

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

WEDNESDAY, NOVEMBER 19, 2003

SESSION OF 2003 187TH OF THE GENERAL ASSEMBLY

No. 75

**SENATE**

WEDNESDAY, November 19, 2003

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

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

**PRAYER**

The Chaplain, Reverend DAVE MILLER, of Chestnut Grove United Methodist Church, Dillsburg, offered the following prayer:

Let us join our hearts together before God.

Almighty, most gracious and merciful God, in this season of thanksgiving, we would pause and look to You and give You thanks for Your goodness, for the abundance of Your blessings to us, the citizens of this State of Pennsylvania. We thank You for her beautiful forest lands, the abundance of running water. We thank You for the gift of life itself.

We ask, O Lord, in this Session, that You would guide and bless these Senators with Your wisdom, with the matters for today and also each and every day, that You would provide guidance in matters of education for our children, employment for family providers, help and assistance for those in need.

All these things we look to You, O God, the giver of all and the source of life, and we give You praise in Your most holy and benevolent name. Amen.

The PRESIDENT. The Chair thanks Reverend Miller, who is the guest today of Senator Orié and Senator Mowery.

**PLEDGE OF ALLEGIANCE**

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

**JOURNAL APPROVED**

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

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

**COMMUNICATIONS FROM THE GOVERNOR**

**NOMINATION REFERRED TO COMMITTEE**

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

**MEMBER OF THE UNEMPLOYMENT  
COMPENSATION BOARD OF REVIEW**

November 19, 2003

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Richard Bloomingdale, 5770 Nesbit Drive, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Unemployment Compensation Board of Review, to serve until July 1, 2009, and until his successor is appointed and qualified, vice Robert J. Ewanco, McKees Rocks, whose term expired.

EDWARD G. RENDELL  
Governor

**RECALL COMMUNICATIONS  
REFERRED TO LAID ON THE TABLE**

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows and laid on the table:

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

November 19, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 7, 2003, for the appointment of The Honorable Frank LaGrotta, 777 Adams Avenue, Ellwood City 16117, Lawrence County, Forty-seventh

Senatorial District, as a member of the Council of Trustees of Slippery Rock University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, vice Rex A. Martin, Mercer, whose term expired.

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

EDWARD G. RENDELL  
Governor

**MEMBER OF THE UNEMPLOYMENT  
COMPENSATION BOARD OF REVIEW**

November 19, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 7, 2003, for the appointment of Richard Bloomingdale, 5770 Nesbit Drive, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the Unemployment Compensation Board of Review, to serve until July 1, 2009, and until his successor is appointed and qualified, vice Robert J. Ewanco, McKees Rocks, whose term expired.

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

EDWARD G. RENDELL  
Governor

**LEGISLATIVE LEAVES**

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

Senator BRIGHTBILL. Madam President, I ask for legislative leaves for Senator Earl and Senator Greenleaf.

The PRESIDENT. Senator Brightbill requests legislative leaves for Senator Earl and Senator Greenleaf. Without objection, the leaves will be granted.

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

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

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

**LEAVE OF ABSENCE**

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

**CALENDAR**

**SENATE RESOLUTION No. 176  
CALLED UP OUT OF ORDER, ADOPTED**

Senator BRIGHTBILL, without objection, called up from page 3 of the Calendar, as a Special Order of Business, **Senate Resolution No. 176**, entitled:

A Resolution observing the week of November 23 through 29, 2003, as "National Family Week" in Pennsylvania.

On the question,  
Will the Senate adopt the resolution?

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

**YEA-48**

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

**NAY-0**

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

**SPECIAL ORDER OF BUSINESS  
GUESTS OF SENATOR ROBERT J.  
THOMPSON PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Chester, Senator Thompson.

Senator THOMPSON. Madam President, it is my privilege today to introduce three individuals from the 19th Senatorial District from Phoenixville, Pennsylvania. They are Mrs. Sheryl Fort and her son, Aaron, and daughter, Shannon. Both Shannon and Aaron are homeschoolers, and they are here in Harrisburg today to learn more about the governmental process and to see the Senate in Session. So, it is my privilege to introduce them to the Senate and to ask the Senate to give them its usual warm welcome.

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

(Applause.)

**GUESTS OF SENATOR ROBERT M.  
TOMLINSON PRESENTED TO THE SENATE**

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

Senator TOMLINSON. Madam President, yesterday we welcomed some students from Neshaminy for the March of Dimes Day for prematurity in children and infants, and today I would like to welcome another group of guests from Neshaminy High School. I would like to welcome the girls' softball team, which is being congratulated for capturing the 2003 PIAA Class AAA Girls' Softball State Championship. An outstanding group of young ladies and their coaches are here today, and I would like the Senate to please recognize these young ladies for their outstanding accomplishments not only in school but on the athletic field.

With this group today is Jill Benningfield, Lisa Cohen, Danielle Curran, Molly Dacey, Nicole Paiva, Chrissy Gannon,

Jamie Janzer, Christi Swanekamp, Kristen Ludlow, Shannon McAteer, Allison Nemeth, Stephanie Renson, Jessica Scott, Tracy Sylvestre, Melissa Verillo, and Jackie King, and of course, their very successful head coach, Kathleen Mullins. I would also like to also congratulate the assistant coaches, Amy Kochersperger, Kevin Mullins, Bob Notorfrancesco, and Raymond Perri.

I ask that this Senate please give this group of outstanding athletes and coaches a warm welcome.

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

(Applause.)

#### **GUESTS OF SENATOR CONSTANCE H. WILLIAMS PRESENTED TO THE SENATE**

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

Senator C. WILLIAMS. Madam President, I have the honor today of introducing to you Cradle of Liberty Boy Scout Troop 243 from Ardmore, Pennsylvania. They are here with their Scoutmaster, Charles Whitting, and assistant Scoutmasters Blair Ryan, Alden Washington, Harry Collins, and Mr. Raymond Miles, Sr., who helped organize Troop 243 in 1959 and has been involved ever since. They are here today to spend the day visiting the Capitol, speaking with me and Representative Leach, and I am delighted that these Scouts are here with us today. We have two who are just about to become Eagle Scouts in a couple of months, so please join me in welcoming Boy Scout Troop 243 of Ardmore, Pennsylvania.

The PRESIDENT. Would the Boy Scout Troop please rise.  
(Applause.)

#### **GUESTS OF SENATOR JOHN C. RAFFERTY PRESENTED TO THE SENATE**

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

Senator RAFFERTY. Madam President, it is my distinct pleasure this afternoon to introduce to the Members of the Senate two young individuals who have been very helpful to me in the 44th District, who are interning with me this year. They are both seniors in college, and oftentimes we see headlines in the newspaper criticizing today's youth. Well, Madam President, I stand before you to tell you that the two individuals I am about to introduce, if they are examples of what today's youth can do for us, then we will be in good hands in the future when they assume their positions of leadership and responsibility in the community.

Madam President, the first guest I would like to introduce is Sarah Ulmer, who is interning in the Montgomery County office. She is a senior at Ursinus College in Collegeville, majoring in history and plans to pursue a career in international relations, with an advanced degree in international relations.

The second individual is Regan Carroll, who is a senior at Kutztown University. He is a marketing major, president of the American Marketing Association at Kutztown University, and plans to obtain employment in the business field.

Madam President, I ask the Members of the Senate to extend our normal, courteous, warm welcome to these individuals.

The PRESIDENT. Would the guests of Senator Rafferty please rise so we can offer you a warm welcome.

(Applause.)

#### **RECESS**

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

Senator BRIGHTBILL. Madam President, at this time I ask for a recess of the Senate for the purpose of a brief caucus. Our caucus will be held in the Rules room to the rear of the Chamber. My guess is that we will be back here in about 15 minutes, and my understanding is that the Senate Democrats might caucus also.

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

Senator MELLOW. Madam President, I make the same request, that our Members report to our caucus room immediately, and we do expect to be back on the floor in about a 15-minute period of time.

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

#### **AFTER RECESS**

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

#### **CONSIDERATION OF CALENDAR RESUMED**

##### **THIRD CONSIDERATION CALENDAR**

##### **BILL OVER IN ORDER**

**HB 46** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

##### **BILL OVER IN ORDER TEMPORARILY**

**SB 677** -- Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

##### **BILLS LAID ON THE TABLE**

**SB 689 (Pr. No. 792)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further regulating duties of Department of Community and Economic Development.

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

**SB 690 (Pr. No. 830)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing for reports to the Secretary of Revenue.

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

**BILLS OVER IN ORDER**

**SB 763 and SB 892** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

**BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE**

**SB 924 (Pr. No. 1244)** -- The Senate proceeded to consideration of the bill, entitled:

An Act requiring certifications by tobacco product manufacturers; providing for a directory of cigarettes approved for stamping and sale; conferring powers and imposing duties on the Attorney General and the Department of Revenue; and imposing penalties.

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

On the question,  
Shall the bill pass finally?

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

Senator RAFFERTY. Madam President, I want to thank the Members of the Senate in advance for their affirmative vote on Senate Bill No. 924, and would like to take this opportunity to specifically thank and note the efforts of the Office of Attorney General and their Legislative Affairs Office and the legal staff of Senator Jubelirer's office for their help in drafting this legislation.

Thank you.

And the question recurring,  
Shall the bill pass finally?

