

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

MONDAY, SEPTEMBER 29, 2003

SESSION OF 2003 187TH OF THE GENERAL ASSEMBLY

No. 63

**SENATE**

MONDAY, September 29, 2003

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

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

**PRAYER**

The Chaplain, Father WILLIAM FORREY, of St. Margaret Mary Church, Harrisburg, offered the following prayer:

Let us pray.

All merciful and loving God, we gather here before You to offer You praise and thanksgiving for the blessings that flow to us from Your eternal bounty. Open wide for us the door of Your embracing love this day and all days.

In Your divine plan, we find calmness, peace, and concord. Heal what divides us from one another, and bring us back into the unity of love, bearing likeness to Your harmonious nature. Through the embrace of love and the bonds of holy affection, make us one in the spirit by that peace of Yours which makes all things peaceful.

Bless the Senators of this Commonwealth and all those who labor with them, giving to them courage, inspiration, and strength to persevere in their work as public servants. In the deliberations by the elected Members of this Chamber, always seek worthy ideals and justice for those who have no voice or are in need. Pray this day that with Your guidance and direction we can and will foster values of equality, life, and hope for all those who live in Pennsylvania, that by our actions we will serve as a beacon of light and hope to one and to all.

All these things we ask through Your holy name. Amen.

The PRESIDENT. The Chair thanks Father Forrey, who is the guest today of Senator Piccola.

**PLEDGE OF ALLEGIANCE**

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

**JOURNAL APPROVED**

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

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator BRIGHTBILL, and agreed

to by voice vote, further reading was dispensed with and the Journal was approved.

**COMMUNICATIONS FROM THE GOVERNOR**

**NOMINATIONS REFERRED TO COMMITTEE**

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

**MEMBER OF THE STATE REGISTRATION  
BOARD FOR PROFESSIONAL ENGINEERS,  
LAND SURVEYORS AND GEOLOGISTS**

September 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, Robert Ford, P.E., 730 East Railroad Avenue, Bryn Mawr 19010, Delaware County, Seventeenth Senatorial District, for appointment as a member of the State Registration Board for Professional Engineers, Land Surveyors and Geologists, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Albert M. Tantala, Newtown, whose term expired.

EDWARD G. RENDELL  
Governor

**MEMBER OF THE STATE REGISTRATION  
BOARD FOR PROFESSIONAL ENGINEERS,  
LAND SURVEYORS AND GEOLOGISTS**

September 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, David Geoffrey Smith, 1606 Pine Street, Scranton 18510, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the State Registration Board for Professional Engineers, Land Surveyors and Geologists, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Harry F. Schoenagel, Greentown, whose term expired.

EDWARD G. RENDELL  
Governor

MEMBER OF THE YORK COUNTY  
BOARD OF ASSISTANCE

September 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, Stephanie Moore, 40 Red Barberry Drive, Etters 17319, York County, Fifteenth Senatorial District, for appointment as a member of the York County Board of Assistance, to serve until December 31, 2005, and until her successor is appointed and qualified, vice David Hawk, M.D., York, resigned.

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE HARNESS  
RACING COMMISSION

September 29, 2003

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Mark Foley, 3902 Netherfield Avenue, Philadelphia 19129, Philadelphia County, Seventh Senatorial District, for appointment as a member of the State Harness Racing Commission, to serve for a term of three years and until his successor is appointed and qualified, vice George Patterson, Camp Hill, whose term expired.

EDWARD G. RENDELL  
Governor

JUDGE, COURT OF COMMON PLEAS,  
PHILADELPHIA COUNTY

September 29, 2003

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Susan I. Schulman, Esquire, 3337 Queen Lane, Philadelphia 19129, Philadelphia County, Seventh Senatorial District, for appointment as Judge of the Court of Common Pleas of Philadelphia County, to serve until the first Monday of January 2004, vice The Honorable Sheldon C. Jelin, mandatory retirement.

EDWARD G. RENDELL  
Governor

MEMBER OF THE STATE REGISTRATION  
BOARD FOR PROFESSIONAL ENGINEERS,  
LAND SURVEYORS AND GEOLOGISTS

September 29, 2003

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Hiram C. Ribblett, P.E., 149 Wassail

Avenue, Johnstown 15909, Cambria County, Thirty-fifth Senatorial District, for appointment as a member of the State Registration Board for Professional Engineers, Land Surveyors and Geologists, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Edward P. Becker, Bethlehem, whose term expired.

EDWARD G. RENDELL  
Governor

MEMBER OF THE PENNSYLVANIA PUBLIC  
TELEVISION NETWORK COMMISSION

September 29, 2003

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jackie Goodwin, 917 Capitol Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, for appointment of the Pennsylvania Public Television Network Commission, to serve until August 17, 2009, or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Marilyn Abrams, Harrisburg, whose term expired.

EDWARD G. RENDELL  
Governor

MEMBER OF THE CLINTON COUNTY  
BOARD OF ASSISTANCE

September 29, 2003

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Elwood C. Hocker, Jr., (Republican), 26 Irish Lane, Lock Haven 17745, Clinton County, Thirty-fifth Senatorial District, for appointment as a member of the Clinton County Board of Assistance, to serve until December 31, 2005, and until his successor is appointed and qualified, add to complement.

EDWARD G. RENDELL  
Governor

**HOUSE MESSAGE**

**HOUSE BILL FOR CONCURRENCE**

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

September 24, 2003

**HB 865** -- Committee on Banking and Insurance.

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

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session to consider Senate Resolution No. 138 and certain nominations.

**LEGISLATIVE LEAVES**

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

Senator BRIGHTBILL. Madam President, I ask for a legislative leave for Senator Tomlinson, and a temporary Capitol leave for Senator Earll.

The PRESIDENT. Senator Brightbill requests a temporary Capitol leave for Senator Earll, and a legislative leave for Senator Tomlinson.

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

Senator O'PAKE. Madam President, I request a legislative leave for Senator Tartaglione.

The PRESIDENT. Senator O'Pake requests a legislative leave for Senator Tartaglione.

Without objection, the leaves will be granted.

**LEAVES OF ABSENCE**

Senator O'PAKE asked and obtained a leave of absence for Senator KITCHEN, for today's Session, for personal reasons.

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

**SENATE CONCURRENT RESOLUTION**

**RECESS ADJOURNMENT**

Senator BRIGHTBILL offered the following resolution, which was read as follows:

In the Senate, September 29, 2003

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Tuesday, October 14, 2003, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week, it reconvene on Monday, October 6, 2003, unless sooner recalled by the Speaker of the House of Representatives; and be it further

RESOLVED, That when the House of Representatives adjourns the week of October 6th it reconvene on Tuesday, October 14, 2003, unless soon recalled by the Speaker of the House of Representatives.

On the question,  
Will the Senate adopt the resolution?

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

**YEA-47**

Armstrong	Hughes	Orie	Thompson
Boscola	Jubelirer	Piccola	Tomlinson
Brightbill	Kasunic	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

Fumo	Musto	Stout	Wozniak
Greenleaf	O'Pake	Tartaglione	

NAY-0

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

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

**RECESS**

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

Senator BRIGHTBILL. Madam President, I ask for a recess of the Senate for the purpose of a Republican caucus, to be followed by a meeting of the Committee on Appropriations.

The PRESIDENT. Senator Brightbill requests a recess of the Senate for the purpose of a Republican caucus, to be followed by a meeting of the Committee on Appropriations.

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

Senator O'PAKE. Madam President, would the Majority Leader consent to brief interrogation as to when he expects to return.

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

Senator BRIGHTBILL. Madam President, we expect to return at about 5:15 p.m.

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

Senator O'PAKE. Madam President, I ask Democrats to immediately report to our caucus room for a caucus.

The PRESIDENT. Without objection, the Senate stands in recess.

**AFTER RECESS**

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

**HOUSE MESSAGES**

**HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE**

The Clerk of the House of Representatives informed the Senate that the House has adopted the Report of Committee of Conference on SB 8.

**HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to HB 297.

**HOUSE CONCURS IN SENATE BILL**

The Clerk of the House of Representatives returned to the Senate SB 265, with the information the House has passed the same without amendments.

**BILLS SIGNED**

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

**SB 8, SB 265, HB 89, HB 297 and HB 318.**

**BILLS REPORTED FROM COMMITTEE**

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

**SB 297 (Pr. No. 312) (Rereported)**

An Act providing for the licensure of individuals providing sign language interpreting and transliterating services to individuals who are deaf or hard of hearing; and imposing duties on the Office for the Deaf and Hard of Hearing in the Department of Labor and Industry.

**SB 834 (Pr. No. 1014) (Rereported)**

An Act amending the act of December 19, 1974 (P.L.973, No.319), known as the Pennsylvania Farmland and Forest Land Assessment Act of 1974, further providing for roll-back taxes and special circumstances.

