

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

MONDAY, JULY 28, 2003

SESSION OF 2003 187TH OF THE GENERAL ASSEMBLY

No. 54

SENATE

MONDAY, July 28, 2003

The Senate met at 1:35 p.m., Eastern Daylight Saving Time.

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

PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

Let us pray.

Almighty God, we pause to ask You to look with favor on and bless our land and people. We commend to Your spirit and care all who are engaged in the government of this Commonwealth, especially the Members and staff of this Senate. Grant to them wise judgment and enduring faith, that they may lead us ever forward to greater service and achievement. Amen.

The PRESIDENT. The Chair thanks the Secretary of the Senate.

PLEDGE OF ALLEGIANCE

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

LEGISLATIVE LEAVES

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

Senator MELLOW. Madam President, I request a temporary Capitol leave for Senator Kitchen, and a legislative leave for Senator Stack.

The PRESIDENT. Senator Mellow requests a temporary Capitol leave for Senator Kitchen, and a legislative leave for Senator Stack. Without objection, those leaves will be granted.

LEAVES OF ABSENCE

Senator MELLOW asked and obtained leaves of absence for Senator Boscola, Senator Fumo, and Senator Hughes, for today's Session, for personal reasons.

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

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of July 24, 2003.

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

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

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

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

YEA-46

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

NAY-0

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

SPECIAL ORDER OF BUSINESS GUEST OF SENATOR NOAH W. WENGER PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Lancaster, Senator Wenger.

Senator WENGER. Madam President, it is my pleasure today to make an introduction. In the gallery today is Matt Lazarus, who resides in Lititz in my senatorial district in Lancaster County. He has been an intern in my office here in Harrisburg since the beginning of May and has done a great job for us this summer. Matt, who is a political science major, will be a senior at Virginia Tech this year, and I ask the Senate to not only give him our customary warm welcome, but to wish him well in his senior year at Virginia Tech.

The PRESIDENT. Matt, would you please stand so we can all give you a round of applause.

(Applause.)

GUESTS OF SENATOR CHARLES W. DENT PRESENTED TO THE SENATE

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

Senator DENT. Madam President, it is my honor today to introduce our guest Page, Jonathan Cohn. He is not only a friend, but he is a neighbor. He is 13 years old and is an eighth grader at Springhouse Middle School in the Parkland School District. I am also told he has a very nice golf swing. His family is well known to this institution. His mother is Commonwealth Court Judge Renee Cohn, and his stepfather is none other than our own President pro tempore of the Senate, Senator Bob Jubelirer. So I would like the Senate to give Jonathan a very warm welcome. We are delighted to have him here. Jonathan.

The PRESIDENT. Jonathan, would you please rise.
(Applause.)

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 BERKS COUNTY BOARD OF ASSISTANCE

July 25, 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 C. Balmer, Esquire, (Democrat), 3611 Kutztown Road, Reading 19605, Berks County, Eleventh Senatorial District, for appointment as a member of the Berks County Board of Assistance, to serve until December 31, 2005, and until his successor is appointed and qualified, vice Carol Meredith, Leesport, resigned.

EDWARD G. RENDELL
Governor

JUDGE, COURT OF COMMON PLEAS, ALLEGHENY COUNTY

July 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, Edward J. Borkowski, Esquire, 243 Fisk Street, Pittsburgh 15201, Allegheny County, Thirty-eighth Senatorial District, for appointment as Judge of the Court of Common Pleas of Allegheny County, to serve until the first Monday of January 2006, vice The Honorable Joseph A. Jaffe, resigned.

EDWARD G. RENDELL
Governor

JUDGE, COURT OF COMMON PLEAS, WESTMORELAND COUNTY

July 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, Christopher Alan Feliciani, Esquire, RR 7, Box 55, Greensburg 15601, Westmoreland County, Thirty-ninth Senatorial District, for appointment as Judge of the Court of Common Pleas of Westmoreland County, to serve until the first Monday of January 2004, vice The Honorable Charles H. Loughran, resigned.

EDWARD G. RENDELL
Governor

RECALL COMMUNICATION REFERRED TO COMMITTEE

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

MEMBER OF THE BOARD OF PROBATION AND PAROLE

July 28, 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 12, 2003, for the appointment of Nina Tinari, 6401 Church Road, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, as a member of the Board of Probation and Parole, to serve for a term of six years, and until her successor is appointed and qualified, but not longer than 90 days beyond that period, vice William F. Ward, Esquire, Pittsburgh, whose term expired.

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

EDWARD G. RENDELL
Governor

RECALL COMMUNICATIONS LAID ON THE TABLE

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 laid on the table:

JUDGE, COURT OF COMMON PLEAS, ALLEGHENY COUNTY

July 28, 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 9, 2003, for the appointment of Edward J. Borkowski, Esquire, 243 Fisk Street, Pittsburgh 15201, Allegheny County, Thirty-eighth Senatorial District, as Judge of the Court of Common Pleas of Allegheny County, to serve until the first Monday of January 2006, vice The Honorable Joseph A. Jaffe, 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,
WESTMORELAND COUNTY

July 28, 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 6, 2003, for the appointment of Christopher Alan Feliciani, Esquire, RR 7, Box 55, Greensburg 15601, Westmoreland County, Thirty-ninth Senatorial District, as Judge of the Court of Common Pleas of Westmoreland County, to serve until the first Monday of January 2004, vice The Honorable Charles H. Loughran, resigned.

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

EDWARD G. RENDELL
Governor

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:

July 28, 2003

Senators STACK, WAGNER, MUSTO, KASUNIC, O'PAKE, HUGHES, TARTAGLIONE, C. WILLIAMS, COSTA, SCHWARTZ, MELLOW, KITCHEN, LAVALLE, BOSCOLA, FERLO, LOGAN, WOZNAK and KUKOVICH presented to the Chair **SB 863**, entitled:

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, requiring prior approval for policy and rate changes under certain circumstances.

Which was committed to the Committee on BANKING AND INSURANCE, July 28, 2003.

Senators STACK, WAGNER, MUSTO, KASUNIC, O'PAKE, HUGHES, TARTAGLIONE, C. WILLIAMS, COSTA, SCHWARTZ, MELLOW, KITCHEN, WONDERLING, LAVALLE, BOSCOLA, LOGAN and WOZNAK presented to the Chair **SB 864**, entitled:

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, further providing for certain reporting; and imposing an administrative penalty.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, July 28, 2003.

Senators WAGNER, MELLOW, O'PAKE, HUGHES, TARTAGLIONE, LAVALLE, COSTA, MUSTO, KASUNIC, STACK, C. WILLIAMS, SCHWARTZ, KITCHEN and WONDERLING presented to the Chair **SB 865**, entitled:

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, further defining "medical facility" and "nursing facility"; further providing for composition of the Patient Safety Authority; providing for a health data warehouse; and further providing for continuing medical education.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, July 28, 2003.

Senators LAVALLE, HUGHES, KUKOVICH, KASUNIC, C. WILLIAMS, KITCHEN, WAGNER, COSTA, MUSTO, O'PAKE, MELLOW, STACK and TARTAGLIONE presented to the Chair **SB 866**, entitled:

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, further providing for medical professional liability claims.

Which was committed to the Committee on JUDICIARY, July 28, 2003.

Senators HUGHES, TARTAGLIONE, WAGNER, KASUNIC, MUSTO, O'PAKE, STACK, C. WILLIAMS, COSTA, SCHWARTZ, KITCHEN and MELLOW presented to the Chair **SB 867**, entitled:

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, further providing for membership of the State Board of Medicine; and providing for admissible evidence in administrative disciplinary proceedings.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, July 28, 2003.

Senators HUGHES, TARTAGLIONE, WAGNER, MUSTO, O'PAKE, STACK, C. WILLIAMS, COSTA, SCHWARTZ, KITCHEN, MELLOW and KASUNIC presented to the Chair **SB 868**, entitled:

An Act amending the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, further providing for membership of the State Board of Osteopathic Medicine; and providing for admissible evidence in administrative disciplinary proceedings.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, July 28, 2003.

Senators CONTI, GREENLEAF, KUKOVICH, CORMAN and RAFFERTY presented to the Chair **SB 878**, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, eliminating cross-filing by candidates.

Which was committed to the Committee on STATE GOVERNMENT, July 28, 2003.

Senators COSTA, ORIE, LOGAN, LAVALLE, STOUT, O'PAKE, STACK, KITCHEN, PILEGGI, C. WILLIAMS, RHOADES, RAFFERTY, TOMLINSON and KASUNIC presented to the Chair **SB 879**, entitled:

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

Which was committed to the Committee on JUDICIARY, July 28, 2003.

Senators ORIE, KUKOVICH, WAGNER, COSTA, HELFRICK, RHOADES, WOZNAK, TARTAGLIONE, KASUNIC and KITCHEN presented to the Chair **SB 880**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, regulating appropriations to the Department of Corrections.

Which was committed to the Committee on JUDICIARY, July 28, 2003.

Senators ORIE, MOWERY, KUKOVICH, WONDERLING, LOGAN, HELFRICK, TOMLINSON, ERICKSON, KITCHEN, MUSTO, RAFFERTY, COSTA, C. WILLIAMS, WOZNAK, TARTAGLIONE, HUGHES, WAGNER and STACK presented to the Chair **SB 881**, entitled:

An Act requiring the Department of Public Welfare to provide home-based care as an alternative to institutional care.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, July 28, 2003.

Senators ORIE, MOWERY, LEMMOND, STOUT, KITCHEN, PILEGGI, RAFFERTY, COSTA, WAGNER, BOSCOLA, STACK and FERLO presented to the Chair **SB 882**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, authorizing the acquisition of child abuse clearance statements pertaining to nonpublic school employees.

Which was committed to the Committee on AGING AND YOUTH, July 28, 2003.

Senators ORIE, MOWERY, LEMMOND, STOUT, KITCHEN, PILEGGI, RAFFERTY, COSTA, WAGNER, BOSCOLA, STACK and FERLO presented to the Chair **SB 883**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, authorizing the acquisition of criminal history information pertaining to nonpublic school employees.

Which was committed to the Committee on EDUCATION, July 28, 2003.

Senators WAGNER, MUSTO, LOGAN, O'PAKE, STACK, TARTAGLIONE, C. WILLIAMS, ORIE, COSTA, KITCHEN, KASUNIC, FERLO and KUKOVICH presented to the Chair **SB 884**, entitled:

An Act relating to the delivery of services and programs to persons with disabilities; conferring powers and duties on the Governor's Office; and creating the Office of Disabilities and providing for its funding.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, July 28, 2003.

Senators STACK, CONTI, O'PAKE, SCHWARTZ, TARTAGLIONE, C. WILLIAMS, COSTA, STOUT, KUKOVICH, ARMSTRONG, RAFFERTY, BOSCOLA, MELLOW and KASUNIC presented to the Chair **SB 886**, 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 background checks of prospective employees and conviction of certain offenses.

Which was committed to the Committee on EDUCATION, July 28, 2003.

RESOLUTION INTRODUCED AND REFERRED

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

July 28, 2003

Senator RAFFERTY presented to the Chair **SR 124**, entitled:

A Resolution memorializing the Congress of the United States to pass H.R. 1516.

Which was committed to the Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, July 28, 2003.

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:

July 28, 2003

HB 300 -- Committee on Urban Affairs and Housing.

HB 565 -- Committee on Game and Fisheries.

HB 1034, 1130 and 1549 -- Committee on Transportation.

HB 1718 -- Committee on Judiciary.

HB 1883 -- Committee on Education.

HOUSE RESOLUTIONS FOR CONCURRENCE

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

July 28, 2003

HR 338 -- Committee on Public Health and Welfare.

HR 348 -- Committee on Rules and Executive Nominations.

GENERAL COMMUNICATION

ANNUAL REPORT OF THE SPORTS & EXHIBITION AUTHORITY OF PITTSBURGH

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

SPORTS & EXHIBITION AUTHORITY
Regional Enterprise Tower
Suite 2750 425 Sixth Avenue
Pittsburgh, Pennsylvania 15219

July 17, 2003

Hon. Edward G. Rendell
Governor of Pennsylvania
225 Main Capitol Building
Harrisburg, PA 17120

Office of the Chief Clerk
Pennsylvania House of Representatives
ATTN: Ted Maiza *[sic]*
129 Main Capitol Building
Harrisburg, PA 17120

Secretary of Senate of Pennsylvania
ATTN: Mark R. Corrigan
Room 462, Main Capitol Building
Harrisburg, PA 17120

Re: Submission pursuant to Act 63 of 2001

Dear Governor Rendell and Gentlemen:

As required by Act 63 of 2001, the Sports & Exhibition Authority of Pittsburgh and Allegheny County submits its MBE/WBE program report that covers calendar year 2002.

Sincerely,

LINDA KUSNER
Chief Financial Officer

The PRESIDENT. This report will be filed in the Library.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

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

Senator John C. Rafferty, Jr., as a member of the Targeted Community Revitalization and Crime Prevention Advisory Committee.

RECESS

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

Senator BRIGHTBILL. Madam President, at this time I ask for a Republican caucus, which will begin immediately. We expect to be in caucus for about an hour and a half, and we will then have meetings of the Committee on Rules and Executive Nominations and the Committee on Appropriations.

The PRESIDENT. Senator Brightbill requests a Republican caucus for approximately an hour and a half, and then meetings of the Committee on Rules and Executive Nominations and the Committee on Appropriations.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Madam President, I ask the Democratic Members to report to our caucus room at the rear of the Chamber.

The PRESIDENT. Senator Mellow requests a Democratic caucus in the caucus room to the rear of the Chamber.

Without objection, the Senate stands in recess.

AFTER RECESS

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

BILLS REPORTED FROM COMMITTEES

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

HB 1148 (Pr. No. 2160) (Rereported)

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for definitions, for scope of unfunded debt, for number of interest rates, for treatment of debt costs upon refunding; and providing for interest rate risk and interest cost management.

HB 1374 (Pr. No. 2332) (Rereported)

A Supplement to the act of April 1, 1863 (P.L.213, No.227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect; and providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure.

HB 1375 (Pr. No. 2327) (Rereported)

A Supplement to the act of July 28, 1966 (3rd Sp.Sess., P.L.87, No.3), entitled "An act providing for the establishment and operation of the University of Pittsburgh as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the chancellor to make an annual report of the operations of the University of Pittsburgh," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

HB 1376 (Pr. No. 2328) (Rereported)

A Supplement to the act of November 30, 1965 (P.L.843, No.355), entitled "An act providing for the establishment and operation of Temple University as an instrumentality of the Commonwealth to serve

as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; providing for preference to Pennsylvania residents in tuition; providing for public support and capital improvements; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the President to make an annual report of the operations of Temple University," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

HB 1377 (Pr. No. 2329) (Rereported)

A Supplement to the act of July 7, 1972 (P.L.743, No.176), entitled "An act providing for the establishment and operation of Lincoln University as an instrumentality of the Commonwealth to serve as a State-related institution in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; providing for preference to Pennsylvania residents in tuition; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the President to make an annual report of the operations of Lincoln University," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

HB 1378 (Pr. No. 2223) (Rereported)

An Act making an appropriation to the Trustees of Drexel University, Philadelphia.

HB 1379 (Pr. No. 2331) (Rereported)

An Act making appropriations to the Trustees of the University of Pennsylvania.

HB 1380 (Pr. No. 2224) (Rereported)

An Act making appropriations to the Philadelphia Health and Education Corporation for the Colleges of Medicine, Public Health, Nursing and Health Professions and for continuation of pediatric services.

HB 1381 (Pr. No. 2225) (Rereported)

An Act making appropriations to the Thomas Jefferson University, Philadelphia.

HB 1382 (Pr. No. 2226) (Rereported)

An Act making an appropriation to the Philadelphia College of Osteopathic Medicine, Philadelphia.

HB 1383 (Pr. No. 2227) (Rereported)

An Act making an appropriation to the Pennsylvania College of Optometry, Philadelphia.

HB 1384 (Pr. No. 2228) (Rereported)

An Act making an appropriation to the University of the Arts, Philadelphia, for instruction and student aid.

HB 1385 (Pr. No. 2229) (Rereported)

An Act making appropriations to the Trustees of the Berean Training and Industrial School at Philadelphia for operation and maintenance expenses and for payment of debt service.

HB 1386 (Pr. No. 2230) (Rereported)

An Act making an appropriation to the Johnson Technical Institute of Scranton for operation and maintenance expenses.

HB 1387 (Pr. No. 2231) (Rereported)

An Act making an appropriation to the Williamson Free School of Mechanical Trades in Delaware County for operation and maintenance expenses.

HB 1388 (Pr. No. 1716) (Rereported)

An Act making an appropriation to the Fox Chase Institute for Cancer Research, Philadelphia, for the operation and maintenance of the cancer research program.

HB 1389 (Pr. No. 1717) (Rereported)

An Act making appropriations to the Wistar Institute, Philadelphia, for operation and maintenance expenses and for research.

HB 1390 (Pr. No. 1718) (Rereported)

An Act making an appropriation to the Central Penn Oncology Group.

HB 1391 (Pr. No. 1719) (Rereported)

An Act making an appropriation to the Lancaster Cleft Palate for outpatient-inpatient treatment.

HB 1392 (Pr. No. 1720) (Rereported)

An Act making an appropriation to the Pittsburgh Cleft Palate for outpatient-inpatient treatment.

HB 1393 (Pr. No. 1721) (Rereported)

An Act making an appropriation to the Burn Foundation, Philadelphia for outpatient and inpatient treatment.

HB 1394 (Pr. No. 1722) (Rereported)

An Act making an appropriation to The Children's Institute, Pittsburgh for treatment and rehabilitation of certain persons with disabling diseases.

HB 1395 (Pr. No. 1723) (Rereported)

An Act making an appropriation to The Children's Hospital of Philadelphia for comprehensive patient care and general maintenance and operation of the hospital.

HB 1396 (Pr. No. 1724) (Rereported)

An Act making an appropriation to the Beacon Lodge Camp.

HB 1397 (Pr. No. 1725) (Rereported)

An Act making an appropriation to the Arsenal Family and Children's Center.

HB 1398 (Pr. No. 1726) (Rereported)

An Act making appropriations to the Carnegie Museums of Pittsburgh for operations and maintenance expenses and the purchase of apparatus, supplies and equipment.

HB 1399 (Pr. No. 1727) (Rereported)

An Act making an appropriation to the Franklin Institute Science Museum for maintenance expenses.

HB 1401 (Pr. No. 1728) (Rereported)

An Act making an appropriation to the Academy of Natural Sciences for maintenance expenses.

HB 1402 (Pr. No. 1729) (Rereported)

An Act making an appropriation to the African-American Museum in Philadelphia for operating expenses.

HB 1403 (Pr. No. 1730) (Rereported)

An Act making an appropriation to the Everhart Museum in Scranton for operating expenses.

HB 1404 (Pr. No. 1731) (Rereported)

An Act making an appropriation to the Mercer Museum in Doylestown, Pennsylvania, for operating expenses.

HB 1405 (Pr. No. 1732) (Rereported)

An Act making an appropriation to the Whitaker Center for Science and the Arts in Harrisburg, Pennsylvania, for operating expenses.

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

SB 8 (Pr. No. 1111) (Amended) (Rereported) (Concurrence)

An Act amending Titles 18 (Crimes and Offenses), 42 (Judiciary and Judicial Procedure) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for chemical testing to determine amount of alcohol or controlled substance and for requirements for driving under influence offenders; imposing penalties for violation of ignition interlock system provisions; and further providing for occupational limited license and for driving under influence of alcohol or controlled substance.

SB 201 (Pr. No. 1079) (Rereported) (Concurrence)

An Act designating Interstate 78 in Lehigh and Northampton Counties from the Berks County Line to the Delaware River as the

Walter J. Dealtrey Memorial Highway; designating a portion of State Route 837 in Allegheny County as Charles R. McDevitt Highway; and designating Exit 23 on Interstate 79 in Washington County, known as Marianna-Prosperity Exit, as the Farrell Jackson Exit.

SB 521 (Pr. No. 1108) (Rereported) (Concurrence)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for assessment and commitment of certain sexually violent persons.

CALENDAR**BILL ON CONCURRENCE IN
HOUSE AMENDMENTS****SENATE CONCURS IN HOUSE AMENDMENTS**

SB 442 (Pr. No. 1044) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 16, 1923 (P.L.207, No.153), referred to as the Municipal Claim and Tax Lien Law, amending definitions; further providing for municipal claims and liens, for judicial sales, for recovery of judgment and sale free from claims, for assignment of claims and for notice requirements; and making a repeal.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 442?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 442.

On the question,

Will the Senate agree to the motion?

LEGISLATIVE LEAVES CANCELLED

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

Senator WAGNER. Madam President, I rise to make certain that the leaves are corrected. On the floor are Senator Boscola, Senator Stack, and Senator Kitchen, and I request that their leaves be cancelled.

The PRESIDENT. Without objection, those leaves will be cancelled.

And the question recurring,

Will the Senate agree to the motion?

The PRESIDENT. The Chair recognizes the gentlewoman from Allegheny, Senator Orie.

Senator ORIE. Madam President, I would like to submit a statement for the record on Senate Bill No. 442.

The PRESIDENT. Without objection, the gentlewoman will submit her remarks.

(The following prepared statement was made a part of the record at the request of the gentlewoman from Allegheny, Senator ORIE:)

Economic realities of our time have had an impact on both the private and public sectors alike. Cash-strapped municipalities and school districts in our Commonwealth now, more than ever, must strive to provide services to their residents in an efficient and cost-effective manner with less revenue available than projected. To do so, they must rely upon the levy and collection of taxes, the largest of which is the tax on real estate.

The payment of taxes, although an everyday reality, places an economic responsibility upon many households and businesses in our communities. To many, the payment of taxes is a significant economic burden. Yet, a vast majority of taxpayers make it a priority to pay their county, school, and municipal tax obligations on time and in full. There are those who have legitimate hardships and can not afford, at least for some period of time, to pay their taxes. There are mechanisms in place to assist such individuals in the payment of their taxes. Local government units, offer convenient payment plans, financing opportunities are available through lending institutions and reverse mortgages are available to our senior citizens. Also, there are many legal safeguards in place such as bankruptcy laws and other debtor protections, which provide a number of opportunities for taxpayers to obtain protection from both private and public sector creditors during periods of financial distress.

Unfortunately, there are also those who simply do not pay their real estate taxes on time. These delinquent taxes place a burden upon local government and impact local government's ability to provide essential services to its residents. Moreover, the failure by some to pay taxes places a greater burden upon those taxpayers who pay their taxes on time.

The laws in place in this Commonwealth provide for the collection of penalties and interest on unpaid delinquent and liened delinquent real estate taxes which amounts are intended to compensate the local government unit creditor for the loss of use of the funds while they were unpaid. Pennsylvania law also provides for the repayment of out-of-pocket costs such as Prothonotary filing fees, Sheriff's fees, and the like, which are expended by or on behalf of the taxing body to file and preserve liens for the nonpayment of municipal claims and taxes.

There are many instances where, despite numerous efforts to generate voluntary payment of the taxes due, delinquent taxpayers neglect to make payment. There are also tax scofflaws who, despite having the means to pay their local taxes, fail and refuse to do the same. As a result, local government units are forced to initiate legal proceedings for the collection of the delinquent tax due. Legal costs such as Prothonotary fees, Sheriff's fees, advertising fees, and title search fees must be advanced by the taxing body plaintiff in the legal proceeding to file and pursue the collection of the delinquent claim.

The Municipal Claim and Tax Lien Law of 1923 provides for an In Rem collection proceeding which is akin to an action in mortgage foreclosure against the tax delinquent real estate. While the taxes, penalties, interest, out-of-pocket costs and expenses, are collectible in a tax collection case, the Supreme Court recently interpreted the General Assembly's actions to mean that the Municipal Claim and Tax Lien Law, as amended by Act 1 of 1996, did not provide for the recovery of attorney fees in delinquent real estate tax collection cases. The Supreme Court read the Act to provide for the reimbursement of an attorney fee only in the collection of municipal claims for unpaid charges for municipal services and improvements. This reading by the Court is not only inconsistent with the Act when read as a whole, but also with 95 years of tax collection practice in counties of the second class, and the municipalities and school districts therein. See Act of February 7, 1996 P.L. 1, §§1 and 2, "Act 1 of 1996" which amended Sections 3, 19 and 20 of the Act of May 16, 1923, P.L. 207.

From May 16, 1923 to February 7, 1996, the Act allowed for recovery of an attorneys commission of five percent (5%) in the event of a jury verdict or default judgement in the collection of a delinquent tax or municipal claim under §§19 and 30 of the 1923 Act. In fact, the 1901 version of the Act contained the identical provisions. The General Assembly simply restated the attorneys commission features when it amended the Act in 1923. (See Act of June 4, 1901, P.L. 228 §§19 and 20 and compare §§19 and 20 of the Act of May 16, 1923, P.L. 207). Thus, from 1901 through February 7, 1996, the law in Pennsylvania clearly provided for a statutory attorney commission of five percent (5%) in delinquent real estate tax and municipal claim collection cases.

The right to collect the attorney commission was upheld by the courts in this Commonwealth. For example, the Supreme Court of Pennsylvania, in the case of Borough of Homestead v. Defense Plant Corporation, 356 Pa. 500, 52 A.2d 581 (1947), specifically upheld the right to collect of the statutory attorney commission in the collection of tax and municipal claims.

Act 1 of 1996 was enacted to address the changes in economic times. The cost of legal services increased substantially since 1901. Yet the actual costs of retaining attorneys was not reflected in an increase of the statutory attorney commission. Municipalities were required to pay outside counsel for their services in amounts in excess of what the law permitted to be recovered by means of an attorney commission in the legal proceeding. Moreover, the five-percent (5%) commission under the Act only applied in those instances where a judgement had been obtained. Thus, if the debt was paid prior to judgment, the payment for legal services was borne by the taxing authority rather than by the delinquent taxpayer.

The General Assembly recognized that it was unfair that the overwhelming majority of taxpayers, who pay their taxes and charges on time, collectively bear the added costs and expense of retaining an attorney in order to go after those scofflaws who fail to pay their fair share. Recognizing the increase in cost of retaining the services of the limited number of attorneys with experience in these matters, the General Assembly passed Act 1 of 1996 with the express intention of improving upon the attorney fees provisions in the Act. It was the specific intent of the General Assembly not only to preserve the traditional ability to recoup attorney fees in all actions brought under the Act against those who fail to pay their taxes and other claims and charges, but also to provide an open and fair mechanism for the collection of fees commensurate with contemporary legal practice. Act 1 of 1996 was intended to solve these problems. Act 1 permitted local government units to establish by resolution or ordinance, a scheduled [*sic*] of reasonable attorney fees for the collection of the delinquent account. The attorney fees were to be collected at any stage of the proceeding and not merely in the event of judgment.

These changes were also consistent with the allocation of costs for the collection of bad debts in the private sector. In commercial transactions such as mortgages, personal loans, auto loans, and the like, it is common practice for contracts to provide for the recovery of reasonable attorney fees in the event that the creditor is forced to protect its investment in legal proceeding. The idea being that the debtor should be responsible for the payment of the costs and expenses of collection rather than the lender which, in turn, would be forced to pass such costs on to consumers as a cost of doing business. The same is true for real estate tax collection in Pennsylvania. In fact, Act 1 of 1996 was intended to treat tax and municipal claim collection like the collection of a commercial debt.

Since February 7, 1996, the municipalities and school districts throughout Allegheny County, Allegheny County, and their assignees, relied upon Act 1 of 1996 and routinely charged and collected reasonable attorney fees in both tax collection and municipal claim collection cases. The burdens of such fees were rightly placed upon the delinquent taxpayer.

