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SESSION OF 2007 191ST OF THE GENERAL ASSEMBLY

No. 57

SENATE

MONDAY, July 9, 2007

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

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

PRAYER

The Chaplain, Reverend DAVID SCHREFFLER, Pastor of Christ's Lutheran Church, Duncannon, offered the following prayer:

Let us pray.

Lord God, maker of all that is, we pause to acknowledge that You are God and we are but servants. You have continually led Your people through trial and tribulation, giving them the assurance that Your love would prevail.

In humility we pray that the true purposes of government may prevail this day, safeguarding peace and prosperity, so that all may live with hope and share in the promises of democracy.

Grant these elected leaders wisdom and courage for the decisions of this day, with the spirit of humility and sacrifice, reconciliation, mercy and justice, uprightness and kindness. All this and everything else that You know we need we ask, knowing that You are our hope and salvation. Amen.

The PRESIDENT. The Chair thanks Reverend David Schreffler, who is the guest today of Senator Vance and Senator Corman.

PLEDGE OF ALLEGIANCE

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

LEGISLATIVE LEAVES

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Madam President, I request a temporary Capitol leave for Senator Rhoades, and a legislative leave for Senator Piccola.

The PRESIDENT. Senator Pileggi requests a temporary Capitol leave for Senator Rhoades, and a legislative leave for Senator Piccola.

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

Senator O'PAKE. Madam President, I request a temporary Capitol leave for Senator Kitchen.

The PRESIDENT. Senator O'Pake requests a temporary Capitol leave for Senator Kitchen.

Without objection, the leaves will be granted.

LEAVE OF ABSENCE

Senator O'PAKE asked and obtained a military leave of absence, pursuant to Senate Rule XXI(3), for Senator STACK.

SPECIAL ORDER OF BUSINESS JOURNAL APPROVED

The PRESIDENT. The Journal of the Session of June 18, 2007, is now in print.

A quorum of the Senate being present, the Clerk will read the Journal of the Session of June 18, 2007.

The Clerk proceeded to read the Journal.

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

On the question,

Will the Senate agree to the motion?

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

YEA-49

Armstrong	Fontana	O'Pake	Tomlinson
Baker	Fumo	Orie	Vance
Boscola	Gordner	Piccola	Washington
Browne	Greenleaf	Pileggi	Waugh
Brubaker	Hughes	Pippy	White, Donald
Corman	Kasunic	Punt	White, Mary Jo
Costa	Kitchen	Rafferty	Williams, Anthony H.
Dinniman	LaValle	Regola	Williams, Constance
Earll	Logan	Rhoades	Wonderling
Eichelberger	Madigan	Robbins	Wozniak
Erickson	McIlhinney	Scarnati	
Ferlo	Mellow	Stout	
Folmer	Musto	Tartaglione	

NAY-0

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

The PRESIDENT. The Journal is approved.

RECESS

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Pileggi.

Senator PILEGGI. Madam President, I request a recess of the Senate for the purpose of a meeting of the Republican Caucus to be held in the Majority Caucus Room immediately.

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

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

The PRESIDENT. For purposes of Republican and Democratic caucuses, without objection, the Senate stands in recess.

AFTER RECESS

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

CALENDAR

BILL WHICH HOUSE HAS NONCONCURRED IN SENATE AMENDMENTS

BILL OVER IN ORDER

HB 842 -- Without objection, the bill was passed over in its order at the request of Senator PILEGGI.

THIRD CONSIDERATION CALENDAR

BILL AMENDED

HB 202 (Pr. No. 235) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for reports and removal of abandoned vehicles within the boundaries of a city of the first class or second class.

On the question,

Will the Senate agree to the bill on third consideration?

Senator MADIGAN offered the following amendment No. A2754:

Amend Title, page 1, line 4, by removing the period after "class" and inserting: ; and further providing for conditions of permits and security for damages.

Amend Bill, page 1, lines 7 through 9, by striking out all of said lines and inserting:

Section 1. Section 4962(f.2) of Title 75 of the Pennsylvania Consolidated Statutes is amended to read:
§ 4962. Conditions of permits and security for damages.

(f.2) One pilot car.--Vehicles greater than 13 feet but less than 14 feet in body width, even if the total length of the vehicle or combination, including the load on the combination, exceeds 90 feet but is not in excess of 120 feet, shall only be required to maintain one pilot car. The position of the pilot car to the front or rear of the permitted vehicle may be determined by the department.

Section 2. Section 7304.1 heading of Title 75 is amended and the section is amended by adding a subsection to read:

Amend Sec. 2, page 1, line 17, by striking out "2" and inserting: 3

On the question,

Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentleman from Bradford, Senator Madigan.

Senator MADIGAN. Madam President, because of a conflict between existing regulations and an interpretation of the new law of 2005 amending Title 75 for the manufactured housing industry, the intent of the legislation could not be achieved. This legislation ensures that the legislative intent of Act 50 of 2005 is implemented. Moreover, the language ensures that the one pilot car rule applies only to certain vehicles within 13 and 14 feet in width and overall lengths of not more than 120 feet. I ask for an affirmative vote on this amendment.

The PRESIDENT. The Chair recognizes the gentleman from Washington, Senator Stout.

Senator STOUT. Madam President, on the amendment to House Bill No. 202, amendment No. A2754, offered by Senator Madigan, who is the Majority Chairman of the Committee on Transportation, I concur and support this amendment to House Bill No. 202 to correct the situation on the long loads that he described.

Thank you, Madam President.

And the question recurring,

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 PILEGGI.

BILLS OVER IN ORDER

HB 896, HB 1295 and HB 1590 -- Without objection, the bills were passed over in their order at the request of Senator PILEGGI.

SENATE RESOLUTION No. 153, ADOPTED

Senator PILEGGI without objection, called up from page 2 of the Calendar, **Senate Resolution No. 153**, entitled:

A Resolution prohibiting the use of funds appropriated to the Senate to pay or reimburse for costs associated with the use of automatic dialing-announcing devices.

On the question,

Will the Senate adopt the resolution?

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

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Rhoades has returned, and his temporary Capitol leave is cancelled.

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 Mr. and Mrs. Robert Meyers by Senator Ferlo.

Congratulations of the Senate were extended to Mr. and Mrs. Richard Lebegern by Senator Rafferty.

Congratulations of the Senate were extended to Andrew Walter Swartz by Senator Washington.

PETITIONS AND REMONSTRANCES

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

Senator ORIE. Madam President, today is a dark day in Pennsylvania's history with the Governor's arbitrary and capricious issuing of a furlough for over 24,000 hardworking, dedicated Pennsylvania State employees.

This Governor is, in essence, using these State employees as a human shield for his agenda that he is not willing to rise or fall on its merit. The tragedy, Madam President, is that these 24,000 workers who have been furloughed have been deemed "nonessential" at the whimsy of this Governor.

As a State Senator from southwestern Pennsylvania, I am even more appalled by the statement of the Majority Leader in the House last night in the news conference in which the Governor announced the furlough of over 24,000 State workers. The words that came out of the House Majority Leader's mouth last night, the only words to come out of his mouth, were that the only issue for him was the money for projects in his district. That seemed to be the impasse for him, getting more money into his district for projects. Madam President, when you hear this statement, the arrogance of the Majority Leader to put his pet projects above the livelihoods of 24,000 State employees who are furloughed is appalling. There is nothing less to say than it is appalling.

Madam President, while I am here today and we are working, we continue to be here today, the Senate Democrats and Republicans, I want to ask one question: Where are the House Democrats? Where are the House Democrats as 24,000 workers across Pennsylvania are furloughed? They are on a 6-hour leave, Madam President. That is what I have been told. My understanding is, before then they were voting on a smoking ban that is one of the priorities of this Governor, but they have decided to be on a 6-hour leave. While individuals all across Pennsylvania and State workers' livelihoods are interrupted, they feel the need to take a 6-hour leave. Madam President, that is outrageous at this point in time. It is outrageous, and all I ask is that the Majority Leader prioritize the people of Pennsylvania and get to work on the budget. The budget is the number one priority, getting these 24,000 furloughed workers back on the payroll.

Again, I reiterate, when you look at the Federal law, and I think my colleague Senator Gordner did a tremendous job in regard to the Federal law and the case law that addresses this issue, the Governor has done this arbitrarily. He has laid off over 24,000 workers in Pennsylvania with absolutely no support under Federal law or any case law. Madam President, I end my remarks by asking, where are the House Democrats? Where are the House Democrats? It is surely a sad day in Pennsylvania, and every Pennsylvanian should be asking, where are the House Democrats?

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

Senator MELLOW. Madam President, my initial remarks are probably going to be a little different than what they were going

to be, but I am a little disappointed in the comments of the previous speaker because I believe that the House has left as a whole, and not necessarily just the Democratic Party in the House of Representatives has left. I do not believe that at this point in time, on July 9, that we accomplish anything by involving ourselves in taking partisan political shots at one Chamber of the General Assembly or one Caucus versus another.

Madam President, that is the practice of politics of division, and we on this side of the aisle will not practice that. We will continue to work and support our colleagues on the other side of the aisle here in the Senate under the direction of Senator Pileggi in trying to do the job. We will not participate in the type of rhetoric such as he said we said she said, the type that will continue to divide the Members of this General Assembly in an unfortunate way. It is of concern to me because I did not expect those particular types of comments from the Senator from Allegheny County with regard to the politics of division and how blame is being spread on one group when there is enough blame to go around for all 253 Members of the General Assembly. I would hope and pray that if we are going to get through this division we are facing today, that those particular types of comments would no longer be part of the discussion on the floor of the Senate. They are inappropriate, at the most inappropriate time.

Now, I would like to make some comments about the things that I really would like to talk about and not go back to the politics of division again either today, tomorrow, or until we finally come to a conclusion as to what is taking place. I firmly believe that the partial shutdown of State government is very, very unfortunate, and I support the Members of the Senate in saying that. It is unacceptable, and it is also a failure of the membership of the General Assembly why we, in fact, have allowed this to happen. We are depriving the citizens of Pennsylvania of their government, services, and programs. I can tell you that the 21 Members on this side of the aisle will do everything we possibly can to make sure that the crisis is short-lived.

Furthermore, perhaps we can work it out with Senator Pileggi and Senator Scarnati where those individuals who are not involved in the negotiation of the budget on a daily basis are given the opportunity to go on a 6-hour recall here in the Senate. I think that is an acceptable practice and one that has precedence, which has been established many times before by leaders on both sides of the aisle and in both Chambers. I think it is something that would be to the benefit of the Membership if they would be able to accomplish that, because if the story be told, those individuals negotiating the budget do not reflect 253 people in trying to come up with a proper type of final discussion.