**HB 217 (Pr. No. 2680) (Amended) (Rereported)**

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, authorizing school districts to reopen their 2003-2004 budgets; further providing for program of continuing professional education, for school improvement grants and for small district assistance payments; providing for basic education funding for 2002-2003 school year and for special funding provisions for 2002-2003 school year; further providing for payments; and making appropriations.

**EXECUTIVE NOMINATIONS**

**EXECUTIVE SESSION**

Motion was made by Senator ROBBINS,

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

Which was agreed to by voice vote.

**NOMINATIONS TAKEN FROM 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 PENNSYLVANIA  
LABOR RELATIONS BOARD**

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, Dennis Martire, 124 Sandlewood Drive, McDonald 15057, Washington County, Forty-sixth Senatorial District, for reappointment as a member of the Pennsylvania Labor

Relations Board, to serve until June 2, 2009, and until his successor is appointed and qualified.

EDWARD G. RENDELL  
Governor

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

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, Michele Wallace, 507 Dellinger Road, Mount Wolf 17347, York County, Twenty-eighth Senatorial District, for appointment as a member of the State Board of Examiners in Speech-Language and Hearing, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Mary Sheila Coyne, Media, resigned.

EDWARD G. RENDELL  
Governor

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

**LEGISLATIVE LEAVE CANCELLED**

The PRESIDENT. Senator Earll has returned, and her temporary Capitol leave is cancelled.

And the question recurring,  
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	Hughes	Orie	Thompson
Boscola	Jubelirer	Piccola	Tomlinson
Brightbill	Kasunic	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
Fumo	Musto	Stout	Wozniak
Greenleaf	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. 1**

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

**HB 217 (Pr. No. 2680)** -- 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, authorizing school districts to reopen their 2003-2004 budgets; further providing for program of continuing professional education, for school improvement grants and for small district assistance payments; providing for basic education funding for 2002-2003 school year and for special funding provisions for 2002-2003 school year; further providing for payments; and making appropriations.

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 Philadelphia, Senator Fumo.

Senator FUMO. Madam President, what we have before us is a stopgap appropriations bill for some educational spending. For the benefit of the people at home, the citizens of Pennsylvania watching on PCN, I want to explain what this is about. We are doing this today, at least the Republicans are doing this today, because they do not want to sit down and negotiate a real budget, one that has in it true educational reform. They do not want to spend the time it takes that is going to be necessary to take a look at new educational initiatives that have been put forth by a Governor who was elected on that, including such things as all-day kindergarten.

Madam President, there was a recent article in a national publication, I believe it was Newsweek, where they listed 100 of the best schools in America. Not surprising, Pennsylvania was not mentioned. We did not have one school on there. Yet, my Republican colleagues on that side of the aisle want to continue the mediocrity of the last 8 years of Republican rule. Madam President, either we care about our future, we care about our children, or we do not. But to put in place or attempt to put in place a stopgap bill that would fund this only for a couple of months really does nothing but waste our time. I feel bad that people have gone through the trouble in some homes of stopping telemarketers from calling them while they are eating dinner, yet they might be watching this fiasco instead. I suggest to them they would do better with telemarketers.

Madam President, if this bill gets past the Republican-controlled House, that in itself would be a miracle, and as I stated in the committee meeting, I honestly wished that Mr. Perzel and Senator Brightbill would go off somewhere into the sunset and battle this out so we can find out who the top Republican is and then we will take on the winner, but this stalemate between the two of them is getting us nowhere. But in the long

shot that Senator Brightbill prevails over Representative Perzel and this bill gets to the Governor's desk, he will veto it, he will veto it the same way he did the last time you passed a crazy budget that none of us voted for. He told you then that he got elected by the people of Pennsylvania to bring change to this Commonwealth. He told you then that his mandate was to change business as usual and to try to do something for property tax reform, but more important for the education of our children. He got elected on that mandate, and yet it is now almost October and you refuse to get that message, and I know if it was a Republican Governor you would have gotten the message. This is pure partisan politics. It is just an attempt to embarrass him, to stop him so that he does not succeed. But the irony is, because he is fighting for the children of Pennsylvania and not himself, when you stop him, you stop all of our children.

Now, you may think that is pretty neat, you may think it is pretty neat that you are the Majority and you are going to run it your way. Well, at some point in time, your very constituents are going to start to complain to you, I hope. We have heard the outcry. People want this budget crisis solved. I think you have misread our Governor. Because he has reached out an open hand, an olive branch to Republicans, you may think he does not have the courage to stand up for his beliefs. I hope and pray this bill gets to his desk so he can show you that he means business by signing the veto. Unfortunately, it will not because of your own intraparty squabbles.

So, the vote tonight is irrelevant. It will be along party lines. We on this side of the aisle are prepared to vote for a budget when it is a real one. We are prepared to vote for the funding necessary for that budget. We are prepared to move the Commonwealth forward. Now, I know that is kind of a forward-looking thing for a lot of stodgy conservatives, but at some point in time you are going to do it. I am telling you, you are going to do it. We can do it this week, we can do it next week, we can do it after Christmas. Sooner or later, you are going to vote for a budget, the same way I told you back in 1991 that sooner or later you were going to vote for taxes, you did. You will vote for a good budget, sooner or later. I guess it is just not time yet. I guess your school districts have not felt the pressure yet, but you are going to feel that pressure, because this is going nowhere. But I do hope you solve your intraparty fights, and I do hope you let this, and your Speaker in the other Chamber allows this, to get to the Governor's desk so he can veto it that day to show you he means business.

But I urge you and I promise you, we are ready to work. We have been ready all summer. Nothing happened. So now we are ready in the fall. We came back early in September, and those people who watch what happens on this floor watched us diligently and routinely collect our per diems and vote on adjournment resolutions every day. We certainly have served the taxpayers well. We were here early, we collected a lot of per diem money, and did not do a damn thing for the citizens of the Commonwealth, and as we are here tonight, we continue to procrastinate. You know, the last time we had a Republican Governor who I remember doing stopgaps was right before Governor Shapp. We had 18 months of continuous stopgap appropriations because they would not give that Republican, I believe it was Shafer, a budget. Finally, Governor Shapp came in and said right

upfront, no more stopgaps. They sent him the first one, he vetoed it. After that, the legislature got real and decided they had better get a budget, and they did, and from that came the Lottery, from that came so many important programs, from that, for the first time, actually came almost revenue sharing with our school districts to help them with education, and from this Governor will come the same thing, because he is never, ever, ever, signing a stopgap appropriation.

Now, I know Ed Rendell pretty well. I have had my problems with him, he has had his problems with me, but I do know this, he is not stupid, he did not blue-line the first budget so he could come back and sign your silly stopgap. I do not know what you are doing this for, I do not know what political advantage you think you are going to get out of this, but all you are doing, I guess, is collecting another day's per diem, and I guess you ate downstairs for free with the restaurant owners. Unfortunately, I did not make that, so I will go out and get dinner. I just hope we hurry up.

So, Madam President, I urge a "no" vote. I urge Speaker Perzel to pass this in the House and send it to the Governor so he can send you back a veto message that you might understand. Regrettably, I do not think this is getting past the Speaker's desk, because I do not know what politics they play over there, but it is not the same as you play here.

Thank you, Madam President.

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

Senator RHOADES. Madam President, today I offered an amendment in the Senate Committee on Appropriations to pay our schools what we owe them. Madam President, if I sound frustrated, it is only because I am frustrated. Since June this Senate has been trying to get an education budget signed into law. We have not done it yet, but it is not from a lack of trying. In June we passed a basic education budget. In July we passed a basic education budget. Neither have become law, and for me, for the first time in memory, the Commonwealth has missed the basic education subsidy payment to which our school districts are entitled. This is nothing short of shameful. Let there be no mistake, there was one reason for this impasse: The Governor has promised to veto these bills. Thus, the results here in Harrisburg have been stalemate. The results to the school districts have been chaos. We need it to end now, we need it to end now here in the Senate. Let me say, also, that I offered my amendment reluctantly. I would have much preferred to have offered an amendment for the entire school year's worth of basic education funding for our districts. But I regret I cannot do that today, and the reason is because the Governor has already said there is not sufficient funding there and if we, in turn, would have offered that, that would have been an excuse for a veto. I am trying not to provide any excuse for a veto, because all I want to do is drive the money home to the school districts to be used for the kids. I am hoping that this amendment will fare better than that concept.

I do not care about the leverage, I do not care about the politics, and I do not care about winning and losing. I stood up the last time we argued that and took over one of my own colleague's bills that he prime sponsored, and it was here I said it was not equitable, and holding out on this order just to say we have leverage, that is not equitable either. I do not want to see our schools

close, I do not want to see our children put at risk, and if it takes stopgap to accomplish that, that is what I know I must do, and I hope you know that is what you must do.