Unfortunately, the intentions of the General Assembly in amending the Act and in providing for the recovery of a reasonable attorney fee were not recorded so as to be meaningful to a court of law looking for guidance in interpreting the maze of provisions and amendments. Recently, our Supreme Court ruled that the technical language used in Act 1 of 1996 created a discrepancy between the right to recover attorney fee in collecting tax liens as opposed to municipal claims and liens. (This recent interpretation creates a loophole by creating a distinction between municipal claims and tax claims for the purpose of recovering the cost of attorneys fees incurred in enforcement actions.) The Act, as interpreted by our courts, creates the anomalous situation allowing collection of attorneys' fees for municipal claims such as sewer, water, and street improvements, but not allowing collection of attorney fees for claims for delinquent taxes. Far more revenue is recovered by the forced collection of delinquent taxes than delinquent municipal claims. Adding the costs of retaining counsel to collect overdue taxes to the burdens shouldered by municipalities and the taxpayers who pay taxes on time is both unfair and inconsistent with the history of collecting overdue real estate taxes in the commonwealth.

Moreover, there is no rational basis for treating tax claims differently than municipal claims when it comes to the costs for collection. Pennsylvania Law consistently provided that the taxing authorities should be made whole when pursuing the collection of municipal claims and tax claims. The cost of collection should not be the burden of those who pay their taxes on time but those who do not. That was the intent of Act 1 of 1996. In 1996, the General Assembly did not intend to exclude real estate tax claims from the amendment of §3 of the Act. In fact, §§19 and 20 of the Act (which according to the Supreme Court still apply to tax claims) refer the reader back to §3 of the Act. The statutory procedure was intended to apply to all claims, including municipal claims, taxes and tax claims under the Act. I urge you to adopt these amendments so that the General Assembly's intentions made clear beyond peradventure.

In all candor, the laws of this Commonwealth, with respect to the enforcement and collection of local taxes, were not singularly stated. The Municipal Claim and Tax Lien Act was passed in 1923. Since its enactment, the General Assembly has amended its provisions on numerous occasions. Often times, these amendments made the requirements of the Act difficult to interpret. Interpreters of our intent must travel through a myriad of codes and provisions to find our meaning. This dilemma exposed the Act to second-guessing by individuals looking for loopholes to evade or delay their obligation to pay their fair share of taxes. Consequently, taxing authorities within the counties of the second class are now routinely stymied in their tax collection efforts by those who scoff the law and others whose motivations have nothing to do with finding clarity in our tax laws but rather with secondary gain. Without necessary clarifications, confusion over specific requirements in the Municipal Claims and Tax Lien Act, deters local taxing jurisdictions from not only enforcing claims for payment of taxes, but also deprives them of opportunities to use tax claims to generate revenues necessary for operating local government.

Through technical in nature, the amendments made to the Municipal Claim and Tax Lien Act confirm the longstanding and traditional practices, such as the method of calculation of interest on delinquent County taxes. The methods of calculation employed by Allegheny County Treasurers for decades is fair, sensible, practical, reasonable, and in accordance with requirements authorized years ago by this Assembly. Thus these amendments will end the confusion and doubt created by this litigation over basic enforcement rights, practices, and procedures in Allegheny County, and will improve tax enforcement measures for all that bring actions under the Act.

The amendments contained in Senate Bill No. 442 relate specifically to delinquent real estate tax collection in Allegheny County and the 129 municipalities and 43 school districts therein. The amendments found in Sections 1, 3, 31, and 33 of the Municipal Claim and Tax Lien Law of 1923 have some general applicability to all "municipalities" as that term is defined under the Act. None of the revisions change existing, substantive law relating to the collection of unpaid taxes, tax claims, and municipal claims. Rather, the amendments that I put before you clarify existing law and reflect the manner and custom in which taxes, tax claims, and municipal claims were collected within Allegheny County for decades.

The amendments to the Municipal Claim and Tax Lien Act contained in this bill close the loophole and expressly reaffirms and restates that it was the intention of the General Assembly since the passage of Act 1 of 1996, that attorney fees be collected in actions to enforce any municipal claim and tax claim against the property owner under the Act.

I respectfully urge my colleagues to approve Senate Bill No. 442, which I sponsor and which enjoys the support of my colleagues from Allegheny County, in order to make several minor, but nonetheless, important amendments to certain provisions of the Municipal Claim and Tax Lien Act. This bill will serve three (3) important purposes.

First, the amendments to the Municipal Claim and Tax Lien Act clarify the rights of municipalities and those who hold rights from municipalities in the process of collecting all claims under this Act. This is especially important to Allegheny County because the Municipal Claim and Tax Lien Act is the principal statute that governs tax collection and municipal claim enforcement actions in the County.

Second, these amendments reaffirm the General Assembly's intentions since the passage of the Act almost 80 years ago. Namely that

the recoupment of costs expended to retain competent, experienced legal counsel to enforce claims for payment of taxes is a legitimate expense that should be recoverable against the small minority of property owners who are tax scofflaws.

Third, these amendments streamline the process of enforcing claims for taxes under the Act. These changes add the important benefit of reducing the costs and expenses associated with these actions. We will place counties of the second class on equal footing with our other major urban county, in the use of the same streamlined procedures for tax enforcement actions, without sacrificing the protections of the rights of property owners and other parties in interest of tax delinquent property. Currently, the Act only allows Philadelphia to use the specific remedy found in §31.1 of the Act. Section 31.1 provides Philadelphia with a streamlined process for selling properties at sheriff's sale in order to clear titles to real estate. By affording counties of the second class access to the same streamlined processes, Allegheny County, the municipalities and school districts therein, and their assignees, can enjoy the reductions in title clearance problems, delays, extra costs, fees, and expenses and avoid the strain upon government offices, and the court's calendar. Our experience in Philadelphia shows us that with this judicial mechanism the transfer of vacant and dilapidated tax delinquent properties to developers, is expedited so that properties are quickly restored to the taxpaying rolls and yielding much needed revenues to our cash-strapped municipalities and school districts.

In closing, the limited amendments set forth in Senate Bill No. 442 clarify enforcement practices used throughout the Commonwealth, reaffirm and restate the Assembly's intention that reasonable attorney fees allowable pursuant to Act 1 of 1996 allow the recovery of a reasonable attorney fee against delinquent property owners in both municipal claim and tax claim enforcement actions and places counties of the second class, municipalities and school districts therein and their assignees, on equal footing with Philadelphia in terms of access to an enforcement remedy.

I therefore urge this body's prompt and favorable consideration of the legislation.

There were 3 amendments made to Senate Bill No. 442. The first were a series of technical amendments made at the request of Philadelphia. Philadelphia too relies upon the Municipal Claim and Tax Lien Law to collect its real estate taxes as well as its municipal claims. It too transferred tax liens back in 1996 and transferred all of its rights to collect to the assignee. Thus, Philadelphia was essentially in the same predicament as Allegheny County as a result of the Pentlong decision.

Philadelphia's first change was to Section 2 of Senate Bill No. 442 (Sec. 3 of the Act) in which it added sub part (d) which clarified the retroactivity of the bill by stating that attorney fees can be imposed and collected on any claim, writ of scire facias, judgement or execution filed on or after December 19, 1990. This is consistent with Act 1 of 1996's retroactivity. Both Philadelphia and Allegheny County agreed to this language which was arrived at following several in-depth discussions with the LRB.

There were 3 other changes requested by Philadelphia. They were all consistent with and requested identical language that Allegheny County had included in Senate Bill No. 442. The only difference was that the Philadelphia changes were to Philadelphia only sections of the Act. For example, in Sec. 2 of Senate Bill No. 442 (Sec. 3 of the Act) a reference to "municipal claim" was expanded to include "municipal lien, tax, tax claim and tax lien." In Sec. 5 of Senate Bill No. 442 (Sec. 31.1 of the Act) a notice provision was changed to refer to the notice section found in Section 39.2 of the Act. Finally, Sec. 7 of Senate Bill No. 442, (Sec. 39.2 of the Act) was amended to provide, identical to Allegheny County, that service of a rule is deemed accomplished on the date of mailing.

In total, the Philadelphia amendments were purely technical. No substantive changes were made to existing law. They are a reflection of standard procedure employed in Philadelphia which, like Allegheny County, needed to be clarified as a result of Pentlong.

The second amendments were made at the request and suggestion of Representative John Maher. Since Pentlong confirmed that the interest rate for delinquent taxes in counties of the second class was 12%. Representative Maher did not want the 12% rate being moved over from the Fiscal Code to Sec. 3 of Senate Bill No. 442 (Section 9 of the Act). He proposed instead that Sec. 3 of Senate Bill No. 442

(Section 9 of the Act) be amended to remove the reference to the 12% rate which is in the Fiscal Code and include language for second class counties and municipalities therein that clarified the existing practice of charging interest on the first of the month for the entire month and providing that there is no per diem interest. This language is consistent with existing practice throughout Pennsylvania in delinquent tax collection. Second, Representative Maher asked for a language clarification in Sec. 3 of Senate Bill No. 442 (Sec. 9 of the Act) to the section relating to the accounting for costs relating to tax lien filing, satisfaction, revival, transfer and enforcement in second class counties. The language change was agreed to by Allegheny County and makes no substantive change to that provision of Senate Bill No. 442. Finally, Representative Maher asked that we increase a service of process timeframe found in Sec. 7 of Senate Bill No. 442 (Sec. 39.2 of the Act.) from five (5) days to seven (7) days. This change was agreed to by Allegheny County, does not materially change the intent of that section of Senate Bill No. 442 and, if anything, gives more due process to delinquent taxpayers.

The Maher amendments do not make any significant substantive changes and are acceptable to Allegheny County.

Finally, Senate Bill No. 442 was amended by Representative Scott A. Petri of Bucks County by amending Sec. 8 of Senate Bill No. 442 to provide that: "The tax claim bureaus of the several counties may adopt and use the procedures set forth in this act in addition to the procedures set forth in the act of July 7, 1947 (P.L. 1368, No. 542), known as the 'Real Estate Tax Sale Law'." This section was not opposed by either Allegheny County or Philadelphia. It appears to provide additional remedies to Tax Claim Bureau Counties. Providing the act's judicial sale remedy to these jurisdictions complete with due process and the ability to recover the creditor's cost of collection will enhance tax claim collection efforts in counties which choose to use these additional remedies. There is no mandate, it is an optional additional remedy.

All in all, no major changes were made to Senate Bill No. 442 by any of the amendments. The Maher and Philadelphia amendments were technical. The Petri amendment, although expanding upon rights for other counties, does not impact the intent of Senate Bill No. 442 in any way.

I trust that this adequately describes the changes made. I am available at work, 412-281-0587 or via cell at 412-480-4364 if you or any other person would like to discuss this matter in greater detail. Once you have reviewed this and have an idea of how and when this matter will proceed, please let me know. Thanks again for your help.

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

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

YEA-47

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

NAY-0

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

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

THIRD CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 68 (Pr. No. 1084) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the capital budget for the fiscal year 2003-2004.

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, this is a very important piece of legislation. We have to do it, I believe, on an annual basis. It is the authorization of the funding of the capital budget. There was an amendment put in this proposal in the Senate Committee on Appropriations several weeks ago. It is objectionable to the administration, and it is objectionable to the Members on this side of the aisle. It is an affront to try to do progress on a capital budget. The administration has asked that the amendment be removed. We offered an amendment today, at least in discussion, and it was turned down by our counterparts on the other side of the aisle, and because of that, Madam President, I ask for a negative vote on Senate Bill No. 68.

LEGISLATIVE LEAVES

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

Senator MELLOW. Madam President, before the roll call, I request legislative leaves for Senator Stout and Senator Anthony Williams.

The PRESIDENT. Senator Mellow requests legislative leaves for Senator Stout and Senator Anthony Williams. Without objection, those leaves will be granted.

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
Earl	Mowery	Robbins	White, Mary Jo
Erickson	Orie	Scarnati	Wonderling

NAY-19

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

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

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

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 276 (Pr. No. 2326) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 4, 1996 (P.L.911, No.147), known as the Telemarketer Registration Act, further providing for definitions and for unwanted telephone solicitation calls.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEA-47

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

NAY-0

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

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

BILL OVER IN ORDER

SB 386 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL AMENDED

HB 564 (Pr. No. 2385) -- 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; providing for nonmandated capital; and abrogating a regulation.

On the question,

Will the Senate agree to the bill on third consideration?

The PRESIDENT. The Chair recognizes the gentlewoman from Allegheny, Senator Orie.

Senator ORIE. Madam President, I was going to offer an amendment to House Bill No. 564, one dealing with certificates and diplomas, which would return the appearance of high school diplomas back to local discretion, and in addition to that, an amendment with superintendent protections to provide legal protection for school district superintendents who follow the directives of their school boards even though it is in opposition of regulations of the Department of Education.

It is my understanding Senator Rhoades and the Committee on Education will take these two measures up before the committee, so I will not be offering those amendments.

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

Senator RHOADES. Madam President, I would just add that I have discussed this with Senator Orie, and I would be glad to move both of those bills separately or in one area. I think it is extremely important. Superintendents are placed in very awkward situations when they have a board asking them to go one way and the rules and regulations go another, and they could end up either losing their job or their certification. I think it is very necessary we consider it, and I will instruct my staff to do the same.

Thank you very much, Madam President.

And the question recurring,

Will the Senate agree to the bill on third consideration?

Senator BRIGHTBILL offered the following amendment No. A3334:

Amend Title, page 1, line 5, by inserting after "thereto," requiring school districts to reopen their 2003-2004 budgets; imposing limitations on certain unreserved fund balances; further providing for auxiliary services; deleting provisions relating to professional teacher assessment; further providing for cost of tuition and maintenance of certain exceptional children in approved private schools and for actual cost of tuition and maintenance of certain exceptional children in the four chartered schools for education of deaf and blind children; providing for the Head Start Supplemental Assistance Program; further providing for Education Support Services Program, for education empowerment districts, for school improvement grants and for mandate waiver program;

Amend Title, page 1, lines 11 and 12, by striking out "and abrogating a regulation" in line 11 and all of line 12 and inserting: further defining "educational improvement organization" and "scholarship organization"; further providing for educational improvement tax credits, for limitations on educational improvement tax credits, 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 for powers and duties of the State Board of Education; abrogating regulations; and making appropriations, repeals and an editorial change.

Amend Bill, page 4, lines 9 through 13, by striking out all of said lines and inserting:

Section 1. Section 687 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, is amended by adding a subsection to read:

Section 687. Annual Budget; Additional or Increased Appropriations; Transfer of Funds.—***

(i) (1) Notwithstanding any other provisions of this act, the board of school directors of each school district is required to and shall reopen its 2003-2004 budget within sixty (60) days of the effective date of this subsection to reflect any increased State allocations under sections 2502.13 and 2502.41 for fiscal year 2003-2004 provided by the General Assembly through this act and to comply with section 688.

(2) In those school districts which levy taxes and where the increased State allocations exceed the State revenue figures utilized by the school district at the time of adoption of its original fiscal year 2003-2004 budget, the board of school directors shall first use the increase in State allocations to do any of the following:

(i) offset the increase in the employer contribution rate on behalf of active members of the Public School Employees' Retirement System as calculated under 24 Pa.C.S. § 8328 (relating to actuarial cost method). Such amount shall supplant any other school district revenues allocated for this purpose;

(ii) abate any local taxes which were levied at the time of original budget adoption. Such tax abatements shall occur within sixty (60) days of the reopening of the school district's budget and may take the form of tax reductions, rebates or credits;

(iii) reduce or retire any outstanding indebtedness of the school district; or

(iv) restore funding to any educational programs which were reduced or eliminated for the 2003-2004 school year.

(3) Under no circumstances shall any increased State allocations be used to increase a school district's reserved or unreserved fund balances.

Section 2. The act is amended by adding a section to read:

Section 688. Limitations on Certain Unreserved Fund Balances.—(a) For the 2003-2004 school year and each school year thereafter, no school district shall approve an increase in real property taxes unless it has adopted a budget, or a reopened budget for the 2003-2004 school year pursuant to section 687(i), that includes an estimated, ending unreserved undesignated fund balance less than or equal to the applicable percentage as follows:

<u>School District</u>	<u>Estimated, Ending Unreserved Undesignated</u>
<u>Total Budgeted</u>	<u>Fund Balance as Percentage of</u>
<u>Expenditures</u>	<u>Total Budgeted Expenditures</u>
<u>Less Than or Equal to \$11,999,999</u>	<u>12%</u>
<u>Between \$12,000,000 and \$12,999,999</u>	<u>11.5%</u>
<u>Between \$13,000,000 and \$13,999,999</u>	<u>11%</u>
<u>Between \$14,000,000 and \$14,999,999</u>	<u>10.5%</u>
<u>Between \$15,000,000 and \$15,999,999</u>	<u>10%</u>
<u>Between \$16,000,000 and \$16,999,999</u>	<u>9.5%</u>
<u>Between \$17,000,000 and \$17,999,999</u>	<u>9%</u>
<u>Between \$18,000,000 and \$18,999,999</u>	<u>8.5%</u>
<u>Greater Than or Equal to \$19,000,000</u>	<u>8%</u>

(b) By October 15, 2003, and August 15 of each year thereafter, each school district that approves an increase in real property taxes shall provide the Department of Education with information certifying compliance with this section. Such information shall be provided in a form and manner prescribed by the Department of Education and shall include information on the school district's estimated, ending unreserved undesignated fund balance expressed as a dollar amount and as a percentage of the school district's total budgeted expenditures for that school year.

(c) As used in this section, "estimated, ending unreserved undesignated fund balance" shall mean that portion of the fund balance,

which is appropriable for expenditure or not legally or otherwise segregated for a specific or tentative future use, projected for the close of the school year for which a school district's budget was adopted and held in the General Fund accounts of the school district.

Section 3. Section 922.1-A of the act, amended or added August 1, 1975 (P.L.180, No.89), April 24, 1977 (P.L.199, No.59), October 10, 1980 (P.L.924, No.159) and May 10, 2000 (P.L.44, No.16), is reenacted to read:

Section 922.1-A. Auxiliary Services.—(a) Legislative Finding; Declaration of Policy. The welfare of the Commonwealth requires that the present and future generation of school age children be assured ample opportunity to develop to the fullest, their intellectual capacities. It is the intent of the General Assembly by this enactment to ensure that the intermediate units in the Commonwealth shall furnish on an equal basis auxiliary services to all pupils in the Commonwealth in both public and nonprofit nonpublic schools.

(b) Definitions. The following terms, whenever used or referred to in this section, shall have the following meanings, except in those circumstances where the context clearly indicates otherwise:

"Auxiliary services" means guidance, counseling and testing services; psychological services; visual services as defined in section 923.2-A; services for exceptional children; remedial services; speech and hearing services; services for the improvement of the educationally disadvantaged (such as, but not limited to, the teaching of English as a second language), and such other secular, neutral, nonideological services as are of benefit to all school children and are presently or hereafter provided for public school children of the Commonwealth.

"Nonpublic school" means nonprofit school, other than a public school within the Commonwealth of Pennsylvania, wherein a resident of the Commonwealth may legally fulfill the compulsory school attendance requirements of this act and which meet the requirements of Title VI of the Civil Rights Act of 1964 (Pub.L.88-352; 42 U.S.C. Section 2000 et seq).

(c) Program of Auxiliary Services. Students attending nonpublic schools shall be furnished a program of auxiliary services which are provided to public school students in the school district in which their nonpublic school is located. The program of auxiliary services shall be provided by the intermediate unit in which the nonpublic school is located, in accordance with standards of the Secretary of Education. Before an intermediate unit makes any decision that affects the opportunities for children attending nonpublic schools to participate in the auxiliary services provided under this section, the intermediate unit shall consult with such nonpublic schools to determine at a minimum: which general categories of children shall receive services; what services shall be provided; how and where the services shall be provided; and how the services shall be evaluated. Such services shall be provided directly to the nonpublic school students by the intermediate unit in the schools which the students attend, in mobile instructional units located on the grounds of such schools or in any alternative setting mutually agreed upon by the school and the intermediate unit, to the extent permitted by the Constitution of the United States and the Constitution of the Commonwealth of Pennsylvania.

Such auxiliary services shall be provided directly by the intermediate units and no auxiliary services presently provided to public school students by the intermediate units and/or school districts by means of State or local revenues, during the school year 1974-1975, shall be eliminated. No school districts shall be required, pursuant to any section of this act, to offer auxiliary services provided by any other school districts within such intermediate units.

(d) Allocations. In July of 1977 and annually thereafter in July, the Secretary of Education shall allocate to each intermediate unit an amount equal to the number of nonpublic school students as of October 1 of the preceding school year who are enrolled in nonpublic schools within the intermediate unit times seventy-two dollars (\$72). The Secretary of Education shall increase this figure on a proportionate basis whenever there is an increase in the median actual instruction expense per WADM as defined in clause (12.1) of section 2501 of this act. The Commonwealth shall pay to each intermediate unit fifteen per centum (15%) of its allocation on August 1, seventy-five per centum (75%) on October 1, and the remaining ten per centum (10%) on the first day of February.

(e) Limitations. The intermediate unit shall not use more than six per centum (6%) of the funds it receives for administration or eighteen per centum (18%) for rental of facilities. The Department of Education shall not use more than one per centum (1%) of the funds it allocates under this section for administrative expenses. If all funds allocated by the intermediate units to administration, or rental facilities are not expended for those purposes, such funds may be used for the program costs.

(f) Interest. There shall be no adjustment in the allocation as provided in subsection (d) because of interest earned on the allocations by the intermediate units. Interest so earned shall be used for the purpose of this section but shall not be subject to the limitations of subsection (e).

(g) Preliminary Budget. Annually, each intermediate unit shall submit to the secretary a preliminary budget on or before January 31 and a final budget on or before June 15, for the succeeding year; and shall file a final financial report on or before October 31 for the preceding year.

Section 4. Article XII-A of the act is repealed.

Section 5. Section 1376 of the act, amended June 7, 1993 (P.L.49, No.16), June 30, 1995 (P.L.220, No.26) and June 22, 2001 (P.L.530, No.35), is amended to read:

Section 1376. Cost of Tuition and Maintenance of Certain Exceptional Children in Approved Institutions.—(a) When any child between school entry age and twenty-one (21) years of age and resident in this Commonwealth, who is blind or deaf, or has cerebral palsy and/or neurological impairment and/or muscular dystrophy and/or is mentally retarded and/or has a serious emotional disturbance and/or has autism/pervasive developmental disorder and is enrolled, with the approval of the Department of Education, as a pupil in an approved private school approved by the Department of Education, in accordance with standards and regulations promulgated by the State Board of Education, the school district in which such child is resident or, for students placed by a charter school, the charter school in which the student was enrolled shall pay the greater of either twenty per centum (20%) of the actual audited cost of tuition and maintenance of such child in such school, as determined by the Department of Education, or its "tuition charge per elementary pupil" or its "tuition charge per high school pupil," as calculated pursuant to section 2561, and the Commonwealth shall pay, out of funds appropriated to the department for special education, the balance due for the costs of such child's tuition and maintenance, as determined by the department. For the school years 1989-1990, 1990-1991 and 1991-1992, the school district payment shall be no greater than forty percent (40%) of the actual audited costs of tuition and maintenance of such child in such school. For the 1992-1993 school year and each school year thereafter, the school district or charter school payment shall be the greater of forty percent (40%) of the actual audited costs of tuition and maintenance of such child in such school, as determined by the Department of Education, or its "tuition charge per elementary pupil" or its "tuition charge per high school pupil," as calculated pursuant to section 2561, and the Commonwealth shall pay, out of funds appropriated to the department for approved private schools, the balance due for the costs of such child's tuition and maintenance, as determined by the department. The department will credit the district of residence with average daily membership for such child consistent with the rules of procedure developed in accordance with section 2501. If the residence of such child in a particular school district cannot be determined, the Commonwealth shall pay, out of moneys appropriated to the department for special education, the whole cost of tuition and maintenance of such child. [The Department of Education shall be provided with such financial data from approved private schools as may be necessary to determine the reasonableness of costs for tuition and room and board concerning Pennsylvania resident approved reimbursed students. The Department of Education shall evaluate such data and shall disallow any cost deemed unreasonable. Any costs deemed unreasonable by the Department of Education for disallowance shall be considered an adjudication within the meaning of Title 2 of the Pa.C.S. (relating to administrative law and procedure) and regulations promulgated thereunder.]

(b) When any person less than school entry age or more than twenty-one (21) years of age and resident in this Commonwealth, who

is blind or deaf, or has cerebral palsy and/or has neurological impairment and/or has muscular dystrophy, or has autism/pervasive developmental delay, and is enrolled, with the approval of the Department of Education, as a pupil in an approved private school approved by the Department of Education, the Commonwealth shall pay to such school, out of moneys appropriated to the department for special education, the actual audited cost of tuition and maintenance of such person, as determined by the Department of Education, subject to review and approval in accordance with standards and regulations promulgated by the State Board of Education in accordance with subsection (b.1), and in addition, in the case of any child less than school entry age, who is blind, the cost, as determined by the Department of Education of instructing the parent of such blind child in caring for such child.

(b.1) For the 2004-2005 school year and each school year thereafter, an approved private school shall submit to the Department of Education its budgeted costs for the upcoming school year. Based upon this information and the prior year's settled audit, the Department of Education shall develop an interim reimbursement rate for the approved private school. The Department of Education shall provide the approved private school with monthly payments in advance of the final cost settlement as provided for in subsection (c.2). The Department of Education shall adopt final reimbursement rates based on the final cost settlement. The Department of Education may withhold a portion of such payments not exceeding five percent (5%) of such payment, pending final cost settlement. In no event shall either the payments made in advance of the final cost settlement or final reimbursements based on the final cost settlement made by the Department of Education exceed the appropriation available for approved private schools.

[(c) Each approved private school, prior to the start of the school year, shall submit to the department such information as the department may require in order to establish an estimate of reimbursable costs. Based upon this information, any other data deemed necessary by the department and in accordance with department standards, the department shall develop for each approved private school an estimate of reimbursable costs. Based upon such estimate, the department shall provide each approved private school with monthly payments in advance of department audit. The department may withhold a portion of such payments not exceeding five percent (5%) of such payment, pending final audit. In no event shall either the advance payments or final reimbursement made by the department following audit exceed the appropriation available for approved private schools.]

(c.1) Any funds remaining from the appropriation line items "for special education - approved private schools" or for Pennsylvania Charter Schools for the Deaf and Blind from the general appropriations acts for fiscal years 1978-1979 and each fiscal year thereafter shall be transferred by the State Treasurer into a restricted account (continuing appropriation) for audit resolution which is hereby established. The Department of Education shall also deposit into this restricted account any funds returned to or recovered by the department from approved private schools or chartered schools for overpayments during fiscal years 1978-1979 and each fiscal year thereafter. The funds in the restricted account are hereby appropriated upon approval of the Governor to the Department of Education for payments to approved private schools for audit resolutions for fiscal years 1978-1979 and each fiscal year thereafter. Funds in this restricted account shall not be subject to the limitations in subsection [(c)] (b.1) which prohibit advance payments and final reimbursement from exceeding the appropriation available for approved private schools. During the 1995-1996 fiscal year and during each fiscal year thereafter, the Department of Education shall review the activity in the restricted account and may recommend that the Governor authorize the lapsing into the General Fund of any funds that are estimated not to be needed for audit resolution.

(c.2) The Department of Education shall establish procedures and audit standards to govern the scope of reportable costs, the methods used to examine costs and determine allowability and timeliness of cost reporting. For the 2004-2005 school year and each school year thereafter, cost reports shall be prepared by an approved private school and audited by the approved private school's independent public accountant. Such cost reports shall be prepared in accordance with established procedures and audit standards and delivered to the

Department of Education within six (6) months after the conclusion of the school year. The Department of Education shall have six (6) months to process these cost reports and settle any outstanding payments due to or from the approved private school. Nothing in this subsection shall be construed to preclude the Department of Education from conducting its own audits on a periodic basis. Where the Department of Education conducts such audits, the audits must be completed within one (1) year of the cost report deadline and may not delay the allowable period for settlement of any payments due to or from the approved private school. Audits of cost reports submitted for school years prior to the 2004-2005 school year shall be completed in a manner consistent with prior audit practices.

(d) No private institution receiving payment in accordance with this section shall impose any charge on the student and/or parents who are Pennsylvania approved reimbursable residents for a program of individualized instruction and maintenance appropriate to the child's needs; except that charges for services not part of such program may be made if agreed to by the parents.