Madam President, there are many points that remain in dispute between the administration and the Members of the General Assembly. In most cases, the Members of the General Assembly who are in dispute represent the philosophy of the Republican Party, but that is not the only case. There are things that are in dispute with which both Democrats and Republicans are having a problem, and those are the areas that should be discussed and developed properly. I believe, probably like everyone else does, it is inexcusable that we are facing a workers' furlough and shutdown when we have a \$650 million surplus and plenty of very good ideas to solve the problems.

We should never have reached this breaking point, but unfortunately, here we are. What are we doing with employees who are no longer able to work through no fault of their own? Have they been locked out of coming to work by their employer? If they went on a strike, would we be very unhappy with them because they were not working? I assume that we would. Most of these people would like to be at their work station today, in front of their computers able to do the job that they have been appointed and paid to do.

Madam President, finger-pointing is not going to resolve the crisis. Working with those negotiators is the only way that this crisis is ultimately going to be resolved. The people for whom I feel sorry, and I said this over and over, are those poor families who cannot afford to go on any vacation other than in a State Park. A vacation in a State Park can be a very beneficial thing and a very happy family experience, but I feel sorry for families who have booked the time in a State Park many, many months ago and established their vacation so that they can spend that time in a State Park with their family, only to be told that as of today, they must leave that location of the State Park. If we stay in the position we are in today with furloughed employees and State Parks are closed for the next several weeks, then those people will go back to work without having had the benefit of enjoying the vacation they wanted to have and spending that valuable time with their families.

To a certain point, what is taking place here today reminds me of a malfunctioning Ferris wheel. If you have ever been on one, a malfunctioning Ferris wheel lifts you up to a certain level and it keeps you there. People scream and scream, a little bit out of concern for themselves because they have been stopped on a very high point on the ride. It is time that we stop the Ferris wheel ride and the malfunctioning of what is taking place in State government. It is time that we take the programs that have been given to us that each and every one of us in here try to the best of our ability to articulate and advance.

Madam President, it is time that we do certain things that are not based on ill-thought philosophy, artificial limits, or ill-thought means, and start reflecting the interests of the people of the Commonwealth. There are more than 12.5 million people in Pennsylvania who have sent us here for one reason, to represent their best interests, and the one constitutional obligation that we have is to pass a timely budget to fund the needs of the people of the Commonwealth. That budget was supposed to have been passed by June 30, and here it is July 9 and we have not been able to pass a budget.

Madam President, this represents the fifth consecutive year that we have been late on a budget. I have been in Harrisburg for a number of years and have seen times when we have not passed a budget in a timely fashion. Most of the time the main reason has been because a tax increase was necessary. There is no tax increase necessary in this budget, nor the budget for the next year, because we are dealing with a 2-year budget that will be relatively low with regard to a cost-of-living increase, guaranteeing the people of Pennsylvania that their projects have been properly funded without a tax increase for at least the next 2 years. The individuals who are negotiating the budget are negotiating to the best of their ability. Between Senator Scarnati, Senator Pileggi, Senator Armstrong, Senator LaValle, and our House

counterparts, we have been trying to do the best job we possibly can in working with the administration to provide the proper type of budget that we can pass in Harrisburg that the people in Pennsylvania can be proud of, and one with no tax increase.

Madam President, if there is one thing that we have to try to reflect upon today is for us to keep our powder dry, work as hard as we can and not blame one another for what is taking place, because we all have the opportunity of casting a vote, reflecting upon a speech on the floor of this Senate, and saying what we think is appropriate with regard to a budget. I think we should do that in a timely fashion and in one that is not going to divide us or practice the politics of division but, in fact, one that is going to practice the politics of bringing things together through this new transparency that we all took a pledge to back in January when half of this body was sworn in.

The job must be done, it must be continued, and we must build the bridge that we can to a strong future in Pennsylvania. We have to start by, once again, negotiating in good faith on the budget, realizing that people are getting hurt, and come back here and do the job that we were elected to do. The time has passed and we are 9 days into the new fiscal year. Let us get together and meet again this afternoon and try, if we can, to put aside the basic philosophical differences that have separated us to try and resolve the budget crisis.

Thank you very much, Madam President.

The PRESIDENT. For the purpose of the viewing public, let me assure you that the Republican and Democratic Senators are all in Session today, July 9, 2007.

The Chair recognizes the gentleman from Jefferson, Senator Scarnati.

The PRESIDENT pro tempore. Madam President, at 1 p.m. today I took the opportunity to call the Speaker of the House, Speaker Denny O'Brien. I called to ask and implore him to please name a conference committee from the House. It is time that we move this process into the public arena, take it out of meeting rooms and offices, and shed the light of day on budget negotiations.

On June 20, this Chamber sent House Bill No. 1286, the budget, to the State House. On June 30 there was a vote to nonconcur. On July 6, I appointed the conferees for the Senate. This has gone far enough and is not getting us anywhere. People who are on vacation, and I heard my good colleague's message over there, had to leave State Parks in Pennsylvania today. What kind of message are we sending to people in the rest of the country who may want to vacation in Pennsylvania at the end of June or beginning of July any year? What message are we sending to the business community, and what message have we sent to the hardworking State workers who are sitting at home today furloughed?

Madam President, it is time to move this process along. It will not stop negotiations, but we have to put this budget out in the light of day. Let people see where we are, and let those who have disagreements do it in public. I can tell you that the Senate Republicans will continue to stand for our core values of a budget with no tax increases, a budget within the rate of inflation, and a budget that adheres to the core values of this party.

Thank you, Madam President.

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

Senator O'PAKE. Madam President, Senate Democrats are ready, willing, and able to cooperate in getting this job done because the people of Pennsylvania deserve better. We need to get the job done now. As was pointed out, we sent a no-tax increase balanced budget to the House of Representatives on June 20. That was almost 3 weeks ago, and it was a 49 to 1 vote, a bipartisan, balanced, no-tax increase budget. It is a shame that for whatever reason, political posturing, philosophical differences, I do not know what they are, it is a shame that it has been allowed to go this far.

With a budget surplus of about \$650 million, and clearly no need for any tax increase, going another day without a budget just does not make sense. Neither does the fact that services have been interrupted and thousands of State employees, hardworking State employees, have been furloughed. These families live paycheck to paycheck. No amount of rhetoric will ever restore those lost paychecks or the denied State services. It is time for a cease-fire on any and all political posturing. Nobody can afford to dig in their heels any longer, because at the end of the day, nobody wins by dragging this out. We must work together, we have to get it done, and we have to stop pointing blame.

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Erickson.

Senator ERICKSON. Madam President, we are obviously at an impasse on this budget. We are told that to some extent at least that impasse is due to the Governor insisting that we consider his energy policy. About 3 years ago I sponsored some legislation that eventually became Act 213, the Alternative Energy Portfolio Standards Act, which promotes the use of alternative sources of energy and it moves us off foreign oil dependence and makes the Commonwealth more energy self-sufficient. I can also indicate to you, Madam President, that that bill took 6 to 9 months to bring to fruition. It was a complex set of data that needed to be considered. All of the stakeholders were brought into the process. Finally, however, we came up with a piece of legislation, but only again, I repeat, after 6 to 9 months. More recently, I sponsored a piece of legislation that will inventory global warming gases. This piece of legislation is working its way through a process so we can get agreement to that piece of legislation, so we can get a good piece of legislation.

Let me now turn, if I may, to the energy policy that is contained in the bills that are in the House. I am going to take a couple of minutes to read to you what is contained in those bills. It expands the duties of the electric distribution companies, provides for long-term contract requirements, providing for time of use rates, providing for phase-in options, on and on and on. It also will establish minimum content standards and timetables for the sale of biodiesel and ethanol within Pennsylvania, the phase-in of course will depend on in-State production. This will mean agricultural development to us.

There are other portions of a bill which would amend portions of the Alternative Energy Portfolio Standards Act so that electric distribution suppliers and electric generation suppliers have to attempt to acquire alternative energy sources before a force majeure is invoked. It amends the timetable and percentage require-

ments for utility acquisition of electric energy from solar or photovoltaic technologies, and again, it goes on and on.

There is a bill also that will require the design, construction, and renovation of buildings that receive State appropriations to comply with specified energy and environmental building standards.

Now, I have not covered all of the pieces of these bills, but I think we can all agree that this is extremely complex, even more complex than the Alternative Energy Portfolio Standards Act. Therefore, I come to the conclusion that this process would benefit by time to begin to thoroughly look at what these bills contain and then how to initiate them. I am personally committed to do what I can to move this process forward. The Members of our Caucus are also committed to do that, and there are Members on the other side of the aisle who will also commit themselves to do that.

We now have had two public hearings. Senator Mary Jo White and Senator Tomlinson held those hearings, and a lot of information came out. That information is currently being examined. We have a working group of staff members and legislators from both the House and the Senate who are reviewing not just the things that I have read to you here today that are in that energy package, but also ways of funding that, and we are committed to moving this process forward. I call on the Governor then to end this impasse, to get the people who are now being furloughed back to work. It is simply unnecessary. This process needs to have thorough consideration, and it will be irresponsible for us not to give it thorough consideration.

I end by simply saying, Governor, end this impasse and let us get on with the planning so that we can initiate a viable energy package within the Commonwealth of Pennsylvania and make us more energy self-sufficient and generate jobs within our Commonwealth.

Thank you.

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

Senator COSTA. Madam President, I too, rise, to express my extreme disappointment, my disgust, with what has taken place as it relates to the decision by the administration to furlough some 25,000 individuals across this Commonwealth.

My colleague, Senator Mellow, said it so very well, these individuals and the Commonwealth residents are entitled to their government. Their government means that we work here in Harrisburg to make certain that we put into place the appropriate laws and rules and regulations, and that we implement those laws and rules and regulations. It also requires us to provide services to those residents, those 12 million-plus residents, and for a number of Commonwealth residents, they will not have the opportunity to avail themselves of any of these types of services, and that is an extreme disappointment. It is simply unacceptable that we are depriving these individuals of their service, of their government.

Madam President, I have been here 11 years, and this is the 12th budget in which I have had the opportunity to participate. There have been a number of times where we have, in fact, gone beyond a deadline. We have gone beyond June 30 on more than one occasion. But, Madam President, never in my wildest dreams

did I ever think I would be standing here today, a day like today where we furloughed 25,000 folks.