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

**YEA-47**

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

**NAY-1**

Ferlo

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

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

**HB 1854 (Pr. No. 2415)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 22, 1933 (P.L.853, No.155), known as The General County Assessment Law, further providing for valuation of property.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

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

**YEA-48**

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

**NAY-0**

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**SECOND CONSIDERATION CALENDAR**

**BILL OVER IN ORDER**

**HB 88** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

**BILLS REREFERRED**

**HB 176 (Pr. No. 2785)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for State real estate transfer tax determination and for imposition of local real estate transfer tax; providing for rules and regulation, documentary stamps, collection agent, disbursements, proceeds of judicial sale, failure to affix stamps, determination and notice of tax and review, lien, refunds and penalties related to local real estate transfer tax; and making repeals.

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

**HB 545 (Pr. No. 2916)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 31, 1971 (P.L.398, No.96), known as the County Pension Law, changing vesting rights.

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

#### BILL OVER IN ORDER

**HB 936** -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

#### BILL ON SECOND CONSIDERATION AND REREFERRED

**SB 940 (Pr. No. 1277)** -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the second time and agreed to,  
Ordered, To be printed for third consideration.

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

#### BILLS OVER IN ORDER

**SB 965 and HB 1279** -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

#### SB 677 CALLED UP

**SB 677 (Pr. No. 769)** -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Third Consideration Calendar, by Senator BRIGHTBILL.

#### BILL AMENDED

**SB 677 (Pr. No. 769)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for the Office of Trial Staff and for bureaus and offices; and providing for consumer protection and information.

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

Senator KUKOVICH offered the following amendment No. A4152:

Amend Title, page 1, line 3, by striking out "and" where it appears the third time

Amend Title, page 1, line 4, by removing the period after "information" and inserting: and for expiration of alternative telecommunications services; and making a repeal.

Amend Bill, page 11, line 2, by striking out all of said line and inserting:

§ 6610. Expiration.

This chapter shall expire December 31, 2004.

Section 3. Section 4 of the act of July 8, 1993 (P.L.456, No.67), entitled "An act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for an alternative form of regulation of telecommunications services; providing protection for public utility employees who report a violation or suspected violation of Federal, State or local law; providing protection for such employees who participate in investigations, hearings, inquiries or court actions; and prescribing remedies and penalties," is repealed.

Section 4. This act shall take effect as follows:

- (1) The following provisions shall take effect immediately:
  - (i) The addition of 66 Pa.C.S. § 6610.
  - (ii) Section 3 of this act.
  - (iii) This section.
- (2) The remainder of this act shall take effect in 60 days.

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

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

Senator KUKOVICH. Madam President, it is a very simple amendment. I have had discussions not only with Senator Tomlinson, the sponsor of the bill, but with some of the other Members who have been working on telecommunications. This is, in effect, a 1-year sunset, which means that we would have to deal with this issue not by the end of December but by the end of the sine die adjournment at midnight November 30. There have been discussions about longer times and shorter times, but I think generally, although it may not be unanimous, there is a rough consensus from the administration, from Senator Tomlinson and his committee, Senator Corman and his committee, that this is a reasonable compromise until we can work out some final legislation on the Chapter 30 issue, and I ask for an affirmative vote.

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

Senator M.J. WHITE. Madam President, I intend to vote "no" on this extension and this amendment, and I hope that some of my colleagues will consider doing the same. I recognize that a reasonable extension of time to permit negotiations to proceed might not be an unreasonable request. However, a year is entirely too long. During that time period, we will lose all of the momentum that has already been established toward the reauthorization of Chapter 30. I appreciate the work of Senator Corman and Senator Tomlinson, but representing a rural area that is underserved, both with basic telephone communications and with high-speed data access, another year of the status quo is simply intolerable. We need a tight deadline to keep these negotiations on track and to actually achieve something. In my opinion, the worst possible time to be attempting to do a Chapter 30 reauthorization would be sine die, the time our late colleague, Senator Bell, used to call turkey season, when we are dealing with an avalanche of bills coming in at the last minute, when there is not ample time to debate and to consider.

I believe a 3-month extension would have been completely acceptable, but a year for the people of rural Pennsylvania who

are waiting for better telephone service, for network modernization, and broadband access, is simply intolerable, and I ask for a negative vote.

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

Senator CORMAN. Madam President, I reluctantly support this amendment. I concur with a lot of things Senator Mary Jo White said, and when I say "reluctantly," I do not mean that Senator Kukovich did not put together a good amendment for a good purpose, but the most important thing with Chapter 30 is that we do not let it sunset. I think by passing this amendment today, it gives us that breathing room so that we can still get an agreement by the end of this Session or before we break for the holidays, or we can still do this in January or February of next year. Nothing prevents that, but it will give us breathing room so that the legislation that was passed in 1993 authorizing telecommunications deployment throughout Pennsylvania will not sunset, and that is the most important thing I think we can all agree on.

So, although I want to keep the momentum going, we have made a lot of progress. Senator Connie Williams and I have been working at length on this for the last year and a half, and Senator Tomlinson and I have had some very constructive meetings recently. I think we have the momentum going, but I think Senator Kukovich is right, we have to get a bill moving and in place so that this bill does not sunset, which I think would be disastrous for everyone involved. Although I am not thrilled about the delay, I think a lot of factors, with the budget, et cetera, have delayed consideration of this, but I will support the amendment today.

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

Senator C. WILLIAMS. Madam President, I think it is unfortunate that the situation we find ourselves in with the budget has pushed Chapter 30 discussions back a bit. I absolutely agree with Senator Mary Jo White. If we are going to have to extend the sunset, I would like to see it for just a few months. I think whenever the deadline is, that is when the negotiations are going to be. Unfortunately, I am concerned, as Senator Corman is, that if we do not do something in consensus, I think it is a year, that the bill will sunset, and I think that is the worst thing that could happen.

So, I also reluctantly will support this, but hope that perhaps we can come to an agreement in some kind of legislation before the end of next year.

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

Senator TOMLINSON. Madam President, I rise to support Senator Kukovich's amendment to my bill. I want to agree with the previous speakers that we need to get this job done. Chapter 30 is very important, but it is a very complex subject and has very, very serious ramifications for all of Pennsylvania, and for that reason, I think we need to extend this date. I, in fact, wanted to extend the date longer than this to give us a little bit more time, but I have agreed to Senator Kukovich's 1-year extension. I think a smaller extension just would not give us enough time. It is not uncommon for us to go on with discussion after an issue has sunset; many, many times this legislature has gone on and talked and finally resolved their differences.

So, I think it is very, very important that we send a message to everybody that we are serious about this, and it is my hope that by doing this, we will even force more talks and more discussions. As we speak, things are going on in the House. There have been committee votes in the House, and there is expected to be a floor debate in the House. So, it is my hope that even in this bill, this is just a safety net, that we will get Chapter 30 at least advanced further just within the next few days that we have in legislative Session. We do not have enough days, really, in my opinion, to get some of these complex matters settled, but hopefully, we can. So, I ask for this extension; I think it is very important to have.

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

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

YEA-46

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

NAY-2

Ferlo White, Mary Jo

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

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

**COMMUNICATION FROM THE GOVERNOR  
TAKEN FROM THE TABLE**

Senator ROBBINS called from the table communication from His Excellency, the Governor of the Commonwealth, recalling the following nomination, which was read by the Clerk as follows:

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

November 19, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 7, 2003, for the appointment of The Honorable Frank LaGrotta, 777 Adams Avenue, Ellwood City 16117, Lawrence County, Forty-seventh Senatorial District, as a member of the Council of Trustees of Slippery

Rock University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2007, and until his successor is appointed and qualified, vice Rex A. Martin, Mercer, whose term expired.

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

EDWARD G. RENDELL  
Governor

#### ***NOMINATION RETURNED TO THE GOVERNOR***

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

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

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

#### **COMMUNICATION FROM THE GOVERNOR TAKEN FROM THE TABLE**

Senator ROBBINS called from the table communication from His Excellency, the Governor of the Commonwealth, recalling the following nomination, which was read by the Clerk as follows:

#### **MEMBER OF THE UNEMPLOYMENT COMPENSATION BOARD OF REVIEW**

November 19, 2003

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated July 7, 2003, for the appointment of Richard Bloomingdale, 5770 Nesbit Drive, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the Unemployment Compensation Board of Review, to serve until July 1, 2009, and until his successor is appointed and qualified, vice Robert J. Ewanco, McKees Rocks, whose term expired.

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

EDWARD G. RENDELL  
Governor

#### ***NOMINATION RETURNED TO THE GOVERNOR***

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

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

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

Senator MELLOW. Madam President, in the many years that I have been a Member of the Senate, I can never recall not voting in favor of the recall of a nomination by a Governor, and that includes Governors of the party that I represent as well as the

opposing party. Every time that a recall resolution was sent to the Senate, we have always supported that recall resolution, regardless of what the situation may be.

But, Madam President, I see a pattern that is forming in this Senate, and it did not just start with the recall of Mr. Bloomingdale for the Unemployment Compensation Board of Review. This is the second time this week that we are having a recall because it appears that the individuals who have been submitted for various boards and commissions are not in favor with certain Members of the Senate. So therefore, Madam President, we are going to request a "no" vote on the recall of Mr. Bloomingdale. He has a distinguished career as a member of organized labor. He is the secretary-treasurer of the AFL-CIO and has devoted his entire career to advancing the rights of the working men and women of Pennsylvania.