(e) (1) The Education Committees of the Senate and House of Representatives are directed to jointly examine the issues of the funding of approved private schools and special education students' access to approved private schools as part of the full continuum of special education placements. The committees' examination should address, at a minimum, the following issues:

(i) The funding methodology which supports the school district's responsibility for individualized, appropriate educational services to special education students through access to the most comprehensive continuum of educational options and settings.

(ii) The role of the approved private school in the mandated continuum of special education services available to students in Pennsylvania.

(iii) The relative roles of the Department of Education and school districts to ensure free appropriate public education (FAPE) through adequate funding and appropriate distribution of comprehensive services.

(iv) The provisions of the Individuals with Disabilities Education Act (IDEA) (P.L.101-476), the Cordero Court Orders, this act and 22 Pa. Code Chs. 14 and 342 as they relate to the provision of programs and services to special education students should be carefully reviewed as they pertain to approved private schools, continuum of placement options, funding, FAPE and other pertinent issues.

(2) The committees shall report back to the General Assembly by November 15, 1993, with legislative and/or administrative recommendations. The committees may hold such meetings and hearings as they deem appropriate to accomplish the provisions of this subsection.]

Section 6. Section 1376.1 of the act, amended June 7, 1993 (P.L.49, No.16), is amended to read:

Section 1376.1. Actual Cost of Tuition and Maintenance of Certain Exceptional Children in the Four Chartered Schools for Education of the Deaf and the Blind.—(a) The following term, whenever used or referred to in this section, shall have the following meaning. "Chartered school" shall mean any of the four (4) chartered schools for the education of the deaf or the blind: the Pennsylvania School for the Deaf; the Overbrook School for the Blind; the Western Pennsylvania School for Blind Children; and the Western Pennsylvania School for the Deaf.

(b) When any child of school age resident in this Commonwealth, who is blind or deaf, is enrolled with the approval of the Department of Education as a pupil in any of the four (4) chartered schools in accordance with standards and regulations promulgated by the State Board of Education, the school district in which such child is resident shall pay the greater of either twenty percent (20%) of the actual cost of tuition and maintenance of such child in such institution, as determined by the Department of Education; or its "tuition charge per elementary pupil" or its "tuition charge per high school pupil," and the Commonwealth shall pay, out of funds appropriated to the department for special education, the balance due for the costs of such child's tuition and maintenance, as determined by the department. For the school years 1989-90, 1990-91 and 1991-92, the school district payment shall be no greater than forty percent (40%) of the actual audited costs of tuition and maintenance of such child in such school. For the 1992-1993 school year and each school year thereafter, the

school district payment shall be the greater of forty percent (40%) of the actual audited costs of tuition and maintenance of such child in such school, as determined by the Department of Education, or its "tuition charge per elementary pupil" or its "tuition charge per high school pupil," and the Commonwealth shall pay out of funds appropriated to the department for chartered schools the balance due for the costs of such child's tuition and maintenance, as determined by the department. The department will credit the district of residence with average daily membership for such child consistent with the rules of procedure developed in accordance with section 2501. If the residence of such child in a particular school district cannot be determined, the Commonwealth shall pay, out of moneys appropriated to the department for special education, the whole cost of tuition and maintenance of such child. [The Department of Education shall be provided with such financial data from each of the chartered schools as may be necessary to determine the reasonableness of charges for tuition and room and board of each of the chartered schools made on Pennsylvania resident approved students. The Department of Education shall evaluate such data and shall disallow any charges deemed unreasonable. Any charge deemed unreasonable by the Department of Education for disallowance shall be considered an adjudication within the meaning of Title 2 of the Pa.C.S. (relating to administrative law and procedure) and regulations promulgated thereunder.]

(c) When any person less than school age resident in this Commonwealth who is blind or deaf is enrolled, with the approval of the Department of Education, as a residential pupil in any of the four (4) chartered schools, the Commonwealth shall pay to the school, out of moneys appropriated to the department for special education, the actual cost of tuition and maintenance of such person, as determined by the Department of Education, subject to review and approval in accordance with standards and regulations promulgated by the State Board of Education in accordance with subsection (e), and in addition, in the case of any child less than school age, who is blind, the cost, as determined by the Department of Education of instructing the parent of such blind child in caring for such child.

(d) None of the chartered schools receiving payment in accordance with this section shall impose any charge on the student and/or parents who are approved reimbursable residents for a program of instruction and maintenance appropriate to the child's needs; except that charges for programs not part of the normal school year may be made.

(e) For the 2004-2005 school year and each school year thereafter, a chartered school shall submit to the Department of Education its budgeted costs for the upcoming school year. Based upon this information and the prior year's settled audit, the Department of Education shall develop an interim reimbursement rate for the chartered school. The Department of Education shall provide the chartered school with monthly payments in advance of the final cost settlement as provided for in subsection (f). The Department of Education shall adopt final reimbursement rates based on the final cost settlement. The Department of Education may withhold a portion of such payments not exceeding five percent (5%) of such payment, pending final cost settlement. In no event shall either the payments made in advance of the final cost settlement or final reimbursements based on the final cost settlement made by the Department of Education exceed the appropriation available for chartered schools.

(f) The Department of Education shall establish procedures and audit standards to govern the scope of reportable costs, the methods used to examine costs and determine allowability and timeliness of cost reporting. For the 2004-2005 school year and each school year thereafter, cost reports shall be prepared by a chartered school and audited by the chartered school's independent public accountant. Such cost reports shall be prepared in accordance with established procedures and audit standards and delivered to the Department of Education within six (6) months after the conclusion of the school year. The Department of Education shall have six (6) months to process these cost reports and settle any outstanding payments due to or from the chartered school. Nothing in this subsection shall be construed to preclude the Department of Education from conducting its own audits on a periodic basis. Where the Department of Education conducts such audits, the audits must be completed within one (1) year of the cost report deadline and may not delay the allowable period for settlement of any payments due to or from the chartered school. Audits of cost reports submitted for

school years prior to the 2004-2005 school year shall be completed in a manner consistent with prior audit practices.

Section 7. Section 1501-C of the act, amended June 29, 2002 (P.L.524, No.88), is reenacted and amended to read:

Section 1501-C. Definitions.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Department." The Department of Education of the Commonwealth.

"Eligible student." A resident of this Commonwealth who is enrolled in [third, fourth, fifth or sixth] kindergarten through eighth grade in a school entity and is deemed eligible pursuant to section 1502-C(b).

"Eligibility test." The Pennsylvania System of School Assessment or a commercially prepared, standardized achievement test approved by the Department of Education. A list of approved tests under this article shall be published annually in the Pennsylvania Bulletin.

"Grant." A grant awarded to a grant recipient under this article.

"Grant recipient." A resident of this Commonwealth who is a parent, guardian or person in parental relation to an eligible student.

"Program." The Education Support Services Program established in section 1502-C.

"Provider." A school entity, an institution of higher education, a nonprofit or for-profit organization or a certified teacher employed by a school entity, that is approved by the Department of Education to provide education support services.

"School entity." Any of the following located in this Commonwealth: a school district, intermediate unit, joint school district, area vocational-technical school, charter school, independent school, licensed private academic school, accredited school, a school registered under section 1327(b), the Scotland School for Veterans' Children or the Scranton School for the Deaf.

Section 8. Sections 1502-C and 1503-C, of the act, added May 17, 2001 (P.L.4, No.4), are reenacted to read:

Section 1502-C. Establishment of program.

(a) Establishment.—The Education Support Services Program is established within the department to provide individual or small group instruction in reading and mathematics to strengthen the skills that an eligible student needs to achieve the standards in 22 Pa. Code Ch. 4 (relating to academic standards and assessment), which shall be provided at a time other than the regularly scheduled school hours.

(b) Eligibility.—The department shall utilize the Pennsylvania System of School Assessment test or other test results to identify eligible students under this article. Scores used to determine eligible students in each grade shall be published annually in the Pennsylvania Bulletin.

(c) Approval.—A provider must be approved by the department in order to provide education support services under this article.

Section 1503-C. Application and approval.

(a) Application.—A prospective grant recipient shall apply annually to the department for a grant to purchase education support services for an eligible student from an approved provider in a time and manner prescribed by the department.

(b) Required information.—An application submitted under this section shall include verification of the eligibility test results and such other information as the department may require.

Section 9. Section 1504-C of the act, added May 17, 2001 (P.L.4, No.4), is reenacted and amended to read:

Section 1504-C. Powers and duties of the department.

The department shall:

(1) Establish criteria to annually identify eligible students [in grades three, four, five and six] to participate in the program under section 1502-C.

(2) Approve providers of education support services.

(3) Adopt standards, procedures and guidelines to be used to approve providers of education support services under this article.

(4) Award grants to a grant recipient in an amount not to exceed \$500 per fiscal year for each eligible student.

(5) Establish minimum qualifications for individuals utilized by providers of education support services.

(6) Establish periods during which applications will be

reviewed to accommodate the dates when results of approved eligibility tests become available.

Section 10. Section 1505-C of the act, amended June 29, 2002 (P.L.524, No.88), is reenacted to read:

Section 1505-C. Providers.

A prospective provider shall submit an application to the department for approval to provide education support services under this article. The application shall include a description of the services to be provided, the cost of the services, the qualification of all individuals providing those services, including evidence of compliance with section 111 and with 23 Pa.C.S. § 6355 (relating to requirement), and such other information as may be required by the department.

Section 11. Section 1506-C of the act, added May 17, 2001 (P.L.4, No.4), is reenacted and amended to read:

Section 1506-C. Notification of program.

A school entity in this Commonwealth with students enrolled in [third, fourth, fifth or sixth] kindergarten through eighth grade shall notify parents of the availability of education support services at such time as the parents receive the results of any eligibility test.

Section 12. Sections 1507-C, 1508-C, 1509-C, 1510-C and 1511-C of the act, added May 17, 2001 (P.L.4, No.4), are reenacted to read:

Section 1507-C. Payment of grants.

(a) Certificates.—A certificate for education support services under this article shall be issued by the department in an amount authorizing up to \$500 for each eligible student identified on the certificate. The certificate shall be issued to the grant recipient and shall be valid only for the fiscal year in which it is issued. After receiving the certificate from a grant recipient, the provider shall include the following information on the certificate: name of eligible student served, type of instruction, date and length of instruction and cost of instruction provided to the eligible student. When the amount of the certificate has been utilized or when the eligible student is no longer receiving education support services from the provider, the provider shall return the completed certificate to the grant recipient for submission to the department for payment. The department shall make payment directly to the grant recipient for the amount due. Grant recipients must send all outstanding certificates to the department for payment no later than 90 days after receiving the completed certificate from the provider.

(b) Penalty for grant recipients.—A grant recipient who knowingly defrauds the Commonwealth by receiving reimbursement for education support services not rendered to the eligible student and grant recipient identified on the certificate commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine of not more than \$1,000 per violation and shall be disqualified from eligibility for an additional grant for a period of not less than five years.

(c) Penalty for providers.—A provider that knowingly violates section 1509-C or knowingly defrauds the Commonwealth by receiving reimbursement for education support services not rendered to the eligible student and grant recipient identified on the certificate commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine of not more than \$1,000 per violation and shall be barred from participation in the program for not less than five years.

Section 1508-C. Limitations.

(a) Amount.—The amount of grants provided under this article in a fiscal year shall be limited to the funds appropriated for that purpose. No more than 10% of the total funds appropriated for this program in any fiscal year shall be awarded to grant recipients within a specific school district except that, if the department determines that all school entities in the Commonwealth have had an opportunity to participate in the program and that funds remain available, it may waive the 10% limitation under this subsection.

(b) Availability of funds.—In the event that the funds appropriated in any fiscal year are insufficient to provide grants to all grant recipients, grants shall be awarded on a first-come, first-served basis. The department shall hold a portion of the funds in reserve to ensure that money is available for each application period established under section 1504-C(6).

Section 1509-C. Confidentiality.

Nothing in this article shall authorize the department, a school entity or a provider to release or otherwise utilize student identifiable information or individual student test scores for purposes other than the administration of this article.

Section 1510-C. Nontaxable income.

A grant received by a grant recipient shall not be considered to be taxable income for the purposes of Article III of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

Section 1511-C. Applicability.

Services provided under this article do not constitute tutoring or instruction under the act of January 28, 1988 (P.L.24, No.11), known as the Private Academic Schools Act.

Section 13. The act is amended by adding an article to read:

ARTICLE XV-DHEAD START SUPPLEMENTAL ASSISTANCE PROGRAMSection 1501-D. Definitions.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Department." The Department of Education of the Commonwealth.

"Extended day services." Head Start and child-care services provided to children eligible for Head Start by a Head Start provider or through a collaborative agreement between a Head Start provider and a licensed child-care center, or a registered family or group day-care home for those hours and days beyond the hours funded through the Federal Head Start Program.

"Head Start." A program funded under the Federal Head Start Act established by the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35, 95 Stat. 357) and carried out by a Head Start agency or delegate agency that provides ongoing comprehensive child development services.

"Program." The Head Start Supplemental Assistance Program established in section 1502-D.

Section 1502-D. Head Start Supplemental Assistance Program.

(a) Establishment.—The Head Start Supplemental Assistance Program is hereby established to provide Head Start services to additional eligible children and to provide extended day services through existing Head Start providers.

(b) Administration.—The department shall administer the program. Such administration shall be consistent with Federal Head Start guidelines and shall provide supplemental financial assistance to existing providers of Federal Head Start services.

(c) Coordination.—The department, to every extent possible, shall coordinate the administration of the program with the Department of Public Welfare and the Department of Health. The purpose of this coordination shall be to:

(1) Identify educational, child-care or other services under the jurisdiction of the Department of Public Welfare and the Department of Health that can augment or improve the services available through Head Start providers.

(2) Provide technical assistance to Head Start providers establishing child-care services in order to offer extended day services.

(3) Provide technical assistance to Head Start providers, licensed child-care centers or registered family or group day-care homes entering into collaborative agreements in order to offer extended day services.

(d) Criteria for funding.—To implement the program, the department shall request proposals from existing Head Start providers and may award grants or enter into service contracts with existing Head Start providers that meet all of the following criteria:

(1) Demonstrate the need for additional Head Start services in the provider's service area, whether the need is determined by the percentage of eligible children who are not served in the provider's service area or by the demand for extended day services.

(2) Demonstrate the ability to expand staff, space or services either:

(i) within the Head Start program; or

(ii) in cooperation with licensed child-care centers or registered family or group day-care homes to serve additional children or to provide extended day services.

(3) Demonstrate the ability to comply with Federal and State requirements for child-care service providers if the Head Start provider intends to provide extended day services.

(4) Demonstrate the ability to enter into a collaborative

agreement with a child-care service provider if the Head Start provider intends to enter into a collaborative agreement with a licensed child-care center or a registered family or group day-care home to offer extended day services.

Section 1503-D. Priority in funding.

The department shall give priority in funding to Head Start providers applying for grants to serve additional eligible children.

Section 1504-D. Annual report.

The department shall compile an annual report on the program for submission to the Governor, the chairmen of the Appropriations Committee and the Education Committee of the Senate and the chairmen of the Appropriations Committee and Education Committee of the House of Representatives. The report shall include:

(1) The number of eligible children served by Head Start as of the effective date of this article.

(2) The number of eligible children served by the program during the school year that begins one year after the effective date of this article and each year thereafter.

(3) The number of extended day programs and the number of eligible children enrolled in extended day programs as of the effective date of this article.

(4) The number of extended day programs and the number of eligible children enrolled in extended day programs during the school year that begins one year after the effective date of this article and each year thereafter.

(5) A summary of the types of activities funded under the program.

Section 14. Section 1705-B(h)(4) of the act, amended June 29, 2002 (P.L.524, No.88) and December 9, 2002 (P.L.1472, No.187), is amended to read:

Section 1705-B. Education Empowerment Districts.—* * *

(h) * * *

(4) The department may utilize up to \$2,000,000 of undistributed funds not expended, encumbered or committed from appropriations for grants and subsidies made to the department to assist school districts certified as an education empowerment district under paragraph (3). There is hereby established a restricted account from which payments under this paragraph shall be paid. Funds shall be transferred by the Secretary of the Budget to the restricted account to the extent necessary to make payments under this paragraph. Funds in the restricted account are hereby appropriated to carry out the purposes of this paragraph. The subsidy payment from this account shall be utilized to supplement the operational budget of the eligible school districts. This paragraph shall apply to fiscal years 2000-2001, 2001-2002 [and], 2002-2003 and 2003-2004 and shall expire June 30, [2003] 2004.

Section 15. Section 1709-B of the act, added May 10, 2000 (P.L.44, No.16), is reenacted to read:

Section 1709-B. School Improvement Grants.—(a) The department shall establish a program of annual school improvement grants for school districts on the education empowerment list or certified as an education empowerment district to assist in the implementation of their school district improvement plans.

(b) Grants shall be limited to the amount appropriated for that purpose.

(c) Grants shall be provided annually to the school district for use as directed by the school district empowerment team or the board of control in implementing the school district improvement plan developed pursuant to sections 1703-B and 1706-B as follows:

(1) To purchase instructional materials, including textbooks, technology and related educational materials and supplies.

(2) To reduce class size in kindergarten through grade three.

(3) To establish after-school, summer and weekend programs.

(4) To establish or expand full-day kindergarten program.

(5) To fund curriculum development.

(6) To fund enhanced staff professional development.

(7) To fund any other program contained in the school district improvement plan.

(d) Subject to the requirements of this section, each qualifying school district shall receive a base annual grant of four hundred fifty thousand dollars (\$450,000) and an additional grant of up to seventy-five dollars (\$75) per average daily membership for the prior school year of the school district. The school district or the board of control

shall give priority in allocating the grant funding received under this section to the individual schools identified pursuant to sections 1703-B(b) and 1706-B(b).

(e) The department shall set forth the specific allowable uses for grant funds and place conditions, as necessary, on the use of grant funds. The department shall establish accountability procedures and auditing guidelines to ensure that grant funds are utilized in accordance with the allowable uses and conditions.

(f) A school district receiving a grant under this section shall be required to maintain separate accounts in that school district's budget to facilitate monitoring the use of these grant funds. In no case shall a school district use more than five per centum of the grant funds for administrative costs.

(g) The department shall reduce the amount of a State subsidy payment to a school district by the amount of any grant funds provided under this section if the school district does not use the grant funds in accordance with the allowable uses and conditions set forth by the department.

Section 16. Section 1714-B(g) of the act, added May 10, 2000 (P.L.44, No.16), is amended to read:

Section 1714-B. Mandate Waiver Program.—* * *

(g) The following provisions of this act shall not be subject to waiver pursuant to this section: sections 108, 110, 111, 321, 322, 323, 324, 325, 326, 327, 431, 436, 437, 440.1, 443, 510, 513, 518, 527, 687, 688, 701.1, 708, 736, 737, 738, 739, 740, 741, 752, 753, 755, 771, 776, 777, 808, 809, 810, 1303(a), 1310, 1317, 1317.1, 1317.2, 1318, 1327, 1327.1, 1330, 1332, 1361, 1366, 1501, 1502, 1513, 1517, 1518, 1521, 1523, 1546 and 1547; provisions prohibiting discrimination; Articles VI, XI, XI-A, XII, XIII-A, XIV and XVII-A and this article.

* * *

Section 17. Section 1913-A of the act, amended or added July 1, 1985 (P.L.103, No.31), October 20, 1988 (P.L.827, No.110), June 7, 1993 (P.L.49, No.16) and June 22, 2001 (P.L.530, No.35), is amended to read:

Amend Sec. 2, page 18, line 5, by striking out "2" and inserting: 18 Amend Bill, page 18, by inserting between lines 29 and 30:

Section 19. The definitions of "educational improvement organization" and "scholarship organization" in section 2002-B of the act, added May 17, 2001 (P.L.4, No.4), are amended to read: Section 2002-B. Definitions.

The following words and phrases when used in this article shall have the meanings given to them in this section unless the context clearly indicates otherwise:

* * *

"Educational improvement organization." A nonprofit entity which:

(1) is exempt from Federal taxation under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.); and

(2) contributes at least 80% of its annual receipts as grants to a public school for innovative educational programs.

For purposes of this definition, a nonprofit entity "contributes" its annual cash receipts when it expends or otherwise irrevocably encumbers those funds for expenditure during the then current fiscal year of the nonprofit entity or during the next succeeding fiscal year of the nonprofit entity.

* * *

"Scholarship organization." A nonprofit entity which:

(1) is exempt from Federal taxation under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.); and

(2) contributes at least 80% of its annual cash receipts to a scholarship program.

For purposes of this definition, a nonprofit entity "contributes" its annual cash receipts to a scholarship program when it expends or otherwise irrevocably encumbers those funds for distribution during the then current fiscal year of the nonprofit entity or during the next succeeding fiscal year of the nonprofit entity.

* * *

Section 20. Section 2006-B of the act, added May 17, 2001 (P.L.4, No.4), is amended to read: Section 2006-B. Limitations.

(a) Amount.—The total aggregate amount of all tax credits approved shall not exceed ~~[\$30,000,000]~~ \$36,000,000 in a fiscal year. No less than ~~[\$20,000,000]~~ \$24,000,000 of the total aggregate amount shall be used to provide tax credits for contributions from business firms to scholarship organizations. No less than ~~[\$10,000,000]~~ \$12,000,000 of the total aggregate amount shall be used to provide tax credits for contributions from business firms to educational improvement organizations.

(b) Activities.—No tax credit shall be approved for activities that are a part of a business firm's normal course of business.

(c) Tax liability.—A tax credit granted for any one taxable year may not exceed the tax liability of a business firm.

(d) Use.—A tax credit not used in the taxable year the contribution was made may not be carried forward or carried back and is not refundable or transferable.

(e) Nontaxable income.—A scholarship received by an eligible student shall not be considered to be taxable income for the purposes of Article III of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

Section 21. Section 2502.8 of the act, amended June 22, 2001 (P.L.530, No. 35), is reenacted to read:

Section 2502.8. Payments on Account of Pupils Enrolled in Vocational Curriculums.—(a) For the purpose of reimbursement in accordance with this section, vocational curriculums are agriculture education, distributive education, health occupations education, home economics education (gainful), business education, technical education, trade and industrial education, or any other occupational oriented program approved by the Secretary of Education.

(b) For the 1981-1982 school year through the 1984-1985 school year, each school district so entitled shall be paid, in addition to any other subsidy to which it is entitled, an amount on account of resident pupils enrolled in vocational curriculums; for the 1985-1986 school year through the 1999-2000 school year, each school district and area vocational-technical school shall be paid an amount on account of students enrolled in vocational curriculums; for the 2000-2001 school year and each school year thereafter, each school district, area vocational-technical school and charter school shall be paid an amount on account of students enrolled in vocational curriculums, determined as follows:

(1) Determine the increase in the weighted average daily membership by multiplying the number of students in average daily membership in vocational curriculums in area vocational-technical schools by twenty-one hundredths (.21) and the number of students in average daily membership in school district and charter school vocational curriculums by seventeen hundredths (.17).

(2) Multiply the lesser of the district's actual instruction expense per weighted average daily membership or the base earned for reimbursement by the market value/income aid ratio or by three hundred seventy-five thousandths (.375), whichever is greater.

(3) Multiply the increase in weighted average daily membership determined in clause (1) by the result of clause (2).

(4) For the 1985-1986 through 1999-2000 school years, the Commonwealth shall pay the amount required by this section to the school district or area vocational-technical school which provides the program upon which reimbursement is based.

(5) For the 2000-2001 school year and each school year thereafter, the Commonwealth shall pay the amount required under this section to the school district, area vocational-technical school or charter school which provides the programs upon which reimbursement is based.

(c) For the school year 1998-1999, any additional funding provided by the Commonwealth over the amount provided for the school year 1997-1998 will be distributed to area vocational-technical schools and to school districts with eight (8) or more vocational programs based on subsection (b).

(d) For the school year 1999-2000, any additional funding provided by the Commonwealth over the amount provided for the school year 1998-1999 will be distributed to area vocational-technical schools, to school districts with eight (8) or more vocational programs and to school districts offering a vocational agricultural education program, based on subsection (b).

(e) For the school year 2000-2001 and each school year thereafter, any additional funding provided by the Commonwealth over the amount

provided for the school year 1998-1999 will be distributed to area vocational-technical schools, to school districts and charter schools with eight (8) or more vocational programs and to school districts and charter schools offering a vocational agricultural education program based on subsection (b).

Section 22. Section 2502.13 of the act, amended June 29, 2002 (P.L.524, No.88), is amended to read:

Section 2502.13. Small District Assistance.—For the 1984-1985 and 1985-1986 school years, the Commonwealth shall pay to each school district which has an average daily membership of one thousand five hundred (1,500) or less and has a market value/income aid ratio of five thousand ten-thousandths (0.5000) or greater, an amount equal to fifty dollars (\$50) multiplied by that district's average daily membership. For the 1985-1986 school year, no school district shall receive less on account of this section than it did for the 1984-1985 school year. For the school year 1986-1987, the Commonwealth shall pay to each school district which has an average daily membership of one thousand five hundred (1,500) or less and has a market value/income aid ratio of five thousand ten-thousandths (0.5000) or greater, or received payments under this section for the 1985-1986 school year, an amount equal to seventy-five dollars (\$75) multiplied by that district's average daily membership. For the school year 1987-1988, the Commonwealth shall pay to each school district which has an average daily membership of one thousand five hundred (1,500) or less and a market value/income aid ratio of five thousand ten-thousandths (0.5000) or greater, or received payments under this section for the 1986-1987 school year, an amount equal to eighty-five dollars (\$85) multiplied by that district's average daily membership. For the school year 1988-1989, the Commonwealth shall pay to each school district which has an average daily membership of one thousand five hundred (1,500) or less and a market value/income aid ratio of five thousand ten-thousandths (0.5000) or greater, or received payments under this section for the 1987-1988 school year, an amount equal to one hundred five dollars (\$105). For the school year 1989-1990, the Commonwealth shall pay to each school district which has an average daily membership of one thousand five hundred (1,500) or less and a market value/income aid ratio of five thousand ten-thousandths (0.5000) or greater, or received payments under this section for the 1987-1988 school year, an amount equal to one hundred fifteen dollars (\$115) multiplied by the district's average daily membership as provided for in section 212 of the act of July 1, 1990 (P.L.1591, No.7A), known as the "General Appropriation Act of 1990." For the school year 1990-1991, the Commonwealth shall pay to each school district which has an average daily membership of one thousand five hundred (1,500) or less and a market value/income aid ratio of five thousand ten-thousandths (0.5000) or greater, or received payments under this section for the prior school year, an amount equal to one hundred seventy dollars (\$170) multiplied by that district's average daily membership. For the school year 1990-1991, each school district with a population per square mile of less than ninety (90), which otherwise meets the average daily membership and market value/income aid ratio requirements of this section, or received payments under this section for the prior school year, shall instead receive an amount equal to one hundred ninety dollars (\$190) multiplied by that district's average daily membership. For the 1987-1988 school year through the 1990-1991 school year, no school district shall receive less on account of this section than it did for the prior school year. For the school year 1994-1995, the Commonwealth shall pay to each school district which has an average daily membership of one thousand five hundred (1,500) or less and a market value/income aid ratio of five thousand ten-thousandths (0.5000) or greater, an amount equal to ninety five dollars (\$95) multiplied by that district's average daily membership. For each of the school years 1997-1998 through 1999-2000, the Commonwealth shall pay to each school district which has an average daily membership of one thousand five hundred (1,500) or less and a market value/income aid ratio of five thousand ten-thousandths (0.5000) or greater an amount equal to seventy-five dollars (\$75) multiplied by that district's average daily membership. For the school years 2000-2001 [and], 2001-2002 and 2002-2003, the Commonwealth shall pay to each school district which has an average daily membership of one thousand five hundred (1,500) or less an amount equal to seventy-five dollars (\$75) multiplied by that district's average daily membership.

Section 23. The act is amended by adding a section to read:

Section 2502.41. Basic Education Funding for 2002-2003 School Year.—For the 2002-2003 school year, the Commonwealth shall pay to each school district a basic education funding allocation which shall consist of the following:

(1) An amount equal to the basic education funding allocation for the 2001-2002 school year pursuant to sections 2502.13 and 2502.40.

