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SESSION OF 2004 188TH OF THE GENERAL ASSEMBLY

No. 8

SENATE

WEDNESDAY, February 4, 2004

The Senate met at 11 a.m., Eastern Standard Time.

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

PRAYER

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

Let us pray.

Dear Heavenly Father, You have said that without a vision, the people perish. You have gathered here in this Chamber leaders, men and women of great vision, to address the affairs of the people of the Commonwealth of Pennsylvania. By Your spirit, grant them inspiration and guidance. Among the many voices that will seek their attention this day, may they always discern Your call, hear Your voice, and move according to that which brings glory and honor to Your name. Amen.

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 February 3, 2004.

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.

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

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

Senator WENGER. Madam President, it is a great pleasure for me to introduce to you today a group of outstanding young men who possess the determination, the commitment, and the athleticism necessary to be true champions. The Manheim Central High School Football Team, under the guidance of coach Mike Williams, was able to capture the 2003 PIAA Class AAA State Football Championship in a most dramatic fashion. For those of you

who saw the game, you can feel honored, because it was a tremendous game. I do not know if you will ever witness a more dramatic and well-played game by both teams involved. It was really exciting.

Manheim Central High School has a rich history as one of the Commonwealth's football powerhouses. However, for many years, the Barons fell one or two games short of the ultimate prize, but not this year. As I said earlier, in dramatic fashion, Manheim Central continued the tradition of football supremacy by bringing home the State title this year.

At this time, I want to congratulate the Barons for their outstanding undefeated season of 15-0, and for their 39-38 victory over Pine-Richland in the middle of a snowstorm in double overtime in the final game of the State championship. I know that your coaches, your parents, and your community are very proud of your accomplishments, and so am I. I also want to recognize the superintendent of Manheim Central, Dr. Carol Saylor, who is here today accompanying this great team. Congratulations to you, Dr. Saylor, to the coach, and to all of the players. We in Lancaster County are all very proud of you, as I am sure the Pennsylvania Senate is, and so I am pleased to present to you the Manheim Central Barons, PIAA Class AAA State Champions.

The PRESIDENT. Will the Manheim Central PIAA Class AAA Champions and the superintendent and all of you please stand so we can give you a warm welcome.

(Applause.)

LEGISLATIVE LEAVES

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

Senator BRIGHTBILL. Madam President, I ask for legislative leaves for Senator Greenleaf, Senator Punt, Senator Mary Jo White, and Senator Scarnati.

The PRESIDENT. Senator Brightbill requests legislative leaves for Senator Greenleaf, Senator Punt, Senator Mary Jo White, and Senator Scarnati. Without objection, the leaves will be granted.

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

Senator O'PAKE. Madam President, I request legislative leaves for Senator Logan, Senator Schwartz, Senator Stout, and Senator Tartaglione.

The PRESIDENT. Senator O'Pake requests legislative leaves for Senator Logan, Senator Stout, Senator Schwartz, and Senator Tartaglione. Without objection, the leaves will be granted.

PERMISSION TO ADDRESS

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

Senator GORDNER. Madam President, if I could just go back to a previous moment, I represent the area that has the Berwick Bulldogs Football Team in it, and in our Berwick Bulldog history, probably two or three of the greatest games that we have ever played were against Manheim Central. They are games that we will always remember, and just on behalf of a great area that has Berwick, Mount Carmel, and Southern, I want to also extend my congratulations to Manheim Central for probably one of the greatest football games that I have ever seen on TV. I watched it several times in replays on PCN. Manheim Central had a great team, had a great game, so I just want to say, on behalf of the Berwick Bulldogs, congratulations to Manheim Central on a great State championship.

(Applause.)

HOUSE MESSAGE

**HOUSE AMENDS WEEKLY
ADJOURNMENT RESOLUTION**

SENATE CONCURS IN HOUSE AMENDMENT

The Clerk of the House of Representatives presented an extract from the Journal of the House for concurrence, which was read as follows:

In the House of Representatives, February 3, 2004

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, February 9, 2004, unless sooner recalled by the Speaker of the House.

