

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

MONDAY, JUNE 23, 2003

SESSION OF 2003 187TH OF THE GENERAL ASSEMBLY

No. 44

SENATE

MONDAY, June 23, 2003

The Senate met at 2 p.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, Reverend WILLIAM MURPHEY, of Progress Immanuel Presbyterian Church, Harrisburg, offered the following prayer:

O God of every nation, of every race and land,
Redeem the whole creation with Your almighty hand;
Where hate and fear divide us and bitter threats are hurled,
In love and mercy guide us and heal our strife-torn world.

Lord God, we are made in Your image and after Your likeness, but sometimes like blotters, we get it all backward. We meet as peers to establish justice and to rule wisely, while we still seek ways to discover how we can break down walls of misunderstanding that divide us, one from the other. Help us to be quick, to put ourselves in the place of those with whom we disagree, and to seek with all the insight we may gain, ways in which we may come to good and acceptable solutions.

We understand very well that we have different ways in which to reach our goals and that our priorities are informed by our understandings. Help us, Lord God, this day and in the days ahead, to place first the well-being of our Commonwealth, that we may rise above party or special interest, and do for all what is just and beneficial.

Forgive us for narrowness of outlook or fear of criticism, and guide us to courageous decisions. Help us to be authentic in our speaking and convinced in our voting. Speak to us, Lord God, with the voice of wisdom, the word of compassion, the promise of hope, that what we shall do shall bring us to accomplish the work to make the decisions that shall make evident our loyalty and service to our nation, to our Commonwealth, to the people we represent, and to You, our Lord and God.

Lord, strengthen those who labor, that all may find release
From fear of rattling saber, from dread of war's increase;
When hope and courage falter, Your still small voice be heard,
With faith that none can alter, Your servants undergird.

The Lord bless you and keep you, the Lord make his face to shine upon you and be gracious unto you. The Lord lift up the light of his countenance upon you and grant you peace, now and forevermore. Amen.

The PRESIDENT. The Chair thanks Reverend Murphey, who is the guest today of Senator Piccola.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of June 18, 2003.

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

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS REFERRED TO COMMITTEE

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

**MEMBER OF THE BOARD OF TRUSTEES
OF HAMBURG CENTER**

June 19, 2003

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert J. Lesko, 20 Lupine Lane, Oley 19547, Berks County, Eleventh Senatorial District, for appointment as a member of the Board of Trustees of Hamburg Center, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, vice Melvin E. Horning, Hamburg, resigned.

EDWARD G. RENDELL
Governor

**MEMBER OF THE BOARD OF TRUSTEES
OF HAMBURG CENTER**

June 19, 2003

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William F. Zimmerman, 2055 Mahantongo Street, Pottsville 17901, Schuylkill County, Twenty-ninth

Senatorial District, for appointment as a member of the Board of Trustees of Hamburg Center, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, vice Pamela C. Evans, Bernville, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF EXAMINERS
OF NURSING HOME ADMINISTRATORS

June 19, 2003

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, I. William Goldfarb, M.D., 5450 Albermarle Avenue, Pittsburgh 15217, Allegheny County, Forty-third Senatorial District, for appointment as a member of the State Board of Examiners of Nursing Home Administrators, to serve until February 6, 2006, or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Rene R. Rigal, M.D., Williamsport, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE FAYETTE COUNTY
BOARD OF ASSISTANCE

June 19, 2003

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Rodd J. Durbin, (Democrat), 196 Bute Road, Uniontown 15401, Fayette County, Thirty-second Senatorial District, for appointment as a member of the Fayette County Board of Assistance, to serve until December 31, 2003, and until his successor is appointed and qualified, vice Reverend DewVaul W. Tracy, Jr., Lake Lynn, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE CLINTON COUNTY
BOARD OF ASSISTANCE

June 20, 2003

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Edward Clawson, (Democrat), 23 Gwynned Wynd, Mill Hall 17751, Clinton County, Thirty-fifth Senatorial District, for appointment as a member of the Clinton County Board of Assistance, to serve until December 31, 2004, and until his successor is appointed and qualified, vice Joseph A. Ordway, Lock Haven, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE CARBON COUNTY
BOARD OF ASSISTANCE

June 23, 2003

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joe Kosalko, (Democrat), 249 East Mountain Top Road, Summit Hill 18250, Carbon County, Fourteenth Senatorial District, for appointment as a member of the Carbon County Board of Assistance, to serve until December 31, 2004, and until his successor is appointed and qualified, vice Edward H. Vermillion, Lehighton, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE CLINTON COUNTY
BOARD OF ASSISTANCE

June 23, 2003

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, George Geden, (Republican), 121 West Main Street, Lock Haven 17745, Clinton County, Thirty-fifth Senatorial District, for appointment as a member of the Clinton County Board of Assistance, to serve until December 31, 2004, and until his successor is appointed and qualified, vice Gurney F. Wagner, Sr., Lock Haven, deceased.

EDWARD G. RENDELL
Governor

MEMBER OF THE CLINTON COUNTY
BOARD OF ASSISTANCE

June 23, 2003

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Paul Walison, (Republican), 8 Riverview Street, Woodward Township 17745, Clinton County, Thirty-fifth Senatorial District, for appointment as a member of the Clinton County Board of Assistance, to serve until December 31, 2004, and until his successor is appointed and qualified, vice William L. Englert, Lock Haven, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE JUNIATA COUNTY
BOARD OF ASSISTANCE

June 23, 2003

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Sue Hoover, (Democrat), R.R. 1, Box 1160, Port Royal 17082, Juniata County, Thirty-fourth Senatorial District, for appointment as a member of the Juniata County Board of Assistance, to serve until December 31, 2004, and until her successor is appointed and qualified, vice Fred N. Noble, Honey Grove, resigned.

EDWARD G. RENDELL
Governor

**MEMBER OF THE JUNIATA COUNTY
BOARD OF ASSISTANCE**

June 23, 2003

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Christine McLaughlin, (Republican), R.D. 3, Box 754, Mifflintown 17059, Juniata County, Thirty-fourth Senatorial District, for appointment as a member of the Juniata County Board of Assistance, to serve until December 31, 2004, and until her successor is appointed and qualified, vice Willis E. Kauffman, Mifflintown, resigned.

EDWARD G. RENDELL
Governor

**MEMBER OF THE JUNIATA COUNTY
BOARD OF ASSISTANCE**

June 23, 2003

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Kathy Saylor, (Republican), R.R. 2, Box 2105, Port Royal 17082, Juniata County, Thirty-fourth Senatorial District, for appointment as a member of the Juniata County Board of Assistance, to serve until December 31, 2003, and until her successor is appointed and qualified, vice Esther E. Rhine, Mifflintown, resigned.

EDWARD G. RENDELL
Governor

**CORRECTIONS TO NOMINATIONS
REFERRED TO COMMITTEE**

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

**MEMBER OF THE STATE HORSE
RACING COMMISSION**

June 20, 2003

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

Please note the nomination dated May 12, 2003, for the appointment of F. Eugene Dixon, Jr., 665 Thomas Road, Lafayette Hill 19444, Montgomery County, Seventh Senatorial District, for appointment as a

member of the State Horse Racing Commission, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Cuyler H. Walker, Esq., resigned, should be corrected to read:

F. Eugene Dixon, Jr., 665 Thomas Road, Lafayette Hill 19444, Montgomery County, Seventh Senatorial District, for appointment as a member of the State Horse Racing Commission, to serve for a term of three years and until his successor is appointed and qualified, vice Cuyler H. Walker, Esq., resigned.

**MEMBER OF THE STATE HORSE
RACING COMMISSION**

June 20, 2003

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

Please note the nomination dated May 12, 2003, for the appointment of Larry Kent, 205 Glenn Road, Ardmore 19003, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the State Horse Racing Commission, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Paul D. Mills, whose term expired, should be corrected to read:

Larry Kent, 205 Glenn Road, Ardmore 19003, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the State Horse Racing Commission, to serve for a term of three years and until his successor is appointed and qualified, vice Paul D. Mills, whose term expired.

**RECALL COMMUNICATIONS
REFERRED TO COMMITTEE**

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

CLERK OF COURTS, LANCASTER COUNTY

June 18, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2003, for the appointment of Jamie Fleet, 122 E. Middle Street, Gettysburg 17325, Adams County, Thirty-third Senatorial District, as Clerk of Courts, in and for the County of Lancaster, to serve until the first Monday of January 2004, vice David S. Hickernell, resigned.

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

EDWARD G. RENDELL
Governor

CORONER, LAWRENCE COUNTY

June 18, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2003, for the appointment of Nina Tinari, 6401 Church Road, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, as Coroner, in and for the County of Lawrence, to serve until the first Monday of January 2004, vice John Russell Noga, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE PENNSYLVANIA
ENERGY DEVELOPMENT AUTHORITY

June 18, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2003, for the appointment of Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, as a member of the Pennsylvania Energy Development Authority, to serve for a term of four years and until his successor is appointed and qualified, vice Virginia L. Brown, Philadelphia, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE PENNSYLVANIA
ENERGY DEVELOPMENT AUTHORITY

June 18, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2003, for the appointment of Jamie Fleet, 122 E. Middle Street, Gettysburg 17325, Adams County, Thirty-third Senatorial District, as a member of the Pennsylvania Energy Development Authority, to serve for a term of four years and until his successor is appointed and qualified, vice C. Alan Walker, Bigler, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE PENNSYLVANIA
ENERGY DEVELOPMENT AUTHORITY

June 18, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2003, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Eppers 17319, York County, Fifteenth Senatorial District, as a member of the Pennsylvania Energy Development Authority, to

serve for a term of four years and until her successor is appointed and qualified, vice James H. Cawley, Mechanicsburg, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE PENNSYLVANIA
ENERGY DEVELOPMENT AUTHORITY

June 18, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2003, for the appointment of Nina Tinari, 6401 Church Road, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, as a member of the Pennsylvania Energy Development Authority, to serve for a term of four years and until her successor is appointed and qualified, vice James J. Canova, East McKeesport, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE PLANNING BOARD

June 18, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2003, for the appointment of Jamie Fleet, 122 East Middle Street, Gettysburg 17325, Adams County, Thirty-third Senatorial District, as a member of the State Planning Board, to serve for a term of four years and until his successor is appointed and qualified, vice Richard W. Hayden, Philadelphia, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE PLANNING BOARD

June 18, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2003, for the appointment of Michelle W. Singer, 128 North Craig Street, Pittsburgh 15213, Allegheny County, Thirty-eighth Senatorial District, as a member of the State Planning Board, to serve for a term of four years and until her successor is appointed and qualified, add to complement.

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

EDWARD G. RENDELL
Governor

**REGISTER OF WILLS AND CLERK OF
ORPHANS' COURT, CUMBERLAND COUNTY**

June 18, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2003, for the appointment of Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, as Register of Wills and Clerk of Orphans' Court, in and for the County of Cumberland, to serve until the first Monday of January 2004, vice Mary C. Lewis, resigned.

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

EDWARD G. RENDELL
Governor

**MEMBER OF THE STATE BOARD OF EXAMINERS
IN SPEECH-LANGUAGE AND HEARING**

June 18, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2003, for the appointment of B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, as a member of the State Board of Examiners in Speech-Language and Hearing, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Carol St. George, D.O., York, whose term expired.

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

EDWARD G. RENDELL
Governor

TREASURER, VENANGO COUNTY

June 18, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2003, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Eters 17319, York County, Fifteenth Senatorial District, as Treasurer, in and for the County of Venango, to serve until the first Monday of January 2004, vice Margaret R. Spence, resigned.

