. I only hope when the Governor of the State of West Virginia said that this will attract new doctors into their State, they are not coming from Pennsylvania to West Virginia because we have failed to act here. So I look forward to the Governor's task force, which I believe on April 1, he is coming out with long-term recommendations. I look forward to hearing those recommendations and hopefully getting into the crux of our debate on medical liability reform here in the State Senate in April, after the Governor's task force makes its recommendations.

With that, Madam President, I thank you very much.

HOUSE MESSAGE

HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bill for concurrence, which was referred to the committee indicated:

March 12, 2003

HB 16 -- Committee on Transportation.

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 12, 2003

Senators DENT, D. WHITE, MOWERY, WONDERLING, BOSCOLA and ROBBINS presented to the Chair **SB 321**, entitled:

An Act prohibiting government competition with private enterprise.

Which was committed to the Committee on STATE GOVERNMENT, March 12, 2003.

Senators DENT, BOSCOLA, HELFRICK, KITCHEN, RHOADES, WOZNIAC, SCHWARTZ, ORIE, C. WILLIAMS,

TOMLINSON, RAFFERTY, M. WHITE, EARLL and THOMPSON presented to the Chair **SB 322**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for a Low-Income Home Energy Assistance Block Grant.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, March 12, 2003.

Senators WAUGH, KUKOVICH, MUSTO, COSTA, ERICKSON, LOGAN, ORIE, RAFFERTY and WONDERLING presented to the Chair **SB 352**, entitled:

An Act providing for appointment and promotion preference in public employment for volunteer firefighters.

Which was committed to the Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, March 12, 2003.

Senators JUBELIRER and CORMAN presented to the Chair **SB 369**, entitled:

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, further providing for jurisdiction of the Board of Claims.

Which was committed to the Committee on STATE GOVERNMENT, March 12, 2003.

Senators O'PAKE, MUSTO, KITCHEN and STOUT presented to the Chair **SB 372**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for the removal by referendum of elected municipal officers in home rule charter municipalities where the charter authorizes such removal.

Which was committed to the Committee on LOCAL GOVERNMENT, March 12, 2003.

Senators WAUGH, KUKOVICH, MOWERY, COSTA, SCHWARTZ, STACK, TARTAGLIONE, WOZNIAC, KASUNIC and THOMPSON presented to the Chair **SB 378**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a safe driver point system.

Which was committed to the Committee on BANKING AND INSURANCE, March 12, 2003.

Senators PICCOLA, TARTAGLIONE, LEMMOND, ROBBINS, WONDERLING and RAFFERTY presented to the Chair **SB 389**, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for termination of annuities.

Which was committed to the Committee on FINANCE, March 12, 2003.

Senators MELLOW, WAGNER, MUSTO, STOUT, KUKOVICH, LAVALLE, TARTAGLIONE, KASUNIC, RAFFERTY, LOGAN, KITCHEN, COSTA, BOSCOLA,

C. WILLIAMS and STACK presented to the Chair **SB 405**, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, providing for sales of Pennsylvania lottery tickets in State liquor stores.

Which was committed to the Committee on LAW AND JUSTICE, March 12, 2003.

Senators MELLOW, WAGNER, MUSTO, KUKOVICH, LAVALLE, TARTAGLIONE, LOGAN, KITCHEN, RAFFERTY, SCHWARTZ, C. WILLIAMS, BOSCOLA, STOUT, COSTA and STACK presented to the Chair **SB 406**, entitled:

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, further providing for lottery sales agents.

Which was committed to the Committee on FINANCE, March 12, 2003.

Senators KASUNIC, WOZNIAK, LEMMOND, O'PAKE, WAGNER, MUSTO, COSTA, EARLL, ERICKSON, KITCHEN, KUKOVICH, PUNT and WONDERLING presented to the Chair **SB 408**, entitled:

An Act establishing the Flight 93 Disaster Cleanup Fund Act; conferring powers and imposing duties on the Pennsylvania Emergency Management Agency; and making an appropriation.

Which was committed to the Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, March 12, 2003.