You say, is this what our schools want? Who can say? I cannot speak for them all. But I did ask them their opinions, I did it last week. I sent a note to each of Pennsylvania's 501 school superintendents and asked them whether they prefer to see immediate passage of an education funding package, or whether they would prefer to wait until the larger policy and tax issues can be resolved. So far, this is from Thursday of last week, I received about 65 responses. The overwhelming majority of those responses said they would like to see school subsidy money now, thank you. And they asked that we continue our debate over what is best for the future of public education without threatening the fiscal health of our school districts.

If I can, I am going to read a few of them for you, and it may take time. I did not get down to the restaurateurs' reception either. I was up here looking at the questions and the comments. I am not going to tell you where the districts are from or what areas. I will give you the counties. The reason I am doing that is I do not want any retaliation on the superintendents. You say that does not happen? Ask me about it later, and I will tell you what happened to me. (*Reading:*)

*Important to pass the basic education budget, reform can wait, Cumberland County.*

*I agree with your premise that the funding issue needs to be resolved now and the policy issues can come later, Montgomery County.*

*It is my personal opinion that the previous plan to support BES at 2.8 and special education at 4.5 should be passed. Then the legislature can use the next 8 months to develop a plan for next year, Butler County.*

*It is critical that legislators take some immediate action with respect to school funding, even if they are having a difficult time establishing what the appropriate funding should be. Does that mean that they cannot approve some type of advancement in lieu of future appropriations? Clarion County.*

*I totally agree with your position. Pass a budget. Debate on the major policy issues can continue this year, and if agreement is reached, it can be implemented next year. It is probably too late to make any meaningful changes for this school year. If the policy debate must continue this year, has anyone considered interim funding, at least at last year's level as a stopgap level. This is from Blair County. They were even interested in saying, give me last year's funding. They have a chance to get even a greater increase, but they will take even last year's.*

*I also agree that releasing the funding for basic and special education funding for charter school payments, for school improvement grants, and for tutoring services should be done now. While I support many of the initiatives of Governor Rendell, I realize that there needs to be money for them. Because I do not want us to be stuck with poorly written legislation, I would prefer that we are not held hostage until the funding source discussion takes place and the legislation is enacted, York County. They want the money.*

*I hope you folks could devise an interest-free stopgap solution for those districts like us who expended excess fund balances to keep taxes down and depend on the State for most of its operational budget because of wealth-basis formula, Warren County.*

*Our school district will need to borrow money in October in order to meet our obligations. Anything you can do is appreciated. School districts cannot operate much beyond October without receiving the next subsidy payment. In response to your question about school subsidy, I agree that some immediate action must be taken, Clarion County again.*

*It would be to our advantage to wait, but we cannot wait any longer, Bradford County.*

*It seems reasonable that a payment that matches the payment from October 2002 could be made to all districts, Lancaster County.*

*Clearly, the students of this Commonwealth deserve better. Basic subsidy and special education subsidy must be paid to the 501 districts, Allegheny County.*

*I believe we need to provide the school district with the funds they need now to operate successfully this school year. Additional initiatives and funding for these initiatives need to be addressed for future approval during the 2003-2004 legislative session, Bucks County.*

*Therefore, I propose you consider starting the subsidy stream and relentlessly pursuing a new formula. That is Northampton County.*

*I feel the legislature and the Governor need to hash out the educational program and set the course for education in Pennsylvania for the future. In the meantime, school districts do need their subsidy payments. In the past, when there was not a budget by July 1, there was enabling legislation passed to provide funding to keep the government operating until the budget was passed. I would suggest this be done for our schools, McKean County.*

*I have from Erie and from other areas, and I also have some that say, no, hold on to it.*

*Our district only receives 23 percent of our annual revenue from State subsidy. Therefore, we, like many other districts, collect a large percentage of our revenue from local taxes during the months of July and August.*

*Perhaps a solution of releasing subsidy to the districts while these negotiations continue is to restore our funding at last year's level without the increases until a solution compromise is found.*

*Maybe what needs to be done is the passage of a temporary subsidy bill that authorizes payment at last year's levels until the current levels are resolved. That is out of Lancaster County.*

And so on and so forth, some saying hold on, the majority saying give us our money now, save us from having to go out and borrow and pay those taxes, save us from having to cut back programs or not pay our bills. That is what the school districts are saying. I stand here not to get leverage, I stand here because our districts need their reimbursements. We do not want to have to go through this. So let me tell you one other thing. They want tax reform, but they want equitable tax reform. They want the mandates, and you know what you can do with the mandates, because that is only adding more to it, and we continue to add that.

The third thing, the No Child Left Behind and the referendums, they do not want that either, because that adds more money on, and folks, I am telling you, the Federal government is as bad as we have been. We do not reimburse at the full level, and that is why our locals have to pay 65 percent of the bill and we are only paying 35 to 38 percent. Then I am going to come back and vote for a tax to add more on for a child in the first year and it only reimburses them 45 percent and taxes them on top of that? Where are they going to get the other 55 percent? From the people we are putting the tax on top of. Sorry, we have problems there.

Tonight we may hear all kinds of arguments why this is a bad idea. Some may say that we have not worked hard enough to compromise. Well, the question is, will I compromise on increasing taxes to fund the Governor's program? No. A few months ago, for the first time in my career, I stood on this floor in support of a tax increase. I voted for an increase in State income tax. I did that in order to provide massive reductions in local property tax, which was equitable to the students and to the taxpayers. I believe in that tax reform plan. I believe it worked for senior citizens, for working Pennsylvanians, and for children who want equitable education funding. It failed. It took a lot for me to vote

for taxes, but I can promise you this: I will not vote for a tax to fund a plan that will not work, and I certainly will not do it just to compromise. Some may say we need to work harder to fund programs that work for our youngest children. Well, I do not care what the research from California, New York, Ohio, or Tennessee may say, a school district cannot start a new program in the middle of the school year. It just does not work that way. Our boys and girls are not widgets. You do not shut down a school program like you do an assembly line, send everybody home, change the machinery with nuts and bolts, then bring it back and start again. You do not do that to boys and girls. When you start in September, you run the program through. You keep improving where you can, and you work during that time when you can.

So tonight the Senate must do its job. We need to cast politics aside. We need to forget about leverage. We need to forget about winning and losing. We need to fund our schools, and I am not going to stop until we do. Is this perfect? No. But it is a start, it is a compromise, and I am offering the first compromise vote for this bill.

Thank you.

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

Senator SCHWARTZ. Madam President, I share a lot of the same concerns as the previous speaker. Senator Rhoades and I have worked very closely on many education issues, and I sometimes think that if he and I were the ones sitting down, we could probably compromise and be voting on a budget tonight for basic education that would be for the whole school year, but that is not what we are faced with. We are being asked to only do a part of our job, and one of the sentiments I share very, very much with the previous speaker is the fact that basic education is our responsibility. We should be funding our schools, but not as status quo, not just doing what we have always done, because it is not good enough, and every one of us here knows it. Certainly, what we should not be doing is saying to our schools that we absolutely cannot figure this out, we cannot negotiate this education budget, and we are not willing to, and the reason this side of the aisle is going to vote "no" is not because we are not concerned for our school districts. Although I will say, Madam President, that we have been reassured by our school districts that most of them will manage. They are not necessarily happy about it, nor should they be, but they can manage financially for a while longer, and we are asking them to do that because we believe that we ought to pass a real education budget that funds our schools for the whole year, because as the previous speaker said, you cannot just start and stop programs, you cannot start them in the middle of the year, and our school districts are telling us they want to know how much money they are going to be getting for the whole year. And while, yes, it might help to have some cash flow coming in, the next payment is due at the end of October, Madam President. We could, in fact, if the other side of the aisle was serious and the other Chamber was serious, sit down and negotiate a real education budget for the whole year before the next payment is due to our school districts, and that is what we should do. That is the responsible thing to do. Being able to just vote and say, you know, I tried to get you some money, and then went home and did not try to really negotiate a full education budget for the year is simply not adequate. It is not meeting our



responsibility to fund education. So we ought to take seriously the Governor's proposal for smart investments in our schools so we can see quality go up. We should demand accountability for those dollars, and we ought to really negotiate a real budget for our school districts. To just pass something that is for a few months that is status quo is not adequate. So, a stopgap budget for education is just that. It is barely meeting the needs of our children, and it is just not enough.

There is no special education funding in this. Really, what this does is help on a cash flow basis to some of our school districts, and again I think some of us would be willing to do that. But what our Governor said is that he is not going to let any school door close, and I think we would say the same. No school door will close if we do not pass this budget today, but our children will not be able to get the kind of quality education that they ought to have unless we get serious about passing an education budget for the whole year so that our school districts can begin to implement full-day kindergarten, if they wish to, or a pre-school program for the first time, if they wish to, or new professional development or tutoring or any of the initiatives that we want to give them the option to do.