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

EDWARD G. RENDELL
Governor

**MEMBER OF THE STATE BOARD OF VEHICLE
MANUFACTURERS, DEALERS AND SALESPERSONS**

June 18, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2003, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Eters 17319, York County, Fifteenth Senatorial District, as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of four years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Frederick C. Laurenzo, Lebanon, whose term expired.

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

EDWARD G. RENDELL
Governor

**MEMBER OF THE BOARD OF TRUSTEES
OF WARREN STATE HOSPITAL**

June 18, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2003, for the appointment of Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, as a member of the Board of Trustees of Warren State Hospital, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, vice Maurice J. Cashman, Warren, resigned.

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

EDWARD G. RENDELL
Governor

DISTRICT JUSTICE

June 18, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2003, for the appointment of B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, as District Justice, in and for the County of Delaware, Magisterial District 32-2-51, to serve until the first Monday of January 2004, vice Mary Alice Brennan, resigned.

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

EDWARD G. RENDELL
Governor

DISTRICT JUSTICE

June 18, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2003, for the appointment of Nina Tinari, 6401 Church Road, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, as District Justice, in and for the County of Delaware, Magisterial District 32-1-33, to serve until the first Monday of January 2004, vice Joseph T.F. Quinn, mandatory retirement.

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

EDWARD G. RENDELL
Governor

DISTRICT JUSTICE

June 18, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2003, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Fifteenth Senatorial District, as District Justice, in and for the County of Lehigh, Magisterial District 31-2-01, to serve until the first Monday of January 2004, vice Diane R. Jepsen, forfeiture of judicial office.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF HAMBURG CENTER

June 19, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2003, for the appointment of Jamie Fleet, 122 E. Middle Street, Gettysburg 17325, Adams County, Thirty-third Senatorial District, as a member of the Board of Trustees of Hamburg Center, to serve until the third Tuesday of January 2009, and until his successor is appointed and qualified, vice Melvin E. Horning, Hamburg, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF HAMBURG CENTER

June 19, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2003, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Fifteenth Senatorial District, as a member of the Board of Trustees of Hamburg Center, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified, vice Pamela C. Evans, Bernville, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF EXAMINERS
OF NURSING HOME ADMINISTRATORS

June 19, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 10, 2003, for the appointment of Michelle W. Singer, 128 North Craig Street, Pittsburgh 15213, Allegheny County, Thirty-eighth Senatorial District, as a member of the State Board of Examiners of Nursing Home Administrators, to serve until February 6, 2006, or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Rene R. Rigal, M.D., Williamsport, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE FAYETTE COUNTY
BOARD OF ASSISTANCE

June 19, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 21, 2003, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Fifteenth Senatorial District, as a member of the Fayette County Board of Assistance, to serve until December 31, 2003, and until her successor is appointed and qualified, vice Reverend DewVaul W. Tracy, Jr., Lake Lynn, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD
OF COSMETOLOGY

June 23, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 8, 2003, for the appointment of Colleen Q. Eason, 5525 Wyalusing Avenue, Philadelphia 19131, Philadelphia County, Seventh Senatorial District, as a member of the State Board of Cosmetology, to serve until November 15, 2003, and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Francine M. Amendola, Erie, resigned.

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

EDWARD G. RENDELL
Governor

JUDGE, COURT OF COMMON PLEAS,
BEAVER COUNTY

June 23, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2003, for the appointment of Michael C. Nickles, Esquire, 532 Hamilton Boulevard, Freedom 15042, Beaver County, Forty-seventh Senatorial District, as Judge of the Court of Common Pleas of Beaver County, to serve until the first Monday of January 2004, vice The Honorable Robert C. Reed, mandatory retirement.

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

EDWARD G. RENDELL
Governor

JUDGE, SUPERIOR COURT OF PENNSYLVANIA

June 23, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2003, for the appointment of Adrian R. King, Jr., Esquire, 8833 Norwood Avenue, Philadelphia 19118, Philadelphia County, Fourth Senatorial District, as Judge of the Superior Court, to serve until the first Monday of January 2004, vice The Honorable Stephen J. McEwen, Jr., mandatory retirement.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF OCCUPATIONAL
THERAPY EDUCATION AND LICENSURE

June 23, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2003, for the appointment of B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, as a member of the State Board of Occupational Therapy Education and Licensure, to serve for a term of three years, vice Jerry Johnson, Philadelphia, whose term expired.

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

EDWARD G. RENDELL
Governor

COMMISSIONER OF PROFESSIONAL
AND OCCUPATIONAL AFFAIRS

June 23, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2003, for the appointment of Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, as Commissioner of Professional and Occupational Affairs, to serve at the pleasure of the Governor, vice Albert H. Masland, Carlisle, resigned.

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

EDWARD G. RENDELL
Governor

SMALL BUSINESS ADVOCATE

June 23, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2003, for the appointment of B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, as Small Business Advocate, to serve until his successor is appointed and qualified, vice Bernard A. Ryan, Jr., Hummelstown, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF TORRANCE STATE HOSPITAL

June 23, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2003, for the appointment of Jamie Fleet, 122 E. Middle Street, Gettysburg 17325, Adams County, Thirty-third Senatorial District, as a member of the Board of Trustees of Torrance State Hospital, to serve until the third Tuesday of January 2009, and until his successor is appointed and qualified, vice Nathan S. Falk, Blairsville, deceased.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF TORRANCE STATE HOSPITAL

June 23, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2003, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Fifteenth Senatorial District, as a member of the Board of Trustees of Torrance State Hospital, to serve until the third Tuesday of January 2005, and until her successor is appointed and qualified, vice Bartholomew Tullio, Mount Pleasant, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF WHITE HAVEN CENTER

June 23, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 17, 2003, for the appointment of Judith Granick, 14 Pulaski Street, Kingston 18704, Luzerne County, Twentieth Senatorial District, as a member of the Board of Trustees of White Haven Center, to serve until the third Tuesday of January 2009, and until her successor is appointed and qualified, vice John P. Rogers, Sr., Hazleton, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE CARBON COUNTY
BOARD OF ASSISTANCE

June 23, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 17, 2003, for the appointment of Joe Kosalko, (Democrat), 249 East Mountain Top Road, Summit Hill 18250, Carbon County, Fourteenth Senatorial District, as a member of the Carbon County Board of Assistance, to serve until December 31, 2004, and until his successor is appointed and qualified, vice Edward H. Vermillion, Lehighton, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE CENTRE COUNTY
BOARD OF ASSISTANCE

June 23, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 17, 2003, for the appointment of Joanne Tosti-Vasey, (Democrat), 429 N. Spring Street, Bellefonte 16823, Centre County, Thirty-fourth Senatorial District, as a member of the Centre County Board of Assistance, to serve until December 31, 2003, and until her successor is appointed and qualified, vice Rhonda E. Walker, State College, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE CLINTON COUNTY
BOARD OF ASSISTANCE

June 23, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 17, 2003, for the appointment of George Geden, (Republican), 121 West Main Street, Lock Haven 17745, Clinton County, Thirty-fifth Senatorial District, as a member of the Clinton County Board of Assistance, to serve until December 31, 2004, and until his successor is appointed and qualified, vice Gurney F. Wagner, Sr., Lock Haven, deceased.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE CLINTON COUNTY
BOARD OF ASSISTANCE

June 23, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 17, 2003, for the appointment of Paul Walison, (Republican), 8 Riverview Street, Woodward Township 17745, Clinton County, Thirty-fifth Senatorial District, as a member of the Clinton County Board of Assistance, to serve until December 31, 2004, and until his successor is appointed and qualified, vice William L. Englert, Lock Haven, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE JUNIATA COUNTY
BOARD OF ASSISTANCE

June 23, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 17, 2003, for the appointment of Sue Hoover, (Democrat), R.R. 1, Box 1160, Port Royal 17082, Juniata County, Thirty-fourth Senatorial District, as a member of the Juniata County Board of Assistance, to serve until December 31, 2004, and until her successor is appointed and qualified, vice Fred N. Noble, Honey Grove, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE JUNIATA COUNTY
BOARD OF ASSISTANCE

June 23, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 17, 2003, for the appointment of Christine McLaughlin, (Republican), R.D. 3, Box 754, Mifflintown 17059, Juniata County, Thirty-fourth Senatorial District, as a member of the Juniata County Board of Assistance, to serve until December 31, 2004, and until her successor is appointed and qualified, vice Willis E. Kauffman, Mifflintown, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE JUNIATA COUNTY
BOARD OF ASSISTANCE

June 23, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 17, 2003, for the appointment of Kathy Saylor, (Republican), R.R. 2, Box 2105, Port Royal 17082, Juniata County, Thirty-fourth Senatorial District, as a member of the Juniata County Board of Assistance, to serve until December 31, 2003, and until her successor is appointed and qualified, vice Esther E. Rhine, Mifflintown, resigned.

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

EDWARD G. RENDELL
Governor

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

June 18, 2003

- HB 248 -- Committee on Local Government.
- HB 786 -- Committee on Judiciary.
- HB 884 -- Committee on Education.
- HB 1026 -- Committee on Aging and Youth.
- HB 1406 -- Committee on Public Health and Welfare.

June 19, 2003

- HB 249 and 250 -- Committee on Local Government.
- HB 395 and 538 -- Committee on Education.
- HB 500 -- Committee on Urban Affairs and Housing.

June 23, 2003

- HB 478 -- Committee on Education.
- HB 1096 -- Committee on Transportation.
- HB 1326 -- Committee on Judiciary.

HOUSE RESOLUTION FOR CONCURRENCE

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

June 18, 2003

HCR 241 -- Committee on Veterans Affairs and Emergency Preparedness.

BILLS INTRODUCED AND REFERRED

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

June 23, 2003

Senators HUGHES, KITCHEN, MUSTO, WAGNER, HELFRICK, LOGAN, TARTAGLIONE, ERICKSON, RHOADES, COSTA and ORIE presented to the Chair **SB 811**, entitled:

An Act establishing the "Breaking the Silence" Grant Program; and making an appropriation.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 23, 2003.

Senators BRIGHTBILL, RHOADES, M. WHITE, O'PAKE, KITCHEN, MUSTO, ERICKSON, ORIE, C. WILLIAMS, PILEGGI, COSTA, ARMSTRONG, BOSCOLA, WENGER, WONDERLING, ROBBINS, WAUGH, RAFFERTY, JUBELIRER, LEMMOND, GREENLEAF, LAVALLE, WOZNIAK and CORMAN presented to the Chair **SB 823**, entitled:

An Act amending the act of May 25, 1945 (P.L.1050, No.394), known as the Local Tax Collection Law, further providing for installment payment of taxes; and authorizing monthly installment payment of school taxes.

Which was committed to the Committee on FINANCE, June 23, 2003.

LEGISLATIVE LEAVE

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

Senator BRIGHTBILL. Madam President, I ask for a legislative leave for Senator Greenleaf.

The PRESIDENT. Senator Brightbill requests a legislative leave for Senator Greenleaf. Without objection, that leave is granted.

LEAVE OF ABSENCE

Senator BRIGHTBILL asked and obtained a leave of absence for Senator WENGER, for today's Session, for personal reasons.

Senator PIPPY remains on military leave pursuant to Senate Rule XXI(3).

CALENDAR

**SENATE RESOLUTION No. 99
CALLED UP OUT OF ORDER, ADOPTED**

Senator BRIGHTBILL, without objection, called up from page 5 of the Calendar, as a Special Order of Business, **Senate Resolution No. 99**, entitled:

A Resolution declaring the week of July 14 through 20, 2003, as "Slovak Heritage Week" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Mercer, Senator Robbins.