Madam President, inevitably, reasonable minds agree that the best course of action would be to compromise, to figure out what needed to get done to make certain that we were able to provide a budget to the folks of the Commonwealth of Pennsylvania, to the 12 million residents. We failed to do that this time, Madam President, and it was stated there may be enough blame to go around. It is hard for me to fathom, at a time when we are sitting on a \$600-plus million surplus, when we are looking at a situation where we are not required to provide any additional revenue enhancements, no new taxes that are necessary, and in fact, a budget that was forwarded to the House on June 20 that did not include any new taxes. Madam President, while I speak with respect to that particular budget, I think we ought to be clear that while there was a budget that was sent from here to the House on June 20 by a 49 to 1 vote, I think if we look at the record it would reflect that for the most part most folks knew that it was going to be a budget document that was going to serve as a vehicle for reasonable minds to get together at some point and to have budget negotiations to reach a full and final, complete budget document. That is what is most important here, Madam President. We failed to do that. We have failed.

The General Assembly has failed to provide a budget document as we are required, as we are mandated by law to do by June 30. It is very disturbing that we are in this predicament. A number of other items have been addressed and are poised to be voted on, such as the transportation funding bill that is going to solve, we believe, a very significant crisis with respect to mass transit and our highways and bridges in this Commonwealth. We have had extensive discussions and meetings with respect to the issues of our School Code and various elements that are contained therein. For the most part, there has been some discussion that has been done with regard to the Fiscal Code itself. The smoking ban passed this Chamber and is over in the House, and it looks as if at some point in time, Madam President, they will be addressing the Senate version of that particular bill. That is good news, to the extent that they get to it, and if they get to it. But, Madam President, a number of things have been done in this Chamber where we poised various significant pieces of legislation ready to be voted on, and we have not had the opportunity to do that because cooler minds, reasonable minds, have not been able to get together. Madam President, I think it is simply unacceptable that we are sitting in this position.

I agree with Senator Erickson when he says that he and his Caucus stands ready to work with Senate Democrats. Madam President, I, too, stand ready to work with Senate Republicans, the Senate leadership that has done an outstanding job up to this point in time, and I assume and I believe will continue to do an outstanding job to make certain that we are able to provide the people of Pennsylvania a budget that does not include any tax increases and addresses the many needs of the Commonwealth residents. That is something that we need to move on very quickly, and I implore, I implore the Governor to come over and begin to have discussions with Senate leadership, House leadership, the President pro tempore, and the Speaker of the House, to make certain that we get a budget passed soon, because, Madam

President, the people of this Commonwealth deserve much, much better than what we have been giving them.

I am hopeful that the Governor is watching this program on PCN, because I think he needs to hear from individual Members like myself and my colleagues who are going to be testifying. Madam President, as I look across this Chamber, I see three or four more folks who are ready to speak on the Republican side, and I know my colleagues want to speak. We are now in a position where we cannot let this go on any further. Action needs to be taken, and, Madam President, true leaders, leaders of States, leaders of governments, they lead, they do not obstruct, and that is where we are right now. We need someone who is going to step up and lead us, get a budget passed, and let us get on with the lives of the people of Pennsylvania.

Thank you, Madam President.

LEGISLATIVE LEAVE CANCELLED

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

PETITIONS AND REMONSTRANCES (Continued)

The PRESIDENT. The Chair recognizes the gentlewoman from Luzerne, Senator Baker.

Senator BAKER. Madam President, I rise to join my colleagues in saying we should not be in a budget stalemate today on July 9. The people of Pennsylvania should not be used as bargaining chips as they have been, and State workers should not be confronting the hardship and uncertainty of furloughs.

Earlier today, about 20 State employees came to my district office in Dallas to talk, demonstrate, and encourage us to get this budget passed. While I was not at my district office in Dallas, my staff went out to talk to them and let them know that I stand with them and absolutely agree with them that they should not be held hostage for a budget, and that it is plain wrong they were furloughed. These are men and women who are making arrangements with their banks to pay their car payments and mortgages, and they are concerned about their families, and asking what are we doing in telling the people and residents of this Commonwealth that 24,000 State employees are not essential and their jobs are not worthy.

Madam President, I do not believe that is appropriate, and that was my message to the men and women who were standing in front of my office on a hot July day, asking us to get this budget passed. It is just plain wrong that they had to be there. We need a good budget, a good budget that we passed in this Chamber on June 20 that had no tax increase, contained spending, and one that was done in a bipartisan manner that addressed the needs of Pennsylvania residents.

Sadly, many citizens in my district today are facing another challenge, as well as visitors. The 20th Senatorial District houses eight of our State Parks, and sadly today, State Park employees are asking families to leave, to pack their belongings and go home. These families do not have a chance to redo their vacation. They may not have another opportunity. This is an affordable family vacation, and it is a memory that, unfortunately, is going to last a lifetime for them. The businesses and employees who

work for them and rely on our State Parks are also seriously affected.

Madam President, Governor Rendell could have quickly and easily ended the deadlock last night, but chose not to. He chose to let services end and for these people to be impacted. We have a responsibility in this body, and my colleagues have spoken very well about the need for us to enact a core budget, and I absolutely agree.

I worked for many years in the Ridge and Schweiker administrations, and every year we met the July 1 deadline. We have to have a responsible budget in place, but I also recognize that once we have a responsible budget in place, we must turn our attention to other challenges and issues facing Pennsylvania.

As my colleagues spoke of energy independence for Pennsylvania, I would agree, and although I do have serious differences with some of the Governor's plan, I agree with his overall goals to lower energy costs, help create jobs, and preserve and protect our citizens. In fact, I know full well the challenge that energy rates can have on consumers. I represent the citizens of Pike County, and last year the residents of Milford, Matamoras, and Westfall Township were among the first to feel the impact of the lifting of the rate caps. I was in attendance more than a year ago when 500 residents spoke to the Public Utility Commission when their electric bills rose 70 percent, or over 100 percent, when Pike County Power and Light bid its supply needs on the market with devastating results.

It is difficult to watch senior citizens stand up and say that they are withdrawing money from their bank accounts to pay their electric bill, or when you are talking about a school district facing double the amount for its annual operating costs for energy, or the consequences to taxpayers in the county on the burden to their already strained budgets. In fact, the owner of the Milford Diner did not have to sell one cup of coffee to pay his electric bill, he had to sell lots of cups of coffee.

This is just one issue that I believe we must work on together and address the serious challenges facing this Commonwealth. As elected leaders, I agree with my colleagues that we have an obligation to work together, in a bipartisan manner, to find solutions to difficult problems. The record is clear that this Senate does have a solid commitment to make Pennsylvania more energy independent, improve access to good health care, improve education and transportation, and make Pennsylvania more economically competitive.

The details do matter, and tactics of intimidation and childish comments will not work. We need to move beyond the rhetoric to address the most pressing problems before us, and the most pressing problem today is the enactment of the State budget. We must keep government moving, and we cannot shut it down for our citizens. I am proud that our Senate Republican leadership has called upon the House to name conferees so that we can begin that process in the open. Our Caucus is ready, willing, and able to work together. We need to resolve this budget so that we are not harming the citizens of Pennsylvania.

Thank you, Madam President.

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

Senator HUGHES. Madam President, I am going to continue on a refrain and a spirit that I have been on for some time now,

which is, in some respects, inconsistent with my historical presence on the floor of the Senate, and despite the urging of some of my colleagues, I am going to stay calm. I am going to try to be calm and peaceful and talk about this, but I really do think that we all need to, for the day and for the time being, pull back the swords and sabers, calm down the rhetoric, and get about the business of putting this whole thing to rest in finalizing the budget.

Let us finalize it and reach an agreement today so that workers can start back to work tomorrow, and get a broad-based agreement on portions of the extended agenda that the Governor has been pushing us on so we can move forward and really be aggressive about dealing with that agenda, but not to the tune where we have to withhold this whole process from moving forward and not to the tune where State workers are not getting paid and people are being denied services. The reality is that no one looks good in this situation, and I do not care if you want to stand up and point your finger at this guy or that guy, or that it is the fault of the House Republicans and the Senate Democrats or the House Democrats and the Senate Republicans, or they are at fault or this one is at fault, the reality is that none of us has any credibility right now. None of us.

When constituents call, they say, look, get it done. I do not want to lose any more of my money. Get the agenda and everything else done, but let us cut it out. So we need to calm down the rhetoric, because when you have heated rhetoric like we are hearing, and heated rhetoric that plays fast and loose with the facts, it creates an environment where people do not want to trust one another to try to reach an appropriate conclusion. We can talk about what was or was not passed earlier or what was the substance of the earlier budget that was sent over from here to there, and all of that. We can talk about that, and if you really want to get into a belabored conversation about that, then we can lay out all of the details, and the only thing that that is going to do is spend time on the floor of the Senate, not making progress on the work that has to be done.

The truth is that the few individuals who choose to watch us on PCN, the handful of individuals who choose to watch us on PCN or to report on the words that we say on this floor in this time period, the truth is that the level of skepticism regarding us and the entire process is high, and what they really want is for us to get this budget passed and get some significant movement on the extended agenda which is legitimate, important, and relevant to the people of this Commonwealth. They want us to move forward. They want to see us get things done to change the course and lives of the people of this Commonwealth.

If we sit around throwing more stones, pulling out our swords and ready to go at one another and essentially tear down this institution, we are only creating additional distrust by the voters for us. And by the way, we are creating a larger environment where we will not have the ability to accomplish the mission that has to be accomplished. I applaud the Governor, as I did in February, for putting forth an ambitious and aggressive public policy agenda. That is his right and responsibility, and most assuredly, he had a mandate from the last election to do that and push that forward. As a State, we need to push ourselves forward and adopt a number of the things that he has discussed so we can get them done to change the direction and course of this Common-

wealth, so that we can be much better people and a much better State.

Energy independence, transportation, fixing our roads and bridges, and health care are all laudable things that we need to figure out how to get done. In fact, I said a week ago that it was relevant for him to turn up the heat on us because when the heat is not turned up, just like a pot of water that you want to boil for coffee or tea, if you do not turn up the heat on that water, nothing is going to happen. If he does not turn up the heat on us, nothing is going to happen. We will not move or act with the speed and substantive significance with which we need to act.

Madam President, we are now at a point where we just need to calm down and come together and get an agreement before this day is over so that we can say to the workers of this State, and the folks who enjoy the services of this Commonwealth, that those services and that work will be returned to you. But if we keep blaming each other, casting aspersions or throwing stones at one another, then that will only create an environment which does not allow us to come together. Let us put down the swords and sabers, get to the business at hand, get this stuff done, and reach some kind of general agreement before the day is over so that the workers of this State can go back to work and the services that are provided everyone else can be provided to everyone in this Commonwealth.

Thank you, Madam President.

The PRESIDENT. The Chair recognizes the gentlewoman from Cumberland, Senator Vance.