The other side of the Chamber has offered some suggestions for the way we might actually be able to formulate an education budget. It is not completely where the Governor wants it to be, but it is a start. At least we are having a conversation. To just actually introduce legislation tonight to put some funding into education that really only lasts, what, another few weeks, is just not enough. We all have to be back here again in a few weeks doing what we really ought to be doing, which is passing a serious education budget that meets the needs of our children, meets the needs of our school districts, is accountable to taxpayers, that gets the job done for this year and begins to build for the future. Madam President, nothing in this budget does that.

Thank you very much.

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

Senator M.J. WHITE. Madam President, the other side of the aisle said that we should spend more time on this issue. Well, we are all willing to spend time. What we are not willing to spend is money we do not have on new poorly fleshed-out educational programs that cannot be put into effect this year anyway. In a spirit of cooperation, since we know that the Governor has an interest in early childhood education, we offered to put money for the first time, State money, into the Federal Head Start program so that the poorest children from the poorest families could have early childhood opportunities, but that was not good enough. We have been told it is all or nothing.

I care about children, I care about their parents, too, and their grandparents, taxpayers who are telling me they do not want their taxes raised for new spending, new programs. This is not a stalemate between Perzel and Brightbill. This is a stalemate between the legislature and the Governor. The Governor pretends to be negotiating, but I think he is really hoping to wait it out until we have a crisis situation where people will be forced to act. Someone needs to tell the Governor that holding your breath until you turn blue is not an effective negotiating technique.

Tom Ridge was elected and had a mandate, too, and he had a platform. When he came in, he told us there were three things he

really wanted and that was what he campaigned on and that was why the voters elected him. He wanted to sell the State Stores, he wanted to break up DER, and he wanted school vouchers. He came in with a Republican legislature, and after 8 years he got one of those three issues. Now that was not politics, that was policy, and that is what this is. It is not politics, it is honest policy differences that need to be negotiated, not ramrodded through by holding K through 12 education hostage. The Governor is not here to tell the legislature what to do. My favorite line from Watergate is that we are not potted plants. We have a role in the policy negotiations as well. I have a mandate, too, and I have the courage to stand up for my beliefs just as he does.

In the Ridge situation, while he did not get everything he wanted or campaigned on, we had many opportunities over the course of his administration to find things we did agree on, and many of those things happened, such as Growing Greener. Many of those things can happen in this administration, too, but not if it continues to take an all-or-nothing approach.

So I hope that this legislature will help our schools and give them the funding they need to stop this uncertainty, to stop being held hostage, and get our education system working again.

Thank you.

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

Senator BOSCOLA. Madam President, once again the same Republicans in the Senate who swear back home that they want to do everything they possibly can to improve our public education system are all windup and no pitch. Three months after the June 30 deadline, Senate Republicans are proud to stand here tonight and offer half a solution. No, let me correct that, it is not even half a solution, it is about 35-percent worth of half a solution. So much for giving Pennsylvania's kids 100 percent commitment to improving the quality of their education.

Madam President, this is a Band-Aid, and it is a pretty small one. By passing this bill, my Republican colleagues want to go back home and say to all those parents who live in all those school districts, do not worry, we voted to fund your schools. We did it, we took care of it, no problem. Well, this pay-as-you-go type of funding for public schools is only putting off the real solution for another month. School districts cannot plan with stopgap measures. We have one, but who knows if there will be another one the next month or the following month. They need predictability, they need to know, and they need to plan. So they are putting off the solution for another month, maybe.

Tonight I want to read a press release, just excerpts of it, that was signed by all of the school superintendents who belong to IU 20. Ten of these superintendents represent schools in my district - Northampton, Monroe, and Lehigh Counties. And I do not think you are going to pull the wool over their eyes by taking one more vote, passing one more bill that will go nowhere, and playing one more game of let us call the Governor's bluff. Here is what my superintendents had to say, and these are quotes.

*(Reading:)*

There has been a delay in the adoption of a basic instructional subsidy appropriation resulting in the failure of the State to make payments to our school districts.

Thus far this year our school districts have received no basic education instructional subsidy payments from the State.



The lack of financial support from the State is forcing us to rely on local resources or to borrow funds.

The continued lack of funding could result in a limitation of services such as restricted busing or the closing of schools.

The wheels of the school bus are not going round and round for much longer. And here is the part that tells it like it is. Quote, "A compromise on the issues should have been achieved by June 30th. The issues need to be decided now."

My superintendents want all of us to set aside our political differences and agree to an adequate, equitable, and predictable school funding system.

Madam President, this bill is not adequate, it is not equitable, it is not predictable. Our children and our taxpayers deserve so much better. They deserve adequate, equitable, predictable school funding, and we will fight for that as Senate Democrats, and I am so proud of my Governor for fighting for that, and they certainly deserve more responsible State government than they are seeing here tonight.

Thank you, Madam President.

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

Senator WONDERLING. Madam President, I rise this evening as the father of three young boys who started public elementary school a few weeks ago. Perhaps I rise momentarily to speak on behalf of some voices whom we have not heard from tonight, the working moms and dads in this Commonwealth who are struggling to make ends meet, who are working hard at one, two, three jobs, 6 and 7 days a week, who care about their kids, who care about the public school system to which they send their kids. No matter how tired they are from a hard day's work, they are reading to their children, they are going over the math, they are investing in their future and in the lives of their children. I do not think their voices are being heard in this debate this evening. All I am hearing about is hollow rhetoric, about gubernatorial mandates and expanded government and programs that, quite frankly, in this country one can argue the last 45 years' investment of billions and billions of dollars have resulted in dubious, at best, mediocre, at best, and clearly, clearly an open book in terms of what our children are achieving.

Folks are working hard in this Commonwealth. So let us talk about the Governor's proposal for what it really is, a \$2 billion expansion of this Commonwealth's State government that ultimately will be on the backs of working men and women, of working moms and dads. I think reasonable people know, serious folks who are engaged in this policy debate understand that there is a time and place to do the prudent and responsible thing, to understand that perhaps there are ideological differences in this debate. If I, for one, were a school board member or administrator or superintendent, or mom or dad, would think that the amendment that we are offering tonight is responsible. We are saying that until we figure out our ideological differences here in this Chamber, we are going to unburden you, we are going to put your mind at ease, we are going to make sure you have the dollars necessary to keep your school running over the course of the next several weeks. Is this the ideal situation that we all want to be in here into the fall of the school year? No, I do not think anybody would agree that we want to be at that point in time, but I have confidence in this body that reasonable minds will prevail.

I have confidence in the people of this Commonwealth that they really understand what is at stake here: The lives of our children, the type of education that they will have, choices in that education, and achieving that type of goal and aspiration with the balance toward folks who are out in our economy struggling to make ends meet; that there will be compromise.

I spent my summer listening to a lot of hardworking moms and dads struggling to make ends meet. High cable bills, high electric bills, just the cost to get by in this day and age is hard. And yes, we are going to ultimately do the right thing for our children, but not at the expense of those folks who are trying to make this economy and their lives and their homes a better place to live.

So, Madam President, I am going to support tonight's amendment. I do not think it is necessarily the most perfect thing we can do, but it is the most responsible thing that a temperate body, a cool-headed body, a body that takes these deliberations seriously as a matter of policy and not politics will be doing on this occasion.

Thank you, Madam President.

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

Senator FERLO. Madam President, I do not believe any of us here today and tonight got elected to vote and approve stopgap measures, be it on the education front or any other aspect governing our lives here in the Commonwealth. I believe very strongly that the gap we need to stop is the political and the policy gap that exists between the Senate Majority and the needs and aspirations of the constituents whom we were elected to serve. This is not only true on the debate on this amendment specifically regarding the education budget and this proposal for a stopgap, but if we are going to talk holistically about the needs and aspirations of our constituents, at least my own, it is not only the issue of the education budget the Governor has proposed, it is really a fundamental view toward the overall needs of our constituents. We should all be clear, because the Governor is very clear and very explicit on this point, that this is not just an issue of the education budget per se. The issue is: What are all the different programs and services and needs of our Commonwealth residents? Nothing in this bill, nothing in this stopgap measure would in any way address fundamentally the issue of property tax reform, and that is a key issue if we want to talk about struggling working folks and parents out there, single heads of households, folks who are trying to make ends meet with the high winter utility bills coming up. It is nice to give a speech about the stopgap education measure, but what we really need to do is look holistically at what the Governor has proposed in his view, and that we not only need funding for education, permanently sustainable funding, but we need to have meaningful property tax reduction not only in my three counties, but in all the counties for property owners across the Commonwealth.