(2) A base supplement calculated as follows:

(i) Multiply the school district's 2003-2004 market value/income aid ratio by its 2002-2003 average daily membership.

(ii) Multiply the product from subparagraph (i) by fifty million dollars (\$50,000,000).

(iii) Divide the product from subparagraph (ii) by the sum of the products of the 2003-2004 market value/income aid ratio multiplied by the 2002-2003 average daily membership for all school districts.

(3) A poverty supplement calculated for qualifying school districts as follows:

(i) To qualify for the poverty supplement, a school district's 2003-2004 market value/income aid ratio shall be equal to or greater than 0.6500 and its personal income valuation when divided by its 2002-2003 average daily membership shall be equal to or less than one hundred three thousand five hundred seventy-one dollars (\$103,571).

(ii) The poverty supplement shall be calculated for qualifying school districts as follows:

(A) Multiply the school district's 2002-2003 average daily membership by thirty million dollars (\$30,000,000).

(B) Divide the product from clause (A) by the sum of the 2002-2003 average daily membership for all qualifying school districts.

(4) A tax effort supplement calculated for qualifying school districts as follows:

(i) To qualify for the tax effort supplement, a school district's 2001 equalized millage must be equal to or greater than 20.6 equalized mills.

(ii) The tax effort supplement shall be calculated for qualifying school districts as follows:

(A) Multiply the school district's 2002-2003 average daily membership by fifteen million dollars (\$15,000,000).

(B) Divide the product from clause (A) by the sum of the 2002-2003 average daily membership for all qualifying school districts.

(5) A growth supplement calculated for qualifying school districts as follows:

(i) To qualify for the growth supplement, a school district's 2002-2003 average daily membership must be greater than its 2001-2002 average daily membership.

(ii) The growth supplement shall be calculated for qualifying school districts as follows:

(A) Subtract the school district's 2001-2002 average daily membership from its 2002-2003 average daily membership.

(B) Multiply the difference from clause (A) by five million dollars (\$5,000,000).

(C) Divide the product from clause (B) by the sum of the differences from clause (A) for all qualifying school districts.

(6) Each school district shall receive additional funding as necessary so that the sum of the amounts under section 2502.13 and under paragraphs (2), (3), (4), (5) and this paragraph will equal at least two percent (2%) of the amount in paragraph (1).

Section 24. Sections 2509.1 and 2509.5 of the act are amended by adding subsections to read:

Section 2509.1. Payments to Intermediate Units.—* * *

(b.11) Up to nine million five hundred thousand dollars (\$9,500,000) may be utilized for programs administered and operated by intermediate units during the 2003-2004 school year for institutionalized children as established in subsection (b.1).

* * *

Section 2509.5. Special Education Payments to School Districts.—*

* *

(ll) During the 2003-2004 school year, each school district shall be paid the amount it received during the 2002-2003 school year under subsection (kk).

(mm) During the 2003-2004 school year, thirty-six million one hundred forty-nine thousand five hundred eighty-seven dollars (\$36,149,587) of the funds appropriated to the Department of Education for special education shall be used to provide supplemental funding for

special education to all school districts. The supplemental funding shall be calculated as follows:

(1) multiply each school district's 2003-2004 market value/income aid ratio by sixteen per centum (16%) of its 2002-2003 average daily membership;

(2) multiply the product from paragraph (1) by thirty-six million one hundred forty-nine thousand five hundred eighty-seven dollars (\$36,149,587); and

(3) divide the resultant product from paragraph (2) by the sum of the products of the 2003-2004 market value/income aid ratio multiplied by sixteen per centum (16%) of the 2002-2003 average daily membership for all school districts.

Section 25. Section 2591.1 of the act, added June 29, 2002 (P.L.524, No.88), is amended to read:

Section 2591.1. Commonwealth Reimbursements for Charter Schools and Cyber Charter Schools.—(a) For the 2001-2002 school year, the Commonwealth shall pay to each school district with resident students enrolled in a charter school, a charter school approved under section 1717-A or 1718-A which provides instruction through the Internet or other electronic means or a cyber charter school as defined pursuant to Article XVII-A an amount equal to thirty percent (30%) of the total funding required under section 1725-A(a). If insufficient funds are appropriated to make Commonwealth reimbursements under this section, the reimbursements shall be made on a pro rata basis.

(b) For the 2002-2003 school year, the Commonwealth shall pay to each school district that received funding under subsection (a) for the 2001-2002 school year and that had resident students enrolled in a charter school, a charter school approved under section 1717-A or 1718-A which provides instruction through the Internet or other electronic means or a cyber charter school as defined under Article XVII-A during the 2002-2003 school year an amount equal to the lesser of:

(1) the payment received for the 2001-2002 school year pursuant to subsection (a); or

(2) thirty percent (30%) of the total funding required under section 1725-A(a).

(c) For the 2002-2003 school year, the Commonwealth shall pay to each school district that did not receive funding under subsection (a) for the 2001-2002 school year and that had resident students enrolled in a charter school, a charter school approved under section 1717-A or 1718-A which provides instruction through the Internet or other electronic means or a cyber charter school as defined under Article XVII-A during the 2002-2003 school year an amount equal to thirty percent (30%) of the total funding required under section 1725-A(a).

Section 26. Section 2603-B(d)(10) of the act, added June 29, 2002 (P.L.524, No.88), is amended to read:

Section 2603-B. Powers and Duties of the Board.—* * *

(d) The board shall also have the authority and duty to:
* * *

(10) (i) Approve or disapprove standards proposed by the department in order to comply with the provisions of the No Child Left Behind Act of 2001 (Public Law 107-110, 115 Stat. 1425) to maintain the eligibility of this Commonwealth to receive Federal funding for education programs. The board shall approve or disapprove the standards within 30 days of submission to the board's office or at its next scheduled meeting, whichever is sooner. Failure of the board to approve or disapprove the standards within the time established under this section shall be deemed an approval of the standards.

(ii) Standards promulgated under this section shall be deposited with the Pennsylvania Bulletin for publication.

(iii) These standards shall be exempt from:

(A) Sections 201 through 205 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law.

(B) Section 204(b) of the act of October 15, 1980 (P.L.950, No.164), known as the "Commonwealth Attorneys Act."

(C) The act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review Act."

(D) This subclause shall expire [June 30, 2003] December 31, 2003.

* * *

Amend Sec. 3, page 18, line 30, by striking out "3" and inserting:

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Amend Bill, page 19, lines 4 and 5, by striking out all of said lines and inserting:

Section 28. The following amounts are hereby appropriated from the General Fund to the Department of Education for the fiscal period July 1, 2003, to June 30, 2004, as follows:

(1) The sum of \$25,000,000 is hereby appropriated for payments to any school district of the first class which has been declared distressed pursuant to section 691(c) of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, provided that such school district submits a quarterly itemization of all Federal, State and local funds distributed to each school in the school district, including schools governed by agreements currently in effect pursuant to section 696(i)(2) of the Public School Code of 1949 and schools designated as partnership schools under the School Reform Commission Resolution Number 10 of April 17, 2002, to the Department of Education and to the chairman and minority chairman of the Education Committee of the Senate and to the chairman and minority chairman of the Education Committee of the House of Representatives. If the Department of Education determines that the report is not being submitted in accordance with the requirements of this paragraph, the Department of Education shall withhold from any and all payments to which that school district of the first class may be entitled under the act an amount equal to the funds received from this appropriation.

(2) The sum of \$15,000,000 is hereby appropriated for the Head Start Supplemental Assistance Program established under Article XV-D of the Public School Code of 1949.

(3) The sum of \$56,762,000 is hereby appropriated for payments on account of vocational education as provided for under section 2502.8 of the Public School Code of 1949, provided that any amounts expended by the Department of Education pursuant to the former State appropriation in the amount of \$55,378,000 for vocational education under section 212 of the act of March 20, 2003 (P.L. , No.1A), known as the General Appropriation Act of 2003, shall be deducted from the sum appropriated in this paragraph.

(4) The sum of \$895,177,000 is hereby appropriated for payments on account of special education of exceptional children, provided that this amount includes \$563,000 for community support services which is not to be included in the base calculations of the special education program components, and provided further that any amounts expended by the Department of Education pursuant to the former State appropriation in the amount of \$874,319,000 for payments on account of special education of exceptional children under section 212 of the General Appropriation Act of 2003 shall be deducted from the sum appropriated in this paragraph.

(5) The sum of \$4,204,407,000 is hereby appropriated for basic education funding to school districts, provided that the Secretary of Education, with the approval of the Governor, may make payments from this appropriation in advance of the due date prescribed by law to school districts which are financially handicapped whenever the Secretary of Education shall deem it necessary to make such advance payments to enable the school districts to keep their schools open.

(6) The sum of \$26,249,000 is hereby appropriated for payments to Pennsylvania charter schools for the deaf and blind, provided that any amounts expended by the Department of Education pursuant to the former State appropriation in the amount of \$25,749,000 for payments to Pennsylvania charter schools for the deaf and blind under section 212 of the General Appropriation Act of 2003, shall be deducted from the sum appropriated in this paragraph.

(7) The sum of \$63,950,000 is hereby appropriated for special education - approved private schools, provided that any amounts expended by the Department of Education pursuant to the former State appropriation in the amount of \$63,450,000 for special education - approved private schools under section 212 of the General Appropriation Act of 2003, shall be deducted from the sum appropriated in this paragraph.

(8) The sum of \$25,380,000 is hereby appropriated for school improvement grants as provided for under section 1709-B of the

Public School Code of 1949.

(9) The sum of \$19,000,000 is hereby appropriated for education support services as provided for under Article XV-C of the Public School Code of 1949.

(10) The sum of \$73,992,000 is hereby appropriated for services to nonpublic schools as provided under section 922.1-A of the Public School Code of 1949, provided that any amounts expended by the Department of Education pursuant to the former State appropriation in the amount of \$71,976,000 for services to nonpublic schools under section 212 of the General Appropriation Act of 2003, shall be deducted from the sum appropriated in this paragraph.

Section 29. The following acts and parts of acts are repealed to the extent specified:

(1) Section 2509.8 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, absolutely.

(2) As much as relates to the State appropriations in the amount of \$55,378,000 for vocational education, in the amount of \$874,319,000 for payments on account of special education of exceptional children, in the amount of \$25,749,000 for payments to Pennsylvania charter schools for the deaf and blind, in the amount of \$63,450,000 for special education - approved private schools, and in the amount of \$71,976,000 for services to nonpublic schools in section 212 of the act of March 20, 2003 (P.L., No.1A), known as the General Appropriation Act of 2003. Section 30. This act shall take effect immediately.

On the question,

Will the Senate agree to the amendment?

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

Senator SCHWARTZ. Madam President, I would just ask if we could see a copy of the amendment, if it could be distributed to our desks? We did hear a description of the amendment. We understand this is a rather significant education amendment, and I ask that all Members have copies of it. Then I ask if either the Majority Leader or the chair of the Committee on Education would explain the amendment, describe the amendment to all of us while we are getting copies, I think that would be helpful to all of us.

The PRESIDENT. Would the chair of the Committee on Education please explain the amendment?

Senator BRIGHTBILL. Madam President, I would be very pleased to run through the amendment.

POINT OF ORDER

Senator FERLO. Madam President, point of order.

The PRESIDENT. For what purpose does Senator Ferlo rise?

Senator FERLO. For the purpose of just asking a simple democratic request that we have a printed copy of this amendment prior to its explanation, Madam President.

The PRESIDENT. That is not required, but we will be happy to give them to you.

The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Madam President, I would make this point for the gentleman's edification, that in fact the amendment is in writing, and I believe that a copy of it was provided to their Caucus some time ago, so it is in writing. I think the gentleman is now, I do not know what he is indicating, but we have provided it, and we will be glad to run through it.

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

Senator MELLOW. Madam President, as a point of clarification, a copy of the amendment was provided to us after we broke from caucus. It is a rather thick amendment, and we were given one copy. It is now being reproduced at the same time that our staff is trying to go through it, so we did not even have the amendment for proper discussion in its final completion when we were in caucus. So it was not provided to us quite a while ago, it was provided to us after we left caucus and will be distributed to our Members shortly, but our staff is still trying, Madam President, to go through the details of the amendment as it was submitted to us.

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

Senator BRIGHTBILL. Madam President, we will be very happy to accommodate the Members who would like time to read this, and we understand that. We think this is very important, we think this is important to all of our school districts. We believe that while this amendment parallels what passed the Senate before on June 23 and also parallels what passed the House on July 18, there are some important differences, and we understand that.

I ask the Chair if Senator Mellow would like us to stand at ease or if he would like to go to caucus on this amendment.

Senator MELLOW. Is that in the form of interrogation, Madam President?

The PRESIDENT. Senator Mellow, would you choose to go at ease?

Senator MELLOW. Madam President, with regard to Senator Brightbill's request, we were given the concept of what the amendment was and we did discuss the concept of the amendment in our caucus. We will be prepared, as soon as all copies have been made and put on the Democratic Members' desks on the floor, to proceed with the discussion. I was hoping that when the amendment was offered that we would not immediately go into a roll-call vote. It is customary that the sponsor of the amendment explains what the amendment is prior to a roll call being taken, and that was not the procedure that was followed here on the floor this afternoon. So very shortly, Madam President, we will have copies of the amendment on the Members' desks, and we then can proceed with our discussion. So, Madam President, I ask that we go at ease for just a moment until that process has been completed.

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

Senator BRIGHTBILL. Madam President, before we stand at ease, initially Senator Schwartz asked myself or Senator Rhoades to explain the amendment. Is that interrogation request being withdrawn now?

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

Senator MELLOW. No, Madam President, that request is not being withdrawn.

Senator BRIGHTBILL. Then I will have time to prepare, so I thank the gentleman.

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

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

Senator SCHWARTZ. Madam President, now that we have copies of the amendment, it would be a good time for the Majority Leader or the chair of the Committee on Education on the Republican side to give some explanation of the contents of this amendment, if they would be so willing, and I understand the Majority Leader has been working on his remarks.

Senator BRIGHTBILL. I have been, thank you, Madam President.

Madam President, on June 23, the Senate passed House Bill No. 113, which was also a situation where we put an amendment into a House bill and sent it back to the House. House Bill No. 113 is still in the House, and it can be acted upon and they can either amend it or send it to the Governor. This is House Bill No. 564, and we again have an amendment to a House bill. And what we are hoping to do is send this back to the House so that they can again act on this and send it to the Governor. Both bills basically provide the funding necessary to operate our public school system, and while we do not have specific comments directed at House Bill No. 564 by the Secretary of Education, we were told at the time we did House Bill No. 113 that this was basically a very sound proposal. It does not include the enhancements that the Governor is seeking in terms of what we term early education, and those enhancements would cost anywhere from \$200 million to \$300 million more than what is provided for in this bill. We have an honest difference here on the need for these things, or at least there is certainly a difference in terms of the degree of implementation that is necessary in this current fiscal year, and I think that would be the cause, the problem.

Basically, what we provide for is a 2.8-percent increase in basic education funding. This is \$14 million more than Governor Rendell's budget request, a 4.5-percent increase in special education funding, which is approximately \$17 million more in formula-driven funding to school districts than the Governor requested, a 2.5-percent increase in vocational education funding, which I believe is what he requested. There is \$25.4 million for school improvement grants, and \$25 million to the Philadelphia School District. We believe that that \$25 million to Senator Schwartz's school district is indeed important. We think that the Governor is also on board on that, and we are ready to move ahead.

One of the differences between what we are proposing, and those things all, by the way, were in House Bill No. 113, one of the differences that we are now proposing that is a difference from House Bill No. 113 is \$15 million in new State funding for Head Start. And one of the things that impressed me about the debate on House Bill No. 113 was we -- strike that. I am wrong about that. We have actually had this funding piece for Head Start in another provision that passed the Senate. That was part of Senate Bill No. 60, I believe, and at that time, a number of Members, and I believe perhaps even Senator Schwartz got up and indicated that they certainly supported \$15 million in new State funding for Head Start. In fact, if my recollection is correct, the gentleman from Westmoreland, Senator Kukovich, got up and basically said he has been a longtime advocate for new State funding for Head Start, and even that being the case, I think he

voted "no" on Senate Bill No. 60. Well, we are going to give everyone an opportunity to vote "aye" on \$15 million in new State funding for Head Start. Head Start is a proven program. I know it is well-received in my home community, and I believe that it is something that will improve early education. It is a \$6 million increase in the educational improvement tax credit. In the budget that we passed and I believe was signed by the Governor, \$30 million was included for educational improvement tax credit. This is an increase of \$6 million over that, and finally, a \$19 million increase in tutoring grants, which expands to include kindergarten through eighth grade tutoring.

House Bill No. 113 included only \$15 million, and House Bill No. 1883, which was passed by the House, included a \$15 million increase in tutoring grants, so that would basically be the package.

As the Members of the Senate are aware, we have at this point basically passed every piece of the budget that is necessary for this fiscal year. There are some small things that are out there. One of the small items is, of course, a big item to our school districts, because it is a \$4.3 billion item for local school funding. What this does is this rectifies that and this approves that \$4.3 billion in new education, in education funding. It is approximately \$200 million in new funding. I am looking to my side to see exactly what that number is, but it is new funding.

Now, the point I would like to make in explaining this is that in the great State of California, they have recently approved their budget. As I am sure everyone knows, the State of California has a terrific budgetary problem, and I think that is because they have let spending get out of control. And what they have done in the State of California is they decided to beg, borrow, and steal.

Now, when I say that, I mean they are literally going to beg, they are going to borrow, and I think that one could characterize what the general assembly is doing as perhaps stealing, although they would not view it that way. Here is the begging. Despite the fact that they passed a \$70 billion budget in the State of California, they have not balanced their budget. They are about \$7.4 billion out of balance. Now in California, just as in Pennsylvania, the law requires that you have a balanced budget. We are obliged to have a balanced budget. Unlike the Federal government, which is allowed to do deficit spending, we are not. Well, they are going to go to the courts and beg and say, we would like to have a deficit of \$7.4 billion and not have to balance our budget this year, and that is what is going on in California.

As to the borrowing, their budget is going to be balanced on \$14 billion worth of bonds, and these are bonds that frankly are deficit bonds, pension bonds, tobacco bonds. So they are borrowing from the future to pay this year's operating expenses, and they have decided to do that.

And finally, when I use the term "steal," and they are not really stealing, I just thought that it was a nice expression, but they are going to do a sales and property tax swap with the local governments, which the local governments contend will cost them \$5 billion. In other words, they are reaching down into the local governments to get \$5 billion. Now, that includes decreasing overall State funding for public education. Per pupil expenditures will remain exactly the same as last fiscal year, if the expected Federal dollars for education are provided. Now, let

us look at the difference here. You know, we have been told that Pennsylvania has a fiscal crisis. We certainly know that California has a fiscal crisis. What is going on here? Very simply this: In Pennsylvania, we have been good enough managers that we can responsibly provide \$200 million in new money for our local school districts, and all we have to do today is put up an "aye" vote.

And, of course, the Governor is saying, gentlemen, you may be right, we have to fund our local schools, but you know what the Governor is saying? He is going to hold our school districts and our school districts' children hostage for his program. Now, that does not make a lot of sense to me, Madam President, for one simple reason: His program ostensibly is supposed to provide early education for children. Well, the date today is July 28, I was going to say 27, it is July 28, and that means we are practically into August, and that also means that we are probably about 3 weeks away from school starting in many school districts. Now whatever the merits and demerits are of the Governor's proposal, there is no way in the next 3 weeks, if we stayed here in this Session 24 hours a day, with the House of Representatives not coming back until next Monday, there is no way that we would be in a position to have new programs for early education with the school districts in September. And one can criticize and say maybe we should have moved faster, and maybe we should not have, but the bottom line is this: It just is not going to happen. So what we have here is an administration that, frankly, just does not want to face reality. So, Madam President, that is my description of the amendment to House Bill No. 564, which we now have.

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

Senator SCHWARTZ. Madam President, I rise to make a few comments on this amendment, and I thank the Majority Leader for his explanation of the contents of the funding bill for schools. And he is right, time is short and we should be passing an education budget. I thought we would have done it a few weeks ago. I would have liked to have seen us meet the deadline of June 30. It is our responsibility to pass a budget on time and in balance. In addition, I agree with Senator Brightbill that these are lean times and dollars are scarce, and so we have a responsibility to use our tax dollars wisely and well for schools. So my question is, Madam President, is this the best we can do with the scarce dollars that we have? I think it is true we should be proud, and I would be happy, and I almost actually might be inclined to vote for this piece of legislation because it does provide a 2.5-percent increase for basic education and a 2.8-percent across-the-board, or a 4.5-percent increase for special education. And in a basic status quo, we are not doing too badly, let us keep things the same, but let us just do a little bit more for our schools, maybe that would be enough. You know, if we are satisfied with the status quo, if we say what we are doing on education in Pennsylvania is good enough for our children and for the future and for the economic development that we want to see move forward, then I would say we did it right. I am not sure I can even use the word "we," Madam President, because the truth is, as we pointed out, this is a piece of legislation that we did not really have input into, nor did the administration.

So, is this the best we can do is really my question for the

other side of the aisle and for the people of Pennsylvania. And the answer is no, and I will point out a couple of reasons why. One is that while there is an increase in funding, there is not enough in this budget to provide the kind of relief for our local taxpayers that they are asking for. There is not the kind of State investment in public education that will assure our local taxpayers that their property taxes will not have to go up to meet the obligations that they are facing in educating our children. And that is what they are asking us to do. So this does nothing to relieve the heavy burdens on property taxes, nor, Madam President, does this do enough to make sure that those children and school districts, but particularly those children who are failing, and where the school districts are failing to help them succeed, have the kind of investments that we know make a difference and we know would improve their performance.

So, Madam President, is this enough? We can be proud of the Head Start dollars, but let me point out that the Head Start dollars do not increase one new space for children who are not currently served by Head Start. What it does is extend the day for those already, for some already in Head Start, but it does not extend preschool to the many, many, particularly lower middle-income working families whose children ought to be in preschool and are not, who would be better prepared for school and better able to succeed. So while this \$15 million may be a long time in coming and we should be glad it is in here is nowhere near enough, Madam President.

But let me point out the second reason. The first was that we are not making the investments that we ought to in education, and I may speak to that further later. But the second reason, Madam President, that this is not doing enough is that it does not demand accountability for the public dollars that we now spend. And let me point out just one area that I think is particularly critical. We have an Education Improvement Tax Credit program, a program I think that tax credits involving businesses in our education, giving them tax credits to invest in education is a very good thing. We have to work with the private sector. I want to engage the private sector in caring about our public schools, but what this fails to do is increases dollars for a program which we have no idea whether it works. We have no idea whether the \$30 million that we spent last year has made a difference in children's lives.

I had an amendment, Madam President, that I was asked to withdraw that would have asked at least how many children are being served in that program? How many of those children have done better on test scores in that program? How many of those children have gone to which schools, and how many of our taxpayer dollars have been used to make that happen? And the other side of the aisle does not want to know. Well, Madam President, that is pretty unacceptable. We can have anecdotal evidence that there are some children who are going to other schools that they would not have been able to that they are getting scholarships for, and some of those programs have been voluntarily giving us information. But I have been asking for information about how we spend those dollars. And if it is working, then let us add more money to it, but let us find out.

I am not willing to increase taxpayer dollars in a lean year like this on a program that we simply do not know if it is working and making a difference, if that in fact is the best use of \$36 million.

We do not know. So we are going to spend \$36 million on a program that we do not know if it is working, and no one will tell us whether it is working and how those dollars are being spent. We would spend \$15 million to extend the day on Head Start and spend another \$19 million on tutoring efforts, a program that we know has been struggling in the last year to get off the ground and make a difference, that thousands of families could not even access that program because it was so difficult in the way it was structured. Add that up, that is \$70 million. That is just about the money that we had businesses asking us to spend on preschool last year. The business community came to us and said, we want \$75 million, we think you should spend \$75 million on starting a preschool program, and the other side of the aisle said, there is simply no money. And yet, here it is, \$70 million being spent on programs that maybe they work, we do not know. And we did not really have any chance to really decide and discuss whether that was the best use of scarce taxpayer dollars.

So particularly in a lean year, particularly when we want to make sure that we are using our dollars wisely and well, we ought to make sure that we are investing them in strategies that work and they are reaching the most children who need our help. We are being held accountable by the Federal government under No Child Left Behind, and so we have to demand accountability from our schools and we have to demand accountability from the programs that we fund, and this budget does not do that. So maybe that all sounds pretty conservative of me to be demanding accountability of tax dollars, but it is something that I have been doing for quite a few years now. But somehow, when Republicans spend money, they do not think they have to demand that kind of accountability, and I think that is unreasonable. I think all of us have a responsibility to demand accountability for the taxpayer dollars that we spend. Families are struggling right now, Madam President. We are seeing unemployment go up, and we are seeing tax cuts at the Federal level meaning fewer dollars in the long-term to help States do what they have to do, so we have to take particularly seriously our responsibility when we are increasing the budget of education to spend it in ways that work.

So, Madam President, I would like to vote for this budget, but it simply does not meet the test that I have put on it. Are we going to enable local communities to succeed in educating their children? Are we allowing local communities to relieve the local tax burden to make up for what the State is not doing? The answer to both of those is, no. And, Madam President, are we demanding accountability for every tax dollar that we put out there? And the answer is, no. So when those tests are met, Madam President, I would be delighted to vote for a limited education effort that makes a difference in our children's lives. So, I am going to vote "no" one more time on this education budget, and I am hoping, Madam President, that we get serious about negotiating an education budget that will bring tax relief to our local taxpayers, that will improve the quality of our schools, and will demand accountability for our tax dollars and, Madam President, I am ready to do that at any time. We are here and we are ready to get it done. Madam President, I am sorry we have not done it already.

Thank you very much.

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

Senator PICCOLA. Madam President, I rise to strongly urge the Senate to adopt this amendment to House Bill No. 564. The lady from Philadelphia, in questioning the appropriations contained in this legislation, which includes a 2.8-percent increase to basic subsidy, it includes a brand new \$15 million appropriation to Head Start, it includes a 4.5-percent increase in special education, it includes a 2.5-percent increase in vocational education, it includes a \$5 million growth supplement to be distributed around the Commonwealth, and the lady asks this question: Is this the best we can do? Is this the best we can do? And I submit, Madam President, that the "we" that she is referring to are not you and I, Members of this Senate, or the collective two Chambers of this General Assembly, the House and the Senate, but the "we" that she is referring to, Madam President, are the taxpayers of this Commonwealth. Is that the best they can do? Well, Madam President, they are doing pretty darn good right now.

And let us think about this in context, because we tend to forget about how well Pennsylvania is doing with respect to how we fund education in this State. Pennsylvania today, July 28, 2003, adjusted for cost of living, has the highest paid teachers in the country. We are in the top two or three States when it comes to per pupil expenditure on public education. The taxpayers of this Commonwealth are very, very generous when it comes to spending on public education. So when we suggest that in addition to what we are doing now, that the taxpayers of this Commonwealth go even further and add those increases that I just mentioned, I think the taxpayers of this Commonwealth are being extremely generous to public education, particularly in the context of what is happening in this country in other States, as referred to by Senator Brightbill. Many States are cutting back on public education. We here, because we have marshaled our resources properly and are properly directing them, are able to, without raising the taxes of the taxpayers, we are able to direct these kinds of increases to public education. Now, she suggests we should have accountability, and I could not agree more, but then when she talks specifics about accountability, she talks about accounting for a \$30 million tax credit program that is funded to the tune of \$20 million of that \$30 million tuition to help students to attend nonpublic schools here in the Commonwealth, \$20 million out of an education budget that is probably close to \$5 billion. And that is where she wants the accountability. Well, I agree, Madam President, we need accountability in education. But I am not worried about that \$20 million because those dollars are going to the parents of the students who are choosing the schools which they attend, and those parents are going to be able to make that decision.