Senator ROBBINS. Madam President, it is my pleasure to once again sponsor this resolution declaring the week of July 14 through 20 as "Slovak Heritage Week" in Pennsylvania. While I am not of Slovak descent, western Pennsylvania contains one of the largest concentrations, as all of Pennsylvania does, of Slovak people. And as most of my colleagues know by now, it is within my district that the Slovakian-born Stefan Banic obtained the first patent on a parachute. As such, I have been able to share in the display of Slovak heritage through the founding of the Stefan Banic Skydiving Festival, now in its 12th year. The Banic event features Slovak foods, crafts, and displays, along with skydiving, the Pennsylvania Parachuting Championships, and we have many other military and parachuting displays. This year's event will be held July 18 through 20 at the Greenville Airport, and as always, I invite all to come who might want to do some tandem parachuting, or of Slovak heritage, to enjoy the weekend.

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

Senator O'PAKE. Madam President, as one who is proud of his Slovak heritage, I want to thank and commend Senator Robbins for his annual Banic Day celebration. For his work in western Pennsylvania, he has been recently honored by the President of the Slovak Republic who visited Washington to commend Senator Robbins for his leadership in that part of the State.

Madam President, Slovaks are very conscientious, hard-working, God-fearing, family-oriented people. They make up the backbone of Pennsylvania's society, and we commend Senator Robbins for singling out the week of July 14, but I hope we would respect all our ethnic backgrounds every week of the year, and I urge my colleagues on this side of the aisle to join in supporting this and perhaps visiting in the Banic festival at the end of July so that Senator Robbins can continue to earn the appreciation of the Slovak people in his district.

Thank you.

And the question recurring,
Will the Senate adopt the resolution?

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

YEA-48

Armstrong	Helfrick	Musto	Stout
Boscola	Hughes	O'Pake	Tartaglione
Brightbill	Jubelirer	Orie	Thompson
Conti	Kasunic	Piccola	Tomlinson
Corman	Kitchen	Pileggi	Wagner
Costa	Kukovich	Punt	Waugh
Dent	LaValle	Rafferty	White, Donald
Earll	Lemmond	Rhoades	White, Mary Jo
Erickson	Logan	Robbins	Williams, Anthony H.

Ferlo	Madigan	Scarnati	Williams, Constance
Fumo	Mellow	Schwartz	Wonderling
Greenleaf	Mowery	Stack	Wozniak

NAY-0

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

**SPECIAL ORDER OF BUSINESS
GUEST OF SENATOR ROBERT D.
ROBBINS PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Mercer, Senator Robbins.

Senator ROBBINS. Madam President, today I have the pleasure of introducing Jonathan Black, who is serving as a summer intern in my Harrisburg office. He is the son of David and Shirley Black, and is a graduate of Mechanicsburg High School. He will be a sophomore at Allegheny College. Jonathan received a scholar athlete award at Allegheny for maintaining at least a 3.0 GPA while playing football for the Allegheny Gators.

Madam President and fellow Members, please join me in welcoming my special guest to the Senate of Pennsylvania.

The PRESIDENT. Would the guest of Senator Robbins please rise so we can give you a warm welcome.

(Applause.)

**GUESTS OF SENATOR MICHAEL J.
STACK PRESENTED TO THE SENATE**

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

Senator STACK. Madam President, I would like to introduce Carrie Bednarek, a young lady who is working as an intern in my district offices this summer. She is the daughter of Martin and Lorriane Bednarek, both community leaders from northeast Philadelphia. Her dad is ward leader in the 64th Ward, and Carrie is a new committeewoman in the 16th division, 64th Ward. She graduated from Nazareth Academy High School and is currently attending West Chester University, where she is thinking about majoring in business management and contemplating a career in banking. She has been very involved in cheerleading and dance throughout school, and she is now coaching the Torresdale Cheer and Dance Team. So she is spending the day here with me to get a feel for how the legislative process works, and she is accompanied by her friend Ken Benton, who attends Temple University, and I would like the Senate to please give them its usual warm welcome.

Thank you, Madam President.

The PRESIDENT. Would the guests of Senator Stack please rise so we can give you our usual warm welcome.

(Applause.)

**SPECIAL ORDER OF BUSINESS
ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. Consent has been given for the Committee on Law and Justice to meet in the Rules room during today's Session to consider House Bill No. 782.

RECESS

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

Senator BRIGHTBILL. Madam President, at this time I ask for a recess of the Senate, first for the purpose of a meeting of the Committee on Law and Justice, which will begin immediately in the Rules room, to be followed by a Republican caucus.

The PRESIDENT. Senator Brightbill requests a recess of the Senate for purposes of a meeting of the Committee on Law and Justice, to be followed by a Republican caucus.

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

Senator O'PAKE. Madam President, I ask all Democrats to report to the caucus room for a Democratic caucus.

The PRESIDENT. Senator O'Pake requests a Democratic caucus. Without objection, for those purposes, the Senate stands in recess.

AFTER RECESS

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

CONSIDERATION OF CALENDAR RESUMED**THIRD CONSIDERATION CALENDAR****BILL REREFERRED**

SB 10 (Pr. No. 963) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for an economic enhancement program in the Department of Community and Economic Development; creating tax incentive districts; establishing the Economic Enhancement Fund; providing for the financing of grants and loans; and making an appropriation.

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

BILLS OVER IN ORDER

SB 79 and SB 100 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL OVER IN ORDER TEMPORARILY

HB 113 -- Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

BILLS OVER IN ORDER

SB 255 and SB 386 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

LEGISLATIVE LEAVE

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

Senator BRIGHTBILL. Madam President, I ask for a legislative leave for Senator Helfrick.

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

LEAVE CHANGE

Senator BRIGHTBILL asked and obtained a leave change for Senator WENGER from a personal leave to a legislative leave.

CONSIDERATION OF CALENDAR RESUMED**THIRD CONSIDERATION CALENDAR RESUMED****BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 387 (Pr. No. 969) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 8, 1986 (P.L.408, No.89), known as the Health Care Cost Containment Act, further providing for membership of the council, its bylaws and terms of its members, for powers and duties of the council, for data submission and collection, for data dissemination and publication, for access to council data and for enforcement and penalties; requiring a certain report from the Legislative Budget and Finance Committee; and extending the sunset date of the act.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

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

Senator M.J. WHITE. Madam President, I rise to urge an affirmative vote on Senate Bill No. 387, which reauthorizes the Health Care Cost Containment Council which is scheduled to sunset June 30 of this year. The new bill sets a 6-year sunset date and makes various changes in the bill that were the result of many meetings with insurers, hospitals, doctors, Health Care Cost Containment Council, business, and labor.

Basically, we have added additional members to the commission and attempted to save money for the hospitals on the way the data is collected. Now, without going into too much detail, it is a compromise bill. The hospitals are not completely happy with the compromise we made, but we estimate that we will reduce the data collection costs that they now experience from about \$25 million annually to about \$15 million. We have made various other changes in there that I think are positive. The council helps control costs by giving comparative information about the most efficient and effective ways to provide health care. It compares outcomes from provider to provider and adjusts those outcomes for severity. It is a very complex process, Madam President. It reminds me of why I dropped statistics in college. It is very complex but an extremely worthwhile endeavor, and in fact is one of the premier organizations in the country for

gathering and analyzing health care data, so I urge an affirmative vote.

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-49

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

NAY-0

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

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

SB 432 (Pr. No. 994) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 9, 1990 (P.L.340, No.78), known as the Public Safety Emergency Telephone Act, further providing for definitions, for local government immunity and for powers and duties of the Pennsylvania Emergency Management Agency; establishing a Statewide integrated wireless E-911 State plan; establishing a Wireless E-911 Emergency Services Fund and disbursements therefrom; further providing for collection of an E-911 surcharge from wireless customers and for annual reporting; establishing a wireless E-911 Emergency Services Advisory Committee; and providing for rules and regulations.

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

On the question,
Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentleman from Bucks, Senator Conti.

Senator CONTI. Madam President, I rise to submit some remarks for the record and to just say that Senate Bill No. 432 is the product of a lot of work. I urge an affirmative vote on this, and I would like to thank both the Democratic and Republican chairs of the committee involved in this for the excellent staff work and backup they have given us. This will allow Pennsylvania to take the lead in compliance with the Federal mandate to have wireless 911 throughout this Commonwealth by 2005, so I ask for an affirmative vote.

(The following prepared remarks were submitted for the record by the gentleman from Bucks, Senator CONTI.)

As you know, cell phones are prevalent throughout our society. I recognize that in some instances cell phones can represent an annoyance or illustrate how busy our world has become. But, I come to praise Caesar, not bury him.

In the eyes of emergency service providers throughout Pennsylvania, cell phones represent an invaluable tool, a tool which could assist in performing a very difficult job just a little quicker. And in the world of emergency service providers, seconds can be all that stands between life and death.

Senate Bill No. 432 enhances the effectiveness of this tool through the implementation of a statewide wireless E-911 emergency service network.

I stand before you today and have the pleasure of asking for your support for legislation which is supported by the County Commissioners Association, national and State emergency services providers, the city of Philadelphia, as well as members of the wireless industry.

Wireless E-911 will be implemented in the following manner. First, a single State agency is in charge of approving E-911 plans, approving costs, and setting standards. PEMA will undertake these tasks in consultation with an E-911 emergency services advisory committee with a subcommittee specifically focused on the development, implementation, operation and maintenance of a statewide integrated wireless E-911 system.

Counties/PSAPs will develop and submit a plan and its projected costs to PEMA. PEMA will then reject, suggest changes, or approve the plan. PEMA plays a critical and essential role in assuring the build out of the system, as well as determining the distribution of the costs.

The legislation establishes reimbursement eligibility criteria, which is based on a geographic area's ability to offer phase I and phase II service. In essence, the E-911 wireless system in that geographic area becomes more developed, the county 911 centers become eligible for more operational cost reimbursement. The greater the build out, the greater the percentage of costs that will be reimbursed.

A dollar surcharge will be added to cellular bills to pay for the build out of the E-911 wireless emergency services system. It will be collected by wireless carriers and remitted to a restricted account. The surcharge will be used by PEMA to reimburse PSAPs and wireless carriers on a cost-approved basis. The surcharge sunsets in 2009.

Finally, to assure accountability, the legislation calls for triennial audits, penalties for misuse of 911 data, and annual reports of costs reimbursed to PEMA.

In closing, the Federal Communications Commission has mandated the implementation of a wireless E-911 emergency service by 2005. But we need only look to the tragic circumstances that occurred recently to understand that the quicker the system is in place, the sooner our dedicated emergency service providers will have another tool in their arsenal to save lives.

Thank you, and I ask for an affirmative vote.

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-48

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

Greenleaf
Helfrick

Mowery
Musto

Stack
Stout

Wonderling
Wozniak

NAY-1

Boscola

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 586, HB 623 and SB 733 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

HB 77, HB 89, HB 106 and SB 131 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILLS REREFERRED

SB 264 (Pr. No. 281) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for identification card.

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

SB 281 (Pr. No. 996) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for program standards for English as a Second Language.

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

BILL OVER IN ORDER

SB 483 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL REREFERRED

HB 564 (Pr. No. 1789) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for

community college financial programs and reimbursements; establishing the Community College Nonmandated Capital Fund; and abrogating a regulation.

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

BILLS OVER IN ORDER

SB 581, HB 674 and SB 684 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILLS REREFERRED

SB 699 (Pr. No. 809) -- 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 criminal laboratory user fee.

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

SB 708 (Pr. No. 997) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 17, 1993 (P.L.487, No.73), known as the Early Childhood Education Professional Loan Forgiveness Act, further providing for definitions; and making an appropriation.

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

BILLS OVER IN ORDER

SB 711, HB 898 and HB 1006 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

HB 113 CALLED UP

HB 113 (Pr. No. 2099) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator BRIGHTBILL.