Intrinsic in this struggle that we are engaged in right now, this might be the focal point, the stopgap measure on the floor right now, but have we forgotten the fact that they are tied together in all the other spending and revenue enhancement issues that are before us? Somehow in the last few months we seem to have forgotten, I have not, at least, and my constituents have not forgotten, the fact that we have some serious Draconian cuts that

have really cut into the quality of life of working people throughout the Commonwealth, not just in my constituencies, from public funding of Port Authority Transits across the Commonwealth and Action Transit, and various programs that provide transportation services to those most in need. We see the decimation of programs at the county level, such as the Human Services Development Fund. We see no significant commitment to restore the available medical assistance money that we receive, badly needed drug and alcohol assistance money. We hear speeches that have been made in the past that we are all going to support sewage treatment money, over \$50 million that is badly needed by many of the smaller communities that we represent. I think both sides of the aisle have made eloquent speeches about library cutbacks and how that is not the route we want to go, and I think the majority of residents across the Commonwealth, and certainly a majority have spoken in the Senate and the House, that we want to see slots. Now, you can argue about whether it is an existing racetrack or whether it is my own proposal to see some livelihood go to the city of Pittsburgh proper with a slots-only parlor, but intrinsic in that discussion is funding that is needed for the overall property tax reduction plan the Governor has proposed.

So it is hard to look at this measure tonight and not want to look holistically at all the issues that are confronting the Honorable Members of this State Senate, and it is wrong, it is wrong to approve, in a half-baked way, any notion of some limited stopgap measure that this point is really going to be for the next 30 days.

I ask and call attention to Governor Rendell's own letter, because he eloquently states very clearly to the Senate here today, and I would like to quote, this is from the Governor in his letter today to our Senate leader, Senator Mellow: *(Reading)*

Throughout the course of the summer months, I have expressed my willingness to compromise on the scale and timing of my education proposals. Our collective staffs have worked progressively toward legislation that will provide meaningful and targeted investments to schools that, by any standard, need to improve.

Since my last letter to you, dated July 28th, the case for a complete school funding package has been strengthened over and over again.

That's why I am so troubled to learn that the Senate majority appears to want to ignore the facts, in favor of political expediency for themselves, over meaningful progress for our schools. This cannot stand.

Therefore, I will veto HB 217, in the event that it reaches my desk in the form as amended this evening.

And he goes on to applaud the leadership and the courage of the Caucus. The fact of the matter is, what is this masochistic exercise all about? If it is going to end up in a veto, what are we wasting our time for? This is not what we have been elected to do here. As far as I am concerned, the best thing that this State legislature can do, especially the Senate, is not take our darn paycheck until we get a budget that fully represents the needs and aspirations of the residents, not only on the education front, let us resolve the slots issue, let us resolve the badly needed restoration of funding to programs that working people badly need across the Commonwealth. So, if we want to get serious, let us not take our darn paycheck until we produce some results. We do not deserve our pay, and the constituents whom I represent deserve a lot better from this illustrious Senate.

I just want to close that as far as I am concerned, because of Governor Rendell's leadership, and I have seen him stop all over the State, I never saw a man with so much energy and so much ability to go night and day like the Energizer Bunny. He goes nonstop on all kinds of fronts, talking not only about the needs for education reform, and not talking about throwing money at problems. He is talking about making Pennsylvania number one when it relates to public education and quality education. We are going to get what we pay for. Let us make a commitment to advance our educational protocol in this State. But because of Governor Rendell's leadership, I believe we stand at the precipice of progress toward the acceptance and implementation of a new set of principles to truly advance quality public education in Pennsylvania. We cannot do this without being bold, standing up, taking a vote, and looking holistically at this budget. What we do not need is a stopgap measure. We need permanent, sustainable, principle funding from this legislature.

Thank you, Madam President.

The PRESIDENT. The Chair recognizes the gentleman from Blair, Senator Jubelirer.

The PRESIDENT pro tempore. Madam President, I have listened with interest to this debate, as I have listened to it over these many months. The issue is really not very complicated. The issue is: Is it the will of the General Assembly to provide Governor Rendell's plan with significant new funding which must be paid for by significant new taxes? That is what it is all about. Can we afford to do that? Senator Ferlo says that we must be bold. Being bold means that we would have to embrace new spending and new taxes. Madam President, there are 47 States that are in a deficit position in this fiscal year. Only one, Pennsylvania, has proposed significant new spending and significant new taxes to pay for them.

Madam President, I spend a lot of time in my district, as I am sure every other Member of this body does. In my district, we have lost significant jobs, manufacturing jobs, basically, as recently as the last few weeks when SKF, a ball bearing company which has been a part of our community for many, many years, decided to pull out because their business could not maintain four plants, and they had to close one. They had two in Pennsylvania, but they picked our plant because it was the most marketable.

Madam President, I think when winter hits, I suspect that the people of this Commonwealth are going to rise up when they see what their heating bills are going to be with the natural gas industry nearly doubling the rates of what people have paid in the past. Madam President, my district signed petitions. They were to come up to a PUC hearing, they were told what time to be there to testify on the natural gas issue. Lo and behold, the PUC held that hearing before they got here and changed the time without telling anybody. They are pretty angry out there, Madam President. They are certainly angry in my district, and when I travel across the Commonwealth, I hear much the same thing. Their insurance rates have gone up, their water bills have gone up. In my district, it is almost a rite of the month to raise your cable bills, an unregulated industry. They are hurting. Many of them are out of jobs. So we have a choice here. Do we provide new programs for our school districts, which will cost significantly more, and pay for them with significant new taxes? Do the school districts even want these programs? As I have sampled my school

districts, they tell me, obviously, if the State is going to pay for the whole thing forever, well, that is a different story. Most of them already have full-day kindergartens, and frankly, those that do not, do not have the classroom space and are not able to afford the extra teachers. They tell me that if the State is not going to pay for them, then, frankly, they do not see it as the significant cure-all that the Governor does.

Madam President, it is an unfunded mandate when you have to have new classrooms and new teachers. When people are hurting out there, Madam President, they are not asking me to raise their taxes. I have traveled around, I have gone to groups, I have talked about the Governor's initiative, and I have yet to find a group that says, overwhelmingly, a group of real people, of senior citizens, of people who are working families, people who are trying to make ends meet just to get by, and with all that they are going to have to do, whether it be with their gas bills or their prescription bills or their water bills or their cable bills, or whenever it is, they have had enough. And 1982 was probably the toughest year that I have ever seen. It was a tough year for me. It was a tough reelection year for me. Twenty percent of my district was unemployed, one out of every five was unemployed, and people did not care who was in office, they just voted "no." The Governor of Pennsylvania then, Dick Thornburgh, won by a much smaller margin than he was expected to. It was a year when people were angry, and I have not seen anything like that until now. People are angry out there. They do not know where to turn their anger, but we as elected officials are the first people they look at, whether it be on a Federal level or on a State level, or even on a local level. They are angry, they are hurting, they want a job, and they want to be able to pay their bills, utility bills, taxes, and be able to see their kids get a good education, and they feel that they do not want to pay any additional taxes.

Certainly, in my district, for the most part, and I speak only for my district, but I suspect it is others, they are getting a pretty darn good education. Pennsylvania has been extremely generous. We have not cut education, we have not flat-funded education, as many, many States this fiscal year have done. Many States have cut education funding. They have flat-funded education funding. We proposed an increase, whether it be in special education, or transportation, or in basic education. We have increased education, so to suggest that we are not providing, not providing the fuel for education, is incorrect, and any suggestion of that is absolutely wrong.

Is there a mandate for Governor Rendell's proposals? I think his proposals certainly merit a look-see, and certainly Representative Sam Smith, the Majority Leader of the House, provided a potential for a look-see, a pilot program to see if we would not have to spend that much money. Madam President, I have respect, admiration, and, frankly, a friendship with the Governor. It is not on a political basis that I make these remarks, it is on a philosophical basis. I do not believe that Pennsylvanians want to pay more taxes right now. I do not think they can afford to pay more taxes right now. I think they have had it. I think they have had it up to their necks, and I do not think there is any mandate for anything, any more than there is a mandate because there is a Republican House and a Republican Senate or that Governor Rendell won an election. He won 18 counties out of 67. I do not think that is a mandate for anything. The only mandate is that we

try to work together and be sensitive to the needs and the concerns of the people of this great Commonwealth. Would we like to have more? Sure. We would like to have a lot of things, but we have to be able to afford them.

I read many months ago in one of this Commonwealth's major newspapers an editorial that referred to a couple coming in to look for a car, and they had a certain budget to buy a car. But they looked at this one car, and when they opened the hood they found that there were many other things under the hood and many other amenities in that car that were really, really pretty nice. And the editorial writer said that those people would buy that car and they would spend more money, even if they had to borrow more money. I respectfully disagree, vehemently, with that editorial. People, real people, buy what they can afford to buy. Real people certainly want a good education for their children, it is the number one thing. But these two particular reforms, as the Governor put it, the people of this State have not been sold that this is exactly what they want and they are willing to pay for it. There are no models out there. There certainly are stories, there are reports, but there are no specifics out there, and they are not ready to open up their pocketbooks, which have been hit time and time again, as I said, by every utility, every possible insurance company, utility company, whatever it may be, to pay for something more. Maybe in time we can phase something in, maybe in time we can do that. It is very difficult to negotiate when you are told, by the way through the media, because that is how most negotiations have taken place, that the Governor has drawn a line in the sand, he will not negotiate on his early education proposals. It is pretty doggone hard to do that when the Governor draws that line in the sand.

