

LEGISLATIVE JOURNAL

TUESDAY, FEBRUARY 7, 1989

SESSION OF 1989

173RD OF THE GENERAL ASSEMBLY

No. 9

SENATE

TUESDAY, February 7, 1989.

The Senate met at 11:45 a.m., Eastern Standard Time.

The PRESIDENT (Lieutenant Governor Mark S. Singel) in the Chair.

PRAYER

The Chaplain, the Reverend Dr. DONALD M. RISING, Pastor of Progress-Immanuel United Presbyterian Church, Harrisburg, offered the following prayer:

Let us pray.

O God, our Creator, Redeemer, Sustainer, we stand before You aware that none can hide from Your presence or Your justice. Make us know how frail we are without Your strength, power and presence. Be especially near to these as they hold their meetings and discussions with each other and with their constituents, as they negotiate and bargain, as they perform the exciting and the mundane, as they try to do what is right and best for all. It is a wearisome, worrisome and frustrating task, O God. And yet it is exciting and challenging to be a part of history in the making. Grant unto them, O God, Your strength and wisdom as they do their work this day. And may they manifest the same leadership qualities, the same concern for all people that has been so mightily shown forth in our great national and state leaders of yesteryear. Help them to see their actions as part of a grand whole that will affect succeeding generations. This we ask in the name of the God who is three and yet one. Amen.

SPECIAL ORDER OF BUSINESS

LEGISLATIVE LEAVE

Senator LOEPER. Mr. President, I request a legislative leave on behalf of Senator Armstrong.

The PRESIDENT. Senator Loeper requests a legislative leave for Senator Armstrong. Without objection, that leave will be granted.

LEAVE OF ABSENCE

Senator LOEPER asked and obtained leave of absence for Senator HESS, for today's Session, for personal reasons.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of February 6, 1989.

The Clerk proceeded to read the Journal of the preceding Session.

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

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

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

YEAS—49

Afflerbach	Greenleaf	Madigan	Ross
Andrezeski	Greenwood	Mellow	Salvatore
Armstrong	Helfrick	Musto	Scanlon
Baker	Holl	O'Pake	Shaffer
Belan	Hopper	Pecora	Shumaker
Bell	Jones	Peterson	Stapleton
Bodack	Jubelirer	Porterfield	Stewart
Brightbill	Lemmond	Punt	Stout
Corman	Lewis	Regoli	Tilghman
Dawida	Lincoln	Reibman	Wenger
Fattah	Loeper	Rhoades	Williams
Fisher	Lynch	Rocks	Wilt
Fumo			

NAYS—0

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

The PRESIDENT. The Journal is approved.

HOUSE MESSAGE

**HOUSE CONCURS IN SENATE
CONCURRENT RESOLUTION**

The Clerk of the House of Representatives informed the Senate that the House has concurred in resolution from the Senate, entitled:

Joint Session.

COMMITTEE APPOINTED TO ESCORT THE GOVERNOR TO THE HALL OF THE HOUSE

The PRESIDENT. The President pro tempore of the Senate has appointed the following Senators to act as a committee on the part of the Senate to escort the Governor to the Joint Session: the gentleman from Mercer County, Senator Roy W. Wilt, Chairman; the gentleman from Luzerne County, Senator Charles D. Lemmond; the gentleman from Washington County, Senator J. Barry Stout.

The committee will leave immediately to discharge its duties.

HOUSE NOTIFIES SENATE IT IS READY TO CONVENE IN JOINT SESSION

The PRESIDENT. The Chair recognizes the Sergeant-at-Arms.

The SERGEANT-AT-ARMS. Mr. President, I have the honor to present a committee on behalf of the House of Representatives.

The PRESIDENT. Will you bring the committee forth, please.

The SERGEANT-AT-ARMS. Mr. President, I have the honor to present the chairman of the escort committee from the House, Representative Anthony J. Melio.

Mr. MELIO. Mr. President, we are a committee of the House appointed to inform the Senate that the House is ready to receive the Members of the Senate in Joint Session and to escort the Members of the Senate to the Hall of the House.

The PRESIDENT. The Chair thanks Chairman Melio and the committee from the House.

SENATE PROCEEDS TO HOUSE TO HEAR GOVERNOR'S MESSAGE

The PRESIDENT. The Members of the Senate will please form a line in the center aisle immediately behind the Sergeant-at-Arms and the House committee in order that we may proceed to the Joint Session. Would the Senators please convene in the center aisle for the purpose of going to the Joint Session.