Senator VANCE. Madam President, I think I am a little confused. The Governor said he was forced by law to furlough 25,000 State workers, 5,000 of whom are residents of my senatorial district, but he somehow has ignored the State Constitution that says, by law, that we have to have a budget by June 30. On one hand he says we have to follow the law, and on the other hand he does not think it is important to follow the law and the Constitution. I do not see how we can have it both ways. I have always been pretty plain spoken, and I am not trying to be divisive when I say that the House Democrats have recessed for 6 hours and the House Republicans are all sitting in the hall of the House in their seats ready to do business.

The 5,000 State workers in my district are paying a terrible penalty and having their lives disrupted, but those are not the only people who are having a problem. I talked to one of the rangers in my State Park this morning, and he is being beleaguered by angry people who are being turned out of the park through absolutely no fault of his own. I have particular empathy for the Boy Scout camps that I am hearing from who get their water and sewer from State Parks and so Boy Scouts are being sent home from camp.

Madam President, I ask, where are our priorities? The issue for some time has not been the budget, there seems to be general agreement on the budget, but on many of the side issues. The one that, to use a Pennsylvania Dutch expression, wonders me the most, is a film tax credit for people in Hollywood. I ask again, where are our priorities?

The average citizen in Pennsylvania, not just State workers, but all of the people in Pennsylvania want a budget. They do not care about film tax credits. They want a budget so they can proceed to live their lives.

Thank you, Madam President.

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

Senator REGOLA. Madam President, it is ludicrous that 9 days have gone by since the end of the fiscal year, and for all intents and purposes, nothing has happened. However, Madam President, for the record, it is not from lack of effort here in the Senate, and may I point out, a bipartisan effort with both Republican and Democratic Senators working very hard.

It is absurd that we cannot pass a State budget because the Governor continues to put his political agenda before the needs of the citizens of the Commonwealth, and to that end, he is taking it out on thousands of State workers and their families. The question here is, if the Governor's scheme is so wonderful, then why does he have to threaten the well-being of the people who work for him in order to get it passed?

The Governor continues to talk about how great his energy plan is and how it will only cost the consumer a cup of coffee at Wawa's, but what he fails to mention is that those smart meters that he wants to see in every home will not come free. The truth is smart meters cost about \$125. This was brought out during the hearing of the Committee on Appropriations, and Secretary McGinty did not dispute it, and as a matter of fact, she agreed with me. If you think that the energy companies will provide these meters for homes at no charge, I have a bridge or two to sell you as well. Yet the Governor wants the General Assembly to buy this package lock, stock, and barrel, with no questions asked.

As Senator Erickson mentioned a little bit ago about the energy plan, it takes time. Maybe it is going to take 6 months, maybe 9 months to put together a good plan. Just like any well-thought-out process, just like any good business, they run it, develop it, and once you get a good product, you vote on it. If we continue this and have no budget, then thousands of workers will continue to lose their paychecks. Madam President, are these not great negotiating skills at work?

There are some elements in the Governor's agenda that merit consideration, but here we are in a hostage type of situation, one in which the Governor is insisting on new taxes, new borrowing, and new spending, or State workers will suffer. I remain committed to a commonsense budget resolution. As the prime sponsor of the Taxpayer Protection Act, I support the budget that the Senate overwhelmingly approved on June 20 by a vote of 49 to 1, yes, a bipartisan vote, which held spending below inflation and included no new taxes.

Madam President, we cannot continue to blindly walk down the road of reckless taxing, spending, and borrowing. We need to be firm in enacting a budget without any new taxes, without any new borrowing, and without any gimmicks like dipping into the Rainy Day Fund.

Thank you, Madam President.

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

Senator FERLO. Madam President, I have over 3,000 bridges in my tri-county State Senate district, but I am not looking to sell any of them just yet. I am really hoping we have a transportation bill that we can approve here in the Senate and the House and have the Governor sign so we can actually have some financial

resources in order to maintain them. Some long overdue maintenance and reconstruction are needed, and I wish I was speaking alone, but clearly I am talking about all of our respective Senate districts needing an infusion of capital resources in order to upgrade and maintain a very extensive, complicated transportation system.

Madam President, I rise to share the frustration and the tone of the comments expressed by my colleague, the gentlewoman from Allegheny, the Majority Whip, as well as our President pro tempore, Senator Scarnati. Although I might differ a little bit with some of their specific comments, I think they have captured the tone and the concern of not only this body collectively and legislatively, but certainly the residents, including State employees who are frustrated over the actions as of late last night, now being officially furloughed.

The frustration is certainly going to increase as the day progresses, and from what I can see based on the limited Senate agenda today, other than moving a few bills, it would seem to me minimally we are talking about another 2 or 3 days in order to actually consummate and get an actual operating budget, as well as the other substantive pieces of legislation that we want to move on. I think if we want to say anything initially, it would be, no matter how hard we work, it is going to get a lot worse before it gets a lot better, which is very disappointing.

I do not know if we need to put a new license plate out in Pennsylvania that would read, you do not have a friend now in Pennsylvania, but that is certainly the new license plate that we can put out for those hundreds, if not several thousands of visitors, in-house Commonwealth residents, as well as many who have traveled from all over the country.

I know there are many news reports across the Commonwealth today of families, family reunions, you name it, people who have gone to great length and expense to rent cabins, to bring families and friends together during what should be an idyllic summer vacation. Unfortunately, that has been abated, due to the actions that the furlough order has created, and that goes as well for the State employees who need their income. They work hard, they need their income. They have families. State workers are no different than any other group of working people across the Commonwealth. They may make a little bit better wage, have the benefit of health care and a pension, but they are working people and it is always hard to make ends meet. Anybody who has kids knows they go to bed with the "gimmies" and get up with the "wants," and it is hard to say no to children, so people need their money, their income, and need to pay their bills.

It is extremely disappointing that we have not extended a hand of welcome to all those travelers upon whom we are about to enact an increased toll, at least on I-80. It is not exactly a good sign to send to our friends and guests in the Commonwealth. I do agree with Senator Mellow's well-taken point that it is not going to be helpful today to ratchet up the rhetoric or engage in finger-pointing and extending the blame game, and I concur with our leader here on the Democratic side that that is not going to be helpful to the process in getting a deal consummated. I think we would have to agree that, as others have pointed out, that at some level we are all collectively put on the carpet for not getting the job done. It is disappointing, because in what amounts to be roughly the anniversary of the pay raise debacle of 2 years ago,

the Commonwealth residents are looking to us for reforms. I think to the credit of the Senate on both sides of the aisle we have moved on several reforms in terms of what the public has expected us to engage in. It has not yet, I do not believe, happened too much on the House side, and I would have preferred that having gotten the budget out of the way, which should have been passed by the constitutional mandate of June 30, we could have focused on other kinds of democratic reforms like my open records law, and the like.

I would mention, in response to Senator Erickson, who rose to speak about his renewal portfolio standard bill of a year ago, that I had similar legislation which was more geared toward the clean energy portfolio standard. That was a long, extensive process involving a lot of stakeholders. I rise mainly to suggest that there be thought given to some resolution in going to the process itself. Maybe there is not precedence for this, but generally from what I have heard officially and unofficially, I am wondering whether or not a Federal arbiter or some other independent, reasonable voice who is not tied politically, economically, or budgetarily to any one of the agendas could be brought in for the next few days to help facilitate the discussion. I also think if things worsen as the week progresses, that we may want to engage, although it would be the last thing I would want to do, be in a court of law, but I do think there is an issue of whether or not we have failed to meet our constitutional mandate for a June 30 budget.

What I cannot understand is, given the fact that so much good work is done and we keep hearing that transportation is pretty much in place, the economic development gaming is in place, the RCAP is in place, one or two, if not several, of the health reforms that the Governor has requested is in place, the field is at play with energy independence, why there cannot be agreement on the substantive legislative things we need to do first and foremost, the budget, and then why cannot this group at least agree to a statement of principles that they are committed to? The energy independence is an example, because while I am personally a strong advocate and applaud the Governor for his leadership on this issue, I do think that there needs to be more fine tuning to the legislation, similar to the 7- to 8-month process that went on with the RPS and clean energy portfolio standard bill. So, if a statement of principles was agreed to on energy independence, which is a lofty goal, and I think it sounds great, energy independence, although I do not know if we will ever get there in my lifetime, certainly not with a Bush administration that is involved in an imperial war for oil. But the fact of the matter is, if we can move towards energy independence, then it helps our residents, business, and commerce.

I would suggest that the Governor and the committee agree to the statement of principles to live to fight another day, and that they take the energy principles that have been enumerated in the Governor's own formal statements to this body, the principle being to save consumers money in energy costs over the next decade, reducing Pennsylvania's reliance on foreign fuels, expanding Pennsylvania's energy production and technology sector to create more jobs, et cetera. There are at least eight or nine general principles that are embodied in the Governor's energy independence resolution. Agree to that as a statement of principles and let us get back to the work, let us expedite the work at

hand, but, Madam President, in closing, we really need to see leadership here now. I know there has been a lot of change both in personality as well as political acumen and institutional knowledge. Some of the new folks negotiating this process have long-term, productive, institutional knowledge of the process, but there was a change last year, and to the credit of the voters, they elected new leadership. There are new folks on the opposite aisle here, as well as in the House, but some of these new folks may not be returning next year unless they move quickly to approve a State budget, get everybody back to work, and get our Commonwealth services moving.

Madam President, in closing, I hope that the one license plate that does not come out is, "Pennsylvania, State of budgetary dementia." Let us not have that happen, and let us get that work done.

Thank you, Madam President.

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

Senator BOSCOLA. Madam President, if there was ever a time to speak up for middle-class working families, men and women in this Commonwealth, it is today. For the past 8 or 9 days, the entire budget battle has been defined in terms of spending priorities, new programs, and political leverage. Because of that, middle-class hardworking families have been largely ignored. For some reason, throughout these budget negotiations the needs of homeowners, retirees, and college-educated professionals have taken a back seat to priorities and new pet spending programs.

For the past few weeks, we have heard a lot about spending priorities and programs, but what we have not heard is that today 24,000 State workers were furloughed and will not be paid, but every person collecting a welfare check will get their paycheck. That is more than a shame, it is a disgrace. We should be the ones, along with the Governor, who would be the ones to lose our jobs if we do not have a State budget on time and not the 24,000 workers who have no say in this matter.

Over the past 8 or 9 days, I have heard a lot of talk about the priorities, especially the Governor's priorities, that are somehow now connected to the passage of our State budget. I have also heard way too much talk about new programs like energy programs, prescriptions for Pennsylvania, mass transit, roads, bridges, RCAP, how much money is being spent on this program and what we are going to spend on that program.

I hate to be the one to tell you this, but the State budget is not about your priority or his priority or the Governor's priority, or any Senator or House Member's priority, it is about the people we serve. They should be our priority. Who are we to put what we want as individual Members above what the people of Pennsylvania want? How bad is it when we care more about our own pet programs than we do about the people who are struggling to pay their bills? On top of that, with all these new spending priorities, it is the taxpayers who have to pay for these new programs.