Madam President, we have done what we feel is the responsible thing to do. We will provide tonight in this body the resources by which the schools can operate at least on a stopgap basis, and hopefully soon on an all-year basis. We will do that. And if it passes the House of Representatives and if the Governor chooses, as Senator Fumo says, to veto that piece of legislation, then the Governor needs to explain to the people of Pennsylvania what is wrong with this bill, what is wrong with this funding. Is it because it does not contain two new reforms that are going to cost more taxes that he should veto the bill? Should he veto the resource by which these school districts can move on and we can talk about this now? If we pass this bill tonight, we could not implement it this year at all. It is impossible to implement it this year. Why would we not be doing what we have to do now? This is exactly what we are trying to do. I am disappointed. I had hoped that perhaps we could pass this as a full Senate and not as a partisan bill but, unfortunately, it has become that way and I understand it, but I regret it. This is a responsible piece of legislation. I think Senator Rhoades has explained it better than I could possibly do.

Madam President, the time has come for us to be able to move on, at least for the time being, so that the school districts do not have to go out and borrow money, do not have to fear what is going to happen the next day. We have provided this. To hold everything hostage for these two new programs, I say, Madam President, that is not what leadership is all about. What leadership is about is not drawing lines in the sand. What leadership is about is working together to provide our school districts with

money. We have given them an increase, and let them move on while we have an opportunity to discuss it further as we move into next year's budget. We are practically into next year's budget. The revenues are coming in at a better rate. The predictions are far rosier for next year than they were this year, and perhaps we can do something that will accommodate what the Governor is trying to do.

Madam President, I think the time is now to move on, pass this legislation. I hope that the House of Representatives will do the same, and as Governor Rendell takes up his pen that he will think very, very sincerely, as I know he will. I know him to be an honest, hardworking man who would want to do what is right. I believe that as he thinks this through, I hope that he will not use his veto pen. I hope, Madam President, that he will sign this legislation in, and we can move on and continue our talks in the future. I certainly hope that we can support this piece of legislation.

Thank you.

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

Senator C. WILLIAMS. Madam President, we received today, I think all of us did, a letter from the Secretary of Education. A few weeks ago the Department of Education released the preliminary listing showing what kind of progress our schools have done, the yearly progress, according to the Pennsylvania Department of Education, in response to and directed by the No Child Left Behind Federal mandate. This year fewer than 35 percent of the students in our schools are proficient in math, and fewer than 45 percent are proficient in reading. That is one out of every five schools. Next year, in 2004-05, our plan requires that 54 percent of the students in every school be proficient in reading, and at least 45 percent of the students be proficient in math.

Madam President, investing in our students I believe is the greatest investment that we can make as a people and as a Commonwealth, and it is one of the most important responsibilities that we have. I disagree that it is too late to do something this year to make a systematic change in how we are funding our schools. It is correct, this year we may not be able to implement full-day kindergarten. Contracts have been signed and the schools are in session, but the school districts will know if we come to an agreement and substantially change the way we look at funding our education and providing strong education especially in the early years, where research has shown that when children have the proper education in early childhood, they are ready to go to school. When children have full-day kindergarten, they absorb their knowledge like sponges. When they get to first grade, second grade, third grade, they know how to read, they know how to do their numbers, they have class sizes that are manageable. We do not have class sizes that are manageable. Thirty percent of Pennsylvania elementary students are in classes of 24 or more students per teacher. Another 31 percent of our elementary school classes have between 21 and 23 students per teacher.

Madam President, this is not the time for stopgap measures, this is the time to make true educational reform.

Thank you.

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

Senator FUMO. Madam President, just in summation, because I believe it was Senator Jubelirer who said that he hoped the Governor would not veto this bill, the last paragraph of his letter to Senator Mellow as of today is: "Therefore, I will veto HB 217, in the event that it reaches my desk," which I doubt, "in the form as amended this evening. I applaud your leadership," meaning our leadership, "and the courage of your Caucus," our Caucus, "as you stand strong for the future of this Commonwealth."

Madam President, I do not know what the Senators do not understand about that. It is going to be vetoed. I heard a lot of bellyaching tonight. I heard people upset about the PUC cancelling a hearing. I agree, you ought to throw those Republicans out over there. It is all Republican controlled. We just got our first member, and I am sure he was not there when they made that major screw-up, but they are your guys. I hear complaints about cable rates. What do you want to do about cable rates? Let us go. Do you want to regulate them? Come on. I hear complaints about prescriptions. We on this side of the aisle have been trying to do something about prescription drugs for senior citizens for 3 years. All of a sudden, it is a problem tonight. I hear complaints about the working men and women of this great Commonwealth who are struggling with two jobs, three jobs, 6 hours, 8 hours. But I hear those comments from people who refuse to vote for slot machines at tracks so that those same working people can get their real estate taxes cut in half. But we are really worried about those people.

I heard a lot of stuff tonight. I heard frustration that we passed an educational subsidy in March, and then again in June, and then again in July. We told you in the beginning this was not the way to do it, but you did not want to listen. Hardheads. Italians call them Calabrese, from that area of Italy, and I am going to tell you again the answer here, and if it is a philosophical issue, it may very well be, then the philosophical issue is that you refuse to accept that for the first time in just about a decade, there is someone in the executive branch and in the executive mansion who has a vision for the children of Pennsylvania and who is going to do his damnest to see that it gets fulfilled. He is going to grab you by the throat, kicking and screaming, into the 21st century, and force you to take care of those kids. Now you may not want to do it tonight, this may not be the night, but you are going to do it, and in all the letters that he sent, and in all the comments to the media, he has been the first one, over my objection, to be more than willing to compromise on his goals. I think he ought to stand fast and demand all of it, but he has been willing to compromise, and it has not been negotiation through the media.

There have been numerous, numerous attempts by the executive branch to try to negotiate with the Republican leadership of this Senate and the Republican leadership in the House, all to be rebuffed. So let us not bellyache about having to read in the paper what the Governor said. The leaders of your Caucus know what the Governor has been saying to them, and he has held out that olive branch. Do not push him too far. Tonight is fun. We have not had this much fun in a while. Maybe we have earned our keep tonight.

But you know, a lot of the complaints that I heard tonight about working men and women being frustrated and hurt seem more directed at the Republican leadership in Washington. It is

your President who wants to spend \$87 billion in Iraq, but we do not want to spend \$2 billion in Pennsylvania educating our kids. It is your President who got the economy so screwed up, more and more people are out of work than they ever were, but you do not want to help the children of Pennsylvania so they can get a good education and get a good job, despite a President in Washington who is lost in the crowd. SKF moved out. Gee, I wonder why? Under your last 8 years, you gave back \$300 billion in taxes to those fatcat corporations. I am really shocked that you did not get a damn thing back for it. We argued, if you are going to give them back the money, make sure you get some jobs for it but, no, Tom Ridge and you, right along there in lockstep, gave it all back for free. Do not come and complain to me now that some fatcat corporation is moving out of the State after everything you did. My God, how could that happen?

If you want to do something--when you want to do something; I should not say "if," because sooner or later you are going to do it--when you want to do something about education, when you want to do something to reduce real estate taxes for the constituents of all Pennsylvania, give us a call. We are here. We are ready. We are willing, we are able.

You know, you say this is not partisanship tonight. Nobody on that side of the aisle told us one word of this amendment before you popped it on us. Did you call us up and say, look, we do not want to do everything Ed Rendell wants to do. Let us be reasonable and work something out here. Let us try to get something done. No, you sprung this thing at the last minute, this is what we are doing. And you tell me that is not partisan? At least tell us what you are planning. Maybe we will have some input. Maybe we will draft an amendment. Maybe we will agree with you, and if we agree with you, you might have the votes to override a veto if you are so afraid of the big, bad Governor in the mansion. But you do not want to accomplish a damn thing. What you want to do is sit around here and bellyache all night, and hope and pray that editorial writers will not beat you up as hard next week as they have in the past. The dumb ones will not. The smart ones will.

So we will wait and see what happens. But in the meantime, it is now September 29, we do not have a budget, we will not have one next week, we will not have one the week after. We might not even have one by Christmas. In fact, I think it is your objective to make sure that we do not have one at least until the Governor gives his next Budget Message, in an attempt to embarrass him. That is where I think you are going. But if you really want to be nonpartisan, if you really want to stop the rhetoric, if you really want to do something productive, believe me, I know Ed Rendell, I will call him now and have him over here in 15 minutes flat to cut a deal. You do not want to do that. You do not want to do a damn thing except try to embarrass him. So we will go through with this fiasco, we will see you tomorrow, maybe we will be here Wednesday, we will see you next week, in the meantime you are wasting your time tonight.