RECESS

The PRESIDENT. The Chair now declares a recess of the Senate for one-half hour.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

COMMUNICATION FROM THE GOVERNOR

NOMINATION BY THE GOVERNOR 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 PENNSYLVANIA COUNCIL ON AGING

February 6, 1989.

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, Lou Cappiella, 4017 Dexter Street, Philadelphia 19128, Philadelphia County, Seventh Senatorial District, for appointment as a member of the Pennsylvania Council on Aging, to serve for a term of three years and until his successor is appointed and qualified, pursuant to Act 153, approved December 15, 1988.

ROBERT P. CASEY.

HOUSE MESSAGE

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

The Clerk of the House of Representatives informed the Senate that the House has concurred in resolution from the Senate, entitled:

Weekly Adjournment.

RECESS

Senator LOEPER. Mr. President, at this time I would ask for a recess of the Senate for the purpose of a Republican caucus to begin immediately in the Rules Committee room at the rear of the Senate Chamber, with an expectation of returning to the floor to deal with House Bill No. 1 at approximately 2:15 p.m.

The PRESIDENT. For the purpose of a Republican caucus to begin immediately in the Rules Committee Room at the rear of the Senate Chamber, the Senate will stand in recess.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

HOUSE MESSAGE

HOUSE BILL FOR CONCURRENCE

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

February 7, 1989

HB 67 — Committee on Rules and Executive Nominations.

RESOLUTIONS INTRODUCED AND REFERRED

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

February 7, 1989

RECOGNIZING FEBRUARY 16, 1989, AS "LITHUANIAN INDEPENDENCE DAY" IN PENNSYLVANIA

Senators RHOADES, BODACK, REIBMAN, PECORA, JUBELIRER, ANDREZESKI, SALVATORE, JONES, MUSTO, STOUT, SHUMAKER, O'PAKE, DAWIDA, FISHER, PETERSON, AFFLERBACH, SHAFFER, LEMMOND, HELFRICK and LOEPER offered the following resolution (**Senate Resolution No. 14**), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, February 7, 1989.

A RESOLUTION

Recognizing February 16, 1989, as "Lithuanian Independence Day" in Pennsylvania.

WHEREAS, World War I considerably weakened both unlawful occupants of Lithuania: Russia and Germany; and

WHEREAS, On February 16, 1918, the Lithuanian National Council, elected by representatives in 1917, unanimously proclaimed the restoration of Lithuania's independence, and on November 11 of that year the Council formed the first government of the Independent Republic of Lithuania; and

WHEREAS, Thousands of volunteers joined the freedom fighters, who liberated provinces from Bolshevik and other invaders; and

WHEREAS, The Soviet Union, on July 20, 1920, signed a peace treaty with Lithuania, declaring: "Russia, without any reservation whatsoever, recognizes Lithuania as a self-governing and independent state with all juridical consequences that follow from such a recognition and in the spirit of free and good will renounces for all time all sovereignty rights of Russia concerning the Lithuanian nation and Lithuanian territory." This obligation was confirmed by Russia on September 28, 1926, in a Non-Aggression Pact which stated: "The Republic of Lithuania and the Union of Soviet Socialist Republics mutually undertake to respect in all circumstances the sovereignty and territorial inviolability of each other"; and

WHEREAS, In the period 1920 to 1922, Lithuania was recognized by all other free states, and on September 1, 1922, Lithuania was admitted as a member of the League of Nations; and

WHEREAS, In complete violation of the solemn obligation to respect the sovereignty of Lithuania, on June 15, 1940, the Soviet Union invaded Lithuania with 300,000 troops, supported by armored vehicles and planes; and

WHEREAS, In the course of World War II, there was a short revival of Lithuania's independence, but after Germany's defeat in 1944, the second Soviet occupation followed; and

WHEREAS, In the following years of Soviet occupation, tens of thousands of Lithuanians were deported to distant regions of Northern and Central Siberia, where many of them perished in slave labor camps; and

WHEREAS, On this 71st Anniversary of Lithuanian Independence Day, it is appropriate that we all join with our fellow citizens of Lithuanian descent in their prayer for freedom, and recognize with pride, admiration and respect their numerous contributions to the growth and development of our country and our Commonwealth; therefore be it

RESOLVED, That the Senate of the Commonwealth of Pennsylvania recognize February 16, 1989, as "Lithuanian Independence Day" in Pennsylvania and join with those of Lithuanian descent in the celebration of the 71st Anniversary of Lithuania's independence.