I know there are a lot of egos and a lot that is heavily invested in this political tug of war. The press keeps writing about this is what the Governor wants, this is what the Senate wants, and this is what the House wants. Again, what do the people want? I know what the people of Pennsylvania want. They want us to keep our hands out of their wallets, our mitts off their paychecks,

and quit pretending to act like we always know what is best for them.

Madam President, you know what the people want? They want us to do our job for a change, instead of fighting like a bunch of kids on a playground pointing fingers and blaming the other guy. The people of Pennsylvania want us to do our jobs, which includes passing a budget on time and meeting our constitutional deadline. We could have done that, but we did not, and that is more than a shame, it is a disgrace.

All this drama is not just about the State budget. It is all a bunch of excuses for State government wanting to toll, tax, borrow, and spend. The people I represent are not calling me to push for more State programs, more spending, and all these priorities. It is the special interests who want all these new programs and priorities. We can talk all we want about feel-good reform measures that have been adopted in the House and Senate. None of them really mattered when it counted or did anything to give the people of Pennsylvania a budget on time. When push came to shove and the budget deadline hit the fan, where were all the reformers? All the feel-good reforms are not worth the paper they are printed on because no one should feel good about missing a constitutional deadline, especially when we ended the fiscal year with a \$650 million surplus, and the people of Pennsylvania know that. We are not fooling them, we are not fooling anyone, and neither is the Governor. I hope everyone who swore that these reforms would change the way the legislature works will finally stop patting themselves on the back.

Madam President, like I said, this is more than a shame, it is a disgrace. We should not be here today talking about someone's pet program, someone else's new priorities, or what some individual Member wants in these budget negotiations. We should be doing what the people want and working together to pass a responsible budget. I can tell you what the people want. They want a budget on time and our State Parks open. I can also tell you what they do not want. They do not want employees furloughed and they do not want more tolling, taxing, spending, and borrowing. Their paycheck cannot keep up with all of this. Let us listen to what the people want for a change. Let us do our jobs and represent them well. That is what this institution is about. I am proud to be part of this institution, and I want these changes to go forward. I want a State budget and will stay here until we get one today.

Thank you, Madam President.

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

Senator TOMLINSON. Madam President, last Friday around 4:30 or 5:00, I spoke on the floor of the Senate. I probably have not spoken that much in the 16 years I have been in the legislature, but as you recall, I was very upset about some things that were said about me in e-mails and calls that were sent. I called for everybody to step back from the ledge, take a deep breath, calm down, and let us work on this. I think we did a lot of that over the weekend, and I was very proud of this Governor when he pulled the systems benefit charge off the table and began to negotiate the budget. I was very disappointed that the budget was held hostage to an energy proposal on which they had not done due diligence and on which we just could not come to an agreement. I stated that there were honest differences of opinion on a

very complicated subject that needed a lot more study, and I was glad to see the Governor pull it off the table. It takes a big man to admit that maybe he did not approach this in the right way, and it made me think that perhaps I had not approached this in the right way.

That bill is in my committee, and Senator Boscola and I, along with Senator Mary Jo White, held hearings on that energy policy, and we did not have a good hearing. There were a lot of questions raised, and I thought, what should I have done? I must say that I think there are a lot of people in the administration who might have dropped the ball because Senator Boscola asked some very serious questions that were not responded to in a timely manner. I asked some very basic questions and also did not get responses. However, when Secretary McGinty returned from Spain and I had the opportunity to speak with her several weeks later, she responded within one day and explained a lot of the differences in a way that made sense to me, but we lost 2 or 3 weeks during that whole exchange.

What I am saying is that along with Senator Boscola, Senator Mary Jo White, and the other Members of the committee, I would like to compliment the Governor for taking that off the table and moving ahead with the negotiations. As I told my leadership on Saturday when I sat down with Senator Pileggi, I pledged that I would be happy to pick up this subject in the fall, which is a little over a month away, and move forward with it, because it is a very important subject. It is very important that we do move ahead with this, so I want to compliment the Governor on pulling that off the table and pledge to him, as I did to my leadership, that we will take another look at this, get a new perspective, and try to move it forward.

However, we do have House Bill No. 1530 over in the House, and I know the House Republicans are sitting there now waiting for the Democrats to come back, and that bill is a big piece of the Governor's energy policy on which I think many of us can agree. Even though there is a question on the procurement part of it, I think we are ready to compromise on that, and the House should get back to work and make that part of this settlement so we can move forward.

The House can also move ahead with the smoking ban. We should finish that. We should be working right now and not be on a 5- or 6-hour call on these issues that the Governor very appropriately made part of the budget and to which we have agreed. I think the Governor very wisely has recognized that he does not have the votes or support for the systems benefit charge and that there needs to be more work on it, and we have moved on. So here we are ready to work, but we have a Chamber that is not working on that right now, and we should be. I want to compliment the Governor once again for putting such a bold vision out there and moving the ball so far ahead on many of these different issues, but there are some of them that we just could not get done.

It is time now to do the budget, and as I said on Friday, once June 30 came and went and we did not have a budget, it is our constitutional responsibility to the employees of the State that we have to fulfill, and we should be finishing this budget. I was very encouraged by my leadership's review of the negotiations and felt for sure that at 11:15 p.m. last night I was going to hear the Gov-

ernor say the furloughs were off because we were close enough that we could iron this out.

I still believe that legally we should not furlough these employees. They just got paid last Friday and still have 2 weeks before their next pay period, and I think they should still be at work. We should not have closed down the State Parks and furloughed those employees. We should not have threatened the casinos with a shutdown, a billion dollar industry that produces \$1.7 billion of tax revenue. We should not have threatened them with closing them down. They went to court to get a temporary injunction, and hopefully, they will get a permanent injunction tomorrow to stay open. As a matter of fact, I thought it was very ironic that during the big snowstorm we had last winter when the Department of Revenue employees did not show up for work, they did not shut down the casinos. I do not understand why that point was not brought up.

It was not necessary to manufacture this crisis or bring it on ourselves, and I think that we should now get to work. I do not think we are that far apart, and I think we can get the budget passed. I pledged, along with Senator Boscola and Senator Mary Jo White, that we are going to take up the rest of the energy policy, but we should finish that energy policy in House Bill No. 1530, which is now sitting in the House. That would complete that part and be a huge win for Pennsylvania and the Governor as part of his energy policy.

I think we need to get back to work, and we are working here in the Senate, but we need to receive that bill back and deal with it. We have other things that we need to bring back here, and if we do come to an agreement, we still have several days to do drafting.

Madam President, I hope that everybody has calmed down and are back working again, and now that I see the leaders are once again off the floor, I hope they are back in their meetings and working on this. A lot of work has been done, but there are still honest differences of opinion. I think we need to close the gap on those, and I think we are very, very close, and I think we should get to the business of getting this budget finished and getting our employees back to work and stop this nonsense of closing down the casinos.

Thank you very much, Madam President.

The PRESIDENT. The Chair recognizes the gentleman from Washington, Senator Stout.

Senator STOUT. Madam President, I know it is near quarter to 4:00 here, but it is near 5:00 somewhere in the world, and they may call this happy hour, but I have not heard anybody happy here this afternoon.

All the previous speakers focused on the furlough of 24,000 State employees. I want to focus on about half of them. Nearly 11,000 of the people who were laid off are PennDOT road maintenance workers. Now, it may be warm this afternoon in the high 90s, a very difficult time to work, but those are ideal weather conditions for PennDOT work because the blacktop spreads well, the asphalt in the cracks in the road seals real well, and you get real good results in patching potholes, building up shoulders, and so forth. So instead of people being laid off, they should be working to help maintain our roads for safety.

Now, we all know that PennDOT has a very difficult funding challenge to begin with, and when you do road maintenance

work, you have to schedule that work ahead of time to get your crews, line up your traffic control patterns, and everything, to do the work more effectively. When you have disruptions like we have today, that messes up your whole schedule. You lose productivity and it ends up costing more money to maintain the roads. We need all of our resources to fix our roads and bridge decks, and that is what we should be doing.

The Governor should not have these road workers laid off, especially at this time of the year. It might be in the high 90s here now, but in 6 months if we do not have these roads repaired, they will not be in good condition to deal with our winter weather in the Commonwealth.

All these roads and bridges are not Democratic roads or Republican roads, they are the roads of the people of Pennsylvania, and we have to get these people back to work to maintain our roads for safety. I urge the Governor and all the Members of the General Assembly to come together today and put PennDOT and the people back to work.

Thank you, Madam President.

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

Senator CORMAN. Madam President, I am going to adhere to my good friend from Philadelphia's advice to keep calm today. I kind of had a range of emotions over these last 10 days, but today I stand here sort of stunned, I guess would be my emotion.

As we have heard many, many times here today, the Governor furloughed 24,000 employees last night. Although we do not know all those employees personally, some are our friends, some are our neighbors. One who was furloughed as of 12:01 last night I know very, very well, very close to me, my younger brother, Kevin. He is one of the PennDOT workers about whom Senator Stout was talking. Kevin, like many of the State workers who have been furloughed, lives paycheck to paycheck. He has a wife, Dawn, and a beautiful daughter, Sabrina. They have a mortgage or rent to pay, car payments to make, day care to pay for, and how they are going to manage this during this particular time is unknown to Kevin at this point in time. He certainly has family resources to help him through this tough time, but not all State employees have that.

I had the opportunity to spend some time with my brother this weekend and talk about the State budget. Clearly, he was curious to know how this was all going to come down, and was concerned about being furloughed, and wondered what were the weighty issues that we were talking about. He was curious about what the impasse was, and I told him we had significant issues that were out there. Obviously, the energy package that the Governor wanted many of us had concerns about, not only the details of the package but also the fact that he was putting that as part of the budget process, that we did not believe in the principle that that should be part of the budget process. We talked about some of the other issues, the health care and transportation that we were at an impasse on, and my brother looked at me and said, Jake, I do not want to be furloughed, but if you believe in this principle, you have to stick to your guns. You have to do it and we will figure it out and we will get by. I am proud of my brother, I will always love him, but I was never more proud of him when we had that conversation that he understood the weightiness of what we were dealing with.

When I arrived here last night, and as we came back into Session yesterday afternoon, I was buoyed by the fact that there was talk in the air of a deal that was close, and we were all fairly excited about that. It seemed like the energy issue was, for the most part, resolved. The Governor had decided to move a good bit of that to the fall to allow further investigation that Senator Tomlinson talked about, and the spend number was close, and all the other issues dealing with health care that we thought we could get done, and so forth, it all seemed to be coming together. There were a few issues still out there that we were working through, but clearly, after our caucus, I think we all felt that it was not a perfect budget for us, but you never get a perfect budget.