Thank you, Madam President.

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

Senator RHOADES. Madam President, I just want to finish up. This is one of the notes I found here, too, that probably can summarize tonight more than anything else. It says: *(Reading)*

Thanks for soliciting our input. Sound decisionmaking requires that policy and philosophy drive budget decisions. This is not just a theory, but a principle that I adhere to for the development of our annual budget. To stress the point to our board, our first two budget discussions included no numbers. We discussed program evaluation, effectiveness, and desired outcomes--I have not seen any of those--along with results of personnel analysis. You fund what you believe in, simple but true at my level, and believe the same should apply at your level. However, I know the glitch at your level is finding the common ground the majority believes in.

That being said, I will respond to your direct question. As much as I would like to say send the money ASAP, I must be honest with you and say that because of our cash flow at this time of year, with receipt of local taxes, we are not being hampered by the delay. Yes, we could invest the money, but even that is not critical given the low interest rates. I would like to see you continue to hammer away at the major policy issues a bit longer. The absence of a budget subsidy could serve to add a sense of urgency which is sorely needed.

If you anticipate no major policy changes, approve the subsidy and let us go on with it. But if full-day kindergarten is going to be a mandated, State-funded program for all, that important policy decision needs more honest and valid research. It is not a magic bullet for all students. A little longitudinal research will prove that. I am fortunate to be in an upper middle-class district with a solid tax base and above average gene pool. We can and have improved student achievement with other specific well-targeted programs in grades K to 3. I am sympathetic to urban and/or low income situations where full-day kindergarten can make an immediate impact, but do not force it on all students in all districts. It would not be educationally or fiscally effective, regardless of the rhetoric of the Secretary and Governor.

You did not ask for all this, sorry, it is meant to demonstrate the importance of good research on policy decisions before funding and mandating programs on a statewide basis.

Finally, please leave room for local decisionmaking and assessment of unique district needs in any policy decisions. Good luck.

The thing I say, here is an educator in the trenches who says let us do some research with it, let us do some longitudinal studies. The other thing I will remind everyone of is before you make your decision, do not think about the Governor, do not think about us, do not think about the House, do not think about anything else, think of the school districts, because they have to pay their bills, too. They need the money to pay them. It is as simple as that. We give them the money, they pay their bills, we continue on.

Thank you, Madam President.

And the question recurring,  
Shall the bill pass finally?

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

YEA-27

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

NAY-20

Boscola	Kasunic	Musto	Tartaglione
Costa	Kukovich	O'Pake	Wagner
Ferlo	LaValle	Schwartz	Williams, Anthony H.

Fumo	Logan	Stack	Williams, Constance
Hughes	Mellow	Stout	Wozniak

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.

### CALENDAR

#### BILL WHICH HOUSE HAS NONCONCURRED IN SENATE AMENDMENTS

#### BILL OVER IN ORDER

**HB 564** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

#### THIRD CONSIDERATION CALENDAR

#### NONPREFERRED APPROPRIATION BILLS LAID ON THE TABLE

**HB 1374 (Pr. No. 2332)** -- The Senate proceeded to consideration of the bill, entitled:

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.

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

**HB 1375 (Pr. No. 2327)** -- The Senate proceeded to consideration of the bill, entitled:

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.

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

**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.

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

**HB 1377 (Pr. No. 2329)** -- The Senate proceeded to consideration of the bill, entitled:

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.

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

**HB 1378 (Pr. No. 2223)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

**HB 1379 (Pr. No. 2331)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

**HB 1380 (Pr. No. 2224)** -- The Senate proceeded to consideration of the bill, entitled:

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.



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

**HB 1381 (Pr. No. 2225)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

**HB 1382 (Pr. No. 2226)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

**HB 1383 (Pr. No. 2227)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

**HB 1384 (Pr. No. 2228)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

**HB 1385 (Pr. No. 2229)** -- The Senate proceeded to consideration of the bill, entitled:

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.

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

**HB 1386 (Pr. No. 2230)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

**HB 1387 (Pr. No. 2231)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

**HB 1388 (Pr. No. 1716)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

**HB 1389 (Pr. No. 1717)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

**HB 1390 (Pr. No. 1718)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

**HB 1391 (Pr. No. 1719)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

**HB 1392 (Pr. No. 1720)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

**HB 1393 (Pr. No. 1721)** -- The Senate proceeded to consideration of the bill, entitled:

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

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



**HB 1394 (Pr. No. 1722)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

**HB 1395 (Pr. No. 1723)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

**HB 1396 (Pr. No. 1724)** -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Beacon Lodge Camp.

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

**HB 1397 (Pr. No. 1725)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

**HB 1398 (Pr. No. 1726)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

**HB 1399 (Pr. No. 1727)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

**HB 1401 (Pr. No. 1728)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

**HB 1402 (Pr. No. 1729)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

**HB 1403 (Pr. No. 1730)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

**HB 1404 (Pr. No. 1731)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

**HB 1405 (Pr. No. 1732)** -- The Senate proceeded to consideration of the bill, entitled:

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

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

#### BILLS OVER IN ORDER

**HB 77, SB 677, HB 1018 and HB 1580** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

#### SECOND CONSIDERATION CALENDAR

#### BILLS OVER IN ORDER

**SB 689 and SB 690** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

#### BILLS REREFERRED

**SB 769 (Pr. No. 1169)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for immunization against the influenza virus for elderly persons.

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

**SB 815 (Pr. No. 1170)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921, providing for policyholder collateral, for deductible reimbursements and for other policyholder obligations.

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

#### BILLS OVER IN ORDER

**SB 892 and HB 1426** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

#### SENATE RESOLUTION No. 114, ADOPTED

Senator BRIGHTBILL, without objection, called up from page 8 of the Calendar, **Senate Resolution No. 114**, entitled:

A Resolution designating the month of October 2003 as "Planning Great Communities Month" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

#### UNFINISHED BUSINESS CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Jeffrey Christianson by Senator Conti.

Congratulations of the Senate were extended to Sheryl Lee Ralph by Senator Hughes.

Congratulations of the Senate were extended to Jane Landon Carey by Senator Madigan.

Congratulations of the Senate were extended to Raymond S. Angeli and to Saint Stanislaus Roman Catholic Church of Old Forge by Senator Mellow.

Congratulations of the Senate were extended to Linda Price, Brian Martin, Ruby Baker, Kathleen Kramer, Dr. William Cowden and to David L. Allen by Senator Mowery.

Congratulations of the Senate were extended to Gerry L. Dotter by Senator Rhoades.

Congratulations of the Senate were extended to James Offner by Senator Stack.

Congratulations of the Senate were extended to Kenneth Martin, Jr., by Senator Thompson.

Congratulations of the Senate were extended to the Jefferson Sportsmen's Association by Senator Waugh.

Congratulations of the Senate were extended to the Union National Community Bank of Mount Joy by Senator Wenger.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph Lydic, Mr. and Mrs. William Betsa, Joshua Paul Repik and to Richard Ware by Senator D. White.

Congratulations of the Senate were extended to Dr. Iseli Krauss, Linda A. Greenfield, Pete Vuckovich, Diane Logan Wells, Charles P. Leach, Jr., and to Frank P. DeFina by Senator M.J. White.

Congratulations of the Senate were extended to Jim Mears by Senators M.J. White and C. Williams.

#### CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late Timothy B. Bielawa by Senator Mowery.

#### 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 Stephen J. Stabinger was extended to the family by Senator Brightbill.

#### PETITIONS AND REMONSTRANCES

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

Senator BOSCOLA. Madam President, I spent last Sunday standing at a toll booth for several hours, and I did enjoy every minute of it. I had the pleasure of standing at a toll booth next to Governor Ed Rendell and Governor James McGreevey of New Jersey as they made a very important announcement. The two governors announced that the tolls on the seven bridges operated by the Delaware River Joint Toll Bridge Commission will soon be rolled back and reduced. In fact, the vote took place today at the scheduled commission meeting. It was a public meeting.

Madam President, this is a great victory for commuters and local truckers in my district. Last November, the Toll Bridge Commission increased tolls to the point where they went far beyond just being an inconvenience for commuters. In fact, some of the tolls were increased by up to 400 percent. These higher tolls forced some small businesses to think twice about moving out of Pennsylvania to avoid these costs. When the higher tolls went into effect, I immediately called on then Governor-elect Rendell to replace every single commissioner who voted to raise those tolls, and to his credit, the Governor fired all five of them in February. He replaced them with a dedicated group of individuals who have worked closely with me every step of the way to make sure these tolls were lowered, and I am pleased that we have finally rolled back these tolls.

These toll adjustments will provide some relief to commuters and commercial truckers and small business men and women who travel these bridges every single day. But there is more that must be done to improve the operation of the Toll Bridge Commission for the long term. The Toll Bridge Commission must be more accountable to Pennsylvania commuters. The commission must streamline its operations and control its spending, and most

importantly, the commission must take whatever steps are necessary today to prevent further toll increases tomorrow and in the foreseeable future.