MEMORIALIZING CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO TAKE PROMPT ACTION TO EXTEND THE STEEL VOLUNTARY RESTRAINT ARRANGEMENTS

Senators BRIGHTBILL, FISHER, BELAN, SHUMAKER, WENGER, ROSS, JUBELIRER, AFFLERBACH, STOUT, JONES, HELFRICK, STEWART, LOEPER, MADIGAN, MUSTO, REIBMAN, O'PAKE, GREENWOOD, RHOADES, LINCOLN, WILT, ROCKS, BELL, SALVATORE, SCANLON, DAWIDA, REGOLI, PORTERFIELD, LEWIS, MELLOW and BODACK offered the following resolution (**Senate Resolution No. 15**), which was read and referred to the Committee on Intergovernmental Affairs:

In the Senate, February 7, 1989.

A RESOLUTION

Memorializing Congress and the President of the United States to take prompt action to extend the steel Voluntary Restraint Arrangements.

WHEREAS, Extension of the steel Voluntary Restraint Arrangements will provide America's steel industry with a necessary, yet measured, defense against conditions abroad that have not changed much since the Voluntary Restraint Arrangements program was first instituted in 1984; and

WHEREAS, Foreign producers still receive massive subsidies from their governments, foreign steel markets are still tightly restricted to imports, foreign producers still engage in pervasive "dumping" of steel, and there is still a serious structural imbalance between world steel supply and demand on the order of at least 100 million tons; and

WHEREAS, A five-year extension will give the United States Government the time it needs to negotiate an end to these ongoing trade-distorting conditions abroad, and the United States cannot "unilaterally disarm" in steel by terminating the Voluntary Restraint Arrangements until such negotiations have been successfully concluded; and

WHEREAS, Voluntary Restraint Arrangements have enabled domestic steel producers to take significant steps to improve their international competitiveness—costs are down 35% since 1982, labor productivity is up 40% and quality has been greatly improved; and

WHEREAS, Despite these competitiveness gains, additional time is needed, because (1) the domestic steel industry still lags behind other major steel-producing countries in such key areas as product yield, energy efficiency and continuous casting rate, (2) continued restructuring and modernization will be extremely expensive and (3) the industry's underlying economic condition still is fragile because of the enormous losses (\$12 billion) sustained in 1982-1986; and

WHEREAS, Unlike most of its major foreign competition, which is subsidized, the United States steel industry must depend on continued profitability for meeting its future restructuring and modernization goals, and the domestic steel industry's continued profitability will be severely threatened if surges of unfairly traded imports are allowed to resume; in fact, such surges at this time could halt current or future modernization plans in their tracks; and

WHEREAS, Voluntary Restraint Arrangements extension will continue to require annual cash flow commitments from major United States steel producers to assure ongoing worker retraining, reinvestment in new plant and equipment, and modernization of operations, which are critical to the domestic economy in general and United States steel consumers in particular; and

WHEREAS, The domestic steel industry, and its continued self-help efforts to regain full international competitiveness, are uniquely important to America's national security, industrial base and infrastructure; and

WHEREAS, There is no viable alternative to Voluntary Restraint Arrangements, because the only other alternative—a return to massive, and very costly, trade litigation—would cause considerable market disruption that would not be in the best interest of the industry, its domestic customers, the United States Government or our trading partners, many of whom would face imposition of huge penalty duties; therefore be it

RESOLVED, That the Senate of the Commonwealth of Pennsylvania memorialize Congress and the President of the United States to take prompt action to extend the steel Voluntary Restraint Arrangements for an additional five years; and be it further

RESOLVED, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania and to the President of the United States.

**DIRECTING THE JOINT LEGISLATIVE AIR
AND WATER POLLUTION CONTROL AND
CONSERVATION COMMITTEE TO STUDY
PROBLEMS RELATING TO RADON TESTING**

Senators O'PAKE, ROSS, LINCOLN, STOUT, REGOLI, REIBMAN, PORTERFIELD, BELAN, MUSTO, STAPLETON, SHUMAKER, CORMAN, ANDREZESKI, MELLOW, SALVATORE, LYNCH, AFFLERBACH and DAWIDA offered the following resolution (**Senate Concurrent Resolution No. 16**), which was read and referred to the Committee on Environmental Resources and Energy:

In the Senate, February 7, 1989.