Now, let us talk about accountability when it comes to the 501 school districts throughout this Commonwealth. Where is accountability there? I agree with Governor Rendell; public education in this Commonwealth is not performing very well. And I suggest that before we talk about pouring huge new tax dollars, huge increased tax dollars into public education, we do something about increasing those test scores in public education that are, depending upon which measure you use, somewhere in the middle or at the near bottom when compared to our sister States. So on the one hand, our taxpayers are extremely generous when it comes to funding public education, but the system that

they are funding is not producing the educational results that the taxpayers are paying for. And I would agree with the lady, we need accountability, and there are a lot of ways we can get it. But I will tell you, it does not come from school districts filing reports with the Department of Education. There is a 13- or 14-story building down here on Market Street, it is where the Department of Education is located, it is chock-full of reports, years and years of reports, and it has not produced one iota of accountability. Accountability comes when the customers of education are satisfied, and if they are not satisfied, they can take their business elsewhere. We do not have that kind of system here in Pennsylvania.

Madam President, it was suggested that we need to change the way property taxes are used to fund local education, and I could not agree more. There are any number of suggestions in this General Assembly which we have debated literally for years as to how we would change the current system. And we actually seem to be making some progress in that area. But we are not there yet, and that is not the subject of this bill tonight. The question, as Senator Brightbill so accurately stated, is whether, in a couple of weeks when the schools of our Commonwealth are ready to open, whether the Commonwealth, the taxpayers of this Commonwealth, are going to support them with a State appropriation. That is where we are today. Pouring huge amounts of new money for new programs at this late date and raising the taxes of the taxpayers of this Commonwealth is not going to do one thing, is not going to do one thing to improve test scores in this State. We are already more than generous, and when I say "we," I am not talking about you and I, Members of the Senate, I am talking about the taxpayers of Pennsylvania. They are more than generous, and this bill, as amended, demonstrates their generosity, and I think the people of Pennsylvania want it to be passed tonight and want it to be signed by the Governor.

Thank you, Madam President.

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

Senator KUKOVICH. Madam President, I would like to commend the maker or makers of the amendment for putting in here some things that I think a lot of us would like to see, and I think a nice effort was made. I do like the substance of the original bill, House Bill No. 564, which this amends, and I believe that that is maintained. However, if I were only to look at this in a vacuum, I would vote for it, probably 80, 90 percent of what is in here looks pretty good to me. But to speak of what the voters of Pennsylvania want very blithely, and they want something voted tonight, begs the question of how this is part of an overall package. And to do this tonight and nothing more, with maybe even voting "no" on other things we might agree in this Chamber we should vote "no" against, perhaps like the slots bill that was passed in the House, at least getting that into a conference committee, positioning these things so we can work together to accomplish very broadly what needs to be done in education, to vote for this in a vacuum I think is problematic, would be a mistake for me to make. Because if we do that and that alone, even though, and I agree with a previous speaker about the need to do more in education, and that this bill does a pretty good job, neglects to mention the fact that for many, many years in this State we have neglected to fund education

adequately, and so a number of things happened. We have become a State with some of the greatest disparity in funding between the school districts in America, which I think damages greatly the basic mission of public education. So without some property tax reform, without years of very cynical budget making, which has been very easy for us not to spend our fair share and pass the buck to local governments, putting that burden on them, which creates more disparity, which burdens more poorer school districts.

A previous speaker said that some school districts do not do a very good job, and I think he was speaking generally about education. I think it is a mistake to speak generally about education in a State as diverse as Pennsylvania and with the disparity between the school districts as we have in Pennsylvania. I think each and every one of us can point to some school districts that have a sound economic base, have wealthy citizens, spend \$14,000 or \$15,000 per student per year, or more, and they do quite well. And we can also point to some districts that might be landlocked in some poor urban areas, that might be in some rural areas with a bad economy, that can barely spend \$4,500 or maybe \$5,000 per student per year, and they are not doing as well, they are not performing as well. At the State level, we might look good by not spending as much money, but by passing the buck, we are dooming some of those school districts so that they will never be able to perform well.

So we cannot look at this in a vacuum. And as another previous speaker said, yes, I support the Head Start money. I have been introducing bills for more money for Head Start like I supported many of the things in this amendment. And I would also agree that many of the leaders of the legislature would like to see some compromise on some of the education reform issues that the Governor has laid out. I happen to agree with the Governor's reform package, but I also recognize the reality of what the legislature wants to do within the confines of the budget problems that we have. So I would be willing to go along with compromises there and I am sure the Governor will, and I am sure the majority of people here will. But at the very least, if all we do is maintain the status quo and give into that cynical budget-making year after year because maybe it makes us look good politically, these problems continue. And at the very least, if we cannot do something, something more for early childhood preparedness which could be reasonable, could be cost effective, if we cannot do more for property tax reform that will deal with that inherent disparity that we have created, then we are going to fail.

I think for those reasons we have an obligation this evening to vote "no," and with that vote say we do not necessarily disagree with the substance of this language, and that maybe, hopefully, we will get back to most of it in the next few weeks, but I think we are also saying that we intend to stay here tomorrow and the next day and the next week and the following week until we do this right and do it comprehensively and deal with the other issues that we not only mentioned this evening, but that we have been talking about for the past 6 months. I am requesting a "no" vote on the amendment from my colleagues.

Thank you, Madam President.

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

Senator RHOADES. Madam President, one of my favorite movies that Cher is in is called Moonstruck, and there is a grandfather in there and a scene where, at one point, they are sitting at a kitchen table and they are looking back and forth and he looks with a puzzled face and says, I am confused.

A couple of weeks ago we addressed Senate Bill No. 113 which dealt with school funding, and I offered my amendment, which was my Fairness in Funding Education bill. Now, I have heard the complaint that there is no taxpayer relief in this bill. There is no equity in this bill. But the amendment I offered that night had taxpayer relief in it that ranged anywhere from 30 percent up to 90 percent, and an average of 68.7 percent. It also put student equity in there where we redistributed the funds. Besides myself, there were only five people in here, on both sides of the aisle, who had the courage to vote for it, because it also included a 2-percent personal income tax. And I was not fooling anybody in that, it is a shift. So do not come and tell me there is no taxpayer relief or there is no equity in here. You had a chance to vote for that a while ago. Do you want early childhood education?

Do you want full-time kindergarten? You want reduced class size? Fine, then find \$300 million. And when we did the slots bill, I told you where to find it, put keno in, because that will generate \$400 million. There was not one vote in here but my own, and it is all because we have to jockey for positions. R's have to do this, D's have to do this, and the Governor has to do this, and meanwhile while we are doing that, we get nothing done. You say there is nothing in here for tutoring. Education support services will provide \$19 million for tutoring, and it is now extended to include K to 8. The Head Start, I think Senator Brightbill will very adequately address that issue shortly.

In terms of accountability, well, we give the PSSA test, and if you end up with X amount of kids on the bottom, we end up spending \$25,380,000 for 12 school districts that are not hitting that level. Does more need to be done? Of course it does, but once we get No Child Left Behind straightened out, which is another spaghetti bowl theory of government where the noodles are mixed up and the people mixing the noodles do not know one from the other, and that includes the Federal government, I am afraid we are becoming like them. There is action here for school districts to reopen budgets for fund balance limitations, for professional teacher assessment repeal. That was a joke when we put it in. We spent \$8 million putting it together, and then we spent \$2 million looking to see if teachers can read and write. Well, after high school, college, PARSS test and everything else that has to be done, if they cannot read and write, how in God's name did they ever get hired? That is asinine. That is a waste of money. There is at least a savings of \$2 million. We are addressing other issues that are in here that are necessary, and I will tell you what, think about this. I talked to one of my superintendents, and he said, I have to now start dipping into my reserves, reserves he can use for other programs, and if that is not available, he is going to have to borrow money from the banks. Well, the banks are not going to give it to him for free, folks. They are going to charge interest, and that is taxpayers' money that will go to the bank, not to the kids, not to the education program. Our responsibility now with schools starting in around 3 to 4 weeks is to get the money to the school districts. If we

want to talk about early childhood and accountability, and I will tell you what, I will be more than happy to offer my amendment for taxpayer relief, to give an average of 68.7 percent, and I will also put up a vote for the PIT. And that will give us equity from Erie to Philly, from Pittsburgh to Scranton, Wilkes-Barre, and everywhere in between, it will do the right thing. But right now, let us get the job done so we can get the school year started, and that is why it is important to pass this bill.

The Governor has to be realistic, he has to be upfront, he has to get this done. It is like some say, do not run away. Well, I will you tell what, I am not asking anybody to be a coward, I am asking them to stand up now, in this particular case, let us get this done, let us get this money out here, let us get the kids started, and we can keep negotiating. We will get this done. But let us get realistic about what we have to do and start taking away these threats, these albatrosses and Damocles that hang over our heads. Get the money out to the kids, let us get on with the business of public education. And contrary to some of my other colleagues, I think we are doing a good job in public education. Can it be done better? It can always be done better. And if you are not trying to improve your school and get better results all the time, you should not be there. The fact of the matter is we have to get this going, get our schools started, get the money out there, and things will start working. Maybe that will start to be the thing that will create everything else and get us together and get this done instead of standing here bickering, R's, D's, the Governor, and everybody else. Get the money out there and get the kids started.

Thank you, Madam President.

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

Senator MELLOW. Madam President, I have tremendous respect and regard for the previous speaker, not only as a Member of the Senate, but also with his vast knowledge of education, and some of the things that he said on the floor of the Senate this evening are absolutely accurate. The one area, though, that I would like for him to take a look at in this proposed amendment deals with fund balance limitation, because the Senator talked about a school district, which I assume must be within his senatorial district, which said that they would have to go deeply in their reserves or their fund balance. Well, on pages 1, 2, and 3 in this amendment, Madam President, not only will they have to go deeply into their reserves and fund balance, but they will be restricted, Madam President, as to how much money they can have in that reserve. So they are going to be restricted to somewhere between 8 and 12 percent in a bill that passed here in the Senate months and months ago but was never agreed upon in the House of Representatives. So with the enactment of this proposal, it would put a further burden on public districts as to what they can do with their fund balances and their reserves.

Also, Madam President, before we talk about the substance of the amendment, I think some observations have to be made about what a previous speaker said. It was stated by Senator Piccola that they are very sincere in doing what they want to do this evening and that our activity is about politics, and that by enacting this bill, the bill could go on to the Governor for his signature. What I would like to mention to my fellow colleagues across the aisle, that if sincerity were the motive for what moves

this particular bill this evening, the bill under consideration would not have been House Bill No. 564, which has to go back over to the House of Representatives for its deliberation, it, in fact, would be House Bill No. 1883, which passed the House of Representatives a week ago this past Saturday with just a few negative votes. If that bill were before us tonight in this Chamber, Madam President, and we concurred in the House amendments, then a true subsidy bill as advanced by my Republican colleagues here this evening would then be put on the Governor's desk where the Governor would then have to make a determination whether he would sign the bill or veto the bill. But the only action that is going to happen here this evening is we are eventually going to pass House Bill No. 564. It is going to be a political vote taken once again this evening, extremely partisan. The bill will go over to the House of Representatives, which incidentally is not in Session, and then from that point, Madam President, anything can happen to House Bill No. 564. But it will not go on the desk of the Governor of the Commonwealth of Pennsylvania this week. If the Republicans in Pennsylvania were sincere in trying to pass a funding mechanism for public education this week, they would keep us here until Wednesday, they would pass House Bill No. 1883 in the current position it had passed the House of Representatives, it would be put on the Governor's desk for his signature this week, which means that the 501 public school districts in Pennsylvania would know exactly how much money they are going to receive in this up and coming fiscal year for the purposes of running public education programs in Pennsylvania.

Now, Madam President, this particular amendment that we are dealing with is certainly nothing more than what was trotted out here back on the 23rd of June under the disguise of House Bill No. 113. It does nothing more than that. It adds a couple different nuances to the bill and it tries to add some sweeteners. It is a bill that does nothing to improve the quality of education. One of the previous speakers said that test scores in Pennsylvania must improve, and I think he is absolutely correct and that is the reason why the Governor of Pennsylvania has advanced a comprehensive education program to try to drastically improve the test scores in Pennsylvania. You do not improve test scores just by saying those test scores must improve. You must come up with a comprehensive plan to try to bring that about. Now, what is that comprehensive plan that Governor Rendell has talked about? He said to try to help our public schoolchildren in Pennsylvania, let us advocate a program called prekindergarten or early childhood development program. In addition to that, let us establish full-time kindergarten in Pennsylvania so that the children attending kindergarten will not go for 2 hours a day or 2 1/2 hours a day, but in fact will have the opportunity of going on a full-time basis. Then if you want to add something to that, Madam President, why do we not look at the class sizes that we have in Pennsylvania. Is it not an undue burden to be critical of teachers in Pennsylvania to say that the quality of education in Pennsylvania has not improved, to say that those teachers are getting paid too much to teach the greatest generation, our next generation, our greatest natural resource, so that we can provide them with a quality education and ask that same classroom teacher to sit in a classroom where he or she must try to educate 25 to 28, to as many as 32 children without a teacher's aide, a job

that is virtually impossible to do?

Now let us further look at what we are being asked here to do tonight. Madam President, this is nothing more than perpetuating the status quo. It is more of the same, and we could maybe characterize this as more of the same act. It is more students and more schools that are failing, Madam President. It is more inequity to our school districts, it is more property taxes on the backs of the local taxpayer, it is more pressure on senior citizens who are struggling today to stay in their homes because they cannot afford the high cost of local property taxes, and it is more passing the buck, and maybe that is what this bill is all about, passing the buck unto local school districts and saying we are going to wash our hands here in Harrisburg, we are not going to be involved with the cost of funding public education here in Pennsylvania. We are not going to live up to the mandate that we have and the covenant that we have with the people of Pennsylvania that says that we will provide 50 percent of the funding of your educational system, but we, in fact, will only contribute the same 35 percent to fund your educational system that we have over the past 8 years and we then will pass the buck and ask the local members of the board of education to increase property taxes where they are criticized and we are sitting here in the white tower saying what a great job we have done.

Madam President, the legislature, obviously, has not learned from history, and unfortunately, my Republican counterparts, with the advancement of this proposal, simply want to repeat that same history, that when you underfund public education at the State level, when you continue to offer the mandates and put the mandates on school districts that we have done and you do not give the money to pay for those appropriate mandates, then all you have done is shifted the burden in funding public education from Harrisburg where it belongs to the local taxpayer and the local senior citizen within that district.

Madam President, over the last decade, the last 10 years, 8 of those 10 years have been a Republican administration in Harrisburg, local property taxes for the purpose of funding public education, local property taxes have increased by 56 percent across the board. In some areas, Madam President, it has been much higher than 56 percent, but the average is 56 percent over the past 10 years across the board. And, Madam President, at the same time, we rank 46th among all the States in the kind of money that we at the State level pay to educate a child, so there are only 4 States in this United States of ours that provide less State dollars to fund children than we do. To follow through with that, Pennsylvania is also 46th in school funding equity. We have a wide gap between the money devoted to the students in the wealthy suburban districts and the money spent in urban districts, where it is very difficult to raise the tax dollar. It is unfortunate, and I know that nobody wants to listen to this, but it is unfortunate that by an accident of birth, if your child was born in an affluent school district, that up to \$13,000 to \$14,000 is going to be spent to educate that child, that child is going to get a quality form of public education, and if your child was not born in that district and they were born in a district that spends less than \$6,000 a year to educate that same child, that same child is not going to get the same quality of education than the child who comes from an affluent area. And, Madam President, that is what we must deal with. Fewer than 30 percent of the children who

will enroll in kindergarten in August of this year, for their first time in public schools, fewer than 30 percent of those children enrolling in kindergarten in Pennsylvania will have the opportunity of attending a full-time kindergarten. Madam President, there are only nine other States in the United States that join Pennsylvania and have the dubious distinction where we do not provide \$1 in public funds for early childhood development. Is that not a shame in that we do not provide \$1 in early childhood development money to fund prekindergarten programs, and we have the distinction of joining nine other States in doing that. I wonder if the States that Senator Piccola was talking about before, our sister States, I wonder if those sister States, Madam President, have approved early childhood development programs, and if the quality of education of their States has improved, maybe it has improved because they are educating children in prekindergarten, and maybe it has improved because they have the opportunity of going to a full-time kindergarten, Madam President. It would be very important to find that out.

And, Madam President, in November of this past year, the people of Pennsylvania elected a new Governor. Two weeks ago we had a meeting with the Governor and the respective leaders were invited to the meeting, along with the President pro tempore and the Speaker of the House, and Governor Rendell talked about his educational component and how he would not settle for anything less than what he wants, and he made it very clear that for the next 3 years and 6 months, he is going to be the Governor of Pennsylvania. Well, in November the people of Pennsylvania spoke. They spoke on two very different educational plans that were presented before the voters, and the results of the election, whether you like it or do not like it, were not even close. The Governor received a mandate, and it was a very clear mandate to provide for a quality education, to rewrite the wrong that was done over the past 8 years, where in Pennsylvania education was mediocre at best. Some of my colleagues would like to say that we are trying to sell this plan today as an attempt to resolve the remaining budget issue before school starts. Madam President, if this particular proposal is passed today and in some quirk of fate the House of Representatives decides to come in tomorrow and then send this bill to the Governor, all that we have done in this proposal is substantially increase property taxes on the senior citizens, on the middle-class Pennsylvanians for the purpose of funding public education. Madam President, we should know better. We are still waiting for a sincere effort so that we can give the people of Pennsylvania what the people of Pennsylvania have said to us that they want through their public educational system and through the proper type of tax reform.

We were ready last week, we were ready the week before, we will be ready tomorrow, we will be ready next week. We have been elected to work here in Harrisburg until our job is done, and our job is not being done, and by us recessing this evening, or by us adjourning the Senate, we are not accomplishing our job, Madam President, educationally. It is kind of like the elementary children who are out on the playground. First grade, it is 2 o'clock in the afternoon and the children are kind of antsy, and the bell rings and the teacher tells everybody to go outside for recess, Madam President. Well, this recess must come to an end. The class must start all over again. It is July 28. One-twelfth of

the new fiscal year will be completed by Wednesday, and we still have not properly funded education in Pennsylvania. We have not funded public education, and later on this evening, we are going to be asked, without having funded our priorities and our preferred appropriations through education, we are going to be asked to consider nonpreferred appropriations, which in the Constitution comes after we fund preferred education.

Madam President, this plan is weak, watered down, warmed over from just a month ago, and it is basically a waste of time, and the Governor was very clear with us today, as he was one month ago. He said, if you pass this plan, you have accomplished nothing, because when this plan, House Bill No. 564, hits my desk, it will be vetoed because it does not provide for the essentials of education, it does not improve the quality of education, it does not reduce property taxes and provide for the right type of tax reform for the people of Pennsylvania and does not send the right signal that we in Pennsylvania have been an educational State and are interested in public education.

Madam President, I have a letter that was given to me by the Governor dated July, 28 and it was sent to me, Senator Robert Mellow, as the Democratic Leader of the Senate, and the third paragraph says, and I will read it, Madam President, "You may further advise your members of my intention regarding any legislation that falls short of adequately addressing the major issues we face. As I made clear in March, I will veto House Bill 564 or any legislation that maintains the status quo with respect to how we educate our children and the way we pay for that education." Madam President, nothing has changed from June 23rd except another political document that does not do the job, it increases local property taxes, and it will meet the veto pen of Governor Rendell. I ask the Members in this body to reconsider their position, to vote "no" on this amendment, to work tomorrow, Wednesday, and throughout the month of August, until we can provide for the educational needs of the children of Pennsylvania and the tax reform needs of the citizens of Pennsylvania.

Thank you, Madam President.

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

Senator BRIGHTBILL. Madam President, would Senator Schwartz stand for interrogation.

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

Senator MELLOW. Madam President, Senator Schwartz was called to her office, but I would certainly be glad to answer any questions, if the gentleman would like me to.

Senator BRIGHTBILL. Madam President, I would prefer to interrogate Senator Schwartz, if we could get her to the floor. But in the meantime, I would like to clarify something with regard to House Bill No. 1883, which was in the debate mentioned by Senator Mellow. I would request that Senator Schwartz come to the floor.

House Bill No. 1883 passed the House on July 18. That was the same night that they also passed a gambling bill and some other bills. And Senator Mellow basically said, hey, look, if you guys were serious, you would be here for 3 days, take House Bill No. 1883 first consideration, second consideration, third consideration, and then pass it on Wednesday and send it to the

Governor. And we are serious, and the reason we are not doing that, Madam President, is because at the time that House Bill No. 1883 was passed, the House of Representatives contacted my office, and said, hey, look, we are bogged down over here, we have additional amendments, we do not want to send you House Bill No. 1883 and have you send it to the Governor. Will you agree to not pass House Bill No. 1883 and then send it to the Governor? And we said, okay, we will accept that condition of your sending it over. They made the statement as to what the funding plan should look like, and I do not know if it passed unanimously or near unanimously, but it was certainly a strong statement by the House of Representatives.

Now, the interesting thing about House Bill No. 1883 is that it is virtually identical to what we are talking about today. So this is a bill that we are not dealing anymore with rocket science, and if Ed Rendell wants to veto this, it is okay. But this is a spending plan that has now been unanimously adopted by the House of Representatives and has basically passed this Senate before. The contention here is not is this a good spending plan for Pennsylvania schools? The differences here are based upon what do we do in the future.

Now, is Senator Schwartz available for interrogation?

Senator MELLOW. Madam President, she is in her office.

Senator BRIGHTBILL. Madam President, I thought I saw her in the back of the Chamber a minute ago.

Senator MELLOW. Madam President, sometimes it gets late and you think you see things you do not actually see. The same as in this bill; we think we see things we do not actually see.

Senator BRIGHTBILL. Madam President, I would like Senator Schwartz to stand for interrogation.

But one of the things that Senator Schwartz mentioned is that we are talking about raising taxes. Well, actually, we are not talking about raising taxes. Number one, the tax bills have gone out in this Commonwealth. I do not know if it is different in Philadelphia, I doubt it, but the tax bills have gone out. And I can share this with the Members. They know this, and I think the people of Pennsylvania know this. If we send another billion dollars to the public schools, they would not recall those tax bills and would not lower those tax rates. So the tax bills have gone out.

Number two, and what is very important is that we currently fund our schools and we currently provide a reimbursement for kindergarten. Now, what is interesting is that one of the Governor's proposals is to provide full-day kindergarten. Well, do you know what? The State of Pennsylvania already reimburses schools, public schools, as if they provided full-day kindergarten. In other words, they are there to provide half-day kindergarten, but they get reimbursed by this State as if they were providing full-day kindergarten. So we think there is a commitment already there.

I think the gentlewoman referenced increasing taxes. Well, you know, nothing will increase local real estate taxes more than our passing unfunded or partially-funded mandates to the local schools. And I think in the city of Lebanon, the Lebanon School District, I think the superintendent there estimated that it will take something like 40 new classrooms to provide the educational opportunities that the Governor says that Lebanon needs. Now, what is interesting about that is that the Lebanon

School District already provides for a pre-K program and provides half-day kindergarten, so that really the cost of this would have to be borne by taxpayers. And I am talking local real estate taxpayers. And if we just go charging ahead willy-nilly adopting a proposal that no one knows what the costs will be in the future, no one has figured out what these are going to be over the next 3 or 4 years, then I am going to suggest that we are going to see local real estate taxes increase.

Has Senator Schwartz come to the floor yet? One of the things that Senator Schwartz said in her comments that I think I heard, and this is why I wanted her to come to the floor, is that we are not providing additional slots to children for Head Start, that we are merely providing more funding for existing children. I think that is the way she said it, and I wanted to draw her attention to page 13, lines 53 through 55, that says this, and it is called "Priority in funding. The department shall give priority in funding to Head Start providers applying for grants to serve additional eligible children." Now, what is interesting about this bill and about the resistance of the Democrats to this bill is that we are giving \$15 million in new spending for Head Start, first time, and guess who has the say about where this money goes? Why, it is Governor Rendell. He is the administration. And if you look, it is in section 1502-D, it is called the Head Start Supplemental Assistance Program, and it says the administration of the program, "The department shall administer the program." Well, you know what? This is a program that Ed Rendell can administer the way Members on the other side of the aisle see fit if they can convince him to administer this.

Now, one of the things that the public needs to understand in this drill is that this Governor has what is called a blue-line veto. In other words, when it comes to spending, the Governor can go through the bill and exercise his blue-line veto. So if he does not like the fact that we are spending \$15 million in new State funding for Head Start, when he gets this bill he can say, okay, I will make this \$10 million, I will make this \$5 million, I will make this zero. If he does not like the \$19 million increase in tuition grants, he can strike that out. If he does not like the 2.8-percent increase in basic education funding, \$14 million more than his budget, guess what? He can blue-line those expenditures. So what is the complaint? Is the complaint that we are spending too much money? No, Madam President, the complaint from the other side is we are not spending enough. Well, you know what? Let us go see what the taxpayers say about that. We will defend our vote to the taxpayers when they say we are not spending enough. We are spending more than the Governor proposed in his first budget, which was flat-line funding. We are spending more than he proposed in his second budget, which was 2.5 percent. We are spending money now for public education.

One of the items of debate that I heard was that Pennsylvania over the years has not spent enough. Well, you know, I have been in the General Assembly for 20 years now. I was around before then and one of the complaints that you hear every year in this State is that this State does not spend enough money for public education. I heard the complaints about Milton Shapp, I heard the complaints about Dick Thornburgh, I heard the complaints about Bob Casey, and I heard the complaints about Tom Ridge. What are the facts, Madam President? Well, between 1985 and

1999, inflation went up 55 percent. That is a big increase, 55-percent inflation during that period of time. Workers' weekly wages went up 62 percent. It is a little bit better than inflation, workers did a little bit better than inflation, but did not have much real gain. Well, let us see now, teachers' salaries during that period of time went up 82 percent, higher than inflation, higher than the workers' weekly wages. Well, how about school district expenditures? Well, you would think if teachers' salaries are going up, school districts' expenditures would go up, and guess what, school districts' expenditures went up 125 percent between 1985 to 1999. Oh, how about property taxes? We all know they went up. How much did they go up? 131 percent. Well, I guess that State of Pennsylvania, they probably left everybody down. Let us look at what happened between 1985 and 1999. State support to school districts went up 141 percent, more than property taxes, more than districts' expenditures, more than teachers' salaries, more than workers' weekly wages, and more than inflation, in fact, more than two times more than workers' weekly wages, even though the workers were paying a substantial portion of those taxes because they, of course, pay the State money, the State taxes, as well as the property taxes. So, Madam President, we can decry how much money is being paid for education, but the truth is that the opportunities are there.

You know, I have three older sons who went through the public education system in Palmyra, Pennsylvania, and it was interesting because they are all now adults, they are on their own payrolls and I am not supporting them, not sending money to them, and I consider myself a pretty successful pop in that regard, but what I found as I watched the three of them go through the Palmyra School District in over a 4-year period is simply this: Each one of them got something different from that single public educational opportunity. They all went to college, two of the three of them graduated with honors, but each of them came out of that school district with a different level of training. And was that because in one year the teachers were great and the next year the teachers suddenly became poor? No, it is because a lot of this process of educating children depends upon the children and what they bring to the process, and the teachers can only go so far. And my point is that the opportunities are there, and I believe the opportunities are there in every school that I represent, and I believe the opportunities are even there in many schools that are perhaps distressed, that there are children coming out of those schools who are able to grab hold of the opportunities that are present.