This is about compromise. The Governor, as the chief executive of the State, is going to get some things that maybe we do not agree with, but that is part of the process. You do not get a perfect budget. So, I think we all left that caucus feeling that things were going in the right direction, and clearly, when I sat down and watched the press conference at 11:15, I felt good about the fact that we were not going to have these furloughs and all the State workers, particularly my brother, would not be out of work today.

When the Governor stepped up to the microphone at 11:15 and made his announcement of the furlough, I was shocked, to say the least. But probably what stunned me the most, as my chin dropped, was when the Majority Leader of the House said that the one outstanding issue that he had was we were not ready to raise RCAP. Now, RCAP is a significant issue, do not get me wrong. RCAP is where we raise the debt level here in Pennsylvania, give the Governor the authority to raise the debt level, float some bonds, and spend money on projects around the State for economic development purposes. There is nothing inherently wrong with that, and I voted to raise that cap before. I certainly have voted to spend some of that money in my district, so there is nothing inherently wrong with that, but to hold up a budget process and furlough workers over an issue that, clearly, if history proves itself, we will get to eventually is wrong. Some of us are clearly concerned that there is more debt than we want to carry right now, but for the Majority Leader of the House to stand up and say this was a significant issue that kept us from reaching a budget deal was stunning and I was flabbergasted.

One of the other issues that is apparently very, very important to the Governor is a tax credit for the film industry, and again, there is nothing wrong with a tax credit for the film industry. I think attracting the film industry to Pennsylvania is good for the economy, and to have a tax credit makes some sense. But apparently, there was an agreement to put in a \$25 million tax credit for this year's budget, and all sides seem to be fairly comfortable with that, but the Governor is insisting on it being uncapped. Maybe I am wrong, and maybe someone who has been here longer than me knows, but I do not think we have ever done an uncapped tax credit. It is not good budgeting, because if you budget one number and it comes in a lot higher, it certainly throws your budget off. Be that as it may, again, the issue itself is not necessarily a bad issue, but I have a tough time calling back home and telling my brother that he is going to be furloughed because of a tax credit issue and an RCAP issue. I would rather go back to the energy fight. At least that seemed to be an issue with which we could all understand the weightiness.

Madam President, I do not think we are at weighty issues anymore, I think we are close. We are close because of good work in this Senate, and I do not mean by just our Caucus, I mean by both sides. When we stood up for a no-tax pledge, we were joined quickly by the other side of the aisle, and I think that resounded even louder across this building, and many of the weighty issues, I think, have been resolved.

To think that we are here and we have 24,000 employees not working over a tax credit and a debt level, Madam President, is hard to go home and explain, so I would ask that we stick to the weighty issues. We have the major issues of the budget done. Let us pass this budget. Let us come to an agreement as it was asked before. Let us get these furloughed workers back to work.

Madam President, I will put one more issue on the table. I believe all of these furloughed workers should be made whole. They are not out on strike, and it is not their decision to not be at work today. It is the lack of cooperation or lack of ability of this legislature and this Governor to come to agreement. These furloughed workers should be made whole. I do not care if they are listed as essential or nonessential. It is not their fault. We should not affect their budget. Clearly, we were budgeting for their pay for a year anyway. They should be made whole, and I think we would have a resounding agreement on that issue. It is not their fault they are home, it is the General Assembly and the Governor's fault they are home, and they should not suffer the consequences of the inaction here in Harrisburg.

Thank you very much.

The PRESIDENT. The Chair recognizes the gentleman from York, Senator Waugh.

Senator WAUGH. Madam President, somewhat like the Minority Leader, I really intended to speak today very briefly on the budget and the fact that today is significant in terms of a furlough, but also like my good friend from the other side of the aisle the Minority Leader, I heard him express his concerns for the comments by the Majority Whip, the good lady from Allegheny County, when she pointed out the fact that the House Majority party was out.

I do not want to concentrate on that, but I will say that out of respect for his recommendation that we try to be more cooperative and in good spirit for forward progress, I will not criticize the House Majority party, but I would simply like to say that I think it is fantastic that on this day, when 25,000 workers are furloughed, that both Caucuses in the Senate are here. I think that is fantastic, and obviously are working towards some resolution. I also think it is good news that as I understand it at least one Caucus is sitting in their seats on the House floor, as we speak, also ready to deal with the issue.

On the budget, Madam President, you know, after a couple of days of this and after so many speeches, it all kind of starts to roll together, I guess. I am sure to the folks who might be watching, but certainly even to those of us here who participate, it starts to get a bit redundant, so I would like to switch it up a little bit.

I do think it is significant to speak today about the budget and the lack of progress on resolving it and the fact that we have a furlough of State employees. We have heard the term "budget impasse" used over and over and over again, and in fact, I do not see, frankly, that budget impasse is the proper term to be used at

this stage of the game, maybe even throughout this entire process.

Rather than budget impasse, Madam President, I would like to consider this term, "bully's tap dance." Yes, that is right, bully's tap dance. I do not know where it came from, but it just came out of the air last night because, in fact, the real reason that we are here really has little to do with the budget. In fact, it has almost nothing to do with the budget. As you have heard from both sides of the aisle today, the Senate over the past several weeks, actually several months, has worked on legislation that deals with various aspects of appropriations - education, welfare, transportation. All of those bills have moved through the process, many successfully, and in fact just 3 weeks, or so ago we even passed a budget bill, a budget document here in the Senate by a significant margin. I think there was one negative vote, if I recall correctly, and we sent it over to the House of Representatives. We have heard about that from Members on both sides of the aisle as they have indicated the progress and the bipartisan cooperation that has taken place through these deliberations. We have also heard, as you know, Madam President, that this really, by all accounts, should have been a rather smooth year. This is a year when, in fact, our treasury is flush with an extra \$650 million, if you want to call them extra dollars. So we are not faced with the concern of having to raise taxes or revenues, unless someone would like to see new programs or additional spending. In fact, I believe the budget deliberations to this point, by all indications, there is a sense amongst the Members of the General Assembly on both sides of the aisle that a no-tax-increase budget would be appropriate this year, and we can do that, so it is really not about a State budget impasse.

We are here today, Madam President, for one reason. We are here because, as I said, a bully chose to tap dance around this budget just long enough, just long enough, Madam President, to get us to the point of crisis, and that point came last night when he made the announcement that 25,000 individuals would just have to be, according to law--at least his reading of the law, not all of us--he was responsible for letting them be furloughed.

Yes, Madam President, the bully danced right to the edge, right to the brink, and pushed those employees off last night at 11 o'clock. Well, Madam President, the reason he had to do that dance is because most of us, in fact, I might say all of us here, while we are not up for the tango, we are saying absolutely no to tax increases, no to additional spending, no to more borrowing, no to additional programs attached to what should be a very simple budget.

Madam President, this is not a budget impasse, this is simply a bully's tap dance, and today, Madam President, that dance is being done on the backs of 25,000 unfortunate State employees and the fine people of this Commonwealth.

Thank you.

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

Senator RHOADES. Madam President, the issue was brought up during the presentations today that this divisiveness is based on politics. All I will say is that if you listen to this and look at what has been going on, it is not an issue of politics. Yes, we are still Democrats or Republicans, we still represent our districts, we still have our ideologies, and so on and so forth, but one thing

I think we are united on and have been committed to is passing a budget on time.

I did not furlough 25,000 people either through commission or omission. I did not tell them not to come to work. I do not have that authority or power. You say, well, by your failure to complete a budget, you have done it through omission. No, on June 20, by a vote of 49 to 1, we sent a bill out of here that would have had that budget done.

The other thing that upsets me when I look at this is the defining of people as "essential" or "nonessential." How dare anyone ever use that statement about anyone else? Senator Stout addressed it from the standpoint of PennDOT workers who would be working in the heat. This is the time you get construction work done, but they are not listed as essential. Let me ask you something, if this were the middle of January and there were 12 inches of snow on the road and somebody had to plow it, would that PennDOT person be essential or nonessential? Would you or would you not send them home? So get off of it. Do not try to list anyone as essential or nonessential, because they are all important to the process by which this Commonwealth functions.

Let us be upfront and honest about furloughing. It had nothing to do with politics, but based on gaining an advantage. It was about wanting to spend more than the \$650 million surplus or to obligate more in the future. The furloughing of 24,000 or 25,000 people was based on intimidation and coercion. We were to be intimidated or coerced, but I was neither. I was upset and angry, and that is a nice way of putting it. I am just downright mad. How can you insult people like that? How could a leader sacrifice and use people in order to put their personal agenda above the people? Leadership respects the people whom they represent and are going to lead. That is what this whole issue is about.

On June 20, by a vote of 49 to 1, we said no tax increases, a budget within the level of inflation, and no fee increases. If you have heard that once today, you have probably heard it 100 times. Now I ask the question, on those three points, who wants more than that? Who in this Chamber wants more than what we have proposed? With a vote of 49 to 1, we have said that is what we want.

I have to ask you this question, because this points to it, who else is in this equation? We, the Senate, are part A, and we have done our job, 49 to 1. What else can I do? If there is something else I can do, let me know. If you are someone else, you may say, well, you can cave in, but you are talking to the wrong guy.

The part B in the equation is the House, and where is the House? I am not picking on Republicans or Democrats, or anyone else, but they have to take some action. Specifically, what do they want that goes beyond the no tax increase, spending within inflation, and no fee increases? That is what we have said we want, and I think the 253,000 people I represent are telling me the same thing.

Then we have the Governor, because we can send it and the House can send it, but somebody has to sign it, and if there is no agreement, it does not work. So, through intimidation and coercion, I am being asked to give in and tell my leadership that I give in and surrender, and that I want to spend more and to obligate tomorrow. I want that \$850 million spent, the other \$500 million for the Jonas Salk Legacy Fund, and the trash fee.

Sorry, folks, and as one of my friends would say, and then they woke up; you are dreaming. We cannot do that and further obligate this Commonwealth, and 253,000 people did not send me here to raise taxes without some justification that it is necessary and critical. They did not ask me to obligate the future, but to build a future, and I stand ready to do that and, as my other colleagues have said, work collaboratively on these pieces of legislation to make them real, to make them promising, and to build on the future.

Call the Governor to send the people back to work. Sit down at the table in earnest and let us get a budget passed. That is all we need to do. Then we can work on all the other things and develop those super-pieces of legislation that are so necessary for tomorrow.

Thank you, Madam President.

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

Senator WONDERLING. Madam President, I will be brief, but I would like to make a few comments based on my reflections of what I am hearing from a number of my colleagues this afternoon.