Senators GREENLEAF, M. WHITE, ERICKSON, LEMMOND, LOGAN, MUSTO, RAFFERTY, WAUGH, FUMO, KASUNIC and C. WILLIAMS presented to the Chair **SB 417**, entitled:

An Act imposing limitations on credit blocking by the retail industry and providers of travel services; establishing a ceiling amount on the amount of credit allowed to block; prescribing a fixed time period to block a certain amount in a consumer's account or line of credit; and providing for enforcement.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, March 12, 2003.

Senators WAUGH, ERICKSON, RAFFERTY, COSTA, KUKOVICH, PILEGGI, EARLL, KITCHEN, WONDERLING, CORMAN, THOMPSON, WOZNIAK, MADIGAN, RHOADES, LEMMOND, MELLOW and O'PAKE presented to the Chair **SB 427**, entitled:

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, further providing for required contractual provision regarding home inspections and for reliance by buyer.

Which was committed to the Committee on URBAN AFFAIRS AND HOUSING, March 12, 2003.

Senators WAUGH, LOGAN, KUKOVICH, TARTAGLIONE, RAFFERTY, O'PAKE, ORIE, TOMLINSON, SCARNATI, COSTA, BOSCOLA, WONDERLING and KASUNIC presented to the Chair **SB 459**, 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 personal income tax returns and liability.

Which was committed to the Committee on FINANCE, March 12, 2003.

Senators KITCHEN, KUKOVICH, LOGAN, MUSTO, TARTAGLIONE, COSTA, STOUT, ORIE, O'PAKE, LAVALLE, WOZNIAK, ERICKSON, SCHWARTZ, RHOADES, HELFRICK, STACK, KASUNIC and C. WILLIAMS presented to the Chair **SB 460**, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, providing for a training and education program for certain individuals eligible for public assistance.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, March 12, 2003.

Senator ROBBINS presented to the Chair **SB 461**, entitled:

An Act designating the access drive of the State regional correctional facility in Findley Township, Mercer County, as Walters Drive.

Which was committed to the Committee on TRANSPORTATION, March 12, 2003.

Senators BOSCOLA, ERICKSON, RAFFERTY, MUSTO and WAUGH presented to the Chair **SB 462**, entitled:

An Act amending the act of June 13, 1883 (P.L.112, No.99), entitled "An act to abolish the contract system in the prisons and reformatory institutions of the State of Pennsylvania, and to regulate the wages of the inmates," further providing for convicts to receive wages.

Which was committed to the Committee on JUDICIARY, March 12, 2003.

Senators BOSCOLA, ERICKSON, RAFFERTY, MUSTO and WAUGH presented to the Chair **SB 463**, entitled:

An Act amending the act of May 25, 1907 (P.L.247, No.191), entitled "An act authorizing the employment of male prisoners of the jails, and workhouses of this Commonwealth upon the public highways of the several counties, and regulating the same; and providing for the establishment of Prison Boards, the purchase of material and tools, and employment of deputies, at the expense of the proper county, and a penalty for the escape of prisoners while employed outside of said jails, workhouses," further providing for labor.

Which was committed to the Committee on JUDICIARY, March 12, 2003.

Senators BOSCOLA, MUSTO and KUKOVICH presented to the Chair **SB 464**, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, setting forth a concise statement of voter's rights; requiring that the statement of voter's rights be visible in voter registration offices and polling places; and providing for polling place accessibility.

Which was committed to the Committee on STATE GOVERNMENT, March 12, 2003.

Senators C. WILLIAMS, MUSTO, KASUNIC, LOGAN and STACK presented to the Chair **SB 466**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further prohibiting driving under influence of alcohol or controlled substance.

Which was committed to the Committee on JUDICIARY, March 12, 2003.

Senators C. WILLIAMS, MUSTO and LOGAN presented to the Chair **SB 467**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for driving under the influence.

Which was committed to the Committee on JUDICIARY, March 12, 2003.

Senators KASUNIC, LOGAN, TARTAGLIONE, O'PAKE, MUSTO, WOZNAK, WAGNER, M. WHITE, KUKOVICH, COSTA, KITCHEN and RHOADES presented to the Chair **SB 468**, entitled:

An Act providing for grants to persons for property damaged or destroyed by disasters; establishing the basis for the grants; establishing the Disaster Relief Fund; and making an appropriation.

Which was committed to the Committee on STATE GOVERNMENT, March 12, 2003.