BILL AMENDED

HB 113 (Pr. No. 2099) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, requiring school districts to reopen their 2003-2004 budgets; imposing limitations on certain

unreserved fund balances; further providing for auxiliary service and for cost of tuition and maintenance of certain exceptional children in approved private schools; providing for firefighter and emergency service training; further providing for Education Support Services Program, for education empowerment districts, for mandate waiver program and for school improvement grants; further defining "educational improvement organization" and "scholarship organization"; further providing for payments on account of pupils enrolled in vocational curriculums and for small district assistance; providing for basic education funding for 2002-2003 school year; further providing for payments to intermediate units, for special education payments to school districts and for Commonwealth reimbursements for charter schools and cyber charter schools; and making appropriations, repeals and an editorial change.

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

BRIGHTBILL AMENDMENT A2084

Senator BRIGHTBILL offered the following amendment No. A2084:

Amend Sec. 19, page 35, line 13, by striking out "\$4,202,018,057" and inserting: \$4,204,406,906

Amend Sec. 19, page 35, line 29, by striking out "972.1" and inserting: 922.1-A

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

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

BOSCOLA AMENDMENT A1950 TABLED

Senator BOSCOLA offered the following amendment No. A1950:

Amend Title, page 1, line 7, by inserting after "BUDGETS;": exempting certain real property from tax levies;

Amend Sec. 2, page 4, line 9, by striking out "A SECTION" and inserting: sections

Amend Sec. 2, page 5, by inserting between lines 14 and 15:

Section 689. Exemption from Property Tax Increases.—(a) No political subdivision which imposes a real property tax on residential property shall increase the tax or the tax rate on the real property of an individual if all of the following apply:

(1) The individual is sixty-five (65) years of age or older.

(2) The individual currently resides on the property as to which the exemption is claimed and has resided thereon for at least five (5) consecutive years immediately prior to claiming the exemption.

(3) Neither the individual nor any other person with whom the individual owns the property by joint tenancy, tenancy in common or tenancy by the entirety is currently claiming or otherwise receiving an exemption under this section as to other property located in this Commonwealth.

(4) The individual's income, as defined in the act of March 11, 1971 (P.L.104, No.3), known as the "Senior Citizens Rebate and Assistance Act," is not more than sixty-five thousand dollars (\$65,000).

(b) The exemption may be claimed by filing with the political subdivision which imposes the tax a notarized statement containing all of the following:

(1) The applicant's name, residential address and Social Security number.

(2) A certification that the individual is sixty-five (65) years of age or older, currently resides on the property as to which the exemption is claimed and has resided thereon for at least five (5) consecutive years immediately prior to claiming the exemption.

(3) The names and Social Security numbers of all other owners of the property as to which the exemption is claimed.

(4) A certification that no taxes are in arrears as to the property.

(5) Evidence that the individual's income does not exceed sixty-five thousand dollars (\$65,000).

(c) Except as provided in subsection (d), the exemption shall be terminated, and the tax and tax rate shall become current upon sale or transfer of the property.

(d) The exemption from property tax increase shall not be terminated under subsection (c) if the sale or transfer is to a joint owner, tenant in common or tenant by the entirety who is sixty-four (64) years of age or older at the time of the sale or transfer and who is otherwise entitled to claim the exemption.

(e) The Department of Revenue shall reimburse political subdivisions annually for the difference between the real property taxes imposed upon individuals who are receiving exemptions under this act and the tax liability which would have been imposed if the exemptions had not been granted.

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

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

Senator BOSCOLA. Madam President, this amendment would exempt senior citizens from future property tax increases. In order to qualify for this exemption, a senior citizen must be able to show the three following criteria: the individual is 65 years or older, the individual currently resides on the property for which the exemption is claimed and has resided there for at least 5 consecutive years immediately prior to claiming the exemption, and the individual income, as defined under the Senior Citizen Rebate and Assistance Act, is not more than \$65,000. For those who may think \$65,000 is high, I would disagree. This is not a lot to live on, especially when you subtract the monthly cost of prescription drugs that can total more than \$1,000 when you add together all the medicines that most senior citizens have to buy.

The Department of Revenue would reimburse political subdivisions for the difference between the real property taxes imposed upon individuals who are receiving exemptions under this act and the tax liability which would have to be imposed if the exemptions had not been granted. We are not talking about a huge cost to the Commonwealth, but we are talking about making a huge difference for those seniors who are struggling to pay their property taxes. Furthermore, Madam President, when a senior citizen decides to sell their home, this amendment states that the tax and the tax rebate or the rent on the property will become current upon sale or transfer of the property. So, Madam President, in a nutshell, what this amendment does is freeze senior citizen property taxes once they reach the age of 65.

Thank you, Madam President.

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

Senator CORMAN. Madam President, would the maker of the amendment stand for interrogation?

The PRESIDENT. She indicates she will.

Senator CORMAN. Madam President, I just want to clarify a couple points of the amendment. It is my understanding, I think

she just said this but just so I am clear, because there is a lot of confusion going on, to qualify for this amendment the person from Pennsylvania would have to be 65 or older, live in their property for 5 years, I believe, as their main residence, and also make less than \$65,000. Is that an accurate statement?

Senator BOSCOLA. Correct, Madam President.

Senator CORMAN. Madam President, the gentlewoman mentioned a cost. Do we know what the cost to the State would be this year for this amendment?

Senator BOSCOLA. Madam President, actually, when you freeze property taxes for seniors, it is a drop in the bucket compared to any future tax increases we might be supporting, like personal income tax increases, very small. When you freeze senior citizens' property taxes, you are only freezing them. That means they are still paying property taxes, but when they are 65, they do not have to pay any more increases.

Senator CORMAN. Madam President, if the school district raised the taxes this year and we froze them, it is my understanding the State would then have to make up the difference between the taxes the school districts raised and the difference between the freeze and the raise, the State would have to pay the school district to make it up. Is my understanding correct?

Senator BOSCOLA. Correct, Madam President. The State would have to pick up the difference.

Senator CORMAN. Okay, Madam President. So for this year, we do not know the exact cost, it is stated as a drop in the bucket, but we do not know for sure how much it is going to cost.

Senator BOSCOLA. Well, Madam President, I know that we have \$900 million coming from the Federal government, and I know that it is very small, and I am sure the rest of the Members on the other side of the aisle know that as well.

Senator CORMAN. Madam President, again, I guess we do not know the answer today of how much it would cost.

Let me ask this. Once we freeze them and every year the taxes continue to go up at the school district level, and more and more people get to be 65 years old, that cost will continue to increase, and so it may be a smaller amount this year, although we do not know what that amount is, in future years, would that not get greater and greater because the tax has gone up and the difference is getting greater and greater?

Senator BOSCOLA. Madam President, yes, but what happens is when the senior citizen's home is eventually sold, the new homeowner would pay the current rate of taxation at that time. So they are only frozen for as long as the homeowner is 65 years old and until the home is sold.

Senator CORMAN. Okay, Madam President, but we still have not identified how much it is going to cost this year or in future years. It is just a vague number out there at this point. We do not know for sure what this is going to cost. And obviously, in the gentlewoman's defense, we do not know how much taxes are going to go up, so I understand. But it is my understanding the costs would be greater each out year. The first year might be smaller, but it is going to continue to get greater. Is that correct?

Senator BOSCOLA. Madam President, yes, it would depend on how long the senior citizen lives and how long they keep their home. I mean, the way property taxes are now, most seniors

cannot afford to live in their homes anymore. At least this gives them somewhat of a break.

Senator CORMAN. Madam President, we passed a budget here in Pennsylvania without a tax increase, and although the Governor vetoed it, we still have some things we have to do. We have a budget in place. Have we identified what the funding source will be to pay for this amendment, what taxes will be increased to pay for this?

Senator BOSCOLA. Well, Madam President, almost like you passed your \$15 billion for Head Start, we are not sure where that is going to come from either. I am just trying to do the same thing you are trying to do, except that instead of Head Start, I am trying to put the money into property tax reduction for seniors.

Senator CORMAN. Madam President, last question. Do State legislators qualify for this, since our salaries are below \$65,000? Senator Mowery may change his vote on this. He may not be for this, but if he gets a property tax freeze--

Senator BOSCOLA. Madam President, it depends on what your assets are when you reach 65.

Senator CORMAN. Madam President, if you are only making \$65,000 or less, you would qualify, which most State legislators, outside of leadership, would qualify for this.

Senator BOSCOLA. Madam President, this bill does not discriminate. It does not say if you have one job or another, or if you worked all your life in a steel mill, or if you are a State legislator, you still qualify if you are 65 years or older, your property taxes are frozen, as long as you are making less than \$65,000 a year.

Senator CORMAN. Thank you, Madam President. That concludes my interrogation.

I would like to speak on the bill.

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

Senator CORMAN. Madam President, this is certainly a laudable effort and certainly one that has been talked about before, although until we can identify the cost, I think it would be foolhardy for us to move forward now. The gentlewoman did mention that we talked about Head Start that is to be encompassed within the budget plan that we plan to put together. This would be something out of the pond, and until we can identify the source, I would only refer back to comments made on the Senate floor here on June 16, a week ago today, where it says, "But there is a cold, hard fact that it is really not debatable. We do not have the money to pay for this new and improved expanded program, so I am a little surprised that the same Members of the Senate on the other side of the aisle who argued that we needed to cut State spending in March, are now writing rubber checks here in June. Can someone on that side of the aisle tell me how the Commonwealth is going to pay for this program? Is someone printing money in the basement? Oh no, that is right, there is a money tree outside the Capitol."

Madam President, this plan does not have a fiscal note, we do not know how much it is going to cost, and not only would I recommend voting against it at this time, I would now make a motion to table this amendment.

The PRESIDENT. Senator Corman moves that the amendment be tabled.

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

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

Senator BOSCOLA. Madam President, I rise to speak against tabling this amendment. Actually, if the Republicans want to table a property tax freeze for seniors, let them put up the vote.

The PRESIDENT. This motion is not debatable.

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

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

Senator MELLOW. Madam President, may we be at ease for a moment?

The PRESIDENT. The Senate will be at ease.
(The Senate was at ease.)

PARLIAMENTARY INQUIRY

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

Senator MELLOW. Madam President, I rise for a parliamentary inquiry.

The PRESIDENT. The gentleman will state his point.

Senator MELLOW. Madam President, is it properly stated that a vote to table, an affirmative vote for tabling the amendment, is a vote against the amendment offered by Senator Boscola that would freeze property tax payments for senior citizens?

The PRESIDENT. A vote to table is a vote to lay the amendment on the table.

Senator MELLOW. Madam President, thereby preventing the opportunity to vote on the floor of the Senate to freeze property taxes for senior citizens. Is that correct?

The PRESIDENT. I cannot speculate on that. The Senator is going to hand in, after this vote, her second amendment. Is that correct?

Senator BOSCOLA. Correct, Madam President.

The PRESIDENT. The Senator is going to introduce a second amendment after we take the vote to table.

Senator MELLOW. Madam President, if I rephrase it, then an affirmative vote to table would be a vote to deny Senator Boscola the opportunity to offer an amendment on the floor to House Bill No. 113 that would freeze property taxes of senior citizens over the age of 65.

The PRESIDENT. This is a motion to table, and then she will offer a new amendment again.

Senator MELLOW. Madam President, I request a negative vote on the motion to table for the reasons I previously stated, that it would deny us the opportunity to vote on Senator Boscola's amendment, which would freeze property taxes for the purpose of funding public education for those over the age of 65. I ask for a negative vote on Senator Corman's motion to table Senator Boscola's amendment.