On the question,

Will the Senate concur in the amendment to the Senate Concurrent Resolution?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the House amendment to the weekly adjournment resolution.

On the question,

Will the Senate agree to the motion?

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

YEA-50

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

Gordner	Musto	Stout
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 inform the House of Representatives accordingly.

BILL SIGNED

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

SB 748.

BILL REPORTED FROM COMMITTEE

Senator PILEGGI, from the Committee on Game and Fisheries, reported the following bill:

HB 2004 (Pr. No. 2798)

An Act amending the compact contained in the act of June 5, 1937 (P.L.1664, No.348), entitled "An act to ratify and adopt a compact or agreement negotiated by commissioners designated by the Governor of the Commonwealth of Pennsylvania, and commissioners designated by the Governor of the State of Ohio, relative to the development, use, and control of the Pymatuning Lake and the State owned land surrounding said lake for fishing, hunting, recreational, and park purposes," changing provisions relating to the operation of motor boats.

CALENDAR

THIRD CONSIDERATION CALENDAR

**BILL REREPORTED FROM COMMITTEE AS
AMENDED OVER IN ORDER**

HB 1423 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILLS OVER IN ORDER

HB 514 and **HB 709** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 1012 (Pr. No. 1378) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for submission of a question to the electorate authorizing incurring indebtedness for water and wastewater treatment projects.

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

On the question,
Shall the bill pass finally?

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

YEA-50

Armstrong	Hughes	Orie	Thompson
Boscola	Jubelirer	Piccola	Tomlinson
Brightbill	Kasunic	Pileggi	Wagner
Conti	Kitchen	Pippy	Waugh
Corman	Kukovich	Punt	Wenger
Costa	LaValle	Rafferty	White, Donald
Dent	Lemmond	Rhoades	White, Mary Jo
Earll	Logan	Robbins	Williams, Anthony H.
Erickson	Madigan	Scarnati	Williams, Constance
Ferlo	Mellow	Schwartz	Wonderling
Fumo	Mowery	Stack	Wozniak
Gordner	Musto	Stout	
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 Secretary of the Senate present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

HB 1206, HB 1654 and HB 1927 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL AMENDED

HB 2027 (Pr. No. 2704) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 24, 1945 (P.L.991, No.385), known as the Urban Redevelopment Law, further providing for appointment and qualifications of members of authority.

On the question,

Will the Senate agree to the bill on third consideration?

Senator O'PAKE, on behalf of Senator MELLOW, offered the following amendment No. A0210:

Amend Sec. 1 (Sec. 5), page 2, line 6, by inserting after "who": except in the case of cities of the third class.

Amend Sec. 1 (Sec. 5), page 2, line 9, by striking out "AND, IN" and inserting: In

Amend Sec. 1 (Sec. 5), page 2, lines 10 and 11, by striking out all of said lines and inserting: city of the third class, a majority of the members of the Authority shall be residents of the city and the remainder may be

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS
AMENDED OVER IN ORDER

SB 769 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILLS OVER IN ORDER

SB 305, SB 815, SB 922, SB 938, SB 966, SB 969 and HB 1130 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

SENATE CONCURRENT RESOLUTION
No. 98, CALLED UP

Senator BRIGHTBILL, without objection, called up from page 3 of the Calendar, **Senate Concurrent Resolution No. 98.**

RESOLUTION ON CONCURRENCE IN
HOUSE AMENDMENTS AS AMENDED

SR 98 (Pr. No. 1377) -- The Senate proceeded to consideration of the resolution entitled:

A Concurrent Resolution urging the Congress of the United States to increase the annual Federal capitalization grant to the Clean Water State Revolving Fund and expand eligibility to it to better address the tremendous needs across the United States and the Commonwealth of Pennsylvania.

On the question,

Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Concurrent Resolution No. 98?

Senator BRIGHTBILL. Madam President, I move that the Senate do concur in the amendments made by the House, as amended by the Senate, to Senate Concurrent Resolution No. 98.

On the question,

Will the Senate agree to the motion?