Senators KASUNIC, LOGAN, O'PAKE, WAGNER, MUSTO, RAFFERTY, COSTA, KITCHEN, SCHWARTZ, TARTAGLIONE and WAUGH presented to the Chair **SB 469**, entitled:

An Act amending the act of May 22, 1933 (P.L.853, No.155), known as The General County Assessment Law, further providing for exemptions from taxation.

Which was committed to the Committee on FINANCE, March 12, 2003.

Senators KASUNIC, WOZNAK, LOGAN, O'PAKE, WAGNER, COSTA, KITCHEN, RAFFERTY, SCHWARTZ and TARTAGLIONE presented to the Chair **SB 470**, entitled:

An Act amending the act of May 21, 1943 (P.L.571, No.254), known as The Fourth to Eighth Class County Assessment Law, further providing for exemptions from taxation.

Which was committed to the Committee on FINANCE, March 12, 2003.

Senators KASUNIC, MUSTO, RHOADES, O'PAKE, WAGNER, COSTA, KITCHEN, KUKOVICH, LOGAN and TARTAGLIONE presented to the Chair **SB 471**, entitled:

An Act amending the act of March 1, 1988 (P.L.82, No.16), known as the Pennsylvania Infrastructure Investment Authority Act, further providing for financial assistance; and making an appropriation.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, March 12, 2003.

Senators KASUNIC, STOUT, COSTA, RHOADES, TARTAGLIONE, WOZNAK, MUSTO, KITCHEN, LOGAN, SCHWARTZ and WAGNER presented to the Chair **SB 472**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a special breast cancer awareness plate.

Which was committed to the Committee on TRANSPORTATION, March 12, 2003.

Senators KASUNIC, WOZNAK, LOGAN, WAGNER, MUSTO, COSTA, KITCHEN, SCHWARTZ, STACK, TARTAGLIONE, WAUGH and M. WHITE presented to the Chair **SB 473**, 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 joint tenancy.

Which was committed to the Committee on FINANCE, March 12, 2003.

Senators KASUNIC, O'PAKE, WAGNER, MUSTO, STOUT, WOZNAK, COSTA, KITCHEN, KUKOVICH, LOGAN, PUNT, RHOADES, SCHWARTZ, TARTAGLIONE and C. WILLIAMS presented to the Chair **SB 474**, entitled:

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, providing for permanent cost-of-living increases for retirees.

Which was committed to the Committee on FINANCE, March 12, 2003.

Senators KASUNIC, TARTAGLIONE, WAGNER, STOUT, COSTA, KITCHEN, KUKOVICH, LOGAN, PUNT and SCHWARTZ presented to the Chair **SB 477**, entitled:

An Act providing for workplace health and safety standards for public employees; providing for powers and duties of the Secretary of Labor and Industry; establishing the Pennsylvania Occupational Safety and Health Review Board; providing for workplace inspections; and imposing penalties.

Which was committed to the Committee on LABOR AND INDUSTRY, March 12, 2003.

RESOLUTION INTRODUCED AND REFERRED

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

March 12, 2003

Senators D. WHITE, ROBBINS, KITCHEN, COSTA, WAGNER, KUKOVICH, LAVALLE, LOGAN, EARLL, TARTAGLIONE, RAFFERTY, LEMMOND, ORIE, WAUGH,

MOWERY, ARMSTRONG, SCARNATI, GREENLEAF, MUSTO, O'PAKE, DENT, KASUNIC, WENGER, M. WHITE, ERICKSON, BOSCOLA, WONDERLING, SCHWARTZ, TOMLINSON, CORMAN, C. WILLIAMS, STACK and THOMPSON presented to the Chair **SR 45**, entitled:

A Resolution urging Congress to support the passage of the Veterans Health Care Funding Guarantee Act of 2003.

Which was committed to the Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, March 12, 2003.

RECESS

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

Senator PICCOLA. Madam President, I request a recess for a short period of time.

The PRESIDENT. Without objection, the Senate will stand in recess.

AFTER RECESS

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

BILL SIGNED

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

HB 648.

ADJOURNMENT

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

Senator PICCOLA. Madam President, I move that the Senate do now adjourn until Monday, March 24, 2003, at 2 p.m., Eastern Standard Time.

The motion was agreed to by voice vote.

The Senate adjourned at 2:25 p.m., Eastern Standard Time.