First of all, and just as a general update, I suggest that beyond the politically-funded robocalls that have been blasting in my Senate district regarding all these matters, and particularly the Governor's proposed energy tax, virtually all the constituent contacts, calls, and e-mails I have fielded here in Harrisburg and the district office have been crystal clear: no more new taxes, restrain the growth of government, and limit spending.

Madam President, I found fascinating the comments of the gentleman from Allegheny County earlier this afternoon, regarding how to get through this political stalemate and beyond the callous initiative of furloughing over 20,000 Commonwealth public servants. The gentleman from Allegheny County suggested perhaps a formal arbitration process and bringing in an independent arbitrator to essentially do our jobs as public servants. As one Member of the Senate, I hope we do not get to that point, but it really did strike in my mind, particularly when those comments were followed by those of a Democratic Member from the Lehigh Valley, Senator Boscola, with whom I work closely, about what she is hearing loud and clear from her constituents, and that is no new taxes, no increased spending, and let us do our jobs. I thought it would be worth amplifying what the President pro tempore opined earlier this afternoon, and perhaps for the broader benefit of the citizens of this Commonwealth and for the record, it is worth a very brief explanation as to what it means to take a budget negotiation, or any piece of legislation, in this case a \$25-plus billion budget, to a, quote, "conference committee." Because I think, particularly in this age of reform and transparency, it is important to explain what that process means. To me, I would think it sounds like a lot of insider gobbledygook, but what does it really mean?

Well, as stated this afternoon, we passed a budget by a vote of 49 to 1 over 10 days ago. The House, on a strictly partisan vote, voted not to concur on that budget, and so under our legislative process, we are then at a legislative gridlock between the House and the Senate. To end that gridlock, the next step in our process is to convene what is called a conference committee. As stated earlier today, our President pro tempore has named his conferees,

the individuals who will be representing the Senate at such a conference table to air out these differences. He sent a letter earlier today to the Speaker of the House asking him to do the same.

Madam President, I think it is extremely significant that if indeed these matters go to a conference committee, such activities should be subject to the various Sunshine Law of this Commonwealth and that the meetings of the bipartisan leadership of the House and Senate first have to be advertized and then open to the public. I think this could be a very healthy step not only to ending this budgetary impasse, but also to further remove the veil of secrecy that for too many years has been about the people's business in this General Assembly.

My fine friend and colleague, Senator Boscola, mentioned the fact that we have lost our bearings and are not doing this for the folks whom we serve anymore, but for special interests. If, indeed, that is the case and that is where this is all turned, at the expense of 25,000 public servants who received their furlough notices today, then why not go to a publicly transparent conference committee? Let us see which lobbyists show up and whisper in the ears of which Members. Let us see what is important to the various Caucuses. Let us see if, on a truly bipartisan basis, we are listening to the folks we serve who say no new taxes, or do we have other games and interests in mind?

If it comes to a public conference and that is what it takes to get through this impasse, then so be it. I, for one, believe that by doing so, we will significantly aid and encourage this era of even more transparency in our State government.

Thank you, Madam President.

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

Senator MELLOW. Madam President, I think today, on much of the debate that has taken place here on the floor, you have given a lot of leeway to discussion, whether the discussion is accurate or not, and I think you are to be congratulated for that. I think the beautiful work of choreography that has been done between my colleagues here in the Senate and the Republican colleagues in the House sitting on the floor is something that was prearranged, Madam President, because although there has been a lot said about a 6-hour recall, there has not been a lot said about the accuracy of whether or not in fact there was a 6-hour recall.

Madam President, I took the liberty to make a couple phone calls to find out whether there was a 6-hour recall that was either agreed to, discussed, or actually put in place. I was told that there was a discussion today between the Democratic and Republican Leaders of the House, which took place sometime after 12 o'clock and lasted for more than just a few minutes, and the discussion at that particular meeting was, should they in the House of Representatives recess to the call of the Chair? Madam President, that is something we typically do here in the Senate. We do not recess to the call of the Chair, but we recess to the call of the President pro tempore, which is fine, and we all agree to that. But, Madam President, from what I understand, the truth in the House of Representatives is that both leaders agreed that they should then recess to the call of the Chair, as opposed to any other type of call, with the one caveat that once that happens, one of the leaders said, I may have to do what I have to do. That, obviously, was to bring his Caucus on the floor of the House and

then try to demonstrate one body is here working and the other body is not.

Well, I think it is important, Madam President, for those who are watching and listening, that the record reflect what I was told to be the truth, that the Republican Members of the House of Representatives are, or at least were, in fact sitting on the floor of the House, and that the Democratic Members of the House of Representatives were in fact in a caucus on an agreed-to agenda that they would not come back until there was a call of the Chair, something we typically do right here on many, many occasions.

Madam President, the other thing that I would like to address is something that was talked about by Senator Rhoades, and I think he was absolutely, positively correct in what he said, because it has been stated on the floor, in the news media, and even by myself that we have somewhere between 24,000 and 25,000 nonessential employees who were furloughed at midnight last evening, or at 12:01 a.m. For all the years that I have had the opportunity of representing the people, serving at their discretion as long as we do the job that they want us to do, I have never heard anyone ever before in my period of time be furloughed because of a budgetary crisis. Madam President, for those of us who may have been here in 1991--and I know Senator Rhoades was, who brought this "essential versus nonessential" issue to the floor--we did not pass a budget until August 4, but there was not one employee during that period of time who was furloughed because of inaction of the General Assembly to agree with the administration in the final passage of a budget.

Madam President, nothing has been said on the floor of the Senate today about the employees who work for the five casinos in Pennsylvania, who, in fact, are not State employees, but if it were not for an action taken yesterday by the Commonwealth Court with a hearing to take place tomorrow morning, those individuals who work for the casinos and are private employees working for private entrepreneurs totaling thousands of employees in Pennsylvania, they would also have been furloughed by their employer. If the Commonwealth Court did not rule yesterday that the casinos could stay open until the hearing tomorrow morning, they would have been closed as of 12:01 a.m., today. Nothing has been said for those thousands of employees who would be without a paycheck based on no fault of their own. The last thing that I would like to see us do is to carry the new label of the State who has closed down their casinos, because last year, that was the distinction of the State of New Jersey, which closed their casinos over July 4 because of a budgetary consideration.

Madam President, we have an infant, fledgling, young gaming industry. We are asking that industry to produce \$1 billion, or 50-plus percent of the amount of money that they take in on a daily basis to come into the State programs so that we could have at least \$1 billion worth of money for the purpose of reducing property taxes in Pennsylvania which fund education. Each and every one of us, whether we support gaming or not, has supported the fact that we want to reduce those property taxes, but not one word has been said on this floor for those employees who do not work for the Commonwealth and do not get a State check every several weeks. Not one word has been said about those individuals losing their jobs, and how unfortunate is it for the 24,000 or 25,000 individuals who have been furloughed today to be classified as, quote, "nonessential"?

Madam President, in education I have always been one who has been against a gifted program versus those in special education, because regardless of how gifted an individual may be at the age of 7 through 17 or 18 when they graduate from high school, we do not know what is going to carry them through the remainder of their life. I can tell you this, that in special education when a person is given the label of being a special education student, a student who is in need, you know what happens to that person for the rest of their lives? An individual will say, oh, I remember so-and-so, he or she was a special-ed student when we went to school, therefore putting that person at a significant disadvantage based on a label. Well, what kind of disadvantage would you have based on a label if you work for the Commonwealth of Pennsylvania and are one of those 24,000-plus employees who is now determined to be nonessential? Why would I even want to go to work, or have pride to sit behind my desk or in front of my computer when my employer has classified me as nonessential? If I am nonessential, then why am I even working? If I am nonessential, then why should we not reduce the State payroll by that 24,000 number if, in fact, they are classified as people whose jobs meet the definition of nonessential, where the purpose or benefit of that individual is something that is not really needed?

How many Members of this General Assembly or of the 50 Members of this State Senate would be classified as nonessential in the budgetary process versus essential for those individuals who are basically negotiating the budget? Is that a fair classification for those Members who have given those of us who have been negotiating the budget their input on a daily basis as to what they want to see happen and how they think the Commonwealth should move? To me, it is very, very, very offensive, and I am glad that, at least in my own mind, I am not one of those individuals who works for the Commonwealth who today has been furloughed and who forever is going to carry the classification of a State employee who is nonessential versus a State employee who is essential.

Madam President, July 9, 2007, is going to be a day in the history of Pennsylvania that is going to be remembered for a long time because it is going to be a day that people now have hit a whole different arena and have been classified as people, even though you work for the Commonwealth of Pennsylvania, even though you provide for a significant function in your job classification, even though you collect a check every 2 weeks for doing a good job, that your employment is not essential to the benefit of the Commonwealth of Pennsylvania. Therefore, a major, major determination should be made whether we should have employees who are considered nonessential to the Commonwealth. Perhaps those jobs could be done away with in some fashion, and that money could then go back to the taxpayer, or perhaps that money could be put into the fledgling growth of the gaming economy and the classification of property tax reduction so that we could show some benefit to the needs of the people of Pennsylvania.

I think a good discussion has taken place on a bipartisan basis. I think it is a discussion that reflects the interest of all Members of this body, whether Democrat or Republican, and the 260,000 people whom each one of us represent, because when we do the people's business and we do the appropriate thing, we would be here today discussing something other than a budget that should

have been passed 9 days ago. Failure to enact the budget in an appropriate manner is a blight on the political career of each and every one of us who serve in this Chamber and in the Chamber across the building. Madam President, I only wish that there would be some interest shown by those individuals, including myself, who are deeply involved in the negotiation to reconvene a meeting sometime early this evening, to put aside our differences, come up with a final draft document of those essential items to maintain the proper type of operation of the Commonwealth of Pennsylvania, and forever strike from the record that there is one nonessential employee who works for the Commonwealth.

Thank you.

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

Senator TOMLINSON. Madam President, I also want to thank my colleague, Senator Mellow, but on Friday I specifically referred to the 700 employees at Philadelphia Park who were concerned about this not only over the weekend, but also for weeks, because rumors were going around the industry that they would be laid off because of a budget impasse. Many of those people were policemen who worked for 30 years in police departments or left other jobs to work in security at this casino, and I also referred to the 3,500 employees statewide.

I was very disappointed when the Governor said that this is only about the owners, and I want to be specific and say that this is not only about the owners, but also about the employees, the investment, and the \$1.7 million we are losing in revenues. It is about a \$1 billion industry with which Senator Mellow and I worked very, very hard with this Governor to create.

What kind of message did that send when you threaten this industry with closing them down after you have collected \$50 million from them? We have \$250 million in our State Treasury because these people were under the assumption that these businesses would be allowed to operate. It is not about owners or operators, but about the fact that you collect a fee or a tax and these people expect to be open for business, and then, as far as I am concerned, you arbitrarily and capriciously close them down.