Madam President, his name was submitted to the Senate on July 7, which was fully 4 1/2 months ago. As of this date, which is the last date that his name can appear on the Executive Calendar without being confirmed or defeated or the Governor calling his name back, there has been no action taken, and that would have included, Madam President, a public hearing, which I believe would have taken place before Mr. Bloomingdale's name should have appeared for confirmation. So, with all these things, Madam President, and just the matter of fact that I believe that a pattern has developed, that if the Majority party is not totally in favor of an individual whose name has been submitted by the Governor for confirmation, regardless of the merit of the individual, regardless of the ability of the person, and regardless of the occupational background of the individual, that person is either going to be recalled or he is going to be defeated.

I think we are now getting to a place in time where we have to draw a line and we have to vote our conscience as to whether a person should, in fact, be recalled, should, in fact, be confirmed to a board, and in this particular case, there is no individual that I believe anyone could find who would be more capable and more competent and more qualified than Richard Bloomingdale to serve on the Unemployment Compensation Board of Review. And yet here on the 25th day, the last day we can consider him, the last day his name will appear on the Executive Calendar, there has been a recall resolution received by the Senate, because it is apparent there may not be enough votes cast on his behalf in the Senate for his confirmation. Based on that, I request a "no" vote on the motion to honor the recall resolution.

Thank you, Madam President.

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

Senator BRIGHTBILL. Madam President, I ask for an affirmative vote supporting the Governor's recall. My understanding is that this particular nomination has been resubmitted. As Senator Mellow and other Members know, this train, when it comes to Executive Nominations, does not always move as fast as we would like, and we all get frustrated from time to time. This certainly is not a reflection on the qualifications of the nominee, and it is certainly not intended, either by the Governor or by us in supporting the Governor's recall, to be any indication as to the quality or merit of this particular nominee. This is just something that has not quite come together. The Governor has resubmitted it, and we believe that we will have this process worked through

in the first 2 weeks of December. So, we ask the Members to support us and support the Governor in his recall, and I ask for an affirmative vote.

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

Senator FERLO. Madam President, I would like to respectfully ask the Majority Leader to stand for interrogation on this issue.

The PRESIDENT. Would the Majority Leader stand for interrogation?

Senator BRIGHTBILL. Madam President, I am always happy to stand for interrogation on the gentleman's questions.

Senator FERLO. Thank you.

Madam President, I just wanted to know if the honorable gentleman could respond in any way whatsoever or give some indication to all of us gathered here today as to what reason might exist as to why there has not been action to date on this distinguished Pennsylvanian who has been nominated.

Senator BRIGHTBILL. Madam President, the answer is, no.

Senator FERLO. Madam President, no answer or no reason?

Senator BRIGHTBILL. Madam President, we go through this a lot. We go through this on judges. There was a time when we went through this on members of the Cosmetology Board. I have been doing this for 20-some years, and sometimes it just takes a little longer to move people, and we do things here in this Senate with a consensus, and my hope is that we are going to get a consensus on this, and hopefully, we will end up doing this nominee with all affirmative votes. But until we are ready to go there, we are simply asking that we honor the Governor's recall. I mean, the Governor submitted him, the Governor is not abandoning him. There is no Member here to whom I have talked who says that he is a bad nominee. We are just not quite ready yet to do it. This is part of the process.

Senator FERLO. Madam President, I would just end with this notation. It seems as though there is a very large laundry list of individuals, many distinguished Pennsylvanians, who have been offered by the Governor and his administration to serve on various boards and authorities who happen to be both Republican as well as Democrat, from all walks of life, with all levels of occupational and professional, academic and governmental career skills, and it just seems that it is a very slow process to the point of being obstructionist. I think that is certainly the case with this distinguished individual whom we have before us today, and I cannot really readily accept that there is not at least some public rationale or reasoning for not wanting to move expeditiously and in an appropriate manner to confirm Mr. Bloomingdale.

Thank you.

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

Senator MELLOW. Madam President, not to belabor the issue much longer, but my concern is this will be the fifth individual this week who has been recalled because of the lack of support on the floor of the Senate. We had another individual who was recalled earlier here in this Session today, former Representative Tom Michlovic, whose name was submitted to serve on the Securities Commission back in May. He had to be recalled because of lack of support and did not even have a public hearing, but a public hearing took place on Monday for the other two individu-

als who were confirmed. We had Ira Lupert nominated to the Penn State University Board of Trustees, whose name had to be recalled for lack of support. We had David Jones this week nominated to Kutztown University, who had to be recalled because of a lack of support, and now we have Rick Bloomingdale. The unfortunate thing of having Rick Bloomingdale's name recalled is because of his tremendous expertise with the working men and women in this Commonwealth. The AFL-CIO has not only endorsed Democrats, Madam President, but they have also endorsed Republicans, and the only reason why the Governor is recalling the name today is because there is not enough support on the floor of the Senate to get Mr. Bloomingdale confirmed. If there was support on the floor of the Senate and it was communicated to the Governor, Governor Rendell would immediately rescind that recall so that we could confirm Rick Bloomingdale today.

There is a pattern taking place, and it is becoming more and more bothersome and worrisome, because it is happening to people who have tremendous qualifications, but because their name has been submitted by a Democratic Governor, it is being pushed to the 25th day and then that name has to be recalled so that person is not embarrassed on the floor of the Senate by having been denied confirmation to a position for which he or she is eminently qualified but may not have enough political support to get through the system. I think Rick Bloomingdale is a nominee where the pavement really hits the road, because there is no person whom we can think of who would be more qualified than Rick Bloomingdale to serve on the Unemployment Compensation Board of Review. His name was submitted back in July. There is no reason he was not confirmed based on ability, credentials, character, except for political consideration, and the reason I am asking for a "no" vote on the recall, basically against our own Governor's resolution, is because there is a breakdown in the system when someone as qualified as Mr. Bloomingdale cannot be confirmed to the Unemployment Compensation Board of Review purely and simply, I would assume, because of political reasons.

For that reason, I ask the Republicans to join me in supporting a vote against the recall, and then we can consider Mr. Bloomingdale and discuss his abilities on the floor in open debate, especially those who have been supported by the AFL-CIO and have been supported by Rick Bloomingdale. I think that would only be important and accurate and decent.

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

Senator BRIGHTBILL. Madam President, I would just merely add and repeat again that none of this is intended to reflect on the qualifications of Mr. Bloomingdale. As I indicated before, this process moves at various paces. I think my recollection is that we have yet to turn down a nominee of the Governor, and we have had some that were recalled by the Governor that he never resubmitted, for one reason or another. Senator Mellow is a long-experienced Member of this body. I have seen nominees savaged on this floor, and what we have tried to do is stay away from personalities, and when things are not quite ready to go, we ask the Governor for a recall and the Governor grants the recall. What amazes me here is that the Governor's judgment is that this was not quite ripe and quite ready to do. He has resubmitted Mr.



Bloomington's nomination already. We are going to deal with it, and I have stood here and said we are going to deal with it before Christmas. We are dealing with it. There is a lot going on here, and there are a lot of issues floating around here, so we simply ask for an "aye" vote in support of the recall.

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

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

YEA-27

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

NAY-21

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

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

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

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

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**SB 677 (Pr. No. 1282)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for the Office of Trial Staff and for bureaus and offices; providing for consumer protection and information and for expiration of alternative telecommunications services; and making a repeal.

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

On the question,  
Shall the bill pass finally?

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

YEA-48

Armstrong	Hughes	O'Pake	Tartaglione
Boscola	Jubelirer	Orie	Thompson
Brightbill	Kasunic	Piccola	Tomlinson
Conti	Kitchen	Pileggi	Wagner
Corman	Kukovich	Punt	Waugh
Costa	LaValle	Rafferty	Wenger

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

NAY-0

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

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

**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 Brian Campbell by Senators Boscola and Rhoades.

Congratulations of the Senate were extended to the Eastern Lebanon County High School Boys' Varsity Soccer Team of Myerstown by Senator Brightbill.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Zorn, Mr. and Mrs. Fred Medley, Herschel W. and Eileen Wirtshafter Leibowitz, Sara Stees and to Danielle Altares by Senator Corman.

Congratulations of the Senate were extended to Mr. and Mrs. George Daily and to the Whitehall High School Percussion Ensemble by Senator Dent.

Congratulations of the Senate were extended to Raymond DePlatchett and to the Erie County Office of Drug and Alcohol Abuse by Senator Earll.

Congratulations of the Senate were extended to Bishop Elect Dr. Millicent Hunter and to the Reverend Dr. J. Wendell Mapson, Jr., by Senator Hughes.

Congratulations of the Senate were extended to Mr. and Mrs. Jack Fields and to Family Services of Blair County by Senator Jubelirer.

Congratulations of the Senate were extended to Lateef K. Beasty by Senator Kitchen.

Congratulations of the Senate were extended to Bill McCutcheon by Senator LaValle.

Congratulations of the Senate were extended to Mr. and Mrs. Walter Weir, Jr., Mr. and Mrs. Raymond Meyers, Joseph J. Christopher, Ryan Patrick Murphy, Gerald E. Romanik and to Christine Kansky by Senator Lemmond.

Congratulations of the Senate were extended to Mr. and Mrs. Edward McGuire by Senator Logan.

