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SESSION OF 2004 188TH OF THE GENERAL ASSEMBLY

No. 54

SENATE

WEDNESDAY, September 29, 2004

The Senate met at 11 a.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, Reverend JANET SIMPKINS, representing Zion Baptist Church of Ambler, offered the following prayer:

Let us pray.

Jehovah shaman, the God who is always there, I thank You for the opportunity that You have afforded me today to stand and offer prayers in this place. You said that if we would pray for people in authority over us, that You would enable us to live peaceably in the land.

I pray that God's wisdom and knowledge is pleasant to the Senators, and that they walk in the way of piety and virtue and reverence Your name. I pray that they would desire humility and meekness, and be willing to serve and cooperate. I pray that You would give them generous and compassionate hearts for the poor and needy. I pray that You would give them divine wisdom to handle all of the affairs and concerns in regard to the elderly and health care. I pray that You would help them to focus their thoughts on Your purposes and not on worldly situations. I pray that You would teach them to be wise and to make the most of every opportunity to aid others. I pray that they would, in the midst of the "No Child Left Behind" mandate, ensure that all students are given equity and partake from a table of shared resources.

I pray for my superintendent, Dr. Lisa Andrejko, and superintendents everywhere, that they would never rest until they assure that every child is given an opportunity to learn and achieve. I pray for the Roosevelt School in which I have been given the opportunity to serve, that students at risk for school failure everywhere will emerge as success stories in the making. I pray for the Roosevelt School family and school families everywhere in challenging times, that we would continue forward as agents of hope and change. I pray that we would not settle for less for other children than we would our own.

I pray that the kingdom comes, and the will of God is done in the upcoming elections. I pray that men and women everywhere will come into the knowledge of the truth.

You are the great I am, You are whatever we need You to be when we need You to be it. In Your name, I loosen the spirit to

break through in the body of the Senate, break through in families, break through in impending legislation, that all who have convened in this place might know that nothing is impossible with You.

I pray that each of You would go forth into the world in peace, be of good courage, hold fast to that which is good, render no man evil for evil, strengthen the fainthearted, support the weak, help the afflicted, and honor all men. I pray that as you carry on the daily affairs of your elected office, that you perform your work enthusiastically and happily, that you be more concerned about God than being pleased by man. I pray that You would help them to be faithful in whatever they have been called to do. I pray that they would walk in their purpose and fulfill their destiny for their generation.

I speak special blessings to our Governor Ed Rendell and to our Lieutenant Governor Knoll, and the funding that they have championed for schools such as Norristown. Special blessings to Senator Connie Williams. Our prayer is that You would receive her time of service in the Senate as a tithe unto You and return it to her in money and in things that money cannot buy. Bless our Senator Rafferty, bless my mother, who traveled with me today, and dad who is at home, and all of those who have interceded for my service as Chaplain this day. Bless my Pastor and the Zion family. Bless this Senate, the Governor, and Cabinet officials, as well as the support staff. May Your peace abide with them all.

I ask this prayer in the name of the One who is omnipotent in all power, omnipresent, everywhere at the same time, and omniscient, all seeing, and I ask this, amen, and so be it.

The PRESIDENT. The Chair thanks Reverend Simpkins and her mother, who is also here with us. They are the guests today of Senator Connie Williams.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was recited by those assembled and led by Senator Connie Williams.)

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of September 28, 2004.

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

BILL INTRODUCED AND REFERRED

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

September 29, 2004

Senators CONTI, LOGAN, ERICKSON, TARTAGLIONE, LEMMOND, COSTA, WONDERLING, MUSTO, RAFFERTY, PILEGGI, STACK and FERLO presented to the Chair SB 1233, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for general powers of the Pennsylvania Liquor Control Board, for sales by Pennsylvania Liquor Stores and for unlawful acts relative to liquor, malt and brewed beverages.

Which was committed to the Committee on LAW AND JUSTICE, September 29, 2004.