Now, Senator Rhoades commented, does that mean that we should say touchdown, that we are finished, that we are done? No. We really need to try to do better and find out what is happening. One of the comments that I hear Governor Rendell make is that he talked to some people, and I have heard him make it in a number of public settings. I watched him on TV as he made these comments, and he made the comment that he met with officials from Sony out in the western part of the State and that these corporate officials feel that the product that is being turned out in the public school system is somehow declining in that area, and I do not know if that is factual or not, and I do not know what is the truth. I believe that Governor Rendell heard that, I am not sure what has happened. But you know, what grabs me about this is that we are looking at \$200 million or \$300

million of new spending, and that is just the beginning of it. That is just the very beginning of what has to be a multibillion dollar problem and a multibillion dollar process, and we are doing it based upon what would be anecdotal evidence. Perhaps if that is happening and perhaps if that is a measurable phenomena in that school district, we ought to make some changes there and go see what is happening and why it is happening. But maybe the demographics are changing or maybe something else is changing. Who knows what is going on, but we ought to at least know what is going on before we start spending billions of dollars. The \$300 million additional that Governor Rendell wants at this time is just a downpayment on a lot of educational spending. And I agree with Senator Mellow. I think that he and I often agree that that is our most valuable resource in Pennsylvania, and he and I have comparable personal situations. I think he has somebody going to kindergarten next year, a 5-year-old, and I have one going to first grade next year. Do you think my first grader is doomed? He did not go to all-day kindergarten. Do you think his generation is lost forever because his whole generation, if they went to either Cornwall schools or a private school, did not get full-day kindergarten? Of course not, and I do not think there is one person in this room who had full-day kindergarten, and of course America was built great by people who basically had no education or very little formal education or private tutoring. So the point is, Madam President. We are willing to move ahead and we are very, very anxious to work with this Governor to try to come up with some programs that we think will help kids and kids who maybe do not have as many opportunities, for one reason or another, either because of their school districts or whatever their circumstances would be. But now is not the time to quibble over basic funding for our schools and holding us hostage.

We are, right now as we debate this bill, in the very process of beginning to look at next year's budget. Are we going to overlap next year and last year simply because someone is unwilling to acknowledge the fact, and there is one simple fact that predominates this debate, and that is no matter what we do in this General Assembly, no matter what laws we pass between now and the end of August, there is virtually nothing different that is going to happen in Pennsylvania's public schools when school starts in the last week of August or the first week of September. That opportunity is gone. Right or wrong, good or bad, that opportunity is gone.

Madam President, we have here a bill, House Bill No. 564, with an amendment, which really empowers this Governor to take an important step, and we believe that this is the right thing to do. When we pass this bill, this is out of our hands. We are empowering Ed Rendell on Head Start. He can go ahead and administer the program exactly the way he wants, and we are empowering him on educational improvement, increasing tutoring grants, et cetera, and we are willing to do that because we believe it is right for Pennsylvania.

With that, Madam President, I would just say thank you, and I ask for an affirmative vote.

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

Senator MELLOW. Madam President, just for a little brief response, if I may. Madam President, there are a few things that

I think must be clarified. The difference that my good friend, Senator Brightbill, and I have in educational component and proposals basically is an ideological difference. I, for one, believe that we should do everything we can by public funding to educate children before they go to kindergarten. I think it is extremely important to have full-day kindergarten, and I think wherever possible we should be able to control the number of children in the classroom so that the teacher and a teacher's aide, if there is one, will have the opportunity, to the best of their ability, to provide for a quality education. And I do respect Senator Brightbill when he talks about the issue. Perhaps we just do not see eye to eye on how you can improve the quality of education in Pennsylvania. But one area, Madam President, and certainly it is not any kind of an admonishment of Senator Brightbill, but maybe an admonishment of the House of Representatives, is that the shell game which was played, which I did not know about until Senator Brightbill brought it to the floor of the Senate, with regard to House Bill No. 1883 at 2:30 on Saturday morning a week and a half ago. The House of Representatives, Madam President, by a vote of 190 to 11, voted in favor of House Bill No. 1883. And apparently by the admission of the leadership of the House, and I assume that is the Republican leadership of the House, that bill was not properly put together. Yet I read news release after news release as to what it would do for local school districts and what kind of money would be made available to local school districts.

POINT OF ORDER

Senator BRIGHTBILL. Point of order.

The PRESIDENT. The gentleman will state his point.

Senator BRIGHTBILL. Madam President, and I really hesitate to interrupt, but the agreement that this would not be run I think was put on the record by the Democratic leadership in the House, so however you want to characterize it, it is okay, but I think that it is a matter of public record when the bill was to come over.

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

Senator MELLOW. Well, Madam President, let us be very clear about it. The Republicans have complete control of the House of Representatives and the flow of legislation, and I am certain they knew full well that it was an inappropriate proposal, and if they thought it should not be considered, I am sure the Republican leadership in the House of Representatives would not have considered the bill. But nevertheless, I understand the bill was not in print and it passed by a vote of 190 to 11. Now, that goes a long way in saying how intellectually dishonest people can be here in Harrisburg by doing one thing here and then going back into their districts and saying something else, and I am very sad that the House of Representatives would have played that particular type of shell game by wanting people to believe that the bill they passed was a piece of legislation that was well-intended and well-written and could come over here and be considered, based upon the merit of the piece of legislation. Unfortunately, that was not the case, and I think the House of Representatives and those individuals who voted for it really should take a long look at what they are doing in the future and

perhaps they should never again allow bills to be voted upon in that Chamber, or even in this Chamber, unless the bill has been in print and Members have the opportunity of reading it, because I believe that is the second bill on that particular night that was not in print and the Members did not have an opportunity to read, but especially here, House Bill No. 1883, which obviously was not in proper form to be passed by the House of Representatives.

And then, Madam President, the Senator continues to talk about tax expenditures and spending more money on education. I would like to inform the gentleman that what we are referring to here is equity. I think he invoked going back as far as Governor Shapp, and I was here in the General Assembly in the State Senate when Milton Shapp was Governor of Pennsylvania. The one thing Senator Brightbill did not tell you was that when Governor Shapp was Governor, that the Commonwealth appropriated approximately 55 percent of every local school district's budget right here in Harrisburg. That means the amount of money that local school directors had to raise for the purpose of funding public education was 45 percent, just a little bit different today, Madam President. With the enactment of budgets on July 1 of this year, the local school districts, on an average, had to appropriate 66 percent of the money from the local school districts because in Harrisburg we are only giving them 34 percent. That is 21 percent less than they were given from that Democratic Governor Milton Shapp back in the 1970s.

And then, Madam President, Senator Brightbill pointed out, and I have a copy of the chart that he was referring to, he compared 1985 figures to 1999, that 14-year period of time, and he said the State support to school districts increased by 141 percent. He said property taxes increased by 131 percent, district expenditures increased by 125 percent, teachers' salaries increased by 82 percent, workers' weekly wages only increased by 62 percent, and inflation was 55 percent. He put that on record. But the thing that Senator Brightbill did not tell you, and as Paul Harvey said, and the rest of the story, let us see what has happened from 1995 to the end of the year of 2002, the 8-year period of time that Governor Tom Ridge was the Governor of the Commonwealth of Pennsylvania. Madam President, the total Commonwealth expenditures during that 8-year period of time increased by 37.8 percent. That is total Commonwealth expenditures. The school district property taxes, Madam President, for the school districts in Pennsylvania, all 500 of them that administer a local property tax for the purpose of running public education, and the city of Philadelphia is not in that category, that figure increased by 37.18 percent. The school districts' expenditures, Madam President, for the 501 school districts, many of those expenditures mandated by the Department of Education under control of now an Under Secretary or soon to be Deputy Secretary in the Bush administration in Washington, those school expenditures increased by 36.5 percent, Madam President. And is it not amazing that the total State support for school districts only increased by 20.2 percent, so even though the school districts' expenditures mandated by the Commonwealth increased by 36.5 percent and the local school districts' property taxes increased by 37.1 percent, we in Harrisburg, this great 203 Members of the House and 50 Members of the Pennsylvania State Senate, we only increased funding of public education to school districts by

20.2 percent, which means that the local taxpayer, Madam President, had to significantly pay more money in property tax increases.

Now, the next chart will show, to be more specific, it will show that in 1995 when Governor Ridge was elected Governor, that the school districts in Pennsylvania were receiving 40.87 percent of the money to run their public educational program from the Commonwealth of Pennsylvania. At the end of the Ridge-Schweiker administration, that figure, Madam President, was down now to just a little under 36 percent of the school districts to run their budgets. Now, what is amazing about this whole thing, Madam President, is the results of the Commonwealth's tax policy. Well, from 1995 to 2002, the cumulative cost of local property taxes in Pennsylvania was \$4,032,000,000. That is the cumulative cost. The cumulative cost of business tax reductions in Pennsylvania was \$4.984 billion. So what took place in Pennsylvania during that 8-year period of time, there was an annualized reduction of business taxes to the largest of large corporations with no strings attached of \$5 billion. There was an increase, Madam President, to run education and local government needs in Pennsylvania cumulatively, the property tax at the local level increased by \$4 billion. There is no question that the reduction that was given to the corporate interests in Pennsylvania of \$5 billion was carved on the back of the taxpayer of Pennsylvania who pays property taxes, no different than what is taking place right here this evening.

What we want is equity. We do not want more money, we want the proper type of distribution so that the local taxpayer will be relieved of his or her burden for the purpose of funding public education and public administration and public policy at the local level. And this particular bill, Madam President, does absolutely nothing to do that. And then furthermore, Senator Brightbill talked about the fact that teachers' salaries in their increase was substantial. But the thing he is not telling you is that those increases came from a very low base. In some cases, when the increases were taking place, individuals who were educated beyond the master's level, they were earning less than \$10,000 a year to try to provide for the needs of their family and still teach at the public education level. The reason why the brightest of bright people are not teaching in public education is because they can make a lot more money working in the private sector or working in some other governmental job. And also, Madam President, in the mid-1980s, there is no question who the Governor was at that point. It was another Republican, Governor Dick Thornburgh. The quality of public education buildings housing children in Pennsylvania was horrendous. There are little or no programs for the purpose of capital development and to improve the conditions under which our children go to school. Yes, there was a lot of money spent. It was money that had to be spent to improve the quality of education in Pennsylvania, to improve the quality of teachers in Pennsylvania, and it was to give our children in Pennsylvania the opportunity of attending a classroom that is well-kept, well-maintained, and has an environment that is conducive to learning. This amendment this evening accomplishes none of that. All it does is provide a political document that will go back over to the House of Representatives, where they are not in Session, it will not be

considered, and the news releases that will go out of this building this evening on the part of Republicans who vote for this will be incredible, because they will tell their school districts that they took care of every need that public education will have for the next school year, which starts, I believe, around the 25th or 26th of August, and at the same time they are going to significantly increase costs to the local property taxpayer.

It is time that we stop being intellectually dishonest with the people we represent, and it is time that we tell the people exactly the way it is. Maybe we should tip our hat to President Harry Truman and let us be clear, let us tell people exactly what is taking place and what is going to happen here this evening. Local property taxes will increase significantly because the State is not doing their job for the proper funding of public education if this bill is considered, passed, and in some way would ever become law. The Governor of Pennsylvania wants to address those issues. He wants to increase the quality of public education in Pennsylvania, reduce the property taxes to senior citizens and to the working families in this State so they can provide better needs for their families, and this bill and this proposal does nothing to do that.

Thank you, Madam President.

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

Senator WAGNER. Madam President, I rise to talk about amendment A3334 to House Bill No. 564. Just as a little bit of backdrop, in case the discussion gets a little bit off-track, this is a major piece of legislation. It is the last major component of the 2003-04 budget. It is the educational piece, the piece that was vetoed by Governor Rendell, and is now being proposed again by the Majority party to be part of a total budget and to be passed here finally in the Senate.

Madam President, another little bit of backdrop, this being the educational piece, it is important to note that it does not include the major components that Governor Rendell proposed in his Budget Address in terms of enhancements to the educational program of Pennsylvania, primarily three items: an early childhood initiative, which I consider to be the most important of the three items, and I am going to explain that in greater detail in a moment; full-day kindergarten, full-day kindergarten not necessarily across Pennsylvania, but in areas where full-day kindergarten is needed; and the third component is a proposal for lower class size in the early years of education. They are the three major items that the Governor proposed. None of those are part of House Bill No. 564, amendment A3334, and that is really the major reason why we on this side of the aisle are opposing this legislation. And, I for one, Madam President, the major reason why I am voting against it is that it does not include an early childhood initiative. And let me repeat that, that it does not include an early childhood initiative for the Commonwealth of Pennsylvania. In other words, we are not providing funding for children who need it at the early ages of 3, 4, and 5 so they can be prepared to go to school. Now again, I am going to explain that in further detail, but that is really my major objection, and it should be the objection of everyone in this Chamber and everyone in this building, because Pennsylvania as a State does not put \$1 to early childhood education.

Now, there is a proposal to put more money to a Federal

program called Head Start in this bill, and that is a good idea, but it is still not an early childhood initiative that is broad-based and can be initiated in every school district across the Commonwealth of Pennsylvania.

Another piece of backdrop. Madam President, I have been here 9 years, and obviously 8 of those 9 years was under a Republican administration. There were a variety of programs proposed and adopted by the General Assembly under the Ridge-Schweiker administration related to education, and if I am not mistaken, Madam President, they were primarily initiated by the Governor, the Department of Education, and the Governor's senior staff, more so than the General Assembly. Not that the General Assembly did not provide good ideas, it did, and always has, but at the same time, the administration initiated the changes that occurred in education during those 8 years, changes such as charter schools, changes such as tax credits for education, changes such as dollars going towards tutoring programs, all good enhancements to the educational system. And, Madam President, if I am not mistaken, I voted for and supported every one of them, and you can check the record on that, but I believe that is accurate.

The major program of the Ridge-Schweiker administration that was never adopted was the whole idea of vouchers. And to the best of my knowledge during that timeframe, that issue never made it to the Senate. It was only entertained for a vote in the House of Representatives, so it was never really voted on here in the Senate. Why do I mention that, Madam President? I mention that because under Governor Ridge and under Governor Schweiker, this General Assembly, in the majority of instances, gave them the programs that they felt they needed to enhance the educational system in the Commonwealth of Pennsylvania. And to this date, 6 1/2 months into a new administration, this General Assembly continues to deny, absolutely roadblock, the new proposals of a new administration to enhance the educational system. Now, I can see the Majority party disagreeing with parts of that proposal, but I cannot see the Majority party disagreeing with all aspects of that proposal. Is there not something the Governor has proposed that is in the best interests of the children? Because that is really what we are talking about, the children and the future of Pennsylvania. I certainly believe so, and I think in the hearts of everyone in this Chamber and the people of Pennsylvania there are certain aspects of the Governor's program that are, without a doubt, absolutely in the best interests of the children of this Commonwealth and the future of this Commonwealth, so that they can be better educated.

Now, Madam President, not too long ago a report was requested by the General Assembly and the Governor of the Commonwealth of Pennsylvania, and I hope everyone is listening, because everyone in this Chamber voted for it. And it was the Governor's Task Force on Early Childhood Care and Education, a report I have in my hand that was completed at the cost of the taxpayers, and I forget the exact dollar figure, but the purpose was preparing our children for success. The title was "Early Care and Education: The Keystone of Pennsylvania's Future." Now, this was passed by the General Assembly under the Schweiker administration, just after Governor Ridge left, and if I am not mistaken, we can check the record again, it had the unanimous support of this body, the Senate, and the House of

Representatives. And again, the name of the report is "Early Care and Education: The Keystone of Pennsylvania's Future," and I want to read a couple statements from this report that all of us received, and the importance of it. "Developing an Early Care and Education Agenda." Now, here is a quote by Marilyn Ware, the chair--if I am not mistaken, Marilyn Ware is also the chairperson or the CEO of Pennsylvania American Water Company, a very distinguished person in the Commonwealth of Pennsylvania; this is her quote--"The educational building blocks we assemble during early childhood prepare Pennsylvania's children to excel academically, emotionally and socially -- and to succeed as tomorrow's workforce, leaders and parents." That was her quote in terms of the importance of this report. The goal of the report was that "All Pennsylvania children should come to school ready to learn and prepared to succeed, ensuring Pennsylvania strong families, a responsible citizenry, and an effective and educated future workforce."

As I go through this report, and I have read it, Madam President, and I think every Member of the General Assembly, if they have not, they should read it, it has a number of recommendations. They are listed very concisely, and I am going to read them: "The Governor's Early Childhood Care and Education Task Force's recommendations are a framework, building on existing efforts of the Ridge and Schweiker administrations and ready for the detail work of a new administration." Whether that new administration would have been a Fisher administration or a Rendell administration, this report is making recommendations for action by a new Governor and General Assembly. There are four factors to guide a new administration. "A. A governor's leadership and vision. B. The key components of school readiness: Early care and education, health, and family supports. C. Foundation elements that assure progress toward the goal. D. Public information and public engagement." Most importantly though is gubernatorial leadership on the whole issue of early childhood education. And that is precisely what Governor Rendell has suggested as part of an early childhood initiative, gubernatorial leadership for the early childhood initiative to be part of the budgetary process in the educational program of Pennsylvania.

Now, there are some further quotes in this report that I would like to read as part of the record. "Preschool: Quality preschool should be available, in a variety of settings, to all 3- and 4-year-olds on a voluntary basis and funded beginning with children who are at risk of school failure." That is precisely, Madam President, what the Governor has proposed in the early childhood initiative, is for Pennsylvania for one time ever in our history to initiate an early childhood initiative by which children who are most likely to fail have available to them the opportunity for preschool. Now, people who have the financial resources, Madam President, send their children to preschool. Fortunately, my wife and I had those financial resources and we sent our children to preschool. And most people with children today, beginning at 3 years old, do that. They do that for 2 or 3 days a week, starting out a couple hours so that children become familiar socializing with other children, they begin to learn the ABCs, they begin to understand the numbering system. In essence, Madam President, they become prepared for school.

Their minds become developed. That is what this report is suggesting Pennsylvania should be doing.

And I would like to quote another person in this report, and this is the former Secretary of Health of the Commonwealth of Pennsylvania, Robert Zimmerman. "When you talk about 'healthy' children, you're talking about more than the absence of illness and injury. Children depend on adults to make healthy choices for them - from immunizations, to healthy diets to adequate exercise. It's our job to help parents with resources so they can give their children a good healthy foundation for life long learning and life itself." That is the former Secretary under the Ridge-Schweiker administration suggesting that an early childhood education program is critical.

It further indicates in the report that tuition assistance is critical. And here is a person we have all heard from, and I believe respect very much when she speaks about education. Her name is Joan Benso. Joan is the president and CEO of Pennsylvania Partnerships for Children. She has been around this Capitol for years, and I do not think there is a Member of the General Assembly who has not heard Joan speak of the importance of early childhood education. Her quote, Madam President, is the following: "Pennsylvania has trailed other states in assuring our children enter school ready to learn. We have the knowledge and the capacity as a state to take this vital step. The work and leadership of this Task Force demonstrates that we have the will to make school readiness a top priority. I join my colleagues in urging a new administration to advance a comprehensive early care and education plan - beginning with an investment in preschool." I repeat, an investment in preschool. Joan Benso.

Madam President, I will give one last quote, and I hope the other side of the aisle is listening, because it is the former Secretary of Education, Charles Zogby, who quotes in this report, "We have set high standards for the children of Pennsylvania, and there is nothing more important than making sure our youngest learners enter school knowing the basics, and are prepared to learn."

Madam President, why do I state all of that and quote that? I do because this Governor and this Secretary of Education, Vicki Phillips, have strongly recommended an early childhood initiative as part of this educational plan. House Bill No. 564, the former Senate Bill No. 113, House Bill No. 1883, and this amendment, none of them, and I repeat, none of them have an early childhood initiative as part of them. Now, I very strongly believe that early childhood education is the key to success. And the reason why is that so many people in education have studied the development of a child's mind, and they know if a child's mind is exposed to new things in education at an early age, that the brain waves in the mind expand and their capability for learning also expands. It is an undeniable fact, Madam President, that children who are exposed to education at earlier years will be successful. And we in Pennsylvania have not yet faced that fact in the year 2003, because under the budget in front of us, it has no component of early childhood education, and, Madam President, it should. It should because, Madam President, in Pennsylvania, even though we may not want to hear this fact, and I hope everyone is listening, each and every year 20,000-plus young people drop out of school; 20,000-plus drop out of school

in Pennsylvania. And do you know what grade it begins at, Madam President? Sixth, seventh, eighth grade. And do you know who the dropouts are, Madam President? The dropouts are the children who were not prepared for education when they started and were behind from day one when they entered kindergarten or first grade. It has become predictable. You can ask any educator who the children are who will fail and will drop out of school.

Madam President, the components of the budget that Governor Rendell has suggested, beginning with early childhood education, full-day kindergarten, and smaller class size, are critically important to Pennsylvania's future. And the Governor has offered a proposal that is far different from the past. He simply has not said that we are increasing education 2.5 percent or 2.8 percent. He has not said that we are just throwing money at education. He has looked at a new paradigm. He has looked at a new approach as to how the children in Pennsylvania should be educated and how we keep children from dropping out of school. That is why this side of the aisle disagrees with the other side of the aisle, because they will not give the Governor an opportunity to put his fingerprints on the educational system of this Commonwealth. And that is what we are asking for, and we are being denied. This General Assembly should not be the entity that totally guides how this Commonwealth functions. There is a Chief Executive and a Lieutenant Governor who have been elected by the people. You are ultimately responsible, so are we, but the executive branch of government is ultimately responsible for these programs. They should be given the opportunity.

Now, maybe you cannot agree with the three items, but you certainly can agree with one or two of them, and that is basically what we are talking about. So I am asking the Majority Leader, I am asking the Members on the other side of the aisle to go back to the drawing board, to go back to the drawing board and listen to what the educators are saying about education and when a child's education begins. And there is no doubt about it, Madam President, a child's education begins at birth, but the impact we can have as a Commonwealth, as mandated by the Constitution of this Commonwealth, for us to educate children, we are not doing everything that we can. And if we want to do everything we can, we should look at new ideas and new programs as to how children are educated and how we start at a very early age. So, Madam President, I am not supporting House Bill No. 564 or this amendment primarily because it does not include an early childhood education initiative. And until it does, Madam President, I will not support a program because this Governor is on the right track, and it is about time everyone in the General Assembly gets on board.

Thank you, Madam President.

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

Senator RHOADES. Madam President, there is one thing I want to point out, because I heard the litany of the past 32 years on the amount of funding for education. I remember correctly, and I will stand corrected within a point, because I do not have papers in front of me, but I will say this, in 1971 we funded public education about 52.4 percent. Since that time, it has gone down and we are approximately at 35, 36 percent. You know, the interesting thing, and I am going to use a technique that we use

in education, and that is repetition. If you repeat something enough times, hopefully, it will stick. I have said it here a number of times, but apparently it has not stuck.

If we would all go to our Pennsylvania Constitution, Article III, "Section 14. The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public education to serve the needs of the Commonwealth." I repeat, "The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public education to serve the needs of the Commonwealth."

Well, what is so significant about that? We are talking about getting taxpayer relief, and until you get the message for the fairness in education and what it is going to take and that level of creating equity for taxpayers and students, we are going to still be here arguing this point again and again and again and again.

Number one, if you want a reduction as the Governor proposed for taxpayers, you have to find a source to be able to fund that. The source was the slots at the racetrack bill, which passed this body 27-20, went to the House, and the message was sent from both the Republican side and the Democratic side and by the sponsors, whatever you do, do not amend or change it. Well, they did amend it and they did change it, and it has come back to us and was put in the Committee on Rules and Executive Nominations, and as I read in the paper, from both sides of the aisle, people have said it is dead. So it is going to have to be redone. Well, how am I going to give a taxpayer relief or taxpayer break, a reduction, if I do not have a source of funds? It is like putting the cart in front of the horse. We are trying to push something, we just do not have it. Until we get a source of funding, we are stuck.

The second thing is we want to do early childhood. There is merit in that. I think Senator Wagner is very right in what he has defined, but let me add to that, too, that is only an aspect of it. You are looking at an environment that includes the home, the community, the neighborhood. There are a lot of things that go into it. Early childhood, full-time kindergarten, and reduced class size all have merit. But the issue comes down to where do we find the \$300 million this first year? And that is going to go up to two or three times that number. So the issue is, and the other thing I want to point out in this, too, is under the proposal right now, any district that adopts this only gets reimbursed at 45 percent, so they have to come up with the other 55 percent. That is where they are going to have to raise taxes, even if we do fund it. The issue is that we do not have the funding for that. That is not in place, that .95. And the tax on beer, with Yuengling Brewery as a constituent and people who drink beer, I am not about ready to start "aying" my vote to take my people out of competition or the pleasures they have. If they were wine drinkers or something else, that might be something else, but not this particular area. Cell phones or the rest, that does not buy, does not float, and it has not been here.

So where do we get the money? Well, I will tell you what, the other option is if you want to take it out of this amendment, this education funding proposal, you can take \$19 million out of the support services for tutoring for K to 8. There is \$19 million. You could take \$36 million out of your education improvement tax credit, if you want to take all of that out. And you could take the \$15 million for Head Start, but let us take that from the \$300

million, so that means we only have to make up \$285 million. I do not think you want to take it out of basic education subsidy, do you? I mean, do you want to get rid of small district assistance, \$1,500, and take the \$75 away from the small districts that probably need it more than anybody else? That is \$10 million. Or how about the poverty supplement? Do you want to take it away from the poor who are trying to overcome that poverty problem? That is one of those aspects I talked about, there is \$30 million. Or how about the growth supplement? For all those districts that are growing, are we going to let them absorb the costs they have? We can get \$5 million out of that. Or the tax effort supplement. We can take \$15 million out of that and say those who are making the effort above and beyond the call of duty, we are not going to give you anything. You cannot touch special education subsidy, not only is that our mandate, it is the Federal mandate. Vocational education subsidy, we have to fund that. School improvement grants, well, we take those 12 empowerment districts and take the \$25 million from them. The city of Philadelphia, should we take \$25 million from them? Or maybe auxiliary services to nonpublic schools. We will take all that away from the nonpublic schools. We will be in court faster than you can say auxiliary services to nonpublic schools. Approved private schools, there is \$63 million. You want to take it away from them? Or how about the charter schools for the deaf and blind, \$26 million. These are all the things that are in this piece right now. We do not have a slots bill, and that has been agreed to on both sides of the aisle that the votes are not here for that. We do not have the money for the early childhood education programs. We do, in this amendment, have the money in our General Fund to put these things in place to keep this system going, which hopefully will then give us time to negotiate where we have to. I think it is very important, realizing you do not have the source of funding, but you still have the need out there.

I ask my colleagues, who, by the Constitution, have the responsibility for a thorough and efficient system of public education, to pass this amendment so we can get on with the business of educating and then continue to negotiate from there.

Thank you, Madam President.

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

Senator FERLO. Madam President, I recognize that we have gone into the evening hour at this time, and I will try to be succinct, if that is possible. First of all, I want to thank and support the eloquence of my colleagues on this side of the aisle who spoke previously and spoke so well on the importance of the Governor's initiatives, especially Senator Wagner, who spoke eloquently about the various programs and the importance of the early childhood initiative programs.

I arrived at the steps of the State Capitol roughly at the same time as our Honorable Governor, so, for me, it is still an exciting period of time to be here. I know for the old war horses in the room, maybe this is kind of rehashing the year-end battles that seem to be endless in the State legislature, but for me, and I think certainly for our new Governor, I think it is an exciting time, albeit a difficult time. But we have to do the people's business. And for me this vote today, and the reason why I am voting "no," is not only to say very loudly and very clearly to the constituents that I represent, who sent me here with some goals and

aspirations for some progressive change in the communities that I represent in all three counties, is to herald a new Governor, a Governor who ran unabashedly in every community, big city, small towns, boroughs, in every area of the 67 counties of this Commonwealth, who made it clear throughout the course of his campaign that he was not for the status quo, that he wanted significant change. He spoke very openly and engaged in a creative discussion with constituents at all levels of our communities, the business community, the corporate community, grassroots residents, educators, you name it, this Governor reached out to those constituencies and said we no longer want business as usual in Harrisburg. He spoke eloquently not only about his early childhood initiatives, but about the need to fundamentally change the manner in which public education is provided and fundamentally to restore equitable funding from the State legislature back to the school districts that we all represent, an inequity that will be further enhanced if we were to vote "yes" on the package that has been put forward by the Majority Leader here today.