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

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

YEA-28

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

NAY-21

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

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

The PRESIDENT. The amendment is tabled.

And the question recurring,

Will the Senate agree to the bill on third consideration, as amended?

BOSCOLA AMENDMENT A1948 TABLED

Senator BOSCOLA offered the following amendment No. A1948:

Amend Title, page 2, line 1, by inserting after "SCHOOLS;":
eliminating real property tax;

Amend Bill, page 33, by inserting between lines 24 and 25:

Section 18.1. Notwithstanding the provisions of any other law to the contrary, no school district may levy or collect real property taxes for any purpose after December 31, 2003.

On the question,

Will the Senate agree to the amendment?

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

Senator BOSCOLA. Madam President, this amendment eliminates local school property taxes similar to what Michigan did with a drop date certain of December 31, 2003. My amendment would limit the ability of local school boards to impose and collect local school property taxes at the end of this year. By adopting this amendment to the education subsidy bill, we will provide school districts with the money they need to operate for another year. And we will also set a date certain, a hard-and-fast deadline, for this legislature to finally offer homeowners a fair and equitable way to support our public schools. This amendment gives the legislature 6 months to come up with a plan to replace local school property taxes by June 30

of 2004. No more excuses, no more studies, no more chances to turn in our homework later. This amendment does not remove any funding from this bill. This amendment does not add any funding to this bill. This amendment simply tells the people of Pennsylvania that the days of having to pay higher and higher local school property taxes are numbered. And this amendment also tells the Members of this legislature that 30 years, 30 years is more than enough time to provide property tax relief to homeowners, especially our senior citizens.

Madam President, it is about time that we take a bold step instead of just a baby step. It is about time we tried something new instead of trying some of the same old solutions of the past over and over again. Madam President, Pennsylvanians have been looking for property tax relief from this State legislature for over 30 years. And for 30 years, all we got was excuses and broken promises and a timid attempt to literally study this issue to death. And if you want to preserve the property tax system the way it is, then you can vote like the Republicans did on the last amendment, to defeat this amendment. If you want to go back home and tell all the senior citizens who cannot afford to live in their own homes anymore because they cannot afford to pay the property taxes, if you want to tell them that you had the chance to eliminate local school property taxes but you did not take it, then be my guest. If you want to go on doing the same old song and dance and try to explain to people how this bill will give them property tax relief right now, then you are welcome to try. My friends in the Majority had 8 years to make property tax relief a priority. And with all due respect to my colleagues, I think it is time to step aside, stand back, and vote for change instead of more of the same, and stop hiding behind tabling amendments because you do not want to make the vote.

Madam President, I urge my colleagues to vote in favor of eliminating local school property taxes, and I would guess that the other side of the aisle does not want to deal with this issue, so they are going to call for another tabling of another amendment. But what they are doing again, just like the last one, when I wanted to freeze property taxes, just table it, we do not want to deal with the issue. Eliminate property taxes, date certain, table it, we do not want to deal with the issue.

Thank you, Madam President.

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

Senator BRIGHTBILL. Madam President, would the gentlewoman stand for interrogation?

Senator BOSCOLA. Absolutely.

The PRESIDENT. The gentlewoman indicates that she will.

Senator BRIGHTBILL. Madam President, I have before me amendment A1948. Is that the correct amendment?

Senator BOSCOLA. Madam President, that is correct.

Senator BRIGHTBILL. Madam President, as I read the amendment, it is very short, very simple, and it says, "Notwithstanding the provisions of any other law to the contrary, no school district may levy or collect real property taxes for any purpose after December 31, 2003." Is that correct?

Senator BOSCOLA. Correct, Madam President.

Senator BRIGHTBILL. Madam President, is it the gentlewoman's understanding, she said that there was no fiscal

impact on this amendment to school districts this year. Is that what the gentlewoman said?

Senator BOSCOLA. Correct, Madam President.

Senator BRIGHTBILL. As I read this amendment, Madam President, I would disagree with the gentlewoman for a very simple reason. Beginning their fiscal year, 501 school districts are all going to levy a real estate tax. Now, some people will pay that real estate tax, and if they pay it before December 31, 2003, the school district will have the money. If we were to pass this, some very smart and savvy people will realize that after December 31, 2003, it will be impossible for school districts to collect a school tax, even though it was lawfully levied, because the language is so broad. It says "...no school district may levy or collect real property taxes for any purpose after December 31, 2003." What that means is that every school district, all 501 school districts that would levy real estate taxes based upon the current law, would lose their ability to collect those real estate taxes after December 31, 2003. What does that mean? Well, that means that it is going to quickly become common knowledge that you do not pay your school taxes this year. Why? Because the collection process for collection of school taxes is a long process. It takes more than 2 years. So I am suggesting that there is a fiscal note to this, and I am going to ask staff here, what do we levy in real estate taxes in Pennsylvania every year? About \$5 billion? \$7 billion. So, Madam President, what we are doing if we vote "aye" on this amendment is putting in jeopardy \$7 billion of real estate taxes for our schools. We are putting in jeopardy \$7 billion of real estate taxes if we vote for this.

Now, I am going to make a suggestion here. I am going to do the gentlewoman a favor, and I am going to move that we table this amendment--

Senator BOSCOLA. Surprise, surprise.

Senator BRIGHTBILL. --so that we do not have to jeopardize that \$7 billion of real estate tax collections.

Senator BOSCOLA. Madam President, here is the thing about tabling, I never get to respond.

Senator MELLOW. Madam President.

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

Senator MELLOW. Madam President, prior to Senator Brightbill making his motion to table, may we either go at ease or may I be able to interrogate Senator Brightbill? One or the other.

The PRESIDENT. The Senate will be at ease.

Senator MELLOW. I prefer to interrogate. I asked the wrong question. I asked either/or.

(The Senate was at ease.)

The PRESIDENT. The question is on Senator Brightbill's motion to table Senator Boscola's amendment.

On the question,

Will the Senate agree to the motion?

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

Senator A.H. WILLIAMS. Madam President, I understand we are not able to debate the substance, but is it possible to interrogate the gentleman with regard to his rationale behind the

tabling? He provided certain general facts. I just want to make sure I understand it.

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

Senator BRIGHTBILL. Madam President, I will be happy to explain it, except I thought that I did, and I believe that technically the gentleman is out of order at this point in time. I do not mean to be harsh, and certainly I would love to get up in front of the microphone and answer questions, but I think right now the only thing that is in order is a roll call.

Senator A.H. WILLIAMS. Madam President, I understood that the issue was \$7 billion, and if that was the explanation, I did hear it. I just question, since we do not have a fiscal note of sorts, is that the manner in which we are to proceed?

The PRESIDENT. The motion is not debatable at this point. We have already discussed this.

Senator A.H. WILLIAMS. Thank you, Madam President.

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

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

YEA-28

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

NAY-21

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

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

The PRESIDENT. The amendment is tabled.

And the question recurring,
Will the Senate agree to the bill on third consideration, as amended?

KUKOVICH AMENDMENT A2115

Senator KUKOVICH offered the following amendment No. A2115:

Amend Title, page 1, line 9, by striking out "AND" and inserting: ; deleting provisions relating to professional teacher assessment; further providing

Amend Bill, page 8, by inserting between lines 18 and 19: Section 3.1. Article XII-A of the act is repealed.

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

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

Senator KUKOVICH. Madam President, I had a discussion with the Majority Leader about this amendment. It is identical to an action this Chamber took almost exactly a year ago on June 28, where we voted 50 to 0 on a bill which contained this identical language, which would, in essence, abolish the so-called professional development assistance program. I think during that time there have been even more examples as to why this has not worked, and I ask to refer to the Majority Leader on the vote. Maybe we could ask for a voice vote.

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

Senator BRIGHTBILL. Madam President, I would suggest that it would be appropriate for the Chair to ask for a voice vote.

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

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

The PRESIDENT. The bill will go over as amended.

RECESS

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

Senator BRIGHTBILL. Madam President, for the information of the Members, we are probably 20 minutes away from having a Supplemental Calendar on House Bill No. 113. In the meantime, I request a recess for purposes of a meeting of the Committee on Health and Welfare, to be followed by a meeting of the Committee on Rules and Executive Nominations.

The PRESIDENT. Senator Brightbill requests a recess for purposes of a meeting of the Committee on Public Health and Welfare and a meeting of the Committee on Rules and Executive Nominations.

Without objection, the Senate stands in recess.

AFTER RECESS

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

COMMUNICATIONS FROM THE GOVERNOR REPORTED FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

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

CLERK OF COURTS, LANCASTER COUNTY

June 18, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2003, for the appointment of Jamie Fleet, 122 E. Middle

Street, Gettysburg 17325, Adams County, Thirty-third Senatorial District, as Clerk of Courts, in and for the County of Lancaster, to serve until the first Monday of January 2004, vice David S. Hickernell, resigned.

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

EDWARD G. RENDELL
Governor

CORONER, LAWRENCE COUNTY

June 18, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2003, for the appointment of Nina Tinari, 6401 Church Road, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, as Coroner, in and for the County of Lawrence, to serve until the first Monday of January 2004, vice John Russell Noga, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD
OF COSMETOLOGY

June 23, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 8, 2003, for the appointment of Colleen Q. Eason, 5525 Wyalusing Avenue, Philadelphia 19131, Philadelphia County, Seventh Senatorial District, as a member of the State Board of Cosmetology, to serve until November 15, 2003, and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Francine M. Amendola, Erie, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE PENNSYLVANIA
ENERGY DEVELOPMENT AUTHORITY

June 18, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2003, for the appointment of Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, as a member of the Pennsylvania Energy Development Authority, to serve for a term of four years and until his successor is appointed and qualified, vice Virginia L. Brown, Philadelphia, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE PENNSYLVANIA
ENERGY DEVELOPMENT AUTHORITY

June 18, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2003, for the appointment of Jamie Fleet, 122 E. Middle Street, Gettysburg 17325, Adams County, Thirty-third Senatorial District, as a member of the Pennsylvania Energy Development Authority, to serve for a term of four years and until his successor is appointed and qualified, vice C. Alan Walker, Bigler, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE PENNSYLVANIA
ENERGY DEVELOPMENT AUTHORITY

June 18, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2003, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Eppers 17319, York County, Fifteenth Senatorial District, as a member of the Pennsylvania Energy Development Authority, to serve for a term of four years and until her successor is appointed and qualified, vice James H. Cawley, Mechanicsburg, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE PENNSYLVANIA
ENERGY DEVELOPMENT AUTHORITY

June 18, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2003, for the appointment of Nina Tinari, 6401 Church Road, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, as a member of the Pennsylvania Energy Development Authority, to serve for a term of four years and until her successor is appointed and qualified, vice James J. Canova, East McKeesport, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF HAMBURG CENTER

June 19, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2003, for the appointment of Jamie Fleet, 122 E. Middle Street, Gettysburg 17325, Adams County, Thirty-third Senatorial District, as a member of the Board of Trustees of Hamburg Center, to serve until the third Tuesday of January 2009, and until his successor is appointed and qualified, vice Melvin E. Horning, Hamburg, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF HAMBURG CENTER

June 19, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2003, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Fifteenth Senatorial District, as a member of the Board of Trustees of Hamburg Center, to serve until the third Tuesday of January 2007, and until her successor is appointed and qualified, vice Pamela C. Evans, Bernville, resigned.