Congratulations of the Senate were extended to Mr. and Mrs. Stanley P. Raffensperger, Mr. and Mrs. Carl Ulmer, Mr. and Mrs. Leon Shedden, Mr. and Mrs. Donald Bingaman, Sr., Mr. and Mrs. Leonard Shay, Mr. and Mrs. Roger Lamb and to Mr. and Mrs. William Byham by Senator Madigan.

Congratulations of the Senate were extended to Charles John Kokinda, Jr., by Senator Mellow.

Congratulations of the Senate were extended to Mr. and Mrs. George H. and Coralyn Campbell, Anthony E. Machamer and to Andrew D. Machamer by Senator Mowery.

Congratulations of the Senate were extended to Mr. and Mrs. Carl Ciali by Senator Musto.

Congratulations of the Senate were extended to Camelback Ski Area of Tannersville by Senators Musto and others.

Congratulations of the Senate were extended to Mr. and Mrs. Willard Brown, Joshua Smith, Kevin Giel, John Binz, Deborah Helwig, Crisis Center North and to the Elfinwild Volunteer Fire Company of Glenshaw by Senator Orie.

Congratulations of the Senate were extended to Eliot Ramsay Kalmbach by Senator Rafferty.

Congratulations of the Senate were extended to Mr. and Mrs. Robert M. Schreppele by Senator Rhoades.

Congratulations of the Senate were extended to Connie Phillips, Margaret Tau and to Timothy Jablon by Senator Robbins.

Congratulations of the Senate were extended to Mr. and Mrs. Ray Wolfe by Senator Scarnati.

Congratulations of the Senate were extended to Eric Waddell by Senator Schwartz.

Congratulations of the Senate were extended to Stephen D. Metas, Jr., by Senator Stack.

Congratulations of the Senate were extended to Mr. and Mrs. Harold Hendershot, Mr. and Mrs. Isaac L. Iams, Mr. and Mrs. Charles W. Gilmore, Mr. and Mrs. Robert W. Weaver, Mr. and Mrs. Lloyd Lachman, Mr. and Mrs. William P. Lawrence, Mr. and Mrs. Marshall Nunez, Mr. and Mrs. John W. Fischer and to Robert E. Elliott by Senator Stout.

Congratulations of the Senate were extended to Rebecca Davey, Chelsea Cohen, James McCarron, Laura DiDonato, Jake Magida, Allyson Hauptman, Becky Harrington, Christina Avino and to Lauren Griffin by Senator Tomlinson.

Congratulations of the Senate were extended to Lindsey Norden, Julia Meinster and to Jeremy Wortzel by Senators Tomlinson and Conti.

Congratulations of the Senate were extended to the New Freedom Lions Club by Senator Waugh.

Congratulations of the Senate were extended to Mr. and Mrs. William Galetka, Mr. and Mrs. Edward Pavlekosky, Mr. and Mrs. Arnold Neubert, Mr. and Mrs. Robert Dunn and to Mr. and Mrs. Robert McKay by Senator D. White.

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

Congratulations of the Senate were extended to Ed Ryals by Senator A.H. Williams.

Congratulations of the Senate were extended to Jonathan Newman by Senators C. Williams and Conti.

Congratulations of the Senate were extended to Mr. and Mrs. Doug Thorsen, Jacob Leister and to Drew Patrick Dillon by Senator Wonderling.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Steinbring and to Mr. and Mrs. Rayford H. Leach by Senator Wozniak.

### CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late William R. Brent by Senator Brightbill.

Condolences of the Senate were extended to the family of the late Honorable Joseph W. Ricciardi and to the family of the late Reverend Andrew Pillarella by Senator Lemmond.

Condolences of the Senate were extended to the family of the late Gerald Doverspike, to the family of the late Emma R. Cole, to the family of the late Albert Shubak and to the family of the late Elmer Jack Hollibaugh by Senator Orie.

Condolences of the Senate were extended to the family of the late Joseph Minucci II by Senator Stout.

Condolences of the Senate were extended to the family of the late Rick Hafer by Senator D. White.

### PETITIONS AND REMONSTRANCES

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

Senator M.J. WHITE. Madam President, I wanted to discuss this a little and I did not do it when the bill was actually passed, but Senate Bill No. 677, which we just passed out of this Chamber, will modernize the Public Utility Commission. I want to thank Senator Tomlinson for his leadership on this issue, and I want to thank the PUC for responding to my frequent requests that they give us ideas as to how the Public Utility Commission can be modernized, streamlined, and made more efficient in carrying out its new duties. In the old days, the Public Utility Commission had rate cases. They set rates for various utility services, but now that we have deregulated so many of those services, including electricity, gas, and water, it is now not about rate making, it is about ensuring that we have adequate competition in these new markets.

I thank the Public Utility Commission. I think this is a good start. I am not sure that it does the whole job, but I think it is a wonderful place to begin. As I said, I voted against the extension of time on Chapter 30 because I think a year is too long for people to wait for basic infrastructure needs. But on the underlying bill itself of modernizing the Public Utility Commission, I think we are on the right track, and I thank the sponsors of this legislation.

Thank you.

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

Senator COSTA. Madam President, this afternoon I rise to speak about a piece of legislation that was reported out of the Senate Committee on Finance yesterday, Senate Bill No. 940. I do so because I would like to bring to the attention of my colleagues what the net effect of the passage of Senate Bill No. 940 would have on the ultimate tax consequences of many of the constituents that we collectively represent here in Pennsylvania, particularly those individuals who happen to represent communities within Allegheny County where their constituents do not live in the city of Pittsburgh but rather work in the city of Pittsburgh.

Madam President, Senate Bill No. 940, as I mentioned, was reported from the Committee on Finance yesterday and would provide for an oversight council essentially for the city of Pittsburgh to help the city of Pittsburgh get its finances in order. The problem that I see with respect to this legislation is the fact that it does not provide what I believe is the necessary authorization for the city of Pittsburgh and city council to provide for or seek additional revenues to help support the city of Pittsburgh's finan-

cial situation. Madam President, Senate Bill No. 940 earlier today was given its second reading, was rereferred to the Committee on Appropriations, and technically could be voted on next Monday or next Tuesday when we are in Session, and that is the reason for me getting up this afternoon to speak about it, because I want my colleagues, particularly those I mentioned from southwestern Pennsylvania, to be fully aware of the impact of this legislation.

What it would do, Madam President, not technically through the legislation but by implication or indirectly, is essentially assure that the city of Pittsburgh, which a few weeks ago began the process of seeking a declaration of Act 47 as a financially distressed municipality, what this legislation, without revenue or the authorization for revenue, would do is permit the Department of Community and Economic Development, through Secretary Yablonsky and the person that he chooses to be the coordinator, to make a declaration that the city of Pittsburgh is eligible for Act 47 protection. By that filing, which was done several weeks ago, there will be a hearing on December 9 in the city of Pittsburgh to address this, and beyond that, I think within 30 days that individual or the Secretary must make a declaration one way or the other as to whether or not the city of Pittsburgh is eligible for this declaration.

Madam President, it appears that based upon all the work that has been done over the past several years, I might add, about the truth of the nature of the city's finances, I think there is no question that the city of Pittsburgh will experience and has been experiencing very significant financial problems that make them eligible for the Act 47 declaration.

Madam President, I rise today because I want my colleagues to know that we have the opportunity to prevent the Act 47 declaration from taking place, and I say we can do that by implementing legislation that includes not only some of the provisions of Senate Bill No. 940, the oversight council, but also the authorization for additional revenues for the city of Pittsburgh at a much more modest rate than could be imposed through the Act 47 process, which we are now speaking about.

Clearly, I think there has been a decent consensus with everyone involved that the needs of the city of Pittsburgh include revenues, of course, but more importantly, they need to have assistance with respect to administering their city, and that is what the oversight council will do and some of the legislation that has been proposed by me, by Representative Frankel in the House, as well as what has been composed by a committee comprised of Mrs. Elsie Hillman from the city of Pittsburgh, and also former U.S. Steel executive David Roderick. Their recommended legislation would provide the city of Pittsburgh with the opportunity to have a very strong oversight council. In fact, it even goes a step further and recommends that the city of Pittsburgh must enact \$40 million in cuts the first year and \$45 million the second year.

It also works very well, Madam President, as it relates to broadening the tax base with respect to the city of Pittsburgh. What it does is asks residents of the city of Pittsburgh to pony up \$5 a month for a garbage fee, which they do not currently pay. It also looks to residents of the city of Pittsburgh to incur a one-mil increase in property taxes. It does a number of other things, but at the end of the day, it provides \$40 million in new revenue that

would be across the board with individual residents of the city of Pittsburgh who will pay, property owners who will pay, but also nonresident taxpayers who work in the city of Pittsburgh will also be paying as well.

Madam President, as I indicated, we may disagree with what the city of Pittsburgh has done, how they managed their fiscal situation. Looking back at some of the reports that were done, very clearly back in 1996 the O'Neill Report said the city of Pittsburgh, unless they restructure their tax system and broaden their tax base, was headed for financial disaster, and that is where they are today. We cannot make any argument about that. But, Madam President let us be very, very clear, and let us make no mistake, if Senate Bill No. 940 passes without any additional revenues for the city of Pittsburgh, it would be tantamount to telling the Department of Community and Economic Development, as it relates to the city's petition for Act 47 status, it will all but guarantee that the city of Pittsburgh will be declared financially distressed, and what that means with respect to the consequences of that declaration as it relates to the individuals who live outside the city of Pittsburgh but work in the city of Pittsburgh, it will result in an increase in the nonresident earned income tax for people who live outside the city of Pittsburgh.