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

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

UNFINISHED BUSINESS
SENATE RESOLUTIONS ADOPTED

Senators PICCOLA, RHOADES, ROBBINS, FERLO, KUKOVICH, MADIGAN, BRIGHTBILL, LOGAN, COSTA, MOWERY, CORMAN, GORDNER, WENGER, ORIE THOMPSON, DENT, ARMSTRONG, WAGNER, TARTAGLIONE, O'PAKE, KASUNIC, CONTI, ERICKSON, D. WHITE, TOMLINSON, LEMMOND, WAUGH, PUNT, M. WHITE, GREENLEAF, SCHWARTZ and RAFFERTY, by unanimous consent, offered **Senate Resolution No. 196**, entitled:

A Resolution designating the week of February 9 through 15, 2004, as "Career and Technical Education Week" in Pennsylvania.

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

Senators PICCOLA, WENGER, CONTI, BRIGHTBILL, ORIE, MADIGAN, EARLL, ERICKSON, PILEGGI, CORMAN, COSTA, GREENLEAF, GORDNER, MOWERY, DENT, ARMSTRONG, TOMLINSON, RHOADES, LEMMOND, WAUGH, WONDERLING, PUNT, D. WHITE, M. WHITE, ROBBINS, SCHWARTZ, SCARNATI, RAFFERTY and THOMPSON, by unanimous consent, offered **Senate Resolution No. 197**, entitled:

A Resolution recognizing February 6, 2004, as "Ronald Reagan Day" in Pennsylvania.

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

Senators C. WILLIAMS, MELLOW, STOUT, KITCHEN, BRIGHTBILL, COSTA, WAGNER, ERICKSON, KASUNIC, SCHWARTZ, GORDNER, RAFFERTY, MOWERY, ORIE, LOGAN, TOMLINSON, ARMSTRONG, PUNT, MUSTO, WAUGH, WONDERLING, KUKOVICH, LEMMOND, LaVALLE, STACK and THOMPSON, by unanimous consent, offered **Senate Resolution No. 198**, entitled:

A Resolution designating the week of February 8 through 14, 2004, as "National Child Passenger Safety Week" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator C. WILLIAMS. Madam President, today I ask for your support for a resolution declaring February 8 through 14 as National Child Passenger Safety Week in Pennsylvania. In 2003, Pennsylvania took an important step toward protecting our youngest passengers by enacting legislation that would require children between the ages of 4 and 7 to be seated in approved booster seats. Research by the National Highway Transportation and Safety Administration shows that for a child between the ages of 4 and 8, use of a belt positioning booster seat reduces a child's risk of being killed in a crash by 54 percent, compared to only a 48-percent risk reduction using adult belts alone in the back seat.

Two types of booster seats are available. Belt positioning booster seats use the lap shoulder belts and are used to raise the child so the lap shoulder belt fits properly. This protects the child's upper body and the head. Shield boosters are used by children weighing less than 40 pounds. However, they are best protected in a seat with a harness. If a child weighs more than 40 pounds, the shield may be removed and the seat can be used with a lap and shoulder belt.

There is a great deal of information that parents ought to know about properly purchasing and using booster seats. This is why it is so important that we draw attention to this issue through observances like National Child Passenger Safety Week, as well

as through ongoing education and outreach, but there is still more to do to protect Pennsylvania's children. I have introduced legislation, Senate Bill No. 313, that improves upon the clear and consistent message we sent last year with the new booster seat law. My bill would require children under 10 to ride in the rear seat of a passenger vehicle as long as a rear seat is available. Now, we know if you have air bags in the front, children under 8 years or 80 pounds cannot sit in the front seat anyway. But I appreciate the support today of the resolution for child passenger safety.

As a legislature, we need to continue our efforts to reduce the number of children killed in vehicle crashes. Pennsylvania's children are its most vulnerable citizens, and our job is to protect them.

Thank you, Madam President.

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

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

Senator C. WILLIAMS, by unanimous consent, offered **Senate Resolution No. 199**, entitled:

A Resolution recognizing the 18th annual National Girls and Women in Sports Day on February 4, 2004.