RESOLUTION INTRODUCED AND REFERRED

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

September 28, 2004

Senators GREENLEAF, M. WHITE, MUSTO, ERICKSON, O'PAKE, HUGHES, TOMLINSON, LEMMOND, WAGNER, COSTA, BOSCOLA, SCARNATI, C. WILLIAMS, SCHWARTZ, RAFFERTY, KUKOVICH, MADIGAN, CONTI and ARMSTRONG presented to the Chair SR 298, entitled:

A Resolution urging the Congress of the United States to provide for a domestic energy policy that ensures an adequate supply of natural gas, including developing the appropriate infrastructure, embraces a concerted national effort to promote greater energy efficiency and produces a political consensus to open promising new areas for environmentally responsible natural gas production.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, September 28, 2004.

BILLS REPORTED FROM COMMITTEES

Senator SCARNATI, from the Committee on Labor and Industry, reported the following bills:

HB 2285 (Pr. No. 3536)

An Act amending the act of June 24, 1976 (P.L.424, No.101), referred to as the Emergency and Law Enforcement Personnel Death Benefits Act, further providing for death benefit eligibility and for definitions.

HB 2341 (Pr. No. 4411) (Amended)

An Act amending the act of July 23, 1970 (P.L.563, No.195), known as the Public Employe Relations Act, further providing for public employer unit; and adding law enforcement officers of limited jurisdiction as an additional category of covered employee.

Senator LEMMOND, from the Committee on State Government, reported the following bill:

SB 1209 (Pr. No. 1811)

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, prohibiting public officials from having financial interest relating to slot machines or horse racing.

Senator ERICKSON, from the Committee on Local Government, reported the following bills:

SB 1079 (Pr. No. 1493)

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, further providing for beneficiaries of fund not to be employed by the city.

SB 1201 (Pr. No. 1803)

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for borough powers to convey land.

SB 1227 (Pr. No. 1830)

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, further providing for application of part and for definitions; and providing for electronic bidding by local government units.

HB 796 (Pr. No. 4409)

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, further defining "multimunicipal plan"; and further providing for membership of board and for organization of board.

HB 850 (Pr. No. 3978)

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, providing for insurance and other employee benefits; further providing for authority of county commissioners to make contracts; amending provisions relating to acquisition, use, leasing and disposing of property for county and to construction or alteration of county buildings; further prohibiting disorderly conduct in and about courthouses and jails; further providing for joining with municipality in improving certain streets and highways and for parks and comfort houses; amending provisions relating to monuments and memorials; further providing for acquiring of property for certain purposes and for authority to provide for morgues; amending provisions relating to bridges, viaducts, culverts, roads and recreation places; and making editorial changes.

HB 2437 (Pr. No. 3448)

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further providing for creation of recreation boards.

Senator CONTI, from the Committee on Law and Justice, reported the following bill:

SB 1233 (Pr. No. 1848)

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for general powers of the Pennsylvania Liquor Control Board, for sales by Pennsylvania Liquor Stores and for unlawful acts relative to liquor, malt and brewed beverages.

RESOLUTION REPORTED FROM COMMITTEE

Senator SCARNATI, from the Committee on Labor and Industry, reported the following resolution:

SR 211 (Pr. No. 1426)

A Resolution directing the Joint State Government Commission to study the economic impact of offshore outsourcing on Pennsylvania's service sector, particularly as it pertains to the area of information technology jobs.

The PRESIDENT. The resolution will be placed on the Calendar.

LEGISLATIVE LEAVES

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

Senator BRIGHTBILL. Madam President, I ask for legislative leaves for Senator Armstrong, Senator Dent, Senator Greenleaf, and Senator Thompson, and a temporary Capitol leave for Senator Scarnati.

The PRESIDENT. Senator Brightbill requests legislative leaves for Senator Armstrong, Senator Dent, Senator Thompson, and Senator Greenleaf, and a temporary Capitol leave for Senator Scarnati.