I want to look to a couple of communities to illustrate my point, Madam President. Currently, the city of Pittsburgh has a 1-percent nonresident earned income tax. That money is directed back to the local municipalities in the school district and it is a wash, it is an offset, but with that Act 47 declaration, the city of Pittsburgh will have the opportunity to impose a nonresident earned income tax, which is authorized by Act 47. They go to court and typically receive this type of increase. And I might point out the number of communities that have already received Act 47 authorization and authorization to impose a nonresident earned income tax, some of those communities, as it relates to just Allegheny County, include the borough of Braddock, which is at 1.2 percent, the borough of Rankin at 1.4 percent, the city of Duquesne at 1.3 percent, and Homestead Borough at an additional one-half of 1 percent.

So, Madam President, in all likelihood, when the city of Pittsburgh becomes Act 47 distressed, they will go into court with respect to their plan put together by their coordinator and ask for additional revenues, and in all likelihood, the city of Pittsburgh will be granted that request. Let us make no mistake about it. If we do not work in this window of opportunity between now and I believe January 9 when that declaration must be made, we, in effect, are saying to those communities, and particularly those people who live outside the city but work within the city, that we, in effect, are going to be imposing a nonresident earned income tax on those individuals of one-half of 1 percent.

Madam President, for those folks who are watching and those individuals who represent some of the communities that I am speaking about, let us look at Ross Township. People who live in Ross Township and work in the city of Pittsburgh, and if Senate Bill No. 940 passes without any additional revenue for the city of Pittsburgh, and if the Act 47 declaration, which is likely to happen, does in fact happen, and the city of Pittsburgh, through that plan, goes to court and receives permission to impose the nonresident earned income tax, people who live in Ross Township could expect to pay an additional one-half of 1 percent

of their earned income. Let us assume that it is an individual who makes \$50,000 a year working in the city of Pittsburgh. They can expect to pay an additional \$250 a year in earned income tax to the city of Pittsburgh. In Plum Borough, it is the same thing. If you make \$50,000 a year in Plum Borough and work in the city of Pittsburgh, you can expect to pay \$250 more a year in personal earned income tax to the city of Pittsburgh. In McCandless Township, it is the same thing. If you live in McCandless Township and make \$50,000, \$60,000, or \$70,000 a year, or whatever you make, you can expect to pay an additional amount of money to the city of Pittsburgh to help support them. It is the same thing for Collier Township and Franklin Park. In Mount Lebanon, you would only pay a .2 percent amount, but nevertheless, it is a significant amount of money, and that is what we have on one hand, Madam President. We can continue down this path, support Senate Bill No. 940, pass it without authorization for additional revenues, and end up with Act 47, or we can look at some of the proposals that the city of Pittsburgh has brought forth, look at the proposals of the Hillman-Roderick committee, the broad-based tax support structure that they put forth that would only authorize a \$52 occupation tax and no additional impact on nonresidents, or we could also look at what the Hillman-Roderick committee said was a \$60-a-year occupation tax.

So, Madam President, on one hand we have the potential for individuals who live outside the city of Pittsburgh to experience a one-half of 1 percent increase in their earned income tax, payable to the city of Pittsburgh, and on the other hand we have either a \$52 yearly fee or a \$60 yearly fee. Madam President, any way you do the math, I think you come out much better off when you look at it in that respect.

Madam President, in addition to that, the impact on those individuals who would not have to pay, there are other significant parts of the legislation that has been proposed that are not contained within Senate Bill No. 940. Madam President, as it relates to the broad-based nature of the legislation that is pending, it is important that we recognize that in the city of Pittsburgh, of the 100 percent of our for-profit companies, Madam President, only 55 percent of them are currently paying the business privilege tax. That means that 45 percent of the businesses in the city of Pittsburgh do not pay the business privilege tax. There are banks, financial institutions, manufacturers that do not pay a penny towards the business privilege tax. They pay the real property tax just like everyone else does. But 55 percent of the people who are paying, Madam President, are the people who have businesses on Brownsville Road in my district and pay property tax and the business privilege tax. They are the people in Squirrel Hill who have the Forbes and Murray Shops who pay. They are the people on Brookline Boulevard, they are the people on Carson Street who pay the business privilege tax. But those I just mentioned, banks and financial institutions and manufacturers, do not pay it.

Senate Bill No. 940 does not address that. Act 47 does not permit anyone to address and to look to the exempt communities to pay that. The legislation that is pending, whatever it is, whose ever it is, and however it ends up coming, does not address the fact that 45 percent of the businesses that do not pay the business privilege tax today will be paying that particular tax through a payroll preparation tax. The bill before us, Senate Bill No. 940,

does not make that happen. What it does is says to the business community, do not worry about it, because we do not want you to have to pay, you are not going to have to pay through our legislation. We are going to look to the people who live outside the city of Pittsburgh, look to them for more significant dollars. So the people who represent those banks, the bank owners and the shareholders of the banks, the manufacturers, or the financial institutions who today do not pay the business privilege tax, will continue to not have to pay the business privilege tax.

Secondly, the nonprofits, Madam President, in the city of Pittsburgh, to their credit, have stepped forward, along with the business leaders, I might add, to say here is what we are willing to do for the city of Pittsburgh, and they put forth a significant amount of money and the amount that they would like to pay with respect to that. They stepped forward and want to address it. Senate Bill No. 940 does not engage the nonprofits, does not look to the nonprofit to be part of the solution, does not look to the exempt business community to be part of the solution. At the end of the day, the net effect is that it looks to the residents of the communities surrounding Allegheny County and has those individuals foot the bill for the city of Pittsburgh. Madam President, that is not right. We need to have a broad-based structure in the city of Pittsburgh to try to do that.

Madam President, I apologize to the Chair and to my colleagues for rambling on about this, but it is something that is very, very important to me. I think we have a responsibility to step forward and to assist the city of Pittsburgh, and I think we can do it in the fashion that has been discussed here and also in the manner that has been addressed in Senate Bill No. 940. It does have some good provisions, particularly the provisions as it relates to the oversight council, particularly the provision that says that the oversight council needs to look at the authorities, what the authorities in the city of Pittsburgh are doing, those types of things. We need to make certain there is an oversight council. We also need to make certain at the end of the day that the legislation that we have the opportunity to pass to prevent Act 47 contains language in that legislation that requires the city of Pittsburgh to cut its budget by \$40 million, to take the very, very tough, tough steps to try to get to the point where they can become fiscally sound and make certain that next year it is \$45 million.

The debate that we have to concentrate on and focus on is the difference between those of us who want to see a restructuring of the city of Pittsburgh tax base and tax structure so that we have the opportunity to make it fair and across the board for all the residents who live and work in the city of Pittsburgh. It is a beautiful city, Madam President, and has done tremendous work. The financial house is clearly not in order. We have an opportunity to provide the oversight council to put it back in order. We have the opportunity to provide very strong language that requires them to do budget cuts, requires them to consolidate with county and other cities and municipalities and also provides for the tax revenue.

I ask my colleagues, before they leave here this afternoon, that they consider what I have said as it relates to the impact of passing Senate Bill No. 940. If we pass Senate Bill No. 940, make no mistake, without revenue, the end result will be that when the time comes for the Secretary of this Commonwealth to make a

declaration or decision on the city of Pittsburgh's application for Act 47, that declaration and that decision will be that the city of Pittsburgh meets the criteria to be on Act 47. Act 47 will lead, in my estimation, to an impact that will be the imposition of a non-resident earned income tax on people who live outside the city of Pittsburgh. Madam President, we could argue all day long about what steps the city has taken to take care of its own problems, and we can say they need to do more, they need to do less, and they need to look over here. We could argue that all day long, and I do not disagree with a lot of the things that have been stated. But, Madam President, the bottom line is this, the fact of the matter is, no matter where you look and no matter how you calculate it, the city of Pittsburgh is faced with a deficit next year of anywhere between \$70 million and \$80 million. We are looking for some \$40 million in cuts and \$40 million in additional revenue.

Madam President, those are the facts. How we got here is sort of irrelevant now. We are where we are right now, and we need to take steps to rectify that problem, but at the same time take steps to put into place the appropriate oversight council, the appropriate requirements that they do certain things in the city of Pittsburgh to allow it to avoid the Act 47 declaration so that the impact of any new revenues is not going to be felt by the people who live in and around Allegheny County, those nonresident wage earners who work in the city of Pittsburgh. We need to make it across the board, nonprofits, as I said, businesses that have been exempt for a number of years, as well as the city of Pittsburgh's residents pitching in to make certain that we address these issues. There has also been a lot of discussion, Madam President, about selling off a variety of assets, and I think that is another course that we need to consider as well.

But the bottom line is, as my colleagues leave here this afternoon, please, I urge you to consider the impact of the legislation. If, in fact, it does pass, where will we end up being as it relates to, vis-a-vis, the Act 47 petition currently before this Commonwealth? And, by the way, I might add, in my opinion, that the city of Pittsburgh, once they have gone down the path of seeking the Act 47 declaration, I do not think there is a whole lot we can do as a legislature to change some of the requirements for the city of Pittsburgh, and I would argue to you that once Mayor Murphy has submitted that application process, the city of Pittsburgh is grandfathered in as it relates to Act 47. As a result, anything that we do here, I think, will not allow us to change the course of action that has taken place with respect to Act 47.