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

EDWARD G. RENDELL
Governor

JUDGE, COURT OF COMMON PLEAS,
BEAVER COUNTY

June 23, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2003, for the appointment of Michael C. Nickles, Esquire, 532 Hamilton Boulevard, Freedom 15042, Beaver County, Forty-seventh Senatorial District, as Judge of the Court of Common Pleas of Beaver County, to serve until the first Monday of January 2004, vice The Honorable Robert C. Reed, mandatory retirement.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF EXAMINERS
OF NURSING HOME ADMINISTRATORS

June 19, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated June 10, 2003, for the appointment of Michelle W. Singer, 128 North Craig Street, Pittsburgh 15213, Allegheny County, Thirty-eighth Senatorial District, as a member of the State Board of Examiners of Nursing Home Administrators, to serve until February 6, 2006, or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Rene R. Rigal, M.D., Williamsport, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF OCCUPATIONAL
THERAPY EDUCATION AND LICENSURE

June 23, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2003, for the appointment of B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, as a member of the State Board of Occupational Therapy Education and Licensure, to serve for a term of three years, vice Jerry Johnson, Philadelphia, whose term expired.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE PLANNING BOARD

June 18, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2003, for the appointment of Jamie Fleet, 122 East Middle Street, Gettysburg 17325, Adams County, Thirty-third Senatorial District, as a member of the State Planning Board, to serve for a term of four years and until his successor is appointed and qualified, vice Richard W. Hayden, Philadelphia, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE PLANNING BOARD

June 18, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2003, for the appointment of Michelle W. Singer, 128 North Craig Street, Pittsburgh 15213, Allegheny County, Thirty-eighth Senatorial District, as a member of the State Planning Board, to serve for a term of four years and until her successor is appointed and qualified, add to complement.

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

EDWARD G. RENDELL
Governor

COMMISSIONER OF PROFESSIONAL
AND OCCUPATIONAL AFFAIRS

June 23, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2003, for the appointment of Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, as Commissioner of Professional and Occupational Affairs, to serve at the pleasure of the Governor, vice Albert H. Masland, Carlisle, resigned.

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

EDWARD G. RENDELL
Governor

REGISTER OF WILLS AND CLERK OF
ORPHANS' COURT, CUMBERLAND COUNTY

June 18, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2003, for the appointment of Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, as Register of Wills and Clerk of Orphans' Court, in and for the County of Cumberland, to serve until the first Monday of January 2004, vice Mary C. Lewis, resigned.

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

EDWARD G. RENDELL
Governor

SMALL BUSINESS ADVOCATE

June 23, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2003, for the appointment of B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, as Small Business Advocate, to serve until his successor is appointed and qualified, vice Bernard A. Ryan, Jr., Hummelstown, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF EXAMINERS
IN SPEECH-LANGUAGE AND HEARING

June 18, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2003, for the appointment of B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, as a member of the State Board of Examiners in Speech-Language and Hearing, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Carol St. George, D.O., York, whose term expired.

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

EDWARD G. RENDELL
Governor

JUDGE, SUPERIOR COURT OF PENNSYLVANIA

June 23, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2003, for the appointment of Adrian R. King, Jr., Esquire, 8833 Norwood Avenue, Philadelphia 19118, Philadelphia County, Fourth Senatorial District, as Judge of the Superior Court, to serve until the first Monday of January 2004, vice The Honorable Stephen J. McEwen, Jr., mandatory retirement.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF TORRANCE STATE HOSPITAL

June 23, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2003, for the appointment of Jamie Fleet, 122 E. Middle Street, Gettysburg 17325, Adams County, Thirty-third Senatorial District, as a member of the Board of Trustees of Torrance State Hospital, to serve until the third Tuesday of January 2009, and until his successor is appointed and qualified, vice Nathan S. Falk, Blairsville, deceased.

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

EDWARD G. RENDELL
Governor

**MEMBER OF THE BOARD OF TRUSTEES
OF TORRANCE STATE HOSPITAL**

June 23, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2003, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Fifteenth Senatorial District, as a member of the Board of Trustees of Torrance State Hospital, to serve until the third Tuesday of January 2005, and until her successor is appointed and qualified, vice Bartholomew Tullio, Mount Pleasant, resigned.

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

EDWARD G. RENDELL
Governor

TREASURER, VENANGO COUNTY

June 18, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2003, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Fifteenth Senatorial District, as Treasurer, in and for the County of Venango, to serve until the first Monday of January 2004, vice Margaret R. Spence, resigned.

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

EDWARD G. RENDELL
Governor

**MEMBER OF THE STATE BOARD OF VEHICLE
MANUFACTURERS, DEALERS AND SALESPERSONS**

June 18, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2003, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Fifteenth Senatorial District, as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of four years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Frederick C. Laurenzo, Lebanon, whose term expired.

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

EDWARD G. RENDELL
Governor

**MEMBER OF THE BOARD OF TRUSTEES
OF WARREN STATE HOSPITAL**

June 18, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2003, for the appointment of Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, as a member of the Board of Trustees of Warren State Hospital, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, vice Maurice J. Cashman, Warren, resigned.

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

EDWARD G. RENDELL
Governor

**MEMBER OF THE BOARD OF TRUSTEES
OF WHITE HAVEN CENTER**

June 23, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 17, 2003, for the appointment of Judith Granick, 14 Pulaski Street, Kingston 18704, Luzerne County, Twentieth Senatorial District, as a member of the Board of Trustees of White Haven Center, to serve until the third Tuesday of January 2009, and until her successor is appointed and qualified, vice John P. Rogers, Sr., Hazleton, resigned.

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

EDWARD G. RENDELL
Governor

**MEMBER OF THE CARBON COUNTY
BOARD OF ASSISTANCE**

June 23, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 17, 2003, for the appointment of Joe Kosalko, (Democrat), 249 East Mountain Top Road, Summit Hill 18250, Carbon County, Fourteenth Senatorial District, as a member of the Carbon County Board of Assistance, to serve until December 31, 2004, and until his successor is appointed and qualified, vice Edward H. Vermillion, Lehigh, resigned.

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

EDWARD G. RENDELL
Governor

**MEMBER OF THE CENTRE COUNTY
BOARD OF ASSISTANCE**

June 23, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 17, 2003, for the appointment of Joanne Tosti-Vasey, (Democrat), 429 N. Spring Street, Bellefonte 16823, Centre County, Thirty-fourth Senatorial District, as a member of the Centre County Board of Assistance, to serve until December 31, 2003, and until her

successor is appointed and qualified, vice Rhonda E. Walker, State College, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE CLINTON COUNTY
BOARD OF ASSISTANCE

June 23, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 17, 2003, for the appointment of George Geden, (Republican), 121 West Main Street, Lock Haven 17745, Clinton County, Thirty-fifth Senatorial District, as a member of the Clinton County Board of Assistance, to serve until December 31, 2004, and until his successor is appointed and qualified, vice Gurney F. Wagner, Sr., Lock Haven, deceased.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE CLINTON COUNTY
BOARD OF ASSISTANCE

June 23, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 17, 2003, for the appointment of Paul Walison, (Republican), 8 Riverview Street, Woodward Township 17745, Clinton County, Thirty-fifth Senatorial District, as a member of the Clinton County Board of Assistance, to serve until December 31, 2004, and until his successor is appointed and qualified, vice William L. Englert, Lock Haven, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE FAYETTE COUNTY
BOARD OF ASSISTANCE

June 19, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated May 21, 2003, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Fifteenth Senatorial District, as a member of the Fayette County Board of Assistance, to serve until December 31, 2003, and until her successor is appointed and qualified, vice Reverend DewVaul W. Tracy, Jr., Lake Lynn, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE JUNIATA COUNTY
BOARD OF ASSISTANCE

June 23, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 17, 2003, for the appointment of Sue Hoover, (Democrat), R.R. 1, Box 1160, Port Royal 17082, Juniata County, Thirty-fourth Senatorial District, as a member of the Juniata County Board of Assistance, to serve until December 31, 2004, and until her successor is appointed and qualified, vice Fred N. Noble, Honey Grove, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE JUNIATA COUNTY
BOARD OF ASSISTANCE

June 23, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 17, 2003, for the appointment of Christine McLaughlin, (Republican), R.D. 3, Box 754, Mifflintown 17059, Juniata County, Thirty-fourth Senatorial District, as a member of the Juniata County Board of Assistance, to serve until December 31, 2004, and until her successor is appointed and qualified, vice Willis E. Kauffman, Mifflintown, resigned.

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

EDWARD G. RENDELL
Governor

MEMBER OF THE JUNIATA COUNTY
BOARD OF ASSISTANCE

June 23, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 17, 2003, for the appointment of Kathy Saylor, (Republican), R.R. 2, Box 2105, Port Royal 17082, Juniata County, Thirty-fourth Senatorial District, as a member of the Juniata County Board of Assistance, to serve until December 31, 2003, and until her successor is appointed and qualified, vice Esther E. Rhine, Mifflintown, resigned.

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

EDWARD G. RENDELL
Governor

DISTRICT JUSTICE

June 18, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2003, for the appointment of B.J. Clark, 611 East Darby Road, Havertown 19083, Delaware County, Seventeenth Senatorial District, as District Justice, in and for the County of Delaware, Magisterial District 32-2-51, to serve until the first Monday of January 2004, vice Mary Alice Brennan, resigned.

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

EDWARD G. RENDELL
Governor

DISTRICT JUSTICE

June 18, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2003, for the appointment of Nina Tinari, 6401 Church Road, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, as District Justice, in and for the County of Delaware, Magisterial District 32-1-33, to serve until the first Monday of January 2004, vice Joseph T.F. Quinn, mandatory retirement.

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

EDWARD G. RENDELL
Governor

DISTRICT JUSTICE

June 18, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated April 21, 2003, for the appointment of Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Fifteenth Senatorial District, as District Justice, in and for the County of Lehigh, Magisterial District 31-2-01, to serve until the first Monday of January 2004, vice Diane R. Jepsen, forfeiture of judicial office.

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

EDWARD G. RENDELL
Governor

NOMINATIONS RETURNED TO THE GOVERNOR

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

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

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

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

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

**MEMBER OF THE COUNCIL OF TRUSTEES OF
INDIANA UNIVERSITY OF PENNSYLVANIA OF
THE STATE SYSTEM OF HIGHER EDUCATION**

June 5, 2003

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, David D. Osikowicz, 901 East Mahoning Street, Punxsutawney 15767, Jefferson County, Twenty-fifth Senatorial District, for reappointment as a member of the Council of Trustees of Indiana University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2009, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE PLANNING BOARD

April 21, 2003

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Rubye Jenkins-Husband, 2226 Prospect Avenue, Erie 16510, Erie County, Forty-Ninth Senatorial District, for appointment as a member of the State Planning Board, to serve for a term of four years and until her successor is appointed and qualified, vice Bernard Hankin, Exton, deceased.

EDWARD G. RENDELL
Governor

**MEMBER OF THE BEDFORD COUNTY
BOARD OF ASSISTANCE**

May 27, 2003

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert W. Fleetwood, (Republican), 141 Spring Lane, Everett 15537, Bedford County, Thirtieth Senatorial District, for appointment as a member of the Bedford County Board of Assistance, to serve until December 31, 2003, and until his successor is appointed and qualified, vice Miriam L. Henry, Hopewell, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE DELAWARE COUNTY
BOARD OF ASSISTANCE

May 28, 2003

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Michele W. Daly, LSW, (Democrat), 207 West Street, Media 19063, Delaware County, Ninth Senatorial District, for appointment as a member of the Delaware County Board of Assistance, to serve until December 31, 2005, and until her successor is appointed and qualified, add to complement.

EDWARD G. RENDELL
Governor

MEMBER OF THE DELAWARE COUNTY
BOARD OF ASSISTANCE

April 21, 2003

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas Hickey, Sr., (Democrat), 915 Anderson Avenue, Drexel Hill 19026, Delaware County, Twenty-sixth Senatorial District, for appointment as a member of the Delaware County Board of Assistance, to serve until December 31, 2004, and until his successor is appointed and qualified, vice Ruth Craig, Bryn Mawr, deceased.