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

Senator O'PAKE. Madam President, I request legislative leaves for Senator Ferlo, Senator Fumo, Senator Musto, Senator Schwartz, Senator Stout, and Senator Tartaglione, and a temporary Capitol leave for Senator Stack.

The PRESIDENT. Senator O'Pake requests legislative leaves for Senator Ferlo, Senator Fumo, Senator Musto, Senator Schwartz, Senator Stout, and Senator Tartaglione, and a temporary Capitol leave for Senator Stack.

LEAVES OF ABSENCE

Senator BRIGHTBILL asked and obtained a leave of absence for Senator EARLL, for today's Session, for personal reasons.

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

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR CONNIE H.
WILLIAMS PRESENTED TO THE SENATE**

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

Senator C. WILLIAMS. Madam President, I am delighted to welcome Reverend Janet Simpkins, who was the Chaplain of the Senate today. She is the associate Pastor of Zion Baptist Church

of Ambler, principal of the Roosevelt Alternative School in Norristown, and Senator Rafferty's constituent from Jeffersonville. She is here along with her mother, Charlotte Simpkins, who is my constituent from Ardmore.

Thank you so much for coming here today, and I ask the Senate to give them a warm welcome.

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

(Applause.)

**GUESTS OF SENATOR MICHAEL A.
O'PAKE PRESENTED TO THE SENATE**

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

Senator O'PAKE. Madam President, today we are being visited by about 1,200 volunteers from the American Cancer Society, who are observing all day what they call a Celebration on the Hill, and they are now in Soldiers' Grove. They are doing the Relay for Life, and they will be visiting Members of the Senate and House of Representatives, and then tonight there will be a special luminary service, which is very, very impressive.

We know that cancer will snuff out about 30,000 lives in Pennsylvania this year, and we must rededicate ourselves to legislating and providing the help that they need for early screening. As you know, under the Tobacco Settlement Fund, we are now allocating 18 percent of that fund, which comes to about \$70 million a year, for research to find a cure for cancer and heart disease.

In the gallery are several members of the cancer visitors. They are survivors, friends, and family. There is a group from Berks County, and I do not have the list of all of them here. There are visitors from other counties as well, and I ask the Chair to extend its usual warm and gracious welcome to all those who are visiting the Senate today as part of the American Cancer Society's Celebration on the Hill.

The PRESIDENT. Would our guests please rise so we can give you a nice warm welcome.

(Applause.)

CALENDAR**THIRD CONSIDERATION CALENDAR****BILL REREFERRED**

SB 1 (Pr. No. 1835) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for lobbying registration, regulation and disclosure; conferring powers and imposing duties on the Department of State, the Office of Attorney General and the State Ethics Commission; imposing penalties; establishing the Lobbying Accountability Fund; and making a related repeal.

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

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 237 (Pr. No. 266) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 24, 1963 (P.L. 1175, No. 497), known as the Mechanics' Lien Law of 1963, further providing for waiver by contractor.

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

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair notes that Senator Stack has returned, and his temporary Capitol leave will be cancelled.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILLS OVER IN ORDER

HB 1152, HB 2396, HB 2655, HB 2724, HB 2739 and HB 2762 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 492, SB 1032, SB 1189, HB 1930, HB 1954, HB 2036 and HB 2172 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

**UNFINISHED BUSINESS
SENATE RESOLUTION ADOPTED**

Senators SCHWARTZ, C. WILLIAMS, KASUNIC, O'PAKE, STACK, EARLL, WENGER, TARTAGLIONE, WAGNER, CONTI, KUKOVICH, LOGAN, MOWERY, MUSTO, PIPPY, GREENLEAF, ORIE, WAUGH, LaVALLE, ARMSTRONG, ERICKSON, COSTA, PICCOLA, D. WHITE, LEMMOND, PILEGGI, PUNT, WOZNIAK, RHOADES, GORDNER, BRIGHTBILL, WONDERLING, FERLO, RAFFERTY, DENT, M. WHITE, KITCHEN, MELLOW and STOUT, by unanimous consent, offered **Senate Resolution No. 307**, entitled:

A Resolution designating the month of October 2004 as "Breast Cancer Awareness Month" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator C. WILLIAMS. Madam President, I am offering this resolution for Senator Schwartz. One out of every nine American women will become victims of breast cancer. Through education, however, we can ensure that victims become cancer survivors.