A CONCURRENT RESOLUTION

Directing the Joint Legislative Air and Water Pollution Control and Conservation Committee to study problems relating to radon testing.

WHEREAS, Homeowners, victimized by the threat to their families' health and well-being by the presence of radon, are being victimized again by the uncertainty presented by widely diverse and conflicting results of expensive radon tests; and

WHEREAS, Radon is an odorless, colorless, naturally occurring gas resulting from the breakdown and decay of uranium in granite and shale, seeping through cracks and fissures in the earth's crust; and

WHEREAS, Radon enters homes through joints, seams or any opening, only to collect where there is poor or no ventilation. The Environmental Protection Agency has recognized radon gas as the number one indoor pollutant and recommends nationwide testing of all homes for the presence of this gas; and

WHEREAS, Radon has been linked as a cause of lung cancer; the Environmental Protection Agency estimates that radon may cause 20,000 deaths per year in the United States, becoming the second leading cause of lung cancer death in the Nation. Radon gas poses the potential to be a health threat to millions of Americans; and

WHEREAS, Responding to attempts by individuals to prey upon the public by purporting to test homes for radon gas using unsound and fraudulent methods, the General Assembly enacted a law requiring the Department of Environmental Resources to develop regulations for the certification of all companies or individuals testing homes or businesses for radon gas; and

WHEREAS, Subsequently published reports indicate a wide range of test readings where those tests were conducted in a radon-contaminated home at the same time in the same area by companies certified as qualified to test for the accumulation of radon; therefore be it

RESOLVED (the House of Representatives concurring), That the General Assembly direct the Joint Legislative Air and Water Pollution Control and Conservation Committee to study the problem of radon testing within this Commonwealth to determine the sufficiency and accuracy of the testing procedures; and be it further

RESOLVED, That the Joint Legislative Air and Water Pollution Control and Conservation Committee be directed to study the certification procedures developed by the Department of Environmental Resources to determine the adequacy and sufficiency of the certification process; and be it further

RESOLVED, That the Joint Legislative Air and Water Pollution Control and Conservation Committee study the technology available to measure the presence of radon gas and determine whether sufficient technology is available to accurately and adequately advise citizens of this Commonwealth as to the existence of the gas and the need for remediation; and be it further

RESOLVED, That a special task force, consisting of three members of the Senate, appointed by the President pro tempore, and three members of the House of Representatives, appointed by the Speaker, be established to assist the Joint Legislative Air and Water Pollution Control and Conservation Committee in the conduct of its study; and be it further

RESOLVED, That the Joint Legislative Air and Water Pollution Control and Conservation Committee report its findings and recommendations, together with any proposed legislation, to the General Assembly as soon as possible.

GENERAL COMMUNICATIONS

**REGULATORY REVIEW REPORT
NO. 1 OF 1989**

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

COMMONWEALTH OF PENNSYLVANIA
Independent Regulatory Review Commission
Room 22A, 333 Market Street
Harrisburg, PA 17101

February 3, 1989

Honorable Robert C. Jubelirer
President Pro Tempore
Senate of Pennsylvania
292 Main Capitol Building
Harrisburg, PA 17120

Re: IRRC Regulation #7-172
Environmental Quality Board
Control of Gasoline Volatility

Dear President Pro Tempore Jubelirer:

On January 23, 1989, Governor Robert P. Casey submitted his report on the proposed regulation to control gasoline volatility to the General Assembly. Simultaneously, the Governor submitted a copy of this report to the Independent Regulatory Review Commission (Commission) which had previously voted to disapprove the proposal on November 2, and December 7, 1988. The Governor's report stated his conclusion that the regulation, as originally proposed by the Environmental Quality Board (EQB), was necessary and that he intended to proceed with the regulation.

The regulation's purpose is to address recurring violations of the federal National Ambient Air Quality Standards for ozone in Pennsylvania. It would amend Sections 121.1, 129.73, 139.4 and 139.14 of Title 25 of the Pennsylvania Code. These amendments would limit the volatility of gasoline sold in the Commonwealth to Reid Vapor Pressure (RVP) levels of 9.0 pounds per square inch (psi) during the period from May 1 to September 15 beginning in 1990. The proposed rulemaking for these amendments was published in the Pennsylvania Bulletin on October 15, 1988.