On the question,
Will the Senate adopt the resolution?

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

Senator C. WILLIAMS. Madam President, from tennis, golf, swimming, figure skating, volleyball, softball, gymnastics, basketball, and football, women are making their mark in the world of sports. Not so very long ago, most sports were thought to be for boys only. Today, thanks to increased opportunity in Title IX, our young girls can strive to achieve their athletic potential, using the same talents as their male counterparts. Women are no longer on the sidelines, they are making their mark on the field.

Today, we recognize and celebrate women in every kind of sport through a resolution declaring National Girls and Women in Sports Day. This event has been celebrated since Congress chartered it in 1986 in all 50 States. The National Girls and Women in Sports Coalition, which consists of Girl Scouts, Girls Incorporated, the National Association of Girls and Women in Sports, the Women's Sports Foundation, and the YWCA, jointly organize it. The first observance was organized for a member of the Olympic Volleyball Team, Flo Hyman, for her athletic achievement and her work to assure equality in women's sports. Flo died in 1986 of Marfan's Syndrome after winning a silver medal in the 1984 Olympic Games. Today, this observance represents a significant day for women in sports and allows us to continue to educate the public and highlight the talents that women contribute to the sporting world.

Thank you for your support of this resolution and for voting for equality and fairness for all women.

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

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

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 Jeylan Erman by Senator Boscola.

Congratulations of the Senate were extended to John R. Mier by Senator Conti.

Congratulations of the Senate were extended to Mr. and Mrs. Fred Hammer and to Eric John Nordberg by Senator Corman.

Congratulations of the Senate were extended to Christopher M. Prilla by Senator Costa.

Congratulations of the Senate were extended to Anne and Fred Jandl and to David and Patricia Hoffman by Senator Dent and others.

Congratulations of the Senate were extended to James Zaenger by Senator Ferlo.

Congratulations of the Senate were extended to James Francis D'Amico by Senator Gordner.

Congratulations of the Senate were extended to the Berean Institute of Philadelphia by Senator Kitchen.

Congratulations of the Senate were extended to Michael P. Yakich by Senator LaValle.

Congratulations of the Senate were extended to the Kingston Senior Citizens Center by Senator Lemmond.

Congratulations of the Senate were extended to Mr. and Mrs. William Ashton and to Charles D. Flack, Jr., by Senators Lemmond and Musto.

Congratulations of the Senate were extended to Dr. Martin Votruba, Cecilia Sarocky, Ralph Imbrogno, John H. Goodish, George F. Matta II, Matthew Hellein and to the Brother's Brother Foundation by Senator Logan.

Congratulations of the Senate were extended to Mr. and Mrs. Carl F. Clemens, Sr., Mr. and Mrs. Paul Bachman, Mr. and Mrs. Carl L. Harris, Mr. and Mrs. Gerald Phillips and to Brian Blessing by Senator Madigan.

Congratulations of the Senate were extended to Christopher Mazzino and to the Arc of Lackawanna County by Senator Mel-low.

Congratulations of the Senate were extended to Mr. and Mrs. John Schaffer by Senator Mowery.

Congratulations of the Senate were extended to James Clair, Charles Fleischer, Tiffany Carroll, Donald R. Dorsch and to Pittsburgh Working Hearts Coalition by Senator Orie.

Congratulations of the Senate were extended to Kari L. Andren by Senator Piccola.

Congratulations of the Senate were extended to Bambina Giammarco and to Florence Jackson by Senator Pileggi.

Congratulations of the Senate were extended to Anthony P. Kotula, Adam J. Pernick and to the Northern Lehigh High School Varsity Football Team of Slatington by Senator Rhoades.

Congratulations of the Senate were extended to The Eastern Pennsylvania District of the Polish American Congress by Senator Stack.

Congratulations of the Senate were extended to Mr. and Mrs. Russell Chuey, Joseph A. Barnett, Beatrice Meredith and to Julia Zaperich Nestor Golit by Senator Stout.

Congratulations of the Senate were extended to Ben Di Obilda by Senator Thompson.