In 2004, more than 270,000 women nationwide are expected to be diagnosed with breast cancer, and 40,000 women will die from the disease. No one knows the exact causes of breast cancer. Doctors can seldom explain why one woman gets breast cancer and another does not, but it is known that early detection can give women a 5-year survival rate of 97 percent. Women and men, because men can get breast cancer as well, each year about 1,300 men in this country find out they have breast cancer, women and men can play an active role in detecting cancer in its earliest stages through regular self-examinations.

I ask you all to join with me today in supporting the resolution sponsored by Senator Schwartz to declare October 2004 as Breast Cancer Awareness Month in Pennsylvania. I know that many of us have had relatives, loved ones who died from breast cancer, so I am also offering this resolution in memory of my Aunt Jackie and my Aunt Stevie.

Thank you very much.

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

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Dr. and Mrs. J. Calvin Wenger by Senator Armstrong.

Congratulations of the Senate were extended to Dr. Vincent DeFranco, Kim Vough Cancellier, Brent Brugler, David Vennel, Jeffrey Swope and to Bryce Onjack by Senator Boscola.

Congratulations of the Senate were extended to Frances E. Webber and to Ruth B. Scheid by Senator Brightbill.

Congratulations of the Senate were extended to John O'Donnell, Keith Kostick, Matthew L. Bowman, David Crouthamel, Chris Muth, Edward J. Boshell, Jr., William Fluck III and to Edward J. Catalano by Senator Conti.

Congratulations of the Senate were extended to Mr. and Mrs. James Rudy, Mr. and Mrs. William C. Shaffer, N. Kent Smith, Debra Laughlin-Fisher, Gary J. Ciecierski, Amy Hartle, Kyle Firth, Duncannon Presbyterian Church and to the Q-E Manufacturing Co., Inc., of New Berlin by Senator Corman.

Congratulations of the Senate were extended to Three Rivers Chapter 14 of Phi Delta Kappa by Senator Costa.

Congratulations of the Senate were extended to the Kulpmont Senior Action Center by Senator Gordner.

Congratulations of the Senate were extended to the First United Baptist Church of Philadelphia by Senator Hughes.

Congratulations of the Senate were extended to Gwendolyn M. Pattillo and to North American Communications, Inc., of Duncansville by Senator Jubelirer.

Congratulations of the Senate were extended to Connellsville Area Community Ministries by Senator Kasunic.

Congratulations of the Senate were extended to Marvin Barrish by Senator Kitchen.

Congratulations of the Senate were extended to Martha Janet Elston by Senator Lemmond.

Congratulations of the Senate were extended to William M. Hart and to St. Mary's Serbian Orthodox Church of Clairton by Senator Logan.

Congratulations of the Senate were extended to Cynthia A. Williams, Kimberly Anne Glemboski, Deborah A. Bailey and to Jill D. Aldrich by Senator Mellow.

Congratulations of the Senate were extended to the Vector Security Softball Team of Warrendale by Senators Mowery and Orie.

Congratulations of the Senate were extended to Frank Mattei by Senator Musto.

Congratulations of the Senate were extended to Rhonda Rearick by Senator Orie.

Congratulations of the Senate were extended to the Greater Harrisburg Area NAACP by Senator Piccola.

Congratulations of the Senate were extended to Onie B. Wray by Senator Pileggi.

Congratulations of the Senate were extended to Brandon J. Shaw by Senator Pippy.

Congratulations of the Senate were extended to the Mission of Mercy of Gettysburg by Senator Punt.

Congratulations of the Senate were extended to Gabryela Winiewicz by Senator Rhoades.