I honestly believe that it is becoming more apparent how important the hearings were that Senator Earll held, and that there was really no legal reason to close the casinos down. In fact, I mentioned as an aside that when those employees did not show up for work during a snowstorm, they did not close the casinos down. You do not need to close the casinos down, and I have said that over and over again, as I did on Friday.

It clearly is important that we fight for those people who have jobs there, but not only that, I also specifically talked about the market share that we are going to lose to the States that surround us. I also specifically mentioned the fact that we have done such a good job in southeastern Pennsylvania that the revenues of Atlantic City are down significantly, I do not want to see us lose that market share because we close down for 1 day, 2 days, 1 week, or 3 weeks. Unlike Atlantic City, we have a central control computer, and it is not easy for us to ramp right back up. Atlantic City was closed for 3 days, but they do not have a central control computer.

We have a lot of problems shutting down and ramping back up because every one of our slot machines is connected to that

computer, and there is a lot of work involved in trying to turn them back on. I was pleading to Senator Earll's committee, please do not do this to this industry because, first of all, it has never been tried, and second of all, I do not know how it is going to go back up, and we do not have the employees in the Gaming Control Commission to get all 5 back up and running at the same time, even if we only close those casinos for 1 or 2 days. That is why I think they were granted a temporary injunction, and hopefully, they will be granted a permanent injunction to keep them open because it is so difficult when you close them to open them back up.

The other thing is, I think it sends a terrible message not only to the people who use them, because gamblers are capricious and get into a habit, and if you lose them, you may have lost them forever. Atlantic City revenues are down 8 percent, and that is a huge number which we have captured in Pennsylvania that is going right back to our taxpayers, and at a tax rate of 55 percent as compared to Atlantic City's 9 percent. The biggest loser would be us, not the owners. We are the biggest partner in this billion dollar gaming industry that we created, and we turn our backs on them?

And what kind of message does that send to financial markets? Financial markets do not like this uncertainty and the fact that you may be able to close them down for a day, a week, a month, or an extended period of time. This is sending the wrong message, and I was very disappointed that the Governor did not think the hearing that Senator Earll asked for was that important. It was nothing at all like Alice in Wonderland and this is not about the Mad Hatter. This is about a very serious industry that we brought here, and now you turn your back on them and cause all these kinds of problems.

I am glad Senator Mellow brought that up because I thought I spoke to that at length on Friday. I am happy to speak about it again and that we should not have used our State employees as hostages in this showdown, and I am happy to report that it is no longer over energy, but just over the budget. That is progress, and what I tried to say earlier. I think we have made great progress because we have taken energy off the table and are now just talking about the budget. It is a shame that we lost those critical hours and days up until and after June 30 to talk about energy and not the budget, and that is why we are where we are now.

I complimented the Governor on moving off and on, but I would ask for one more thing. I do not think it is necessary for this Governor to hold these people hostage over this budget. I think we are that close, and he should say, go back to work because we no longer want to hold you hostage. Open up the parks, PennDOT, and provide the services that people need. Let us finish negotiating the budget. We can finish that within a few days. There is no reason not to put these people back to work, and there is no reason to hold this casino industry hostage either.

Thank you, Madam President.

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

Senator COSTA. Madam President, I appreciate the opportunity to provide a few additional remarks, and I think that what I hear from my friend and colleague, Senator Tomlinson, is the frustration that we have heard from all of the Members we have heard from today.

Sixteen Members of this Senate stood up and spoke about the concerns they have about the process that was put into place relative to determining whether or not individuals are essential or nonessential, and the decision, which many have called unilateral, to furlough 24,000 to 25,000 employees. We have heard the frustration about how we are putting certain priorities above others and that we fail to hear what our constituency is telling us about what we need to focus on and what our priorities need to be.

I think Senator Tomlinson is correct when he states that we can no longer use the people of Pennsylvania, the employees of this Commonwealth, and specifically, the employees in the gaming industry, as pawns in this very, very serious situation. That is something which is very important. During this discussion over the past couple of weeks, there have been a lot of comments, concerns, and anger regarding something that has taken place outside this Chamber, that Members or organizations of this Chamber have at times participated in, and that is the issue of robocalls. I know my friend and colleague, Senator Tomlinson, was quite offended when robocalls were made in his district attacking him, particularly given the significant work that he did with respect to getting the gaming industry up and running in Pennsylvania. My colleague, Senator Browne, was very offended by the nature of the robocalls in his district.

In response to that, I think Senate Resolution No. 153, which we unanimously adopted today, is significant in the sense that after Members on both sides of the aisle denounced robocalls, the leaders of the Senate, Senator Pileggi and Senator Mellow, stood and said, we are not going to accept this and be part of robocalls or utilizing State resources for the purpose of attacking individual Members in their respective districts. Madam President, we passed that resolution, and I rise today to commend our leaders for putting that resolution on the floor and adopting it in a quick and timely manner. We addressed the issue over the past couple of weeks by talking about it and then taking action on it, similar to what we have done with respect to this year's budget and some of the issues that have been addressed today.

This is not the only thing that this Chamber has done over the past 7 months that we have been in Session. As my colleagues know, we have adopted a number of other rule changes that allow us to become a more transparent entity. Commonwealth residents now know exactly what it is we are doing in this Chamber day in and day out. We have implemented rules and regulations that place our roll-call and committee votes on the Internet, and adopted a 6-hour wait on amendments before we vote upon their adoption. I think that is a great improvement, and Senate Democrats have advocated for a longer period of time, but the important thing is we have adopted it and it has been working very well. It gives the public the opportunity to see bills that we have voted on and amendments to legislation before we vote on their adoption. We also decided that we will conclude business by 11 p.m. every evening to make certain that we are not putting in legislation during the middle of the night. We heard loud and clear from our constituency that that was something they did not want us to do. This was all part of an effort to let the public know what we do here in Harrisburg, and I think those are very good and positive steps that we have taken. I wanted to rise today and would have been remiss if I had not done so, as someone who has

been critical over the last several days of the utilization of robocalls originating not with this Chamber, but from outside this Chamber to attack and force Members into a corner with respect to what their position would be on various bills, including energy, gaming, and the like. I think it is important for us to recognize that we did unanimously adopt this resolution prohibiting the use of State funds for robocalls or automated phone calls into legislative districts, and I want to commend my colleagues for that affirmative vote.

Thank you, Madam President.

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

Senator RAFFERTY. Madam President, I will be brief. Much has been said in the Senate Chamber, and there has been a very good give-and-take and exchange of ideas on our positions on this budget. As we deal between the two Chambers and the executive branch, I am mindful of a quote from one of our great Presidents, Harry S. Truman, "If you cannot convince them, confuse them."

Madam President, that is what is going on right now with this budget process. I am worried, too, about the 12 million people in the Commonwealth of Pennsylvania, whether they are casino workers or PennDOT workers, men and women who patrol our highways, drive fire engines, or are first responders. The messages I received loud and clear from my constituents in e-mails, 15 to 1, is do not support any taxes, do not give in, and stand firm. I have heard from David Zeigler of Royersford, from small business owners who say the cost it will mean to them will force them to relocate from Pennsylvania, to a man today from Coatesville who e-mailed me to say his summer vacation plans are now on hold because he was planning to go to a State Park and rent a cabin but cannot do that now because State employees have been furloughed. But he told me to not give in, and to not vote for any new taxes. That is the message that I and many of my colleagues are hearing loud and clear in the Senate of Pennsylvania. We have to stand firm.

And I am mindful of my mother, who, when my brother and I used to act up, would say, now boys, sit down and let us talk about this. It is time for the boys to sit down and talk about it and focus our energy on what is our constitutional mandate - a budget for the Commonwealth of Pennsylvania, and to negotiate in good faith.

I know that in the past couple of days all four Caucuses and the Governor have moved very close together, and I am encouraged by that. I would like His Excellency, the Governor, to make a good faith gesture and bring back all those furloughed employees tomorrow and continue the negotiations and bring to a close the budget for the Commonwealth of Pennsylvania. Then we will turn our energies and resources to the energy and the health programs, and work very closely with our colleagues on transportation, which I think we are within inches of solving that problem as well.

Madam President, I just want to close by saying that it is time, and it is time now. We have all had our say, so let us get it done and put up the votes on passing a budget here in the Commonwealth.

Thank you, Madam President.

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 BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS

July 9, 2007

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, Nina Tinari, 6401 Church Road, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, for appointment as a member of the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, to serve until June 28, 2008, and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Helen O'Neill Morris, Camp Hill, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE BOARD OF TRUSTEES OF THE WESTERN YOUTH DEVELOPMENT CENTERS

July 9, 2007

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, Sam Cohn, 491 Hillside Drive, Mountville 17554, Lancaster County, Thirty-sixth Senatorial District, for appointment as a member of the Board of Trustees of the Western Youth Development Centers, to serve until the third Tuesday of January 2011, and until his successor is appointed and qualified, vice The Honorable Gerald J. LaValle, Rochester, resigned.

EDWARD G. RENDELL
Governor

MEMBER OF THE FRANKLIN COUNTY BOARD OF ASSISTANCE

July 9, 2007

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, Norma Peterman, 4634 Larchwood Avenue, Philadelphia 19143, Philadelphia County, Eighth Senatorial District, for appointment as a member of the Franklin County Board of Assistance, to serve until December 31, 2009, and until her successor is appointed and qualified, vice David McCleary, Chambersburg, resigned.

EDWARD G. RENDELL
Governor

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, JULY 10, 2007

3:00 P.M.	COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT (to consider the appearance and/or testimony of Secretary Joseph S. Martz, Office of Administration, and Secretary Thomas W. Wolf, PA Department of Revenue, and/or their respective designees - Naomi Wyatt, Deputy Secretary, Human Resources and Management, Office of Administration, and James Honchar, Director, Bureau of Human Resources, Department of Revenue; for purposes of considering the subject of the PA Gaming Industry and the uncertainty it faces without a 2007-2008 gaming budget; a look at how the lack of State funding would impact the oversight of gaming in PA and might lead to an industry shutdown; and any other testimony that may be relevant)	Hrg. Rm. 1 North Off.
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bill No. 704, provides for regulation of assisted living residences; and certain executive nominations)	Rules Cmte. Conf. Rm.
Off the Floor	STATE GOVERNMENT (to consider Senate Bills No. 917 and 989; and House Bill No. 1656)	Rules Cmte. Conf. Rm.

RECESS

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

Senator RAFFERTY. Madam President, I move that the Senate do now recess until Tuesday, July 10, 2007, at 1 p.m., Eastern Daylight Saving Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 4:34 p.m., Eastern Daylight Saving Time.