We sincerely regret that we cannot fully concur with the opinion of the Governor at this time. While we wholeheartedly support the objectives of the proposed regulation, the Commission has concluded that the regulation raises questions of such a substantial nature that it requires a legislative review. Therefore, we voted on February 1, 1989, to continue our bar to the publication of this proposed regulation and by this letter to transmit the proposal to you in accordance with the procedures specified in Section 7(b) of the Regulatory Review Act. Our Order of transmittal dated February 1, 1989, and copies of the Governor's report and the proposed regulation are enclosed.

Our action on this proposed regulation was due in large part to the letters and calls received by the Commission from over 50 Members of the General Assembly during the last week and a half. This legislative input was bipartisan and included Members from both the House Conservation Committee and the Senate Environmental Resources and Energy Committee. The unanimous recommendation of these legislators was that the Commission should transmit this regulation to the General Assembly for its consideration.

This regulation involves substantive questions about public policy which will affect every member of the motoring public in Pennsylvania. The Commission received comments that the proposed regulation, in its current form, poses a serious threat to gasoline supplies and represents an economic burden totaling millions of dollars to refineries and petroleum companies in the Commonwealth. On the other hand, failure on the part of the Commonwealth to take action to reduce ozone pollution puts human health and the environment at risk. It has also been suggested that the payment of federal funds to the Commonwealth may be jeopardized and that the Commonwealth could be exposed to sanctions imposed by a federal judge as a result of a citizen lawsuit filed under the provisions of the federal Clean Air Act. Additionally, ozone pollution, in excess of federal standards, severely limits the rate of economic development and growth in Pennsylvania by denying industries the ability to locate or expand in the state because of federal construction bans due to the lack of offset emission credits.

The Commission was also disappointed by the fact that the EQB's proposal was not as aggressive as it could have been in tackling the ozone problem. In our Order of disapproval, dated December 7, 1988, we suggested that a 10.5 psi RVP standard should be imposed in May of 1989 as a step towards adopting the 9.0 psi RVP standard. The U. S. Environmental Protection Agency (EPA) published a similar proposal as part of a proposed rulemaking in 1987. The 10.5 standard would have brought immediate relief from ozone pollution during the coming summer. Furthermore, the petroleum industry has stated that it could meet this standard in 1989.

It is reasonable to insist that policy decisions of this magnitude be presented to the duly elected representatives of the public in the General Assembly for their consideration and action. The Regulatory Review Act provides a 20-day "window of opportunity" in which the designated standing committees may actively and effectively participate in the review of proposed regulations. Unfortunately, the 20-day period for this particular proposed rulemaking, which began on October 15, 1988, occurred at a time when the General Assembly was not in session. Therefore, the standing committees were unable to effectively meet, review and act on this regulation. The Commission's latest action on this regulation provides the General Assembly with the opportunity and the ability to effectively participate in the regulatory review process.

In closing, the Commission believes that there is strong evidence which fully demonstrates that the 9.0 psi RVP standard for gasoline is an effective tool in reducing ozone pollution. We wholeheartedly support its adoption by the Commonwealth. The major question, which has not been fully resolved, is one of timing. Commentators on the proposal have indicated that a premature imposition of this standard could have a deleterious impact, especially on Pennsylvania's smaller refineries, and that it could cause a significant disruption and reduction in the state's gasoline supplies during the summer months.

Thank you for your time and consideration. If you have any questions, please call me at (412) 553-6300, or Frank J. Ertz, the Commission's Executive Director at (717) 783-5417.

Sincerely,

JOHN R. MCGINLEY, JR.
Chairman

The PRESIDENT. This will appear on the Calendar as Regulatory Review Report No. 1 of 1989.

**REPORT OF THE PENNSYLVANIA EMERGENCY
MANAGEMENT AGENCY PURSUANT TO
SENATE RESOLUTION NO. 177**

The PRESIDENT laid before the Senate the following communication, which was read by the Clerk as follows:

PENNSYLVANIA EMERGENCY MANAGEMENT
AGENCY
P.O. Box 3321
Harrisburg, Pennsylvania 17105-3321

February 3, 1989

Honorable Mark R. Corrigan
Secretary of the Senate
462 Main Capitol
Harrisburg, Pennsylvania 17120

Dear Mr. Corrigan:

Pursuant to Senate Resolution #177 dated April 13, 1988, please find enclosed a copy of the PEMA report on the City of Pittsburgh's 911 System.

Should you have any questions pertaining to this report, please do not hesitate to call me.