Congratulations of the Senate were extended to Margaret Finucane and to Margaret Walker by Senator Robbins.

Congratulations of the Senate were extended to James M. Berry III and to Timothy E. Michael by Senator Scarnati.

Congratulations of the Senate were extended to Mr. and Mrs. Robert D. Wingard, Mr. and Mrs. Adrien Bonnet, Mr. and Mrs. Joseph A. DeFilippo and to Mr. and Mrs. William A. Harbaugh by Senator Stout.

Congratulations of the Senate were extended to Nancy D. Rodgers and to Ralph Brown by Senator Thompson.

Congratulations of the Senate were extended to Kevin Richard Wagner and to the Robert M. Kelly Family Center of Bristol by Senator Tomlinson.

Congratulations of the Senate were extended to Rachel Sullivan by Senator Waugh.

Congratulations of the Senate were extended to the Sharon Baptist Church of Philadelphia by Senator A.H. Williams.

CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late Reverend Richard W. Anderson by Senator Orie.

GUEST OF SENATOR JEFFREY E. PICCOLA PRESENTED TO THE SENATE

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

Senator PICCOLA. Madam President, I am very pleased today to introduce I guess a guest, because by the end of the day he will be a guest. Mr. George Riddle, who is over here, is currently a member of our staff, and he is retiring after over 35 years of tremendous service to the Commonwealth in a variety of capacities. He presently serves on the Republican Senate Committee on Appropriations' staff, and he provides us with exemplary data and information on the legislation that is brought before this Senate. He also served in the Governor's Budget Office. He is a loyal, committed, and dedicated employee of the legislature and of the Commonwealth, and we are going to miss him. I am very proud that he is a constituent of mine, living in Hummelstown, Pennsylvania. We certainly wish him well, and I would like the Senate of Pennsylvania to join me in extending him best wishes on a happy and healthy retirement.

(Applause.)

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

SB 1079, SB 1201, SB 1209, SB 1227, SB 1233, HB 796, HB 850, HB 2285, HB 2341 and HB 2437.

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

PETITIONS AND REMONSTRANCES

The PRESIDENT. The Chair recognizes the gentleman from Indiana, Senator Don White.

Senator D. WHITE. Madam President, over the past several weeks I have watched with great interest the legal maneuvering

and proceedings going on with regard to the legitimacy of the Independent presidential candidate Ralph Nader's petitions, and I told myself that this is, I guess, part of the legitimate democratic process. However, a lot of time has passed since then, and I find myself feeling that this is nothing more than just a series of very partisan political maneuverings. While such maneuvers are not new at this fair Capitol of ours, I still feel that I am increasingly concerned over all the implications that can come out of this. Election day is in 34 days, and election boards in all 67 of our counties are working hard to ensure that our Commonwealth experiences a smooth election. We do not want to be another Florida. However, part of that process is making sure that our young women and men in uniform who are overseas serving are able to participate in this democratic process that we all fight to protect. As these legal proceedings drag on and our county board of elections is unable to uniformly and timely deliver overseas absentee ballots, we risk disenfranchising thousands of Pennsylvanians, and most of them in uniform. I fear that such a delay raises very serious legal and constitutional questions down the road. If the election is as close as the polls indicate, we cannot risk having thousands of Pennsylvanians disenfranchised. This is not a Republican or Democrat issue. It is about making sure that every citizen in our Commonwealth has a right to vote, and that elections are held uniformly and fairly.

Therefore, I call on all those who are continuing to push the legal proceedings to end these stupid games. Drop the lawsuits, allow our counties to move forward with the election process prescribed by law, and make sure that the men and women overseas are allowed to have their right to vote for what they are fighting for now.

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

Senator PICCOLA. Madam President, I would like to join with Senator Don White in his call for the cessation of this protracted litigation, which is threatening the right to vote for many Pennsylvanians, many of whom are service men and women serving overseas. Senator White has outlined the problem very eloquently and very succinctly, because time is running out. This legislature, since 2000 when we had the close election in Florida, has worked in a very bipartisan way to try to make sure that Pennsylvania does not find itself in the place that Florida found itself 4 years ago.