Finally, Madam President, I also want my colleagues to consider the comments of the Governor, who indicated that he would prefer to see legislation that provides for the oversight council, which I agree, provides for strong language and recommendations with respect to the city of Pittsburgh, and, finally, also provides to the city of Pittsburgh the authorization, the enabling legislation for the city to use the tools that it needs to put into place what they need to put into place to resolve their financial crisis. The Governor has indicated that he intends to veto any legislation without additional tax revenue.

So, Madam President, I ask my colleagues to consider that. I thank the Chair for the opportunity to speak about this very, very important issue, an issue that is very important to me, because I might point out that although I do not live in the city of Pitts-

burgh, I live just outside the city, for the better part of my life, I grew up in the city of Pittsburgh and attended Pittsburgh public schools, and it is a wonderful city, and I also represent about 100,000 of the 335,000 people who live in the city. So, Madam President, as you can see, I have a very serious concern about this, and I thank you for your indulgence and your patience.

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

Senator WAGNER. Madam President, I did not intend to rise and speak today, but I am, as a result of remarks by my colleague from Allegheny County, Senator Costa. Let me first say that I have great respect for Senator Costa. I work very well with him in the Senate. Both of us represent a portion of the city of Pittsburgh, along with Senator Ferlo, and other portions of Allegheny County and the suburbs outside the city of Pittsburgh. Let me also state that I am a resident of the city of Pittsburgh, and having been fortunate enough to serve on the Pittsburgh City Council for 10 years, and part of that was with Senator Ferlo, then councilman Ferlo, I know a little bit about the city of Pittsburgh's situation. I am not going to get into great detail today to talk about it, but I am ready, willing, and able to talk about it anywhere, at any time, and debate the pluses and minuses of Senate Bill No. 940 and other legislation that has been introduced by Senator Costa and others.

It is important that everyone knows that Senate Bill No. 940 is a bipartisan piece of legislation, and tremendous thought and background has gone into it, and great sensitivity has been given to it to create an independent oversight committee to address the city of Pittsburgh's fiscal situation. Quite frankly, Madam President, I do not even want to be here talking about the city of Pittsburgh's fiscal situation. But unfortunately, due to the mismanagement of our city for multiple years, an issue is being pushed on this General Assembly and we have no other choice but to deal with it. We will deal with it, and we will deal with it with Senate Bill No. 940, and we will deal with it in other ways if we need to deal with it.

In the city of Pittsburgh, the mayor and the council were sworn to uphold the charter when they were sworn into office, and a very basic element of that charter is to pass a balanced budget, just as each one of us is in this Chamber has sworn to uphold the Constitution of Pennsylvania. Unfortunately, we are all here today because, as you know, an unbalanced budget was proposed and passed in the city of Pittsburgh, and the city of Pittsburgh is operating at a deficit and has continually said that it is going to be bankrupt. Originally, it was told to us, the Members of the General Assembly, that would happen as soon as September of this year. September came and went, and then it was November, and then it was December, and now it is January. One of the reasons for an oversight committee, which is very similar to the oversight committee that was structured for Philadelphia 12 years ago, is to provide an independent, objective oversight group to determine the precise financial situation of the city of Pittsburgh and recommend some tough recommendations, some tough love, as to what needs to be done to correct that situation. Why? Because an unbalanced budget was proposed and an unbalanced budget was passed. Incidentally, Madam President, my colleague who was on council at that time, Senator Ferlo, then Councilman Ferlo, voted against that budget, for that reason and

others, and I know I do not have to speak for Senator Ferlo. He knows that situation as well as or better than I do.

But I am very disturbed, Madam President, and the reason why I am disturbed is that this situation is in front of us and may, in fact, even divide us in the General Assembly, because the difference between Senate Bill No. 940 and Senator Costa's legislation and the House legislation is one creates one new tax and raises the bar in another tax which, in essence, generates two new taxes for city residents and for people who work in the city of Pittsburgh. But, let us not forget the city residents here, because the city residents will be taxed more also under that proposal or any of the proposals that have been put forth in the last year. There have been at least three of them, all of which have been written and directed by the mayor of the city of Pittsburgh, basically. I have objected to new taxes placed on the residents of the city and the residents of southwestern Pennsylvania who own businesses in the city and work in the city, until it is proven to me and my constituents that they are justified. As of this date in November, that has not been proven, and the people of Pennsylvania do not want me voting for new taxes until they are absolutely certain they are needed and everything that should be done to reduce the cost of operation of the city of Pittsburgh has been done. And we have not been dealt with in good faith.

Now, I really should hold off, Madam President, until this bill comes in front of us, but I will just state a couple of other things that concern me greatly.

Number one, the city of Pittsburgh received a tax approximately 10 years ago, and now it wants two new taxes. It was called the regional assets district tax. To the best of my knowledge, it is the only community, Allegheny County and the city of Pittsburgh, that has received a new tax by this General Assembly in the last 10 years. Now, there have been some other taxes passed, hotel and room taxes for counties, and I understand that and increases in it, but in terms of a new tax, the city of Pittsburgh gets additional revenues as a result of that tax to offset cultural amenities, parks, a debt on a stadium that has been demolished, and I could go on and on.

The point I am making is that the city of Pittsburgh is back at the trough for two new taxes, without necessarily justifying that those dollars have been properly utilized to offset their deficit today. As a matter of fact, arguments can be made that those dollars, portions of them, have been used for purposes not intended in the legislation, and everyone who has studied the city of Pittsburgh knows what I am talking about. So this situation of creating new taxes for the city of Pittsburgh as a bailout has really become a focus point here in Harrisburg, whether or not it is justified. So, as a State Senator, I and some of my colleagues, Senator Logan, Senator Orie, and others, have cosponsored a piece of legislation that creates an oversight committee, which coincidentally is part of the original legislation that the city of Pittsburgh wanted. They wanted an oversight committee, but as part of it, they wanted new taxes. They do not want the oversight committee unless they get new taxes. Even Governor Rendell agrees with my colleague, Senator Costa, who has suggested that we should proceed in that manner, and the city of Pittsburgh is deserving of some new revenues. I disagree. I justifiably disagree until I know that new revenues, new taxes placed on the people, placed on the businesses, are justified.

Now in every proposal, Madam President, that has come in front of us, there is at least one new business tax. Right now, today, businesses are running from the city of Pittsburgh because they think that there are too many business taxes already. So, should we as a General Assembly be voting for a new business tax, whether it is the Hillman-Roderick proposal, the Allegheny Conference proposal, or the mayor's original proposal to create new business taxes for the city of Pittsburgh? We should take a good look to make sure we are doing the right thing, because in the long run, what is going to happen is we are going to chase more business outside of the city of Pittsburgh, and it becomes a domino effect which, in essence, means the city of Pittsburgh's financial situation gets worse and worse and worse, and they come back to Harrisburg asking for more money and more taxes again, and again, and again.

It all gets back to good fiscal management of the city of Pittsburgh, something that I have not seen in the last several years, and maybe even longer. Until someone proves to me that that is happening in the city of Pittsburgh on a daily basis, on a weekly basis, on a yearly basis, I, for one, am not going to require the people that I represent to pay new taxes to the city of Pittsburgh or to any other community in Pennsylvania. That is what I was elected to do, to stand up for the people, all the people. And when it comes to a community being properly run and properly managed, I have some serious concerns, serious concerns. I do not want to put that dirty laundry out here in the General Assembly today, but if I need to in talking about Senate Bill No. 940, I will do so, but I do not want to, Madam President. The point I want to make is this: Senate Bill No. 940, of which I am a co-sponsor and have had some influence in the structure of that bill, I support. That may come up for a vote in this General Assembly as soon as next week, maybe in December. I am not sure. That is up to the Majority party as to when that bill ultimately runs.

But, the city of Pittsburgh filed for distressed status. What is distressed status? Act 47. They are saying that they are running out of money and they need oversight from the Commonwealth of Pennsylvania. If oversight is granted, as it has been granted to 19 other communities in Pennsylvania, the Secretary of Community and Economic Development, along with the Governor, will create an overseer for the city of Pittsburgh, and that person will determine what needs to be done, what recommendations can be made as to how the city of Pittsburgh operates. That has to be approved by Pittsburgh City Council. If it is determined it needs new revenue, then an issue may very well go in front of the Court of Common Pleas to determine whether or not the city of Pittsburgh can tax suburbanites. What we are really saying is if that is going to happen and it is out of our control, because it is out of the control of the General Assembly, maybe there should be an oversight committee also to take a good, hard look in an objective way to make sure that everything is functioning the way it should. Recommendations should be made to consolidate services with Allegheny County, streamline services within the city of Pittsburgh, and do other things in a better way. If, in fact, Senate Bill No. 940 passes, and if, in fact, the city of Pittsburgh is determined as a distressed community, that overseer, under an amendment made by Senator Logan yesterday to that legislation, that overseer would become an ex-officio member of that over-

sight committee. In other words, we have been sensitive to make sure that there would be input.

Everything I have done, and I believe Members of this General Assembly have been sensitive to the city of Pittsburgh's situation, but more importantly, have been sensitive to the taxpayers, first, the taxpayers of the city of Pittsburgh, and also the taxpayers of southwestern Pennsylvania.

Madam President, this is a complex issue. My sense is we will talk about it much more when this bill comes up for a final vote, and I am prepared to do so.

Thank you.