Congratulations of the Senate were extended to Robert M. Frappier, Joseph T. Coughlin, Gerald M. Kearney and to the Levittown Lions Club by Senator Tomlinson.

Congratulations of the Senate were extended to Dr. John Dooley, Paul D. Hare, Sr., Wayne Barnhart, Ted L. Clousher, Kenneth R. Clousher, Noah Myers, Rachel H. Adams and to Thomas Scott by Senator Waugh.

Congratulations of the Senate were extended to Mark L. Edmiston and to Terry J. Cramer by Senator D. White.

Congratulations of the Senate were extended to Gregory Patrick Cain by Senator M.J. White.

Congratulations of the Senate were extended to Mr. and Mrs. Franklin B. Snyder, Jessica Walter and to Melissa Paris by Senator Wonderling.

Congratulations of the Senate were extended to Bruce Haselrig by Senator Wozniak.

CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Hattie Smyler by Senator Hughes.

Condolences of the Senate were extended to the family of the late Gertrude Swagler, to the family of the late Edward H. Locher, to the family of the late Dr. Joseph E. Micucci, to the family of the late Arthur F. Tucke and to the family of the late Mary A. Riegner by Senator Orie.

BILL ON FIRST CONSIDERATION

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

The motion was agreed to.

The bill was as follows:

HB 2004.

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

PETITIONS AND REMONSTRANCES

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

Senator FERLO. Madam President, I will try to keep it brief, not only for my colleagues in the Senate, but especially my colleagues from the Allegheny County delegation, the southwestern Pennsylvania delegation, but I hope that my words will travel back to the illustrious members of the Pittsburgh Post-Gazette editorial board, an editorial board that knows no boundary when it comes to intellectual dishonesty, and I am reporting and responding specifically to an editorial in the Pittsburgh

Post-Gazette yesterday entitled, "Editorial: Long-arm tactic/When state legislators meddle in city taxes." It is basically blasting me for having introduced into the State Senate and to my colleagues a proposed measure that would roll back and put a specific cap on the city's parking tax, a parking tax that is the highest in the nation, that in the past and most recently has been as high as 31 percent, and an action of the Pittsburgh City Council, together with our mayor, raised that 31 percent to a 50-percent parking tax. This has had a devastating impact, and it will have a devastating impact on the livability and the viability of the city of Pittsburgh. It directly attacks the viability and any hope for building retail and any plan that would hopefully emerge on the revitalization of the downtown city of Pittsburgh. It is a frontal attack on the viability of major department stores that continue to exist in Pittsburgh that are making their best effort to remain profitable and open. They are a vital part of our city, and certainly the downtown corridor, as well as smaller retailers in the neighborhoods that are located throughout the city of Pittsburgh, some 88 neighborhoods. The parking policy and the parking tax in particular is vital to determining that viability.

It is certainly armed robbery for every employee, whether they are a city resident or noncity resident, who would come into the city. You can imagine, and just basic math alone would suggest that an increase to 50 percent will be passed along to employees who have to work in the city 8, 10, 12 hours a day. We are talking about a minimum of maybe \$120 to \$250 per year additional expenditures for those folks. Again, it will have a devastating impact on restaurants and taverns that at this point are struggling to remain viable and want to maintain some level playing field with noncity taverns and restaurants. Many of our downtown restaurants, and I am sure many of these restaurants are familiar to many of my colleagues who visit our city, and I will not mention specific names, but many of them have valet parking and pay upwards of \$5,000, \$6,000, \$7,000 a year in order to make parking available for their patrons. You can imagine what a significant increase that would be in an annual debt service for those restaurants.

For every reason that I mentioned, and a lot more that I do not have time to talk about, it is a devastating tax and will have a devastating impact. Now, to take that bill and my measure proposed to the Senate, to roll it back to 31 percent and actually give it a cap, one of the few taxing authorities the city of Pittsburgh has in enabling legislation that emanates from the State legislature is the parking tax, but it never had a specific cap. Most other taxing authorities given to the city and other local municipalities throughout the State by the legislature have always had a direct, specific cap or some implied amount of money that could or could not be collected. The exception is the city's current parking tax. But when the Post-Gazette Editorial Board talks about State legislators--

The PRESIDENT. Will the gentleman yield one moment. The Senate will come to order.