You will recall, we created a Joint Select Committee to examine election issues in the State, and that committee worked very, very hard, both House and Senate Members, Republican and Democrat, to examine our election process, to travel around the State, to have public hearings, to see where our problems might lie so we could correct them, and we made a very good faith and bipartisan effort to try to correct many of those problems. We created the statewide SURE system that will create a uniform voter registration to protect the accuracy and the integrity of the voter registration rolls, and just last week, Madam President, in a bipartisan way in this Senate, we passed a statute to define the standards for voting, what constitutes a vote in the various counties of the Commonwealth. Yet, in spite of all of the hard work that all of the Republicans and Democrats have done over the last 3 1/2 years, we are now threatened with, as Senator White has said, much of this being undermined because of this

litigation to examine the nominating petitions of a very minor candidate to be on our ballot.

The situation is this, Madam President. I believe some 40,000 nominating signatures that Mr. Nader filed in Pennsylvania have been challenged by the leaders, the Democratic floor leaders in the House of Representatives. The Commonwealth Court is presently sitting in a multitude of our counties looking at every one of those 40,000 signatures in a very time-consuming process that is going to continue to go on and on and on and on, and even after the Commonwealth Court maybe makes a decision, it may be too late, and even if it is not too late, a potential appeal to the Supreme Court could be in the offing. What is happening, Madam President, is our counties, our individual counties, are unsure as to how to treat the decision relative to Mr. Nader, whether he should be listed on the ballot or whether he should not be listed on the ballot. In fact, counties have taken all three approaches, and I say three because some counties have sent out absentee ballots with his name on the ballot, some counties have sent out absentee ballots with his name off the ballot, and other counties are not sending out absentee ballots at all, and that is probably the majority. That is where the problem is, because it is going to take at least 45 days, the experts say and the Federal government has suggested, to assure that some of our service men and women overseas are going to be able to get those ballots on time and return them to the appropriate place to be counted before the November 2 election.

I think we all agree, we all agree that the process in Pennsylvania should not disenfranchise our service men and women serving our country in this time of war. Therefore, Madam President, I join with Senator White in calling for the Democratic floor leaders in the House to withdraw this litigation, this unreasonable litigation, so that our men and women overseas can vote in a timely way. Madam President, that is essential for the people of Pennsylvania, and perhaps even the people of the United States of America, given the history of the 2000 election, to have confidence in the election results that will come through on November 2.

Thank you, Madam President.

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

Senator O'PAKE. Madam President, we obviously share the concern, but is the gentleman suggesting that somebody be able to get on the ballot fraudulently? Mr. Nader's own counsel, who has just resigned, said that initial indications from their camp indicated, I think, that 85 percent of the proposed signatures were forgeries. Now, if you want to run for public office in Pennsylvania, you have to follow the rules, and if you want a write-in campaign, you have to get the number of valid signatures. There are all kinds of anecdotal stories of homeless people in Pennsylvania who were paid to go out and sign 100, 200 names on a petition. I do not think anybody is suggesting that we allow a major candidate for a presidential nomination to be on the ballot by fraudulent means.

The bottom line, Madam President, the easy answer and therefore the way to solve this, is to ask Ralph Nader to withdraw his candidacy and the whole problem could be solved. We could go on with the election, and we would not have to wait for the courts to decide whether or not he violated the law in his

fraudulent attempt to get on the ballot. We are not party to that litigation in the Senate. We respectfully suggest that Mr. Nader do us all a favor, allow our military and other absentee voters to have their ballots counted, and withdraw his attempt to get on the Pennsylvania ballot, because he just did not follow the law.