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

Senator LOGAN. Madam President, I rise under Petitions and Remonstrances to echo some of the words of my colleague, Senator Wagner. I certainly did not think we would be debating the city of Pittsburgh issue, but I do need to contradict some of the comments from my colleague and my good friend, Senator Costa.

Senate Bill No. 940, as Senator Wagner said, is a good step for the city of Pittsburgh, and I think I might have a unique perspective of being a Member of the legislature and also a former mayor, a mayor of Monroeville, certainly not the size of the city of Pittsburgh, but with some of the same problems. On any given day, we will have 100,000 people travel into the municipality of Monroeville and shop and work, and when we are talking about an occupational privilege tax, you know, I always think that if it is good for the city of Pittsburgh to help them, because folks come into the community to shop, to work, to travel on their roads, to use their services, why is it not good for all the other communities in the Commonwealth of Pennsylvania?

As Senator Wagner said, Senate Bill No. 940 is a good start and it is tough love. As a former mayor, if we introduced a budget and then my council approved it with a \$40 million hole in it, based on new taxes, two new proposed taxes that needed to be approved by the legislature, they would throw me in jail. I mean, you just simply cannot do that, and that violated State law. You cannot approve a budget in our local governments, whether you are the city of Pittsburgh or Braddock, with a hole in it, and that is what they did. When Senator Costa and others, Elsie Hillman and Dave Roderick, talk about new revenues, just so the folks in southwestern Pennsylvania know, because this is a southwestern Pennsylvania problem, "new revenues" mean new taxes. It is just a code word. It is a sleight of hand, new revenues. It is a sexier way to say we are going to tax you more because you live in the suburbs, and suburbanites know they pay enough. Suburbanites know they pay their fair share, and they have dug in on this issue. What we are saying with Senate Bill No. 940 is to get your house in order before you turn and look to the State and say bail us out, before you turn and look to other communities and say we want more of your money and then we will make the cuts. We have dug in and we have said, do you know what? We are going to make the cuts first before we tax our revenue or tax our people more.

I think all the Members of the legislature here, in the House, the Governor's Office, should go on KQV today, KQV.com. The question of the day is whether you support the oversight council, or do you think we should just raise taxes to solve the problem, which we love to do in local government, we love to do in coun-

ties, and we love to do in State government: Forget about the problem. Let us just raise the taxes and it will go away. Well, the KQV poll asked that, and 92 percent of the people who responded today are in favor of an oversight council. As Senator Wagner said, we strengthened it yesterday. The Governor, who was objecting or said he objects to the oversight council, even though the Governor worked for 8 years under the same sort of oversight council, 8 years, and he traveled around the Commonwealth of Pennsylvania saying, look what we did in Philadelphia, and I was under an oversight council. This is basically the same legislation. Now, our folks are going to say, wait a minute. We gave them additional revenue enhancers or new taxes. We gave them additional taxes, that is what makes this different. The city of Pittsburgh has those abilities, has those taxing revenues right now. So, I would tell all the viewers who are watching, all the folks who occupy the General Assembly, the folks in the city of Pittsburgh, 92 percent of the people today are saying they support the oversight council.

So, let us get the fiscal house in order. Let us make some of the changes that we need to do in the city of Pittsburgh. As I started to say, the changes that we made with my amendment yesterday to Senate Bill No. 940 would give the mayor an appointment. Before it was just four Members from each Caucus, and then the Caucuses would pick the fifth Member. It gives the Governor a pick, so the Governor will get the eighth Member, and then if, you know, they are holding that gun to our head, they are holding the gun to the head with Act 47, because they think we are going to get scared, and Senator Costa mentioned a lot of our communities, they are going to get scared because now you can do that commuter tax, they are holding the gun to the head and think we are going to get weak in the knees and say, okay, we will raise the taxes. If Act 47 is granted to the city of Pittsburgh, which it does not comply, and I will get into that in a second, but if Act 47 is granted to the city of Pittsburgh, then, as Senator Wagner said, the coordinator who comes along with Act 47 will be a member of the oversight council and it will run concurrently.

We did a lot of things yesterday in the Committee on Finance, and it was supported 8 to 1 or 9 to 1, with one Member voting against it, but instead of the city of Pittsburgh just looking elsewhere and looking at suburbanites or businesses to raise taxes, we are saying let us get your house in order. Then if the oversight council comes back and says we need to raise the OPT or the business privilege tax, or we need to do something, we are willing to stand and say, okay, we will adhere to the recommendations of that oversight council.

But getting to Act 47, Madam President, and I certainly do not want to belabor the point, if we take politics aside, and I know it is very difficult in local government or county government or city government and here in the State, if we take politics aside, the city of Pittsburgh does not qualify for Act 47. I know; most of my communities are in Act 47. Some of my communities have been in Act 47 and out of Act 47. If politics is taken out of the equation, Act 47 was never intended for a city the size of Pittsburgh. It is just not a viable option. But they hold that gun to our head because they think we are going to get weak in the knees, but we are not. It has only strengthened us, and it is strengthening the folks who do not live in the city of Pittsburgh, because they

are tired of city versus suburbs. This is a problem that we can all solve together.

Senator Costa brought up some taxing revenues, things that the city can do with consolidations, mergers, innovative government ideas. How about Mayor Murphy traveling around to some of the communities surrounding the city of Pittsburgh and offering police service to cut down on the local government budget and increase the revenues for the city of Pittsburgh? An increase in the earned income tax in the city of Pittsburgh? Senator Costa mentioned a \$5 a month garbage fee. Well, Madam President, if \$5 is not enough, then raise it to \$6, or raise it to \$7, or raise it to \$10, like my communities have. You need to do things in local government that solve the problem, not just look to Harrisburg and say, Harrisburg, I created the problem, but you solve it. That is not what government is all about, and I think we are traveling along a good path here by putting an oversight council in to see what we can change in the city of Pittsburgh, see what cuts we can make, and see what new revenues can be increased in the city of Pittsburgh. Remember, Act 47, when that judge sits there and asks if we should grant the commuter tax, they look at it if all other revenues have been exhausted for the city of Pittsburgh, and they have not.

We listened to the Pittsburgh leadership committee, as Senator Costa referenced, that talked about new revenues, the Elsie Hillman and Dave Roderick plan, and it is a great plan. I guess if you are rich, it is a great plan, because it taxes more of the OPT, from \$10 to \$52, and we said it was not palatable, at least I said it was not palatable. So, they raised it from \$10 to \$60. They raised property taxes, Madam President, property taxes, when we in Allegheny County are on course to set a record for sheriff sales. In the year 2000, we had about 2,000 sheriff sales in Allegheny County. In the year 2003, we are on target to have 5,000 sheriff sales, and this committee has the guts and audacity to say we are going to recommend raising property taxes. That is obscene. That shows you how out of touch they are with the city of Pittsburgh and southwestern Pennsylvania people. So, they have already said we are going to raise the OPT, the tax that Senator Wagner said is paid if you live in the suburbs and work in the city of Pittsburgh. We said from \$10 to \$52 was not palatable. Well, we will raise it to \$60. Then we are going to raise the property taxes for people. Now we are going to have a new business tax. This is the same old adage, and this is why people are sick and tired of politicians and sick and tired of government, because when there are problems, nobody wants to make the hard decisions of laying off people, making the tough decisions of raising taxes on their own residents, so they turn to somebody else and raise their taxes, and a new business tax. That is obscene, Madam President. Those three ideas are obscene, and if you want to see people leaving the city of Pittsburgh and leaving southwestern Pennsylvania, keep raising taxes instead of making tough decisions.

Why I have dug in so hard on that occupational privilege tax, that tax on suburbanites who work in the city of Pittsburgh, is because I got a letter from Candy, and she works in the city of Pittsburgh. I will not mention where she works, but she is a receptionist who makes about \$14,000 a year. She lives in Clairton and takes two buses to get to work, and we want to raise the money on her occupational privilege tax. That is disgusting.

When we say \$52, people will say a dollar a week is not a lot of money. Well, a dollar a week for Candy from Clairton is a lot of money. After taxes, out of one paycheck, that is the money with which she feeds her kids. Before I do that, I will say to Mayor Murphy, Elsie Hillman, Dave Roderick, and the people who want to raise business taxes, occupational privilege taxes, and property taxes, make cuts and make changes in the city of Pittsburgh before you look at my residents.

Thank you, Madam President.

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

Senator COSTA. Madam President, I would like to respond. I have the greatest respect for my colleagues, and as Senator Wagner stated, we do get along very well, but we just happen to have a difference of opinion with respect to this particular situation.

Madam President, very quickly, I would like to respond to some of the comments of my friend and colleague, Senator Logan, as it relates to the city of Pittsburgh doing more. Madam President, on one hand he is telling us that the city of Pittsburgh needs to make certain that they get their own fiscal house in order. The only way to do that, Madam President, is to make cuts. We have been there and done that. Just last July, 731 positions were eliminated in the city of Pittsburgh, including 102 police officers and 265 employees from the parks, 79 from public works, and I could go on and on. Been there, done that.

Madam President, as it relates to the comment about the city of Pittsburgh needing to impose taxes on its own residents, fix its own problem, they proposed increasing the garbage fee, but yet what do we hear? That it is inappropriate, it is not correct.