EDWARD G. RENDELL
Governor

MEMBER OF THE GREENE COUNTY
BOARD OF ASSISTANCE

April 17, 2003

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Deborah Konosky, (Democrat), 855 7th Street, Waynesburg 15370, Greene County, Forty-sixth Senatorial District, for appointment as a member of the Greene County Board of Assistance, to serve until December 31, 2003, and until her successor is appointed and qualified, vice T. Dale Warren, Waynesburg, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE NORTHAMPTON COUNTY
BOARD OF ASSISTANCE

April 17, 2003

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Reverend Fred Davis, (Republican), 103 Scott Street, Easton 18042, Northampton County, Twenty-fourth Senatorial District, for appointment as a member of the Northampton County Board of Assistance, to serve until December 31, 2004, and

until his successor is appointed and qualified, vice Richard Orlemann, Easton, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE SCHUYLKILL COUNTY
BOARD OF ASSISTANCE

May 29, 2003

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Reverend Canon Charles H. Morris, (Republican), 1318 Howard Avenue, Pottsville 17901, Schuylkill County, Twenty-ninth Senatorial District, for appointment as a member of the Schuylkill County Board of Assistance, to serve until December 31, 2005, and until his successor is appointed and qualified, add to complement.

EDWARD G. RENDELL
Governor

NOMINATIONS LAID ON THE TABLE

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

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

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

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

Which was agreed to by voice vote.

NOMINATIONS TAKEN FROM TABLE

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

The Clerk read the nominations as follows:

MEMBER OF THE COUNCIL OF TRUSTEES OF
INDIANA UNIVERSITY OF PENNSYLVANIA OF
THE STATE SYSTEM OF HIGHER EDUCATION

June 5, 2003

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, David D. Osikowicz, 901 East Mahoning Street, Punxsutawney 15767, Jefferson County, Twenty-fifth Senatorial District, for reappointment as a member of the Council of Trustees of Indiana University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2009, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE PLANNING BOARD

April 21, 2003

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Rubye Jenkins-Husband, 2226 Prospect Avenue, Erie 16510, Erie County, Forty-Ninth Senatorial District, for appointment as a member of the State Planning Board, to serve for a term of four years and until her successor is appointed and qualified, vice Bernard Hankin, Exton, deceased.

EDWARD G. RENDELL
Governor

MEMBER OF THE BEDFORD COUNTY
BOARD OF ASSISTANCE

May 27, 2003

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert W. Fleetwood, (Republican), 141 Spring Lane, Everett 15537, Bedford County, Thirtieth Senatorial District, for appointment as a member of the Bedford County Board of Assistance, to serve until December 31, 2003, and until his successor is appointed and qualified, vice Miriam L. Henry, Hopewell, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE DELAWARE COUNTY
BOARD OF ASSISTANCE

May 28, 2003

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Michele W. Daly, LSW, (Democrat), 207 West Street, Media 19063, Delaware County, Ninth Senatorial District, for appointment as a member of the Delaware County Board of Assistance, to serve until December 31, 2005, and until her successor is appointed and qualified, add to complement.

EDWARD G. RENDELL
Governor

MEMBER OF THE DELAWARE COUNTY
BOARD OF ASSISTANCE

April 21, 2003

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas Hickey, Sr., (Democrat), 915 Anderson Avenue, Drexel Hill 19026, Delaware County, Twenty-sixth Senatorial District, for appointment as a member of the Delaware County Board of Assistance, to serve until December 31, 2004, and

until his successor is appointed and qualified, vice Ruth Craig, Bryn Mawr, deceased.

EDWARD G. RENDELL
Governor

MEMBER OF THE GREENE COUNTY
BOARD OF ASSISTANCE

April 17, 2003

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Deborah Konosky, (Democrat), 855 7th Street, Waynesburg 15370, Greene County, Forty-sixth Senatorial District, for appointment as a member of the Greene County Board of Assistance, to serve until December 31, 2003, and until her successor is appointed and qualified, vice T. Dale Warren, Waynesburg, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE NORTHAMPTON COUNTY
BOARD OF ASSISTANCE

April 17, 2003

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Reverend Fred Davis, (Republican), 103 Scott Street, Easton 18042, Northampton County, Twenty-fourth Senatorial District, for appointment as a member of the Northampton County Board of Assistance, to serve until December 31, 2004, and until his successor is appointed and qualified, vice Richard Orlemann, Easton, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE SCHUYLKILL COUNTY
BOARD OF ASSISTANCE

May 29, 2003

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Reverend Canon Charles H. Morris, (Republican), 1318 Howard Avenue, Pottsville 17901, Schuylkill County, Twenty-ninth Senatorial District, for appointment as a member of the Schuylkill County Board of Assistance, to serve until December 31, 2005, and until his successor is appointed and qualified, add to complement.

EDWARD G. RENDELL
Governor

On the question,
Will the Senate advise and consent to the nominations?

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

YEA-49

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

NAY-0

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to by voice vote.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 1**

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 113 (Pr. No. 2125) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, requiring school districts to reopen their 2003-2004 budgets; imposing limitations on certain unreserved fund balances; further providing for auxiliary service; deleting provisions relating to professional teacher assessment; further providing for cost of tuition and maintenance of certain exceptional children in approved private schools; providing for firefighter and emergency service training; further providing for Education Support Services Program, for education empowerment districts, for mandate waiver program and for school improvement grants; further defining "educational improvement organization" and "scholarship organization"; further providing for payments on account of pupils enrolled in vocational curriculums and for small district assistance; providing for basic education funding for 2002-2003 school year; further providing for payments to intermediate units, for special education payments to school districts and for Commonwealth reimbursements for charter schools and cyber charter schools; and making appropriations, repeals and an editorial change.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

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

Senator MELLOW. Madam President, House Bill No. 113 is a school subsidy bill. Most school districts in Pennsylvania must make up their final budgetary figures by June 30, with a fiscal year beginning July 1, 2003, for the new school year.

Madam President, this particular proposal provides for money and the disbursement of money not only for basic education but also for special education, and it does supply a modest increase to school districts for both basic education and for special education. Madam President, we are currently in ongoing negotiations to try to come up with an addition to the budget that was passed back in March and signed by the Governor, especially that part of the budget that deals with education, both at the primary, secondary, and higher education level with regard to our nonpreferred appropriations to take care of our institutions of higher learning. And this morning, Madam President, we had ongoing discussions about budgetary considerations and how in fact we might be able to resolve some of the differences and have them put in place, hopefully, before the end of the year, the fiscal year, which will be June 30, or next Monday of this month of June.

Madam President, when you meet with all four caucuses in good faith, along with the key members of our staff, and try to put together a budget, you believe that you are doing these things in an appropriate fashion for the purpose of trying to design what our budget will look like for next year. Madam President, the enactment of House Bill No. 113 today is quite premature with regard to our budget negotiations. It is a proposal that is an ongoing document, it is a proposal that should be used for what it is, to try to bring a successful means to the budgetary considerations for the upcoming fiscal year. It is not, Madam President, under any circumstances, a final document. We were hoping after the discussion that we had last week with the Republican leadership that House Bill No. 113 would not be considered this week, to continue to give us the opportunity to negotiate in good faith with regard to our budgetary considerations. Unfortunately, with consideration on a Supplemental Calendar of House Bill No. 113, it sheds a whole new light as to how those negotiations may be manifested.

Madam President, within the past 20 minutes I had the opportunity of speaking to the Governor's Office. The Governor's Office has once again reaffirmed its position to our Caucus, and I am sure to the Members on the other side of the aisle, that if House Bill No. 113 is presented to the Governor in its current form, that he will veto it. Now, that does absolutely nothing for our budget negotiations, Madam President. That does absolutely nothing to guarantee the 501 school districts in Pennsylvania what amount of money they will receive in this upcoming new fiscal year. It does nothing for the taxpayers of those districts, Madam President, because they will have no idea what amount of money they must set aside for the purpose of paying their school taxes, and it further continues to play with the future needs of our children of Pennsylvania, which is the greatest natural resource that we have.

Now we can go ahead tonight at this hour, pushing 8 o'clock in the evening, and make a political vote with all Republicans voting for it and all Democrats voting against it, but that does not accomplish anything, Madam President, with regard to the ongoing budgetary negotiations. We are prepared to work with

our colleagues on the other side of the aisle to put together an appropriate plan, one that is acceptable by the Members of the Senate, acceptable by the Members of the House of Representatives, and one that will find the Governor of the Commonwealth prepared to affix his signature to that plan.

Madam President, the Governor's proposal with regard to education is very comprehensive. It goes far beyond what we are dealing with right here. I asked last week for the bill not to be considered. It is obvious that request has fallen on deaf ears. The Governor has been very clear to us that if House Bill No. 113 appears on his desk in its current form, that he will veto the bill. If he vetoes the bill, Madam President, we are going to be right back in the same position that we are in this evening, except we are going to be closer to the end of the fiscal year and maybe even beyond the fiscal year, when our school districts will not have the proper opportunity to know exactly what moneys they will receive in their budget and they will not know how to affix their budget.

So, Madam President, having said this, I would once again make the request of the Majority Leader of the Senate, Senator Brightbill, to, in his own wisdom, give us the opportunity of putting this bill over so that we can consider ongoing negotiations with regard to the budget, of which this educational component is a very significant part. So, Madam President, rather than at this point ask for a negative vote on the bill, I simply ask Senator Brightbill, and I move that would be the case, to put the bill over so that we can consider the bill in our ongoing negotiations, and if it gets to the point where we do not have a final negotiation next Monday on June 30 so that school districts will know what they will have for the new fiscal year, then maybe that is the time to reconsider the bill. But it is premature 1 week before the end of the fiscal year to consider a bill that we know the Governor will not sign and will veto and that flies right in the face of ongoing budgetary negotiations. For that reason, Madam President, I ask that House Bill No. 113 be put over in its order on the Supplemental Calendar.

The PRESIDENT. Senator Brightbill, Senator Mellow has asked that the bill go over. Is this feasible, Senator Brightbill?

Senator BRIGHTBILL. Madam President, we do not agree to the bill going over. We believe that there is a constitutional duty on the part of the General Assembly to pass a budget bill and a funding plan for the schools. The plan that we have before the Senate at this point in time is indeed a responsible plan. Number one, it uses available State resources, which is a fancy way of saying that we can afford this. Number two, it keeps the schools open. Number three, it provides actually a little additional money, more than what the Governor proposed. If we recall, initially the Governor proposed a flat funding of the public schools, which means they would receive no additional funding. Then in his supplemental budget, he came back and proposed a 2.5-percent increase overall. What we are proposing here, and actually have in bill form, is a 2.8-percent increase. We think that this meets the needs of our schools, and we believe that no matter what is negotiated regarding any kind of education package with the Governor, this will be the basic part of any proposal, and this is the foundation. Without this foundation, our schools are going to be put in jeopardy. They will be uncertain as to what their destiny will be, and it will be very, very difficult for them to

budget. As it is, Pennsylvania has this unique system where the school districts and the General Assembly are both obliged to come up with a budget on the same day, June 30, and yet the school districts are obliged to look to us to provide them with money to base their budget on what we give them. We believe that this is a first step, and we are stating here publicly that our commitment is that any funding plan for the public schools that we provide votes for will have this as a minimum base. And we believe that this is where we are going to be able to go in this budget, we think we can afford this, and we think it is appropriate to send this signal to the school districts.