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

Senator PICCOLA. Madam President, I would only respond by saying that I really do not care whether Mr. Nader is on or off the ballot. It seems to me the courts of this Commonwealth have a long history of deciding these kinds of cases in favor of allowing candidates to go on the ballot rather than striking their names. That is the general rule, if you study the cases in this matter. But the issue is not whether Mr. Nader is on or off the ballot, the issue is whether or not our service men and women, overseas particularly, are going to be able to vote in a timely manner and have their votes counted in this election. If anybody's votes should be counted this year, it should be of the people who are serving our country overseas.

Thank you, Madam President.

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

Senator O'PAKE. Madam President, it is hard to disagree with that, but the simple solution, the way we solve this today, is to have Ralph Nader say, I am not going to pursue my attempt to get on the Pennsylvania ballot, I realize that by fraudulent means, forged signatures are on those nomination petitions, I did not get the required number of valid signatures on my petitions, and therefore, so that everybody can get their absentee ballots and get them back on time, I withdraw. Ralph Nader, please withdraw.

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

Senator RHOADES. Madam President, today I have introduced legislation to create a task force on post-secondary and higher education. In Pennsylvania today, we have some of the finest colleges and universities in the nation, if not the world, and we have a tremendous number of higher education options. We have world-class research universities, topflight private schools, a system of State-owned institutions that have become the envy of the nation, and a group of community colleges that provide work force training in degree programs. In short, we can be proud of our colleges and universities, but I am not sure that we can call them a system of higher education. We do not have a system, and I think we need one, and that is why I have introduced this legislation.

Competition is a good thing, there is no question, but I believe that our colleges and universities can and should work more cooperatively together. Competition has made many of them strong, but collaboration can make them stronger still. The goal of this legislation is to bring everyone to the table, and once there, this task force of stakeholders will have the power to analyze our schools, assess their collective strengths and weaknesses, and make recommendations that will improve quality, access, and affordability. I know this process can work, I have seen it happen. As a matter of fact, back in the early 1990s, I did it on my own initiative, bringing the units together, and we were able to at least identify accountability measures, but

after a period of time, if you are not strong with a task force keeping everyone together, it loses its interest.

In my own county of Schuylkill, I formed a Community Education Council. This nonprofit organization exists to bring educational opportunities where there were few before. We collaborated with colleges, universities, community colleges, and other private proprietary providers to bring classes to the students of Schuylkill County. As a matter of fact, we even have students coming from outside our county and availing themselves of the services that are provided. Once we know what types of training our students need, we find schools to provide it, bring them in and get the job done, and it is working. Since 2000, over 3,000 students have moved through our CEC program, 1,571 have accessed degree track programs, 1,779 have done job training, and hundreds have found jobs. Madam President, I believe this model is the future of higher education. This is what can happen when higher education collaborates instead of competes. This is what can happen if we can bring the diverse interests of our colleges and universities to one table. This is what can happen if we work to make our colleges and universities into a system that can find work for all Pennsylvanians.

Madam President, I hope this task force represents a first important step in the extremely important goal of creating access, accountability, and most importantly to me, affordability, because we are getting to the point where higher education is getting so expensive that our economically low class cannot participate, and even our middle class cannot. Then we have a number of students who come out of school and they owe, and I think the average now is around \$17,000 to \$19,000, some much more than that. Think of what it could do for the economy if we could control that, because that money could be used for a new car, a new house, or a number of other things instead of considering it as a mortgage that they have to pay on for the next 10 or 15 years before they can pay that loan down. If the successes we have seen in Schuylkill County are any guide, I know that we can succeed all across this Commonwealth.

Thank you, Madam President.

BILL REPORTED FROM COMMITTEE

Senator RHOADES, from the Committee on Education, reported the following bill:

SB 1223 (Pr. No. 1826)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for school lunch and breakfast reimbursement.

BILL ON FIRST CONSIDERATION

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

The motion was agreed to.

The bill was as follows:

SB 1223.

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

ADJOURNMENT

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

Senator PICCOLA. Madam President, I move that the Senate
do now adjourn until Monday, October 4, at 2 p.m., Eastern
Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate adjourned at 12:02 p.m., Eastern Daylight Saving
Time.