We have a Governor who said that we have to do things differently not only in the area of public education, but as he travelled around all 67 counties, he certainly expressed the hopes and aspirations of my constituents about the State of Pennsylvania. It is not just a question of reframing the debate on what the program and policies of public education need to be and what the funding level needs to be, and how to do things better, he talked fundamentally about the state of our people, the people's business. He talked fundamentally about the need, despite a depressing economic situation at the Federal level, only exacerbated by a Republican administration that is spending \$4 billion a year on a war in Iraq and an administration at the Federal level that basically has robbed the Federal Treasury with a tax relief for less than 1 percent of the population in this country, providing a windfall for their pocketbooks. And despite that, he is saying instead of sitting on our hands and gloating, we need to roll up our sleeves and make an investment in Pennsylvania, and he has laid out a very progressive and aggressive economic development stimulus package that should be debated and discussed, and I would hope ultimately approved by not only the Senate but the House and awaiting the Governor's signature, and some of this has been discussed and we had some initiation towards that measure, but not fully. And I think it is important that the constituents whom I represent understand today that what is here today for a vote is not as simple as just an up-or-down vote on the measure for public education, because really, this is the last major component of our legal and constitutional obligation to finalize the State operating budget. And if we do it today in the manner which is on the table, what will be off the table for all of the constituents whom I represent are so many other priority agenda items that they expect me to come back to that district and say that this State legislature has dealt with, and we have not. How can I go back to the district knowing that if we consummate this education vote today, that we will not fundamentally address some Draconian budget cuts that have taken place? I have communities and residents from the urban core of the city of Pittsburgh and smaller communities throughout the three counties that I represent that are going to be

hurt significantly with the cuts in public transportation. And I am not willing to sign off on this vote because I know once we sign off on this, we are not going to have the kind of debate and discourse and action needed by this legislature for the restoration of cuts. I mention the public transportation. There is a whole host of other programs, drug and alcohol money, library fund cuts, sewage treatment plant money that we have yet to take up. You know, we have one particular program that is very dear to many constituents, a human service development fund, where it is not just a question of some cut, it is a question of what right now as I speak, in Allegheny County in particular, as well as other counties, we have basically doors that are about to be padlocked because leases have to be terminated, employees have to be laid off, and most importantly, the most fragile in our society and in the communities that I represent will be on the street and will be hurting and there will be real pain. We are not taking up these issues.

I say let us not vote in favor of this legislation today, and we should all get a bedroll. If we have to move in some bunk beds here, that is fine with me, but we are not completing the people's business, and I think it is criminal that we would act today and consummate this one vote, knowing very well that we have so much more of the people's business work to complete, and it should be completed this week. I think it is reprehensible that we think about going to the ocean or going to conferences or even spending time with our families, as important as that is, when we have situations where people are hurting, programs are hurting, local governments are hurting. That is not what we got elected to do, and I think it would be totally irresponsible on my part to vote "yes" on this measure today, knowing that so much more needs to be done. And I would be happy to stay here all week, through Saturday, Sunday, into the future, in order to resolve the slots debate, because I think it is very important that we move ahead on that measure as well, not only because we need the income, but we have the ability to actually do something in moving forward in this State. I hope we do not miss that opportunity.

We did not go into a lot of debate about the PACE and PACENET program. Again, I think it is reprehensible that the House voted 200 to 0 to expand the PACE and PACENET program, and somehow this great State Senate could not find an opportunity or time to move on this bill in an expeditious manner. Again, I just think that is wrong. I think people understand what is being debated here today. It is not solely the simple issue of the education budget, it is about all the other plethora of programs that we have a responsibility to fund and to keep going, to best represent the needs of the people whom we are elected to serve. I just wish that there could be a different spirit. There is a little bit of a mean-spiritedness in the State Capitol this week, and I hope that that would find a significant change.

Thank you, Madam President.

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

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

YEA-28

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

NAY-19

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

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

Without objection, the bill, as amended, was passed over in its order at the request of Senator BRIGHTBILL.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 2

SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED

SB 8 (Pr. No. 1111) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses), 42 (Judiciary and Judicial Procedure) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for chemical testing to determine amount of alcohol or controlled substance and for requirements for driving under influence offenders; imposing penalties for violation of ignition interlock system provisions; and further providing for occupational limited license and for driving under influence of alcohol or controlled substance.

On the question,

Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 8?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 8.

On the question,

Will the Senate agree to the motion?

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

YEA-47

Armstrong	Jubelirer	Orie	Thompson
Boscola	Kasunic	Piccola	Tomlinson
Brightbill	Kitchen	Pileggi	Wagner
Conti	Kukovich	Punt	Waugh
Corman	LaValle	Rafferty	Wenger

Costa	Lemmond	Rhoades	White, Donald
Dent	Logan	Robbins	White, Mary Jo
Earll	Madigan	Scarnati	Williams, Anthony H.
Erickson	Mellow	Schwartz	Williams, Constance
Ferlo	Mowery	Stack	Wonderling
Greenleaf	Musto	Stout	Wozniak
Helfrick	O'Pake	Tartaglione	

NAY-0

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

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 1

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 564 (Pr. No. 2474) -- 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 services; deleting provisions relating to professional teacher assessment; further providing for cost of tuition and maintenance of certain exceptional children in approved private schools and for actual cost of tuition and maintenance of certain exceptional children in the four chartered schools for education of deaf and blind children; providing for the Head Start Supplemental Assistance Program; further providing for Education Support Services Program, for education empowerment districts, for school improvement grants and for mandate waiver program; further providing for community college financial programs and reimbursements; nonmandated capital and for effective date of regulations relating to community colleges; further defining "educational improvement organization" and "scholarship organization"; further providing for educational improvement tax credits, for limitations on educational improvement tax credits, 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 for powers and duties of the State Board of Education; abrogating regulations; 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, I ask for a negative vote on the bill.

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-19

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

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

Ordered, That the Secretary of the Senate 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.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 3

SENATE CONCURS IN HOUSE AMENDMENTS

SB 201 (Pr. No. 1079) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating Interstate 78 in Lehigh and Northampton Counties from the Berks County Line to the Delaware River as the Walter J. Dealtrey Memorial Highway; designating a portion of State Route 837 in Allegheny County as Charles R. McDevitt Highway; and designating Exit 23 on Interstate 79 in Washington County, known as Marianna-Prosperity Exit, as the Farrell Jackson Exit.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 201?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 201.

On the question,

Will the Senate agree to the motion?

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

YEA-47

Armstrong	Jubelirer	Orie	Thompson
Boscola	Kasunic	Piccola	Tomlinson
Brightbill	Kitchen	Pileggi	Wagner
Conti	Kukovich	Punt	Waugh
Corman	LaValle	Rafferty	Wenger
Costa	Lemmond	Rhoades	White, Donald
Dent	Logan	Robbins	White, Mary Jo

Earll	Madigan	Scarnati	Williams, Anthony H.
Erickson	Mellow	Schwartz	Williams, Constance
Ferlo	Mowery	Stack	Wonderling
Greenleaf	Musto	Stout	Wozniak
Helfrick	O'Pake	Tartaglione	

NAY-0

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

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

SENATE CONCURS IN HOUSE AMENDMENTS

SB 521 (Pr. No. 1108) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for assessment and commitment of certain sexually violent persons.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 521?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 521.

On the question,

Will the Senate agree to the motion?

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

YEA-47

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

NAY-0

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

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

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

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

**JUDGE, COURT OF COMMON PLEAS,
ALLEGHENY COUNTY**

July 28, 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 9, 2003, for the appointment of Edward J. Borkowski, Esquire, 243 Fisk Street, Pittsburgh 15201, Allegheny County, Thirty-eighth Senatorial District, as Judge of the Court of Common Pleas of Allegheny County, to serve until the first Monday of January 2006, vice The Honorable Joseph A. Jaffe, 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,
WESTMORELAND COUNTY**

July 28, 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 6, 2003, for the appointment of Christopher Alan Feliciani, Esquire, RR 7, Box 55, Greensburg 15601, Westmoreland County, Thirty-ninth Senatorial District, as Judge of the Court of Common Pleas of Westmoreland County, to serve until the first Monday of January 2004, vice The Honorable Charles H. Loughran, 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 OPTOMETRY**

July 9, 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 Jamie Fleet, (Public Member), 122 E. Middle Street, Gettysburg 17325, Adams County, Thirty-third Senatorial District, as a member of the State Board of Optometry, to serve until April 24, 2005, and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Jeffrey Haste, Harrisburg, 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
PROBATION AND PAROLE**

July 28, 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 12, 2003, for the appointment of Nina Tinari, 6401 Church Road, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, as a member of the Board of Probation and Parole, to serve for a term of six years, and until her successor is appointed and qualified, but not longer than 90 days beyond that period, vice William F. Ward, Esquire, Pittsburgh, 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 CARBON COUNTY
BOARD OF ASSISTANCE**

July 17, 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 23, 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

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 COMMONWEALTH OF
PENNSYLVANIA COUNCIL ON THE ARTS**

July 9, 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, Marilyn Santarelli, 319 Huntsbill-Idetown Road, Dallas 18612, Luzerne County, Twentieth Senatorial District, for appointment as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 2006, and until her successor is appointed and qualified, vice Marcia Gumberg, Pittsburgh, whose term expired.

EDWARD G. RENDELL
Governor

**MEMBER OF THE STATE BOARD
OF AUCTIONEER EXAMINERS**

June 16, 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, Sherman Hostetter, Jr., 2902 Darlington Road, Unit 502, Beaver Falls 15010, Beaver County, Forty-seventh Senatorial District, for appointment as a member of the State Board of Auctioneer Examiners, 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 Simon Miller, Hadley, whose term expired.

EDWARD G. RENDELL
Governor

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

June 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, Bernard Mayan, 190 D & H Avenue, P.O. Box 173, Riverside 17868, Northumberland County, Twenty-seventh Senatorial District, for appointment as a member of the Board of Trustees of Danville State Hospital, to serve until the third Tuesday of January 2005, and until his successor is appointed and qualified, vice Harry L. Stump, Danville, resigned.

EDWARD G. RENDELL
Governor

**MEMBER OF THE PENNSYLVANIA
FISH AND BOAT COMMISSION**

June 25, 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, Ross J. Huhn, (District 2), R.D. 3 Box

156, Saltsburg 15681, Westmoreland County, Forty-first Senatorial District, for reappointment as a member of the Pennsylvania Fish and Boat Commission, to serve for a term of eight years or until his successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL
Governor

**MEMBER OF THE PENNSYLVANIA
FISH AND BOAT COMMISSION**

June 25, 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 J. Sabatose, (District 3), Keystone Road, Box 294-C, Brockport 15823, Elk County, Twenty-fifth Senatorial District, for appointment as a member of the Pennsylvania Fish and Boat Commission, to serve for a term of eight years or until his successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL
Governor

**MEMBER OF THE STATE BOARD
OF FUNERAL DIRECTORS**

July 7, 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, Joseph Fluehr, III, 800 Newtown-Richboro Road, Richboro 18954, Bucks County, Sixth Senatorial District, for reappointment as a member of the State Board of Funeral Directors, to serve for a term of five years and until his successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL
Governor

**MEMBER OF THE PENNSYLVANIA
GAME COMMISSION**

June 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, Thomas E. Boop, (District 5), R.R. 1 Box 253, Sunbury 17801, Northumberland County, Twenty-seventh Senatorial District, for appointment as a member of the Pennsylvania Game Commission, to serve for a term of eight years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Nicholas Spock, M.D., Shamokin, whose term expired.

EDWARD G. RENDELL
Governor

**MEMBER OF THE PENNSYLVANIA
GAME COMMISSION**

June 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, Gregory J. Isabella, (District 8), 2508 South 19th Street, Philadelphia 19145, Philadelphia County, First Senatorial District, for appointment as a member of the Pennsylvania Game Commission, to serve for a term of eight years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Vernon K. Shaffer, Reading, whose term expired.

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 INDUSTRIAL BOARD

June 24, 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, Gilbert L. Snyder, 6308 Blue Ridge Avenue, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the Industrial Board, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

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

June 12, 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 D. Strohecker, O.D., 22 North

Academy, Mansfield 16933, Tioga County, Twenty-fifth Senatorial District, for reappointment as a member of the Council of Trustees of Mansfield 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 BOARD OF TRUSTEES OF
THE PENNSYLVANIA STATE UNIVERSITY**

July 1, 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, The Honorable Cynthia A. Baldwin, 2009 McClintock Road, White Oak 15131, Allegheny County, Forty-fifth Senatorial District, for reappointment as a member of the Board of Trustees of the Pennsylvania State University, to serve until July 1, 2006, and until her successor is appointed and qualified.

EDWARD G. RENDELL
Governor

**MEMBER OF THE STATE BOARD
OF PHYSICAL THERAPY**

June 12, 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, Z. Annette Iglarsh, Ph.D, PT, MBA, 828 Fitzwater Street, Philadelphia 19147, Philadelphia County, First Senatorial District, for appointment as a member of the State Board of Physical Therapy, 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, new position.

EDWARD G. RENDELL
Governor

**MEMBER OF THE STATE BOARD
OF PSYCHOLOGY**

June 25, 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, Karen Edelstein, 315 South Lawrence Court, Philadelphia 19106, Philadelphia County, First Senatorial District, for appointment as a member of the State Board of Psychology, to serve until June 5, 2005, or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Gerrian Miller Bobrowsky, Ph.D., Pittsburgh, resigned.

EDWARD G. RENDELL
Governor

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

June 24, 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, Jean H. Denny, 233 West Fifth Avenue, Derry 15627, Westmoreland County, Thirty-ninth Senatorial District, for appointment as a member of the Board of Trustees of Torrance State Hospital, to serve until the third Tuesday of January 2009, and until her successor is appointed and qualified, vice Nathan S. Falk, Blairsville, deceased.

EDWARD G. RENDELL
Governor

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

June 24, 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, Michael A. Hostovich, 35 Elmwood Drive, Warren 16365, Warren County, Twenty-first Senatorial District, for appointment 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.

EDWARD G. RENDELL
Governor

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

June 26, 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, Mary E. Kushner, P.O. Box 255, Pittsfield 16340, Warren County, Twenty-first Senatorial District, for appointment as a member of the Board of Trustees of Warren State Hospital, to serve until the third Tuesday of January 2005, and until her successor is appointed and qualified, vice David B. Acker, Coudersport, resigned.

EDWARD G. RENDELL
Governor

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

July 9, 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, The Honorable Barry Dozor, Esquire, 44 Cambridge Road, Broomall 19008, Delaware County, Twenty-sixth Senatorial District, for reappointment as a member of the Council of Trustees of West Chester 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 CLARION COUNTY
BOARD OF ASSISTANCE**

June 9, 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, Sally Hartel, (Democrat), 18167 Route 208, Marble 16334, Clarion County, Twenty-first Senatorial District, for appointment as a member of the Clarion 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 CLARION COUNTY
BOARD OF ASSISTANCE**

June 16, 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, Darlene Heasley, (Democrat), P.O. Box 176, Leepee 16233, Clarion County, Twenty-first Senatorial District, for appointment as a member of the Clarion 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 CUMBERLAND COUNTY
BOARD OF ASSISTANCE**

June 26, 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 R. Rae, (Democrat), 114 North Prince Street, Shippensburg 17257, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Cumberland County Board of Assistance, to serve until December 31, 2005, and until his successor is appointed and qualified, vice Mildred Hand, Camp Hill, deceased.

EDWARD G. RENDELL
Governor

MEMBER OF THE DELAWARE COUNTY
BOARD OF ASSISTANCE

June 25, 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 Papi, (Republican), 122 East Parkway Avenue, Chester 19013, 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 FRANKLIN COUNTY
BOARD OF ASSISTANCE

June 16, 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, Karen M. DeShong, (Republican), 116 North Avenue, Chambersburg 17201, Franklin County, Thirty-third Senatorial District, for appointment as a member of the Franklin 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 FRANKLIN COUNTY
BOARD OF ASSISTANCE

June 16, 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, Roger Lee Horst, (Republican), 1405 Scotland Avenue, Chambersburg 17201, Franklin County, Thirty-third Senatorial District, for appointment as a member of the Franklin 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

MEMBER OF THE NORTHUMBERLAND COUNTY
BOARD OF ASSISTANCE

June 25, 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, Stephen Minker, (Democrat), 1630 West Lynn Street, Coal Township 17866, Northumberland County, Twenty-sixth Senatorial District, for appointment as a member of the Northumberland 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

MEMBER OF THE WARREN COUNTY
BOARD OF ASSISTANCE

June 9, 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, Daniel Glotz, (Democrat), 126 Follett Run Road, Warren 16365, Warren County, Twenty-first Senatorial District, for appointment as a member of the Warren 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

MEMBER OF THE WARREN COUNTY
BOARD OF ASSISTANCE

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, Maureen A. Skerda, Esquire, (Democrat), 212 Bates Street, Youngsville 16371, Warren County, Twenty-first Senatorial District, for appointment as a member of the Warren 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

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.

NOMINATION TAKEN FROM THE TABLE

Senator ROBBINS. Madam President, I call from the table a certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

MEMBER OF THE PENNSYLVANIA
FISH AND BOAT COMMISSION

June 25, 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, Ross J. Huhn, (District 2), R.D. 3 Box 156, Saltsburg 15681, Westmoreland County, Forty-first Senatorial District, for reappointment as a member of the Pennsylvania Fish and Boat Commission, to serve for a term of eight years or until his successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL
Governor

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

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

YEA-46

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

NAY-1

Logan

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

Ordered, That the Governor be informed accordingly.

NOMINATION TAKEN FROM THE TABLE

Senator ROBBINS. Madam President, I call from the table a certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

MEMBER OF THE PENNSYLVANIA GAME COMMISSION

June 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, Thomas E. Boop, (District 5), R.R. 1 Box 253, Sunbury 17801, Northumberland County, Twenty-seventh Senatorial District, for appointment as a member of the Pennsylvania Game Commission, to serve for a term of eight years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Nicholas Spock, M.D., Shamokin, whose term expired.

EDWARD G. RENDELL
Governor

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

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

YEA-46

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

NAY-1

Madigan

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

Ordered, That the Governor be informed accordingly.

NOMINATION TAKEN FROM THE TABLE

Senator ROBBINS. Madam President, I call from the table a certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

MEMBER OF THE PENNSYLVANIA GAME COMMISSION

June 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, Gregory J. Isabella, (District 8), 2508 South 19th Street, Philadelphia 19145, Philadelphia County, First Senatorial District, for appointment as a member of the Pennsylvania Game Commission, to serve for a term of eight years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Vernon K. Shaffer, Reading, whose term expired.

EDWARD G. RENDELL
Governor

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

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

YEA-41

Armstrong	Kukovich	Pileggi	Wagner
Boscola	LaValle	Punt	Waugh
Corman	Lemmond	Rhoades	Wenger
Costa	Logan	Robbins	White, Donald
Earll	Madigan	Scarnati	White, Mary Jo
Erickson	Mellow	Schwartz	Williams, Anthony H.

Ferlo	Mowery	Stack	Williams, Constance
Helfrick	Musto	Stout	Wozniak
Jubelirer	O'Pake	Tartaglione	
Kasunic	Orie	Thompson	
Kitchen	Piccola	Tomlinson	

NAY-6

Brightbill	Dent	Rafferty	Wonderling
Conti	Greenleaf		

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

Ordered, That the Governor be informed accordingly.

NOMINATIONS TAKEN FROM THE 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 COMMONWEALTH OF PENNSYLVANIA COUNCIL ON THE ARTS

July 9, 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, Marilyn Santarelli, 319 Huntsbill-Idetown Road, Dallas 18612, Luzerne County, Twentieth Senatorial District, for appointment as a member of the Commonwealth of Pennsylvania Council on the Arts, to serve until July 1, 2006, and until her successor is appointed and qualified, vice Marcia Gumberg, Pittsburgh, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF AUCTIONEER EXAMINERS

June 16, 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, Sherman Hostetter, Jr., 2902 Darlington Road, Unit 502, Beaver Falls 15010, Beaver County, Forty-seventh Senatorial District, for appointment as a member of the State Board of Auctioneer Examiners, 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 Simon Miller, Hadley, whose term expired.

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES OF DANVILLE STATE HOSPITAL

June 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, Bernard Mayan, 190 D & H Avenue, P.O. Box 173, Riverside 17868, Northumberland County, Twenty-seventh Senatorial District, for appointment as a member of the Board of Trustees of Danville State Hospital, to serve until the third Tuesday of January 2005, and until his successor is appointed and qualified, vice Harry L. Stump, Danville, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE PENNSYLVANIA FISH AND BOAT COMMISSION

June 25, 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 J. Sabatose, (District 3), Keystone Road, Box 294-C, Brockport 15823, Elk County, Twenty-fifth Senatorial District, for appointment as a member of the Pennsylvania Fish and Boat Commission, to serve for a term of eight years or until his successor is appointed and qualified, but not longer than six months beyond that period.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD OF FUNERAL DIRECTORS

July 7, 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, Joseph Fluehr, III, 800 Newtown-Richboro Road, Richboro 18954, Bucks County, Sixth Senatorial District, for reappointment as a member of the State Board of Funeral Directors, to serve for a term of five years and until his successor is appointed and qualified, but not longer than six months beyond that period.

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 INDUSTRIAL BOARD

June 24, 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, Gilbert L. Snyder, 6308 Blue Ridge Avenue, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the Industrial Board, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified.

EDWARD G. RENDELL
Governor

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

June 12, 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 D. Strohecker, O.D., 22 North Academy, Mansfield 16933, Tioga County, Twenty-fifth Senatorial District, for reappointment as a member of the Council of Trustees of Mansfield 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 BOARD OF TRUSTEES OF
THE PENNSYLVANIA STATE UNIVERSITY

July 1, 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, The Honorable Cynthia A. Baldwin, 2009 McClintock Road, White Oak 15131, Allegheny County, Forty-fifth Senatorial District, for reappointment as a member of the Board of Trustees of the Pennsylvania State University, to serve until July 1, 2006, and until her successor is appointed and qualified.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD
OF PHYSICAL THERAPY

June 12, 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, Z. Annette Iglarsh, Ph.D, PT, MBA, 828 Fitzwater Street, Philadelphia 19147, Philadelphia County, First

Senatorial District, for appointment as a member of the State Board of Physical Therapy, 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, new position.

EDWARD G. RENDELL
Governor

MEMBER OF THE STATE BOARD
OF PSYCHOLOGY

June 25, 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, Karen Edelstein, 315 South Lawrence Court, Philadelphia 19106, Philadelphia County, First Senatorial District, for appointment as a member of the State Board of Psychology, to serve until June 5, 2005, or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Gerrian Miller Bobrowsky, Ph.D., Pittsburgh, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF TORRANCE STATE HOSPITAL

June 24, 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, Jean H. Denny, 233 West Fifth Avenue, Derry 15627, Westmoreland County, Thirty-ninth Senatorial District, for appointment as a member of the Board of Trustees of Torrance State Hospital, to serve until the third Tuesday of January 2009, and until her successor is appointed and qualified, vice Nathan S. Falk, Blairsville, deceased.

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF WARREN STATE HOSPITAL

June 24, 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, Michael A. Hostovich, 35 Elmwood Drive, Warren 16365, Warren County, Twenty-first Senatorial District, for appointment 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.

EDWARD G. RENDELL
Governor

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

June 26, 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, Mary E. Kushner, P.O. Box 255, Pittsfield 16340, Warren County, Twenty-first Senatorial District, for appointment as a member of the Board of Trustees of Warren State Hospital, to serve until the third Tuesday of January 2005, and until her successor is appointed and qualified, vice David B. Acker, Coudersport, resigned.

EDWARD G. RENDELL
Governor

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

July 9, 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, The Honorable Barry Dozor, Esquire, 44 Cambridge Road, Broomall 19008, Delaware County, Twenty-sixth Senatorial District, for reappointment as a member of the Council of Trustees of West Chester 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 CLARION COUNTY
BOARD OF ASSISTANCE**

June 9, 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, Sally Hartel, (Democrat), 18167 Route 208, Marble 16334, Clarion County, Twenty-first Senatorial District, for appointment as a member of the Clarion 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 CLARION COUNTY
BOARD OF ASSISTANCE**

June 16, 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, Darlene Heasley, (Democrat), P.O.

Box 176, Leepee 16233, Clarion County, Twenty-first Senatorial District, for appointment as a member of the Clarion 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 CUMBERLAND COUNTY
BOARD OF ASSISTANCE**

June 26, 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 R. Rae, (Democrat), 114 North Prince Street, Shippensburg 17257, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Cumberland County Board of Assistance, to serve until December 31, 2005, and until his successor is appointed and qualified, vice Mildred Hand, Camp Hill, deceased.

EDWARD G. RENDELL
Governor

**MEMBER OF THE DELAWARE COUNTY
BOARD OF ASSISTANCE**

June 25, 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 Papi, (Republican), 122 East Parkway Avenue, Chester 19013, 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 FRANKLIN COUNTY
BOARD OF ASSISTANCE**

June 16, 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, Karen M. DeShong, (Republican), 116 North Avenue, Chambersburg 17201, Franklin County, Thirty-third Senatorial District, for appointment as a member of the Franklin 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 FRANKLIN COUNTY
BOARD OF ASSISTANCE

June 16, 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, Roger Lee Horst, (Republican), 1405 Scotland Avenue, Chambersburg 17201, Franklin County, Thirty-third Senatorial District, for appointment as a member of the Franklin 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

MEMBER OF THE NORTHUMBERLAND COUNTY
BOARD OF ASSISTANCE

June 25, 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, Stephen Minker, (Democrat), 1630 West Lynn Street, Coal Township 17866, Northumberland County, Twenty-sixth Senatorial District, for appointment as a member of the Northumberland 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

MEMBER OF THE WARREN COUNTY
BOARD OF ASSISTANCE

June 9, 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, Daniel Glotz, (Democrat), 126 Follett Run Road, Warren 16365, Warren County, Twenty-first Senatorial District, for appointment as a member of the Warren 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

MEMBER OF THE WARREN COUNTY
BOARD OF ASSISTANCE

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, Maureen A. Skerda, Esquire, (Democrat), 212 Bates Street, Youngsville 16371, Warren County, Twenty-first Senatorial District, for appointment as a member of the Warren 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

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-47

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

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. 4**

HB 1148 CALLED UP OUT OF ORDER

HB 1148 (Pr. No. 2160) -- Without objection, the bill was called up out of order, from page 6 of Supplemental Calendar No. 4, by Senator BRIGHTBILL, as a Special Order of Business.

BILL ON SECOND CONSIDERATION

HB 1148 (Pr. No. 2160) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for definitions, for scope of unfunded debt, for number of interest rates, for treatment of debt costs upon refunding; and providing for interest rate risk and interest cost management.

Considered the second time and agreed to,

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

HB 1376 CALLED UP OUT OF ORDER

HB 1376 (Pr. No. 2328) -- Without objection, the bill was called up out of order, from page 2 of Supplemental Calendar No. 4, by Senator BRIGHTBILL, as a Special Order of Business.

NONPREFERRED APPROPRIATION BILL
ON THIRD CONSIDERATION,
DEFEATED ON FINAL PASSAGE

HB 1376 (Pr. No. 2328) -- The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of November 30, 1965 (P.L.843, No.355), entitled "An act providing for the establishment and operation of Temple University as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; providing for preference to Pennsylvania residents in tuition; providing for public support and capital improvements; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the President to make an annual report of the operations of Temple University," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

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, I am not going to belabor the hour, except to say that we are totally in favor of every one of the nonpreferred appropriations. I mentioned that in the meeting of the Committee on Appropriations today. This is not the first time that we are going to go through this exercise on the floor of the Senate. We believe that education is an all-encompassing, comprehensive package that must be dealt with. We want to deal with the nonpreferreds, but we want to deal with the nonpreferreds after we have appropriately, based on the Constitution of the Commonwealth, dealt with our preferred appropriations and our funding of education, which in fact has not as of yet been done. So at this time, Madam President, I am going to ask for a negative vote on this nonpreferred and on any other one that comes before the Chamber this evening. However, I want to make the record very clear to point out that the Democratic Members of the Senate are strongly in favor of the nonpreferreds, including the first one, which I believe is Temple University, and at the appropriate time when we have sufficient money to put in place, when all of our preferred appropriations have been voted upon and the Governor is prepared to sign those into statute, we will be only too happy to vote and support all the nonpreferreds, like we have done traditionally. But at this time, Madam President, it is not an appropriate time to do it, and therefore, I have to ask for a negative vote, or I have to ask Senator Brightbill if he then would just put the bill over in order and we can reconsider the proposal at a later date.