Secondly, when they talk about increasing the real estate property tax, which is a proposal that has been out there impacting only residents of the city of Pittsburgh, we are told that is a mistake, because we are dealing with something that the city of Pittsburgh and people across the Commonwealth have a difficult time doing. So, on one hand we are saying the city needs to fix its own house and raise its own revenues within its house, but yet when we do that or make recommendations to do that, we are told that they are absurd and inappropriate.

Finally, as it relates to the new business taxes that were talked about in the city of Pittsburgh, what has been proposed by the legislation that I have introduced, as well as legislation that will be introduced by the Hillman-Roderick committee, is the imposition of a new payroll preparation tax that gets to the businesses, the businesses that are exempt from paying the city's business privilege tax, and at the same time it reduces the business privilege tax by one mil for those businesses that are in the city of Pittsburgh. So, it creates a climate, quite frankly, that is better for the person who has an existing business in the city of Pittsburgh, who is paying their real property tax, who is paying their business privilege tax. It allows them the opportunity to do so.

Madam President, there are just a couple of other minor points that I would like to point out. The most significant point that was stated about Philadelphia was that there was, in fact, a PICA board set in place there that gives the city of Philadelphia the authorization to raise revenues, and I stand here today, Madam President, saying as it relates to Senate Bill No. 940, I fully support the concept of an oversight council. We can take Senate Bill



No. 940 and the oversight council that it has in place, we can take the recommendations that we do \$40 million in cuts and in the consolidation of services, and we can also say, as it relates to the need for new revenue, that until such time as the oversight council makes a determination that new revenues are needed, they will not have the opportunity or ability to impose new revenues.

What is being proposed as we go down this path is that Senate Bill No. 940 puts into place an oversight council, and that is it. The oversight council makes recommendations, and at some later point in time, as I understand it, we are going to come back here to the General Assembly. The oversight council, at some point, is going to say to this General Assembly, over the last 6 months we have looked at the city of Pittsburgh's finances, as authorized by Senate Bill No. 940, and we have come to the conclusion that we need new revenues. Now, General Assembly, we would like you to impose those new revenues, and my colleagues indicated that once we get to that point they would support that. All I am saying to them is, let us authorize the new revenues now, with the condition that they cannot be imposed until such time as the oversight council has made its mark and has reviewed the city of Pittsburgh's finances and has come to the conclusion that new revenues are needed and the city of Pittsburgh has, in fact, reduced their operating budget by \$40 million by implementing programs, cost-cutting measures, consolidation of departments, and elimination of people. By the way, as I understand the budget the mayor has proposed, it includes \$40 million in additional cuts this year. He is willing to do that and is in agreement with the \$40 million number we need to achieve. We can authorize the revenues with the legislation today, Senate Bill No. 940, with an amendment that allows for the authorization, down the road, once these certain conditions have been met. So, we do not have to worry about coming back here to the General Assembly to address that. Again, it is only enabling legislation to allow the city of Pittsburgh to do that.

Madam President, that is where I would like to be, because as I mentioned at the outset of my remarks, we have an opportunity, regardless of how we got here, and I do agree that we have gotten here because of mismanagement on the part of the city of Pittsburgh, bad decisions that were made by the city of Pittsburgh, and a variety of other things, and also a lot of economic conditions that are a part of this whole process and this whole mess. The fact of the matter is, and it is a fact, that the city of Pittsburgh has pending before the Department of Community and Economic Development a request to be declared Act 47 status, and that process has started. There, in fact, will be a hearing on December 9 in the city of Pittsburgh with respect to that request, and, in fact, a decision will be made sometime in January, probably around January 9 or so, as to whether or not the city of Pittsburgh is in distressed status. Those are the facts, and all I am saying to my colleagues, and I ask them to consider this, that the language that exists in Senate Bill No. 940, if that passes and the Governor, for whatever reason, decides to sign it, will not prevent the city of Pittsburgh from going into Act 47. I disagree with my colleague from Allegheny County that the city of Pittsburgh is not eligible for Act 47 protection, and I also disagree that they do not meet the criteria as established in Act 47. The only thing that the city of Pittsburgh is not eligible for, nor was the city of

Philadelphia, for that matter, or any first-class or second-class city, is that they are not eligible to receive the couple of million dollars that exists in that pot to help them implement the Act 47 plan. That is the only thing that they are not eligible for. They are clearly eligible, they clearly meet the requirements with respect to what is needed to be determined that they are, in fact, an Act 47 community.

So, Madam President, I wanted to bring this issue to my colleagues as they go home this week and think over the weekend, and when we do come back, just know what the practical impact the effect Act 47 will have if there is no legislation between now and January 9 that allows for the contingent or the conditional imposition of any additional new revenues. As I stated at the outset, it is not my intention to increase taxes for anyone, but we are faced with one of two things, either we are in Act 47 or we provide legislation that provides the oversight council that requires very hard, tough decisions about the city of Pittsburgh's finances and their employees, and the like, and how finally, down the road, they have the opportunity to provide those additional revenues.

Thank you, Madam President.

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

Senator WAGNER. Madam President, I will be very brief. I know we can speak to an issue twice, and it is my second time, so it is my last time. I would just say to Senator Costa, if the gentleman wants to amend Senate Bill No. 940 by putting in the new taxes that are part of the original piece of legislation that he proposed, we will deal with that issue on the floor in the form of an amendment, and I will be happy to debate the gentleman extensively on that issue and will so at the appropriate time.

My final comment, Madam President, is very brief. You cannot fill a void in leadership with new taxes. It has to be done through effective leadership and effective management, and that is what we are all looking for in the city of Pittsburgh.

Thank you.

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

Senator LOGAN. Again, I am speaking twice on the same issue, so I will be very brief also, Madam President. I guess the lesson that we are learning here today, for the 2,400 or so mayors across the Commonwealth of Pennsylvania and 14,000 elected officials, supervisors, and council people, is when you mismanage your city, and the city of Pittsburgh has been mismanaged, and you violate State law by approving budgets with holes in it, just turn the other cheek, look to Harrisburg, and we will raise taxes to bail you out. That is an unfortunate situation, that is an unfortunate situation that we are not going to look into our own house, at this point, this example, the city of Pittsburgh.

Senator Costa made reference to making 731 cuts. Well, if 731 cuts are not enough, then you make 800, or you make 850. I have a lot of communities in my Senate district that are making cuts right now, that are raising earned income taxes, that are raising sewer taxes and sewer fees. They are not looking to the State to say, hey, we made a mistake, or we mismanaged, or it is the economic downturn, so come out to help us and give us a bushful of money or give us the ability to raise taxes. They are making do. They are raising fees. They are raising taxes on their

residents, not on other communities' residents, and they are making cuts. But in the city of Pittsburgh, yes, I will be the first to admit that they are making those cuts. They have suggested some revenue enhancers or some new taxes, but if that is not enough, they need to do more. I think I can speak for Senator Orié and Senator Wagner who supported Senate Bill No. 940 yesterday, that is what the oversight board does, makes sure that the city of Pittsburgh makes all the cuts that they could possibly make, increases revenues on their own residents and businesses within the city of Pittsburgh before they turn to other folks. That is all we are asking for. This is tough love, and it is a shame we have to even do this in the first place, but some communities, some cities do get into these predicaments, and there is an oversight board that needs to be put in place.

Act 47 is not the magic bullet, Madam President. Act 47 ends, and we all know that. The lifespan of an Act 47 community is not very long, so we want to make sure that if these new revenues, say the city of Pittsburgh gets to be Act 47 distressed, after a few years, that ends. That gravy train is not going to last forever, so if under Act 47 a judge allows them to impose this commuter tax, well, that will end someday, and if they do not make the necessary cuts, then where are we going to be in 3 years or 5 years or 10 years or 1 year? If that judge says we are only going to give you the commuter tax for 1 year, what happens? We want to make sure with this piece of legislation that an oversight board is making those cuts, working hand-in-hand, if Act 47 is granted, with that coordinator making the necessary cuts so in 3, 4, 5, 10 years we are not looking to Harrisburg saying, okay, what taxes can we raise because the commuter tax is gone?

Thank you, Madam President.

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

Senator COSTA. Madam President, I do not intend to respond to any of the comments, but I want to thank you for the opportunity to allow us to have dialogue about this very important issue. I also want to thank Senator Wonderling. He has been standing over there very patiently, and for whatever reason, he is the last one standing on the other side of the aisle, and I do not know if he drew the short straw or what, but he has been a trooper and I appreciate it very much. I thank the gentleman.

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

Senator WONDERLING. Madam President, I think it has something to do with being a freshman Member of this body.

### RECESS

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

Senator WONDERLING. Madam President, I request a recess of the Senate to the call of the President pro tempore. For the information of the Members, that is tentatively scheduled for Monday, November 24, 2003, at 1 p.m., Eastern Standard Time.

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

Senator COSTA. Madam President, can I inquire of the gentleman, will there be a need for any additional votes later today or tomorrow, between now and Monday at 1 p.m.?

Senator WONDERLING. No, Madam President, there will be

no additional votes between now and Monday at 1 p.m.

Senator COSTA. Thank you, Madam President.

The PRESIDENT. Without objection, the Senate will stand in recess to the call of the President pro tempore.

### AFTER RECESS

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

### ADJOURNMENT

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

Senator BRIGHTBILL. Madam President, I move that the Senate do now adjourn until Monday, November 24, 2003, at 1:30 p.m., Eastern Standard Time.

The motion was agreed to by a voice vote.

The Senate adjourned at 11:59 p.m., Eastern Standard Time.