A veto by the Governor, and he has not said that to me, and I will accept Senator Mellow's word that that is what he said to him, I would not like to see that. I think that is unwise. That leaves the General Assembly with two alternatives. One is to come up with another plan that the Governor finds suitable, and the other would be to propose a veto override, and we would not like to do either one of those things. On the other hand, we do have a constitutional duty, and we think that come June 30, when this General Assembly comes to the last minute of the last day of the fiscal year, we in this Senate want to be able to say that we have sent a responsible school funding bill to the House, and hopefully to the Governor, so that the schools can stay open. Beyond that, there is nothing we can do. That is entirely up to Governor Rendell. We believe the Governor's veto would put the schools in crisis, and we do not think it is a necessary crisis. There is only one reason for the Governor to talk about a veto, and that is to provide leverage so we do additional spending for the schools or for other programs that he wants to fund. And I do not think it is appropriate, Madam President, that the Governor use our school system and our schoolchildren as hostages, so to speak, in a negotiation with the General Assembly. I do not think Senator Mellow would approve of that. I think that when it comes to funding education, I believe that his heart is in the right place. He has always supported public education from everything I have seen, and I cannot imagine that anyone on the other side of the aisle would want to see schoolchildren being held hostage for additional spending for schools.

Now, does that mean we will not talk? Of course it does not. We are always willing to talk, we are willing to negotiate, we are willing to look at the Governor's plans. We believe that the Governor has put out a lot of ideas. We think that it is important that those ideas meet public scrutiny, and we think that as a result of input from our constituents, it is a good place to start in terms of negotiation, but we do not think that we are ready yet to put this in bill form and send it to the Governor for his signature.

So, Madam President, I object to the bill going over, and therefore ask that we run the bill.

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

The PRESIDENT. Senator Mellow, the objection has been heard. Do you wish to ask for a deferral vote on your motion?

Senator MELLOW. I wish to be recognized on the motion, Madam President.

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

Senator MELLOW. Madam President, it is important for the Members of this Chamber to understand that we are not arguing about the substance of the proposal. Madam President, it is also very important for the Members to understand that we do realize that we have a constitutional mandate to pass a budget by June 30 which will properly fund public education. My concern, Madam President, is that if Senator Brightbill continues with the position to vote this bill today, that he himself may be participating in a shutdown of the Pennsylvania schools, and I do not think that Senator Brightbill would like to do what took place in Washington a number of years ago when, because of differences with an administration and facing a presidential veto, there were bills that were passed in Congress contrary to the dictates of the administration and a veto was issued and it was sustained, and government in Washington was shut down.

Madam President, the last thing that we want to do in this Capitol would be to shut down government and not meet our mandate, whether it be a mandate based on the election that we all go through, or a mandate based on the Constitution, which we are all sworn to uphold when we take our oath of office. Madam President, today is June 23. We still have 7 days to go in this fiscal year before we must face that constitutional mandate. There is ample time to revisit this proposal later. This is a House proposal that has been amended by the Senate. It must go back to the House of Representatives for concurrence once we have taken action here in the Senate. That can all happen in one day. I am very, very fearful, by what is taking place here this evening, that the Majority Leader is trying to force an issue, and he is trying to force the will of the Republican Party in the Senate as to how they feel public education should be funded through House Bill No. 113, disregarding what the Governor of Pennsylvania has requested. The Governor has not said that he does not want to fund public education appropriately. What the Governor is stating is that he does not want this bill considered today since we do have ongoing negotiations.

Madam President, there is noise on the floor of this Senate. This is a very important issue, and I would appreciate it if we could have some order on the floor.

The PRESIDENT. The Senate will come to order.

Senator MELLOW. Madam President, the Governor has been very clear and we consider that to be a very important issue. We support what the Governor would like to do. We support increases in education. We support the Governor's agenda for public education, but that is not up for discussion here tonight. Our discussion here tonight is the appropriate funding of public education in Pennsylvania for the next fiscal year and a constitutional mandate that we must face in bringing about that funding by June 30 or July 1 of the year 2003.

Madam President, we have ongoing negotiations. It is not, and I am repeating myself, it is not the substance of the bill we oppose, it is the procedure and the manner by which it is taking place. By doing this tonight, Madam President, I do not know what this does to ongoing negotiations, and I do not know how this is going to reflect on the good will that we have tried to develop between the Members of the Senate so that we can move this particular issue along. There is no reason, other than political considerations, to consider this bill this evening, since we have ample time in which we can still consider the proposal and send

it to the House of Representatives for their concurrence, if in fact we cannot come up with the proper type of agreement on the legislation dealing with the funding for public education.

For that reason, Madam President, once again I ask that we strongly consider, and I ask for the indulgence of the Majority Leader, the one who is setting policy here in this Chamber, I ask for his consideration, I ask for his indulgence, I ask for his cooperation and his extension of good will, to put this bill over this evening so that we can continue our ongoing negotiations. And if for some reason we cannot come up with a compromise, once again there is ample time here in the General Assembly to consider House Bill No. 113, to have the House concur on it, and then send it to the Governor for his consideration, but not this evening, facing the Governor's Office telling us that the bill will be vetoed if it gets to the Governor's Office in its current form. And the ultimate losers are not going to be the Members in this General Assembly immediately, but the children of Pennsylvania and public education in Pennsylvania, because they are not going to know what direction they must take come July 1 and, basically, that will be done by the action that we take right here in this Chamber. Again, Madam President, I ask for consideration for the bill to be put over in its order this evening.

Madam President, in case I did not already, I move the bill go over in its order, and I request a roll-call vote.

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

Senator BRIGHTBILL. Madam President, I ask for a negative vote.

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

LEGISLATIVE LEAVE

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

Senator MELLOW. Madam President, I request a temporary Capitol leave for Senator Fumo, who is in his office trying to negotiate a compromise on the budget.

The PRESIDENT. Without objection, Senator Fumo shall be given a temporary Capitol leave.

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

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

YEA-21

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

NAY-28

Armstrong	Greenleaf	Piccola	Thompson
Brightbill	Helfrick	Pileggi	Tomlinson
Conti	Jubelirer	Punt	Waugh

Corman	Lemmond	Rafferty	Wenger
Dent	Madigan	Rhoades	White, Donald
Earll	Mowery	Robbins	White, Mary Jo
Erickson	Orie	Scarnati	Wonderling

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

And the question recurring,
Shall the bill pass finally?

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

YEA-28

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

NAY-21

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

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

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

**UNFINISHED BUSINESS
BILLS REPORTED FROM COMMITTEES**

Senator CONTI, from the Committee on Law and Justice, reported the following bill:

HB 782 (Pr. No. 2162) (Amended)

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for definitions, for enforcement, for marketing, for sales by Pennsylvania Liquor Stores, for sales by liquor licensees and restrictions, for retail dispenser's restrictions on purchases and sales, for unlawful acts relative to liquor, alcohol and liquor licensees, for rights of municipalities preserved and for limited wineries.

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

HB 1406 (Pr. No. 1740)

An Act designating political subdivisions as rural areas for purposes of Medicare hospital service payments.

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

SB 778 (Pr. No. 937) (Rereported)

An Act amending the act of June 29, 1996 (P.L.434, No.67), known as the Job Enhancement Act, providing for keystone innovation zones.

HB 651 (Pr. No. 2166) (Amended) (Rereported)

An Act amending the act of June 22, 1931 (P.L.594, No.203), referred to as the Township State Highway Law, adding Piketown Road, West Hanover Township, Dauphin County, and Colebrook Road, East Donegal Township, Lancaster County, to the State highway system.

HB 1105 (Pr. No. 2167) (Amended) (Rereported)

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for the expiration of the Pennsylvania Veterans' Memorial Commission and for the administration of the Pennsylvania Veterans' Memorial Trust Fund.

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 Than and Roslyn Wright, Ed O'Brien and to Anoopam Mission of Bethlehem by Senator Boscola.

Congratulations of the Senate were extended to the Central Bucks West Girls' Soccer Team of Doylestown by Senator Conti.

Congratulations of the Senate were extended to the Ancient Order of Hibernians, Division 23, by Senator Costa.

Congratulations of the Senate were extended to Mr. and Mrs. Donald Gaughan and to Anne M. Henrie by Senator Helfrick.

Congratulations of the Senate were extended to Mount Union Fire Company No. 1 by Senator Jubelirer.

Congratulations of the Senate were extended to Mr. and Mrs. Charles Steven Fetsko by Senator Kasunic.

Congratulations of the Senate were extended to the Reverend James W. McLaughlin by Senator Kitchen.

Congratulations of the Senate were extended to Eric Baker, Chris Spooner, Adam Renner, Christa Sawko, Chris Moreau, Kevin Schoenfelder, Ruby Radocaj and to Ashleigh Wetzel by Senator Madigan.

Congratulations of the Senate were extended to Mr. and Mrs. R. Lee Smith by Senators Madigan and Lemmond.

Congratulations of the Senate were extended to Marion G. Hibsman, Julie Marie Smith and to the Honorable Lourene George Barto by Senator Mowery.

Congratulations of the Senate were extended to Matthew Hannon by Senator Musto.

Congratulations of the Senate were extended to Michael R. Ramich by Senator O'Pake.

Congratulations of the Senate were extended to Phoebe Ministries by Senators O'Pake and Brightbill.

Congratulations of the Senate were extended to Succop Conservancy of Butler by Senator Orie.

Congratulations of the Senate were extended to Jerome F. Davis by Senator Piccola.

Congratulations of the Senate were extended to David Anderson Rule by Senator Rafferty.

Congratulations of the Senate were extended to Patricia Ann Cuff by Senator Rhoades.

Congratulations of the Senate were extended to Patricia West by Senator Robbins.

Congratulations of the Senate were extended to Kimberly Reblock by Senator Scarnati.

Congratulations of the Senate were extended to Larry K. Dolanch by Senator Stout.

Congratulations of the Senate were extended to Jeanie Johnston Day in Bucks County by Senator Tomlinson.

Congratulations of the Senate were extended to Barry and Diana Gilbert by Senator Wenger.

Congratulations of the Senate were extended to Mr. and Mrs. Marvin Best by Senator M.J. White.

Congratulations of the Senate were extended to Irma Jones Bell Hollis by Senator A.H. Williams.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to by voice vote.

The bills were as follows:

HB 782 and HB 1406.

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

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDENT. The Chair wishes to announce the President pro tempore has made the following appointment:

Senator Robert C. Wonderling as a member of the Legislative Data Processing Committee.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, JUNE 24, 2003

10:00 A.M.	LOCAL GOVERNMENT (to consider Senate Bill No. 716; and House Bill No 51)	Room 461 Main Capitol
10:00 A.M.	PUBLIC HEALTH AND WELFARE (to consider the nomination of Calvin B. Johnson, M.D., M.P.H., as Secretary of the Dept. of Health; and House Bill No. 100)	Room 8E-B East Wing
10:30 A.M.	URBAN AFFAIRS AND HOUSING (to consider Senate Bill No. 427; and House Bills No. 349 and 500)	Room 461 Main Capitol

Off the Floor	APPROPRIATIONS (to consider Senate Bill No. 10; and House Bills No. 44 and 200)	Rules Cmte. Conf. Rm.
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Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider certain executive nominations)	Rules Cmte. Conf. Rm.
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WEDNESDAY, JUNE 25, 2003

10:45 A.M.	VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (to consider House Resolution No. 241)	Room 461 Main Capitol
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1:30 P.M.	ENVIRONMENTAL RESOURCES AND ENERGY (public hearing on Pennsylvania's Land Recycling Program)	Room 8E-B East Wing
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ADJOURNMENT

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

Senator BRIGHTBILL. Madam President, I move that the Senate do now adjourn until Tuesday, June 24, 2003, at 1 p.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate adjourned at 8:18 p.m., Eastern Daylight Saving Time.