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-19

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

Less than a constitutional two-thirds majority of all the Senators having voted "aye," the question was determined in the negative.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILL LAID ON THE TABLE

SB 711 (Pr. No. 981) -- 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 the right of action regarding profits received as a result of the commission of a crime.

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

BILL OVER IN ORDER

HB 1018 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

HB 77, SB 264 and SB 584 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILLS LAID ON THE TABLE

SB 684 (Pr. No. 787) -- 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 the right of

action regarding profits received as a result of the commission of a crime.

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

HB 898 (Pr. No. 2094) -- The Senate proceeded to consideration of the bill, entitled:

An Act prohibiting false claims; imposing duties on the Attorney General and on district attorneys; and providing for procedures and for penalties.

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

UNFINISHED BUSINESS SENATE RESOLUTIONS ADOPTED

Senators STACK, MUSTO, WAGNER, CONTI, O'PAKE, SCHWARTZ, TARTAGLIONE, C. WILLIAMS, RHOADES, WOZNAK, COSTA, STOUT, MOWERY, EARLL, KUKOVICH, BRIGHTBILL, KITCHEN, ARMSTRONG, M. WHITE, RAFFERTY, CORMAN, LAVALLE, LEMMOND, BOSCOLA, MELLOW and KASUNIC, by unanimous consent, offered **Senate Resolution No. 127**, entitled:

A Resolution designating September 22, 2003, as "Family Day" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator STACK. Madam President, I rise today to seek unanimous consent for this resolution proclaiming September 22, 2003, as Family Day in Pennsylvania. Two years ago the National Center on Addiction and Substance Abuse at Columbia University, a group that calls itself CASA, launched Family Day as an annual event to take place on the fourth Monday of each September. This effort was launched because of the results of research that CASA conducted about teenagers. One survey found that teens who eat dinner with their parents only twice a week or less were four times more likely to smoke cigarettes, they are three times more likely to smoke marijuana, and they are nearly twice as likely to drink as those who ate dinner with their parents six or seven times a week. A second CASA survey found that teens from families that almost never eat together were 72 percent more likely than the average teenager to use illegal drugs, cigarettes, and alcohol. Meanwhile, teens from families that almost always eat dinner together were 31 percent less likely to engage in these activities.

These are just surveys, Madam President, but I think they confirm what all of us already know: It is important for families to spend time with each other. Additional research by other organizations has shown that teens who eat frequent family dinners are less likely to get into fights or be suspended from school, and are at a lower risk for thoughts of suicide. Frequent family dining is also correlated with doing well in school and

developing healthy eating habits. This pattern holds true regardless of teen sex, family structure, and/or family socioeconomic level.

Rather than let these findings sit and fester, CASA decided to take a proactive stance towards a solution. CASA created Family Day to emphasize the importance of regular family activities as a way to facilitate parent/child communications and encourage Americans to make family dinners a regular feature of their lives. It is an idea that has caught on throughout the nation. The time has come to bring Family Day to Pennsylvania, Madam President. Family meals may not sound like a big deal to some, but those who grew up in that type of environment understand their importance. The difference today is that we now have research that spells out how critical these family events are to our children. Think of all the forces in our society that have truly tested and have challenged American youth and their families. We are long overdue to support those activities and strengthen family life. Let us face it, should we not be willing to take whatever action is necessary to keep our youngsters out of harm's way? And this is far more than a symbolic gesture. Family meals do keep the lines of communication open. Spending more time as a family helps nurture family values, values that prize caring and listening to each other. It should surprise no one that we would promote these supportive customs and values as a strong deterrent to the treacherous lures of drugs and alcohol that are all too prevalent with our young people today.

Madam President, that is why I offer this resolution declaring the fourth Monday of September, September 22, 2003, as Family Day in Pennsylvania, and I urge that all of us observe Family Day and acknowledge the importance of eating dinner as a family and in raising drug- and alcohol-free kids.

Thank you, Madam President.

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

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

Senator CORMAN, by unanimous consent, offered **Senate Resolution No. 128**, entitled:

A Resolution recognizing August 19 through 21, 2003, as "Ag Progress Days" in Pennsylvania.

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

Senators C. WILLIAMS, MELLOW, BRIGHTBILL, O'PAKE, WAGNER, WENGER, KITCHEN, FERLO, CONTI, TARTAGLIONE, STOUT, KUKOVICH, STACK, GREENLEAF, WONDERLING, SCHWARTZ, LOGAN, COSTA, CORMAN, LAVALLE, WAUGH, RAFFERTY, THOMPSON, ERICKSON and WOZNAK, by unanimous consent, offered **Senate Resolution No. 129**, entitled:

A Resolution recognizing the month of September 2003 as "Ovarian Cancer Awareness Month" in Pennsylvania.

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

Senators MOWERY, THOMPSON, TARTAGLIONE, LOGAN, KUKOVICH, KITCHEN, BRIGHTBILL, ERICKSON, STOUT, SCHWARTZ, EARLL, CONT, COSTA, KASUNIC, RAFFERTY, CORMAN, C. WILLIAMS, ARMSTRONG, FERLO, LEMMOND, WONDERLING, WOZNAK and D. WHITE, by unanimous consent, offered **Senate Resolution No. 130**, entitled:

A Resolution recognizing the week of September 1 through 5, 2003, as "Pennsylvania Payroll Professionals Week."

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. Charles Oettel, Mr. and Mrs. Bob Kellenberger, Mr. and Mrs. Carl Halvorsen, Mr. and Mrs. Edward Mills, Mr. and Mrs. L. Donald Miller, Mr. and Mrs. Francis J. Boswa, Stefan Hess, Robert D. March II, James S. Anderson, William G. Sinopoli, Andrew Joseph Lease, David Michael Kurau, Lancaster Chamber of Commerce and Industry and to C. J. Charles Lumber, Inc., of New Providence by Senator Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. Daniel Confalone, Mr. and Mrs. Floyd Caiazzo, Mr. and Mrs. Franklin Rosato, Mr. and Mrs. Donald Shafer, Mr. and Mrs. Ralph D'Andria, Judith Grim, Charles O'Connell, John F. Porter, Jack Rundle, Judith Chase, Andrew Abraham, Edward C. Wisser, JohnsonDiversey, Just Born, Inc., and to the Northampton County 911 Operations Center by Senator Boscola.

Congratulations of the Senate were extended to Carol Marakovits by Senators Boscola and Dent.

Congratulations of the Senate were extended to Melvyn Kaplan, Robert H. Best, Amber Dawson, Thomas Jordan, 211th Engineering Installation Squadron, Pennsylvania Air National Guard, of Fort Indiantown Gap and to MI Metals, Inc., of Millersburg by Senator Brightbill.

Congratulations of the Senate were extended to Kyle Andrew Downs, Benjamin Harry Steinbach, Timothy A. Brewer and to St. Frances Cabrini Church of Fairless Hills by Senator Conti.

Congratulations of the Senate were extended to St. Mary Medical Center of Langhorne by Senators Conti and Tomlinson.

Congratulations of the Senate were extended to Mr. and Mrs. Donald M. Limes, Mr. and Mrs. R. Bradford Brown, Jr., Mr. and Mrs. Jones J. Marker, Mr. and Mrs. Harry R. Sanders, Mr. and Mrs. Harold T. Morgan, Mr. and Mrs. Elwood E. Wingert, Mr. and Mrs. Ernest D. Jackson, Jr., Mr. and Mrs. Joseph W. Long, Mr. and Mrs. William Phillip Sieg III, Mr. and Mrs. Alfred R. Croyle, Mr. and Mrs. James D. Moyle, Bruce E. Cutter, James Orestes Mooreshire, Hisa Akhmatov, Mifflin County 13-Year-Old Junior Babe Ruth Team, Mifflin County 14-year-Old Junior Babe Ruth All-Star Team, Mifflin County 15-Year-Old Junior Babe Ruth Team, Big Valley 11-Year-Old Cal Ripken League All-Stars Baseball Team, Big Valley 12-Year-Old Cal Ripken League All-Stars Baseball Team, Bellefonte Baseball Teener League 13-Year-Old All-Star Team, Lady Patriots 16-U Softball

Team and to the Northwest Savings Bank of Lewistown by Senator Corman.

Congratulations of the Senate were extended to Jacqueline Runyan, Robert Painter, Sharon Chambers, Mary Ann Tomich, David Kohanbash, Dr. JoAnne Woodyard Boyle, William K. Lieberman, Marcia M. Gumberg, Leon Lynch, Dr. John E. Murray, Jr., D. Jin Song, William R. Waterkotte, George Novak and to St. Anselm Church by Senator Costa.

Congratulations of the Senate were extended to Dr. and Mrs. Rudy S. Ackerman, Dennis A. McGinley, Matthew Jason Heiser, Gregory James Larson, D. J. Scott, Shree Swaminarayan Spiritual and Cultural Center of Coplay and to the American Association of Retired Persons, Whitehall Chapter No. 3115, by Senator Dent.

Congratulations of the Senate were extended to Scott V. Fainor and to the Harry C. Trexler Trust of Allentown by Senators Dent, Wonderling, and Boscola.

Congratulations of the Senate were extended to Ulice Payne, Jr., Alfred E. Noble and to the citizens of Harborcreek Township by Senator Earll.

Congratulations of the Senate were extended to G. Fred Bencker, Joseph M. Blake and to Thomas J. Judge, Sr., by Senator Erickson.

Congratulations of the Senate were extended to Adeline Brown by Senator Ferlo.

Congratulations of the Senate were extended to Thomas J. Thompson, Michael Giorno, John C. Furey and to Asian Bank of Philadelphia by Senator Fumo.

Congratulations of the Senate were extended to Mr. and Mrs. Guy Borghi, Mr. and Mrs. Merrill Landes, Nicholas Burkweit, Beulah A. Narducci, Michael E. Gildein II, Frederick D. Marin, Ryan Nelling, Carl W. Marin, Jeffrey M. Smith, Andrew Leroy Cowles, Ortho-McNeil Pharmaceutical, Merck & Co., Inc., Christ's Home of Warminster and to Ann's Choice Retirement Community of Warminster by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. David S. Vaughn, Mr. and Mrs. Robert Paul Becker, Mr. and Mrs. John Gembic, Mr. and Mrs. Joseph J. Roney, Jr., Mr. and Mrs. Noble Vetovich, Mr. and Mrs. Ronald L. Fox, Mr. and Mrs. Carl G. Snyder, Mr. and Mrs. John F. Laukaitis, Mr. and Mrs. Robert C. Pfleeger, Mr. and Mrs. Howard W. Klinger, Mr. and Mrs. William R. Narehood, Mr. and Mrs. John Hurst Hagemeyer, Mr. and Mrs. Robert Gordon LeValley, Mr. and Mrs. Robert H. Hettler, Mr. and Mrs. Joseph Stavisky, Mr. and Mrs. Donald Larue Aurand, Christopher Dodds, Jason Ryan Auman, Gregory Dodds, Stephen Craig Nace, Brady Wright, Matthew R. Yerger, Melva I. Landis, Sunbury Broadcasting Corporation, Danville Ironbot Robotics Team rescue members, soccer members, and dance members and to St. Paul's United Methodist Church of Berwick by Senator Helfrick.

Congratulations of the Senate were extended to Christopher J. DeSantis by Senators Helfrick and Madigan.

Congratulations of the Senate were extended to Reverend Sheila Pierce, Izetta Elsey and to Eliza Jane Greenhill by Senator Hughes.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph Gallagher, Mr. and Mrs. Joseph R. Nedimyer, Mr. and Mrs. Blair Hollen, Mr. and Mrs. James Treese, Mr. and Mrs.

John Hopfl, Mr. and Mrs. George Holsinger, Mr. and Mrs. Eugene Sifers, Mr. and Mrs. Fred D. Hess, Mr. and Mrs. Edward Eger, Mr. and Mrs. Harry David, Mr. and Mrs. Frank Fiore, Mr. and Mrs. John Evans, Mr. and Mrs. Donald Hoover, Mr. and Mrs. Fred Reismeier, Mr. and Mrs. John T. Riley, John Scott Hiller, Catherine Barger, Arno Paul Scheiter and to Estella Beichler by Senator Jubelirer.

Congratulations of the Senate were extended to Mr. and Mrs. John Spontak, Russell McLeod, Jack Lennon, Stephen J. Weilersbacher, Roger Cranville, Toby Nelson Dunham, Jason Michael Eckles, F. Carman Williams and to the citizens of the Borough of Oakdale by Senator Jubelirer on behalf of Senator Pippy.

Congratulations of the Senate were extended to Dr. Gregory W. Gray, Betty Jane Mankovich, Robert J. Cenker and to the emergency services personnel and private citizens of Somerset County who assisted with the aftermath of the crash of United Airlines Flight 93 by Senator Kasunic.

Congratulations of the Senate were extended to Elder Joel Geoffery Doub, Eugene K. Mansdoerfer, Daryl Jenifer, Michael A. Magro, Sherman Bernard Green and to Ali Hackett by Senator Kitchen.

Congratulations of the Senate were extended to Ashley Gabriel, Antoinette Smith, Sammy Smith, Terry Perich, Justine Prutz, Samantha Nelson and to Thomas R. Vayansky by Senator Kukovich.

Congratulations of the Senate were extended to Reverend Samuel Joseph Esposito and to Family Health Council, Inc., by Senator LaValle.

Congratulations of the Senate were extended to Mr. and Mrs. Harry T. Williams, Mr. and Mrs. Theron W. Osborne, Mr. and Mrs. A. Sheldon Glahn, Mr. and Mrs. Wesley Weber, Mr. and Mrs. William E. Streater, Nathan James Black, Robert J. Rice, Jane M. Varcoe, Matthew T. Moser, Peter J. Kohl, Stella Spencer, Allan M. Kluger, Grace Elizabeth Hemmett Webster, James Holdredge, Ralph R. Garriss, David Costanzo, Jonathan Edward Dickison, Judith A. Stark, Anthony C. Falvello, Harry R. Hiscox, Raymond J. Sobota, George A. Spohrer, Offset Paperback Manufacturers, Inc., and to the Lehman Golf Club of Dallas by Senator Lemmond.

Congratulations of the Senate were extended to St. John's Evangelical Lutheran Church of North Versailles, United States Steel, Mon Valley Works, of West Mifflin, Reliance Hose Company No. 2 of Glassport, McKeesport Girls' Softball Team and to the Rachel Carson Homestead Association of Springdale by Senator Logan.

Congratulations of the Senate were extended to Mr. and Mrs. John Sholter, Mr. and Mrs. Robert Fries, Mr. and Mrs. William H. Bower, Mr. and Mrs. Nelson Livermore, Mr. and Mrs. William E. Fritz, Sr., Mr. and Mrs. Maurice E. Edinger, Mr. and Mrs. Richard Donaldson, Mr. and Mrs. Gordon Aikey, Mr. and Mrs. Herbert E. Van Derpoel, Mr. and Mrs. William Steimling, Mr. and Mrs. Joseph G. Sick, Mr. and Mrs. Thomas W. McNutt, Mr. and Mrs. Ettore D'Alena, Mr. and Mrs. Paul Pringle, Mr. and Mrs. Leo Damaska, Beth Kaszuba, Florence Smith, Neva McMurray, Patrick S. Van Sant, Scott Michael Fuller, Andrew

Howard Guttin, Joshua Daniel Petlock, Melanie N. Grassley, Devin Learn, Kyle James McGinnis, Pranay R. Vaddi, Tyler Sullivan and to Construction Specialties, Inc., of Muncy by Senator Madigan.

Congratulations of the Senate were extended to Mr. and Mrs. John Valvano, Mr. and Mrs. Roman Kushner, Mary Zipay Shalkey, Honorable Sandra J. Major, Dr. Jane J. Martin, Candace Carle McGreevy, Barbara Yeaman, Therese Nichols Wise, Kevin Fahey, Robert Marmo, Michael Kapuscinski, William D. Thomas, Patrick J. Rose, Rena Alberigi, Mount Bethel Baptist Church of Clarks Summit, Olyphant Lions Club, Community Central Energy Corporation, Throop Big League Softball Team, St. Michael's Parish and to the Dunmore High School Class of 1939 by Senator Mellow.

Congratulations of the Senate were extended to Mr. and Mrs. Ronald C. Flaig, Greta M. Line Guilday, Richard P. Billman, Jitendra J. Parekh, Agnes Marie Woodward, Lincoln A. Warrell, Blaine E. Wiley, Joseph C. Innerst, Joseph P. Nebistinsky, Frederick W. Nesmith, Brandon R. Keith, Brian Michael Rott, Pennsylvania Chili Cookoff, Keystone Aquatic Club, Cumberland Perry Association for Retarded Citizens and to Citizens Hose Company No. 1 of Dillsburg by Senator Mowery.

Congratulations of the Senate were extended to Mary B. Krill, Sylvia J. Shaffer, Bernadine Filip Sakaduski, Kyle Mark Hovick, Timothy G. Peters, Yolanda Nardone Tancredi, John Wehr, Jr., Holy Family Roman Catholic Church of Sugar Notch and to the Bishop Hoban High School Girls' Swimming and Diving Team's 200-yard Freestyle Relay Team of Wilkes-Barre by Senator Musto.

Congratulations of the Senate were extended to Kent Sauder, Celeste Ball, Paul W. Heisey, Sister Mary Francis Bisland, Sister Theresa Allen, Western Berks Senior Citizens Club Trust and to St. Joseph Regional Health Network of Reading by Senator O'Pake.

Congratulations of the Senate were extended to the Reading and Northern Railroad by Senators O'Pake and Rhoades.

Congratulations of the Senate were extended to Mr. and Mrs. Albert Weckerly, Jr., Mr. and Mrs. Grant Burkert, Mr. and Mrs. George Sefton, Matthew Regis Nebel, Kathryn Lucille Kocher, Abie Abraham, Robert Shaffer, Pat Andrew, Jeff Campbell, Glenn H. Ackerman, Justin Herzing, North Hills Boroughs & Townships Police Association, Shaler Athletic Hall of Fame Class of 2003, Mars Home for Youth and to the Tiger AAU Girls' Basketball Team by Senator Orie.

Congratulations of the Senate were extended to Reverend and Mrs. Walter L. Hafer, Jr., Janet L. Warfield-Warren, Wayne G. Isett, Howard L. Harshaw, Brian K. Foster and to Hoffman Ford of Harrisburg by Senator Piccola.

Congratulations of the Senate were extended to the ARC of Dauphin and Lebanon Counties by Senators Piccola and Brightbill.

Congratulations of the Senate were extended to Mr. and Mrs. John M. Wojcik, Mr. and Mrs. Peter P. Kryszan, Mr. and Mrs. Stanley Wisniewski, Mr. and Mrs. Herbert E. H:son Gullberg, Mary M. Lofland, Irma Leinroth, Anna Harvey Jones, Mabel Schwing, Verna Beulah, Estelle Jarden, Daniel Joseph Wyatt and to Mark Richard Robidoux by Senator Pileggi.

Congratulations of the Senate were extended to Mr. and Mrs. David Elmer Runkle, Sr., Eric R. Harbaugh, Dr. John F. Schwartz, Ronald Dixon and to Craig E. Lady by Senator Punt.

Congratulations of the Senate were extended to Joseph Lewis, Katharine Gibbs School of Norristown, Lower Perkiomen Valley Little League All-Star Team, Normandy Farms Estates of Blue Bell, Methacton Baseball Association 10 and Under Girls' All Star Softball Team, Methacton Baseball Association 9-Year-Old All-Star Little League Team and to the Audubon Recreation Association's 12 & Under All-Star Team by Senator Rafferty.

Congratulations of the Senate were extended to Mr. and Mrs. Donald Dissinger, Mr. and Mrs. James McLaren, Timothy J. Attewell, Brendan J. Lee, Chad A. Hydro, Brandon E. Aucker, Paul D. Martino, Roy R. Paisley, M. Joseph Brady, James R. Doviak, Justin J. Satterwhite, Jeremy J. Butt, Peter Miernicki, Michael S. Lewis, Johnathon Stock, Brian Matthew Yutko, Gregory Tatusko, Cardinal Brennan Junior/Senior High School of Ashland, Company D, Second Battalion, 21st Engineers, Tamaqua Community Ambulance Association, Inc., Tremont Fire Company No. 1, Reading and Northern Railroad of Port Clinton, Shenandoah Little League and to Schuylkill Headwaters Association, Inc., by Senator Rhoades.

Congratulations of the Senate were extended to Thomas J. Sorokach by Senators Rhoades and Musto.

Congratulations of the Senate were extended to Charles R. Terwilliger, Jr., Ashley Weaver, Everett John Wensel, Bill Lynn, F. H. Buhl Club of Sharon and to St. Brigid Church of Meadville by Senator Robbins.

Congratulations of the Senate were extended to Richard Lipsey, Morgan Grala, Kylan Sattler and to the Fraternal Order of Eagles, Aerie No. 540, of Reynoldsville by Senator Scarnati.

Congratulations of the Senate were extended to Booker T. Nichols and to Hazel Bellamy by Senator Schwartz.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph R. Bednarek, Brian Creech, Kevin Lynch, Britanny Purr, Jenn Fabbì, Sylvester M. Johnson, Johnathan Nelson, Michael Remick, Richard Montgomery, Somerton Youth Organization Baseball Team of Philadelphia and to the Malayalee Association of Greater Philadelphia by Senator Stack.

Congratulations of the Senate were extended to Mr. and Mrs. Edward Stickles, Mr. and Mrs. Robert M. Stevenson, Mr. and Mrs. Richard J. Arbes, Mr. and Mrs. Donald S. Mowl, Mr. and Mrs. Charles F. Roberts, Mr. and Mrs. Justin J. Tiano, Mr. and Mrs. Earl Schmoutz, Mr. and Mrs. John E. Ciota, Mr. and Mrs. William McCullough, Mr. and Mrs. Donald H. Group, Mr. and Mrs. James Twigger, Thomas D. Shumaker, Charles Francis Muia and to the Goldschmidt Industrial Chemical Corporation of McDonald by Senator Stout.

Congratulations of the Senate were extended to Elizabeth I. Washington and to Dr. Milagros Ortiz Bosh by Senator Tartaglione.

Congratulations of the Senate were extended to Brian Newbury, Matthew O'Malley, David Ballard Brown, Miriam Clegg, Reverend Phoebe Kitson Davis and to the West Bradford Fire Company by Senator Thompson.

Congratulations of the Senate were extended to Rosemary Adiletto, Harry Startzell, Tee Jay Green, Reverend Melvin Howard, Woodhaven Campus of Holy Family University of

Bensalem and to Building A Better Bensalem Today by Senator Tomlinson.

Congratulations of the Senate were extended to Cynthia Transue by Senators Tomlinson and Conti.

Congratulations of the Senate were extended to Mr. and Mrs. Frank V. Rivella and to Daniel A. Kohut by Senator Wagner.

Congratulations of the Senate were extended to Mr. and Mrs. George Lambe, Mr. and Mrs. Henry Ritter, Jr., Carson Jon Buck, Jeremiah Scott Prince, David Houseal, Paul Schaefer, Matthew Andrew Bahn, David John Tharp II, Patrick Sammon, Eric Charles Pienschke, Philip L. Slusser, Michael McGee, Harley-Davidson Motor Company of York, Caterpillar, Inc., of York and to the United States Army 90th Chemical Mortar Battalion World War II Veterans by Senator Waugh.

Congratulations of the Senate were extended to Ann Grubb and to Charles F. McCarthy III by Senator Wenger.

Congratulations of the Senate were extended to Mr. and Mrs. Donald O. Shirley, Mr. and Mrs. John Obush, Mr. and Mrs. Guy Desiderio, Mr. and Mrs. Edward Stewart, Mr. and Mrs. Lester T. Hooks, Mr. and Mrs. Donald Beatty, Mr. and Mrs. Franklin Baker, Mr. and Mrs. John Fox, Mr. and Mrs. Mark Sherman, Mr. and Mrs. Clair Cravener, Reverend and Mrs. Prewitt Duncan, Mr. and Mrs. Dale W. McCandless, Mr. and Mrs. Carl Trudgen, Mr. and Mrs. Joseph C. Weaver, Mr. and Mrs. Bart Shields and to John Paul Repik by Senator D. White.

Congratulations of the Senate were extended to Mr. and Mrs. Ronald G. Hartzell, Mr. and Mrs. LeRoy Space, Mr. and Mrs. Robert Kerr, Mr. and Mrs. Philip Barrett, Mr. and Mrs. Boyd Carrier, Mr. and Mrs. Paul Jordan, Mr. and Mrs. Archie H. Graham, Mr. and Mrs. Charles Mong, Mr. and Mrs. Ralph Love, Mr. and Mrs. Joseph Griebel, Adam Williams, Craig B. Amos, Elizabeth Gehres, Joshua Thomas Freeman and to the Pennsylvania Canon Envirothon Team by Senator M.J. White.

Congratulations of the Senate were extended to Cassandra Lighbourne-Johnson and to Rachel Rankin by Senator A.H. Williams.

Congratulations of the Senate were extended to Vera Rosen, Caro Rock, R. Jeffrey Robinson II, John S. Anthony and to the Regina Nursing Center of Norristown by Senator C. Williams.

Congratulations of the Senate were extended to Tiffany Abney by Senators C. Williams and Hughes.

Congratulations of the Senate were extended to Mr. and Mrs. Bob Lee, Mr. and Mrs. Anthony Jurgill, Mr. and Mrs. William Laub, Mr. and Mrs. John Gregory, Mr. and Mrs. James Martin, Harold O. Hearn, Jason S. Kleckner, Robert Beahm, David Walsh, Jason C. Strobl, Emma G. Mannix, Helen Stiegler Warker, Vincie Marzuoli, Helen Walker, Cathy M. Cunningham, Brian Robert McKown, Michael J. Farley, Frank Salerno, Jr., Sadie Gioieni, Anna Kelchner, Anna Cicero, Franklin C. Schlegel, Allentown Business School, Last Chance Ranch of Quakertown and to Morici's Pizza and Sub Shop of Easton by Senator Wonderling.

Congratulations of the Senate were extended to Tyler Hazlett, Pearl M. Saucez Hamilton, Debora S. Foster, Matthew R. McVicker, Alma A. Goehrsers and to Mom's House, Inc., of Johnstown by Senator Wozniak.

CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Ellis Bachman by Senator Armstrong.

Condolences of the Senate were extended to the family of the late Phyllis A. Laquatra and to the family of the late Marion M. Huerbin by Senator Orie.

POSTHUMOUS CITATION

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

A posthumous citation honoring the late John Frank Henzes, Sr., was extended to the family by Senator Mellow.

COMMUNICATION FROM THE GOVERNOR

CORRECTION TO NOMINATION REFERRED TO COMMITTEE

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

MEMBER OF THE COUNCIL OF TRUSTEES OF WEST CHESTER UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

July 28, 2003

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

Please note the nomination dated July 9, 2003, for the appointment of Barry Dozor, Esquire, 44 Cambridge Road, Broomall 19008, Delaware County, Twenty-sixth Senatorial District, for reappointment as a member of the Council of Trustees of West Chester 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, should be corrected to read:

The Honorable Barry Dozor, Esquire, 44 Cambridge Road, Broomall 19008, Delaware County, Twenty-sixth Senatorial District, for reappointment as a member of the Council of Trustees of West Chester 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.

BILLS SIGNED

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

SB 201, SB 442 and SB 521.

RECESS

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

Senator BRIGHTBILL. Madam President, I move that the Senate do now recess to the call of the President pro tempore.

The PRESIDENT. Senator Brightbill moves that the Senate do now recess to the call of the President pro tempore.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Madam President, I request a roll-call vote.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Senator MELLOW 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-19

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

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

The PRESIDENT. The Senate stands in recess to the call of the President pro tempore.

AFTER RECESS

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

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, September 9, 2003, at 1:35 p.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate adjourned at 11:59 p.m., Eastern Daylight Saving Time.