Please continue.

Senator FERLO. Madam President, my colleagues need to resolve a lot of issues on the floor today, and I respect the fact that they need to talk and I do not mind talking over them or even the Post-Gazette editorial board in this case for their actions in this editorial. But I think it is outrageous for the Post-Gazette to

single out this tax and isolate it from a comprehensive proposal that I submitted to the Senate to begin to be an ally and friend and to assist the city of Pittsburgh in its struggling budget deficit, and that is why I am so resentful of the inaccuracy of this editorial. The fact of the matter is I introduced legislation to roll back the parking tax of 31 percent for the reasons I have stated and to cap it, but it is part of five or six other pieces of legislation I have also submitted to the Senate and the legislature dealing with the city of Pittsburgh's problems. I know later today the Committee on Appropriations, thanks to the work of Senator Orie, Senator Wagner, Representative Stevenson in the House, and others, working with Governor Rendell, will come back and fashion a compromise bill growing out of the aftermath of the veto of Senate Bill No. 940, but we are still a long way off in getting to the heart of the city's financial dilemma.

I will not recount all the past inappropriate actions of our illustrious mayor and failed decisions on his part in terms of how we got into this problem in the first place, but the fact of the matter is, I do believe that the city does need meaningful reform of its tax structure. But the Post-Gazette, and again, I hate it when they basically engage in such dishonest conduct in print, specifically talks about legislators not getting involved and meddling in city taxes. Well, what is everything that the Post-Gazette has attempted to ask us to do? They keep coming back to the State legislature, come back to us for meaningful tax reform, tax proposals, new taxes, change of taxes. I do not understand why on one hand I am not allowed to have an opinion or introduce legislation on the parking tax, and then not be expected to have an opinion on all the other host of revenues and taxes that the administration, the city of Pittsburgh, and council are purporting to support to this legislature. It is completely contradictory.

I specifically point to the Post-Gazette's endorsement of what they refer to as the Hillman-Roderick package, a series of measures developed in a bipartisan fashion, "remains the best and most balanced way for Pittsburgh to recover its financial footing." Well, that is just a bunch of crock. The fact of the matter is the Hillman-Roderick package, and I especially want to address my Republican colleagues, would heap and create yet another new tax for many of our struggling businesses in the city of Pittsburgh that have, for years, already been paying the Business Privilege and Mercantile Tax. I am not going to vote to create a new for-profit employer head tax on top of two existing business taxes that those in the city of Pittsburgh are paying. My legislation would create a tax for the companies in the form of a for-profit employee head tax, but there has to be a corresponding decrease in the tax credit for those who are currently paying the Business Privilege and Mercantile Tax. That is the only way that is fair and will at least meet some political muster here in the Senate, I believe.

So, it is not the best plan that is on the table. It is destructive, unfair, unbalanced, and it is not going to receive support from myself nor any of us from the Allegheny County Democratic Caucus. We are not going to support that, and they need to go back and do their homework. I have submitted other legislation that would give the city some serious revenue. I strongly believe that we need to raise and change the so-called occupation tax. I support a \$52, a dollar a week, fee. I propose that that legislation not be referred to in the future as the occupation tax, but I am