I have heard a lot of reports about patterns of abuse after abuse after abuse and perks and junkets that went on under the previous Governor. Governor Rendell put an end to the gift giving and trips to France and Ireland when he appointed our new commissioners. But for the past 8 years, questionable spending has gone unaccounted for because Pennsylvania's Auditor General and New Jersey's State Auditor did not have the authority to examine the commission's books. The higher tolls have been rolled back, but Pennsylvania commuters and truckers still deserve to know how their tolls are really being spent. I have introduced legislation that would bring our statute into conformity with New Jersey statute and give our Auditor General the authority to audit the commission's books every single year.

Today I would like to enter into the record a recent letter that I received from Auditor General Bob Casey endorsing this bill and calling for its passage. This legislation has been long overdue for 7 years now. I hope we can work together, Democrats and Republicans, to take this next step and do what is right for the people we represent. And if it would make it easier for Senate Republicans to pass this bill, I would be happy, more than happy to work with any Republican colleague, have the bill redrafted to Senate Bill No. 914, give it to a Republican so he could be the prime sponsor. This is how important this legislation is to the Auditor General, to myself, to New Jersey commissioners who want this passed, so I am welcoming the support of any colleague who would like to introduce this bill on any side of the aisle to eventually get it passed.

Thank you, Madam President.

*(The following letter was made a part of the record at the request of the gentlewoman from Northampton, Senator BOSCOLA:)*

Commonwealth of Pennsylvania  
Office of the Auditor General  
Harrisburg, PA 17120-0018

September 12, 2003

The Honorable Edward G. Rendell  
Governor  
Commonwealth of Pennsylvania  
225 Main Capitol Building  
Harrisburg, Pennsylvania 17120

Dear Governor Rendell:

I was pleased to read recent news reports that you and New Jersey Governor James E. McGreevey are acting to compel the Delaware River Joint Toll Bridge Commission to roll back its planned toll hike on bridges that join our two states. Your leadership will help to prevent economic hardship on business owners and commuters and to relieve unnecessary traffic congestion in local communities.

In addition to rolling back the toll increase to address concerns in the short term, the Commonwealth must improve its fiscal and operational oversight of the Commission to prevent serious problems in the long term. Unfortunately, due to legal technicalities, the Commission has not been subject to any governmental audit or review for more than a decade, even though such audits are required by law.

While there are statutory requirements that the Commission be audited, inconsistencies between the laws of Pennsylvania and New

Jersey have made it impossible for either our Department or the New Jersey Office of State Auditor to conduct an audit. Specifically, Act 99, passed by the Pennsylvania General Assembly in 1996, requires the Commission to submit to a *biennial performance audit* conducted by the Auditor General of Pennsylvania and the State Auditor of New Jersey, whereas the New Jersey law, enacted in 1994, calls for an *annual financial and management audit*.

Six years ago, I sent the attached letter to the leaders of the House and Senate, in which I detailed how our communications with the New Jersey Auditor led to the conclusion that the General Assembly must pass corrective legislation before any auditing can commence. Unfortunately, the General Assembly has not yet acted to address the inconsistency.

I have no doubt that you will agree that the Commission, like all public agencies, should be subject to strict fiscal and operational oversight. As more people question the rationale for a toll hike, the need for an independent audit by a governmental auditing body has become even more critical. The taxpayers of Pennsylvania, as well as the businesses affected by the Commission's decisions, deserve to know how Commission funds are being spent and how its operations are being conducted.

We have recently been in contact with Senator Lisa Boscola and Representative Robert Freeman, both of who have introduced legislation to resolve the inconsistencies between the states' laws and allow for auditing to commence. I respectfully ask you to join me in urging the General Assembly to make passage of this legislation a priority.

If you or your staff have any questions on this matter, please feel free to contact me or James M. Darby, Chief Counsel of our Department. Thank you for your continued efforts to bring economic relief to taxpayers, business owners, and commuters.

Sincerely,

Robert P. Casey, Jr.  
Auditor General

## 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:

September 29, 2003

Senators SCHWARTZ, COSTA, C. WILLIAMS, EARLL, KASUNIC, MELLOW, M. WHITE, O'PAKE, STACK, STOUT, TARTAGLIONE, WOZNIAK and BOSCOLA presented to the Chair **SB 905**, 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 the tax credit scholarship program.

Which was committed to the Committee on FINANCE, September 29, 2003.

Senator BOSCOLA presented to the Chair **SB 914**, entitled:

An Act amending the act of June 25, 1931 (P.L.1352, No.332), referred to as the Delaware River Joint Toll Bridge Compact, further providing for powers and duties and for audits.

Which was committed to the Committee on TRANSPORTATION, September 29, 2003.

Senators TARTAGLIONE, D. WHITE, SCHWARTZ, TOMLINSON, KITCHEN, WAGNER, STOUT, MUSTO, LAVALLE, LOGAN, LEMMOND, PILEGGI, COSTA, RAFFERTY, C. WILLIAMS, KASUNIC, STACK, BOSCOLA, O'PAKE, RHOADES, WOZNIAK, HUGHES, FERLO,

KUKOVICH, CONTI, MOWERY, A. WILLIAMS, MELLOW, ORIE, PICCOLA, FUMO and DENT presented to the Chair **SB 922**, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, providing for custodial care facilities.

Which was committed to the Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, September 29, 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:

September 29, 2003

Senators ORIE, LEMMOND, ERICKSON, KUKOVICH, TARTAGLIONE, LOGAN, WAGNER, STACK, DENT, MOWERY, WAUGH, COSTA, M. WHITE, WOZNIAK, TOMLINSON, RAFFERTY and WONDERLING presented to the Chair **SR 141**, entitled:

A Resolution memorializing Congress to substitute two requirements concerning State Senior pharmacy reimbursement programs in its prescription drug legislation.

Which was committed to the Committee on AGING AND YOUTH, September 29, 2003.

**ANNOUNCEMENTS BY THE SECRETARY**

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, SEPTEMBER 30, 2003

9:45 A.M.	STATE GOVERNMENT (to rerefer the nomination of William R. Lloyd as Small Business Advocate; and to consider House Bill No. 696)	Rules Com. Conf. Rm.
10:00 A.M.	VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (to consider Senate Bill No. 922; Senate Resolutions No. 81, 105 and 124; and an informational briefing on Pennsylvania's Statewide emergency preparedness initiatives)	Room 461 Main Capitol
11:30 A.M.	JUDICIARY (to consider Senate Bills No. 41, 93, 735 and 903; and House Bills No. 485, 709, 786, 1189 and 1222)	Room 8E-B East Wing
12:00 Noon	LAW AND JUSTICE (to consider Senate Bill No. 877; and any other business that may come before the Committee)	Rules Com. Conf. Room
12:30 P.M.	TRANSPORTATION (to consider Senate Bills No. 860, 895 and 913; Senate Resolution No. 150; and House Bill No. 1549)	Room 461 Main Capitol
Off the Floor	APPROPRIATIONS (to consider House Bills No. 44 and 1133)	Rules Com. Conf. Rm.

Off the Floor EDUCATION (to consider Senate Bill No. 83; House Bill No. 538; and any other business that may come before the Committee) Rules Com. Conf. Rm.

Off the Floor RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bill No. 80; Senate Resolution No. 138; and certain executive nominations) Rules Com. Conf. Rm.

WEDNESDAY, OCTOBER 1, 2003

9:30 A.M. SENATE AGRICULTURE AND RURAL AFFAIRS and HOUSE AGRICULTURE AND RURAL AFFAIRS (joint informational meeting to discuss the recent Bureau of Farm Show Performance Audit) Hearing Rm. 1, North Office Bldg

WEDNESDAY, OCTOBER 15, 2003

10:00 A.M. AGING AND YOUTH (to consider House Bill No. 888; and any other business that may come before the Committee) Room 8E-A East Wing

TUESDAY, OCTOBER 21, 2003

10:00 A.M. VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS (informational briefing on Pennsylvania's Statewide emergency preparedness initiatives) Room 461 Main Capitol

THURSDAY, OCTOBER 30, 2003

10:30 A.M. LAW AND JUSTICE (public hearing on Senate Bill No. 290; and any other business that may come before the Committee) Council Cranberry Twp., 2525 Rochester Rd. Cranberry Township

THURSDAY, NOVEMBER 13, 2003

10:00 A.M. LABOR AND INDUSTRY (public hearing on the loss of manufacturing jobs in PA) DuBois

**ADJOURNMENT**

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

Senator BRIGHTBILL. Madam President, I move that the Senate do now adjourn until Tuesday, September 30, 2003, at 1 p.m., Eastern Daylight Saving Time.

The motion was agreed to by voice vote.

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