gesting that it be viewed as an employee municipal services fee. I just want it to be paid fairly and equitably by everybody in Allegheny County. I am tired of this suburban-urban fight that has been accentuated and made even more harsh with the actions of our mayor and city council of late. We do not need that kind of derision and division in the city and Allegheny County. We need to build support among noncity of Pittsburgh residents. When Pittsburgh grows, the region grows; when the region grows, Pittsburgh grows. We are in this battle together. I think most people who work in the city of Pittsburgh but do not live in the city of Pittsburgh appreciate the fact that they have a job, and I think that we could win them over and I think that they think it is fair that they pay a reasonable amount of money for basic core services of police, fire, emergency medical, and public works. They do not want to pay for all of the other activities of the Murphy administration, but I do believe they will be willing to pay that. I am only asking that we do it across the board, because I have many communities throughout my three counties in the 38th district that would also appreciate consideration and a raise of the occupation tax. I have also introduced other legislation which I will not get into fully, but I am the only one to date to actually introduce legislation, and I am thinking ahead within the unions of police and fire, and I am suggesting that no matter what money we raise, if we do not reform Act 111 binding arbitration, then we are going to be back in these Chambers, and the city of Pittsburgh will be back in a financial pickle a few years from now. I have received no support from the intellectually dishonest group of editorialists at the Pittsburgh-Post Gazette. So, if they would like to have a meeting with me or a public debate on KQV or KDK radio or WQED, which they control, I welcome the opportunity to speak to them and to the public directly.

So, I look forward many times in the future to speaking directly at this podium as it relates to the dishonest Post-Gazette.

Thank you.

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

Senator HUGHES. Madam President, I have two issues, and I will do my best to be brief to allow the process to move forward. First of all, this is National Black HIV/AIDS Awareness Week all around the country, and it is my hope as we raise the public conversation about this dreadful disease, this epidemic that exists in too many communities across this State and across this country, that we use this time period, working in a bipartisan fashion, working with the administration, to come up with some increased attention and some specific public policies and funding to address this particular scourge that exists all across this Commonwealth and across the country. In minority communities and African-American communities, the disease is rising at an epidemic rate, and we, as a General Assembly and as the leaders of public policy, leaders of this Commonwealth, must take aggressive action to stem the tide and decimate the expansion. You would think, after almost 20 years or so of public conversation about this disease, that we would have it under control, but unfortunately, that is not the case, and I think in the context of this particular week, I wanted to speak on that particular issue.

On a lighter note, Madam President, I am not going to ask my colleagues to stand up and sing, but today is my mother's birthday.

(Applause.)

She is not here, we do not have a resolution for her or anything like that, but I just wanted to say, and I am going to get a copy of this tape and make sure she has it, this is a young lady who has accumulated over 350 vacation days and over 240 sick days in her 35 years or so of working in Philadelphia. She has worked in a level of service and commitment for our children in Philadelphia and accumulated that much time. It is a testimony to her, it is a statement about what work ethic is really about, and we salute her, I salute her, and I love her passionately. She is a special woman, and she has no idea I am doing this, but I just felt like I wanted to do this. We just congratulated Ronald Reagan on his birthday, and I thought we could congratulate my mother on her birthday, too.

The PRESIDENT. We all send congratulations.

(Applause.)

RECESS

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

Senator BRIGHTBILL. Madam President, I request a recess of the Senate. The Members of the Committee on Appropriations will be needed as soon as we receive some bills from the House that they are currently dealing with. We do not plan to have any additional roll-call votes on the floor, so the floor action will be limited to the report of the Committee on Appropriations and perhaps moving a bill or two up on the Calendar with a Supplemental Calendar.

For the Members of the Committee on Appropriations, I ask them to remain available for a meeting, but there will be no further roll calls for today. Since we are waiting for the House of Representatives, I do not know how long the recess will be.

Thank you.

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

AFTER RECESS

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

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

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

February 4, 2004

HB 2006 and HB 2332 -- Committee on Appropriations.

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 500**.

BILL SIGNED

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

HB 500.**BILLS REPORTED FROM COMMITTEE**

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

HB 2006 (Pr. No. 3291)

An Act providing for intergovernmental cooperation in cities of the second class; establishing an intergovernmental authority; providing for financing, for bankruptcy and for sovereign immunity; and making an appropriation.

HB 2332 (Pr. No. 3288)

An Act providing for submission of a question to the electorate authorizing incurring indebtedness for water and wastewater treatment projects.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

HB 2006 and HB 2332.

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

ADJOURNMENT

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

Senator BRIGHTBILL. Madam President, I move that the Senate do now adjourn until Monday, February 9, 2004, at 2 p.m., Eastern Standard Time.

The motion was agreed to by voice vote.

The Senate adjourned at 4:27 p.m., Eastern Standard Time.