Sincerely,

CARL C. KUEHN, II
Deputy Director

The PRESIDENT. This report will be filed in the Library.

REPORTS FROM COMMITTEES

Senator GREENLEAF, from the Committee on Judiciary, reported the following bills:

SB 188 (Pr. No. 188)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for payment to counties of certain costs in driving while under the influence of alcohol or controlled substances cases where a defendant is accepted into an Accelerated Rehabilitative Disposition program.

SB 193 (Pr. No. 475) (Amended)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for deposits into the Judicial Computer System Augmentation Account; providing for the admissibility of certain out-of-court statements; and making refunds.

SB 194 (Pr. No. 194)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of rape.

SB 295 (Pr. No. 302)

An Act amending the act of August 13, 1963 (P. L. 774, No. 390), entitled "County Jail Prisoner Temporary Release Law," authorizing the collection of confinement costs in cases relating to prisoners confined only during weekends or short periods of time.

Senator HESS, from the Committee on Education, reported the following bills:

SB 2 (Pr. No. 474) (Amended)

An Act providing for the advance purchase of tuition at certain institutions of higher education; establishing the Tuition Account Program Bureau within the Treasury Department and providing duties for the Treasury Department; establishing the Tuition Payment Fund; and providing for tuition account payment contracts.

SB 253 (Pr. No. 260)

An Act amending the act of December 12, 1973 (P. L. 397, No. 141), entitled "Teacher Certification Law," further providing for the commission; and providing for the reestablishment of the commission.

SB 257 (Pr. No. 264)

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," providing partial State reimbursement for mobile classroom facilities.

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

The SECRETARY. The Majority and Minority Leaders have given their permission for the Committee on Intergovernmental Affairs to meet off the floor during today's Session to consider Senate Resolution No. 15; also, the Committee on Rules and Executive Nominations to consider certain nominations, Senate Resolution No. 12 and House Bill No. 67.

CALENDAR**THIRD CONSIDERATION CALENDAR****BILL OVER IN ORDER TEMPORARILY**

HB 1 — Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

LEGISLATIVE LEAVES

Senator BRIGHTBILL. Mr. President, I would ask for Capitol leaves for Senator Corman and Senator Peterson.

Senator MELLOW. Mr. President, I request a temporary Capitol leave for Senator Stapleton who is at a meeting in his office.

The PRESIDENT. Senator Brightbill requests temporary Capitol leaves for Senator Corman and Senator Peterson. Senator Mellow requests temporary Capitol leave for Senator Stapleton. Without objection, the leaves will be granted.

THIRD CONSIDERATION CALENDAR RESUMED**BILLS OVER IN ORDER**

SB 119, 122, 144, 145 and 232 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

SECOND CONSIDERATION CALENDAR**BILL REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION**

SB 280 (Pr. No. 470) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for the regulation of storage tanks and tank facilities; imposing additional powers and duties on the Department of Environmental Resources and the Environmental Quality Board; and making appropriations.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

BILLS OVER IN ORDER

SB 160, 268, 281 and 335 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

HB 1 CALLED UP

HB 1 (Pr. No. 3) — 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 LOEPER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1 (Pr. No. 3) — The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for differentials in local real estate tax rates.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

Senator BRIGHTBILL. Mr. President, I rise today to discuss House Bill No. 1 which is a bill that would amend the Constitution of Pennsylvania. What this would do is provide that the General Assembly may, by law, "make special tax provisions authorizing or requiring classes of local taxing authorities to reduce tax rates on residential real property to the extent of additional revenues obtained from personal income taxes." All other changes in real property tax rates shall be uniform as provided in Section 1.

Mr. President, within the last week or two I was approached by a woman who I know fairly well, and I am familiar with her finances. She owns a fair amount of agricultural real estate, and she has some earnings from savings and that sort of thing. The woman said to me, "My tenant farmer tells me that this tax reform would be beneficial to me." She said, "Is that correct?"

I thought for a minute and I considered her situation and I told her that because she owns a lot of real estate and because she has a relatively low income from earnings, the real estate taxes would more than likely be offset by the increase in her income taxes. I told her that the term "residential" is defined in the act as including agricultural property or land. Mr. President, I think I made a mistake.

POINT OF ORDER

Senator MELLOW. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Lackawanna County, Senator Mellow, will state his point of order.

Senator MELLOW. Mr. President, House Bill No. 1 basically is the same topic that was discussed last week in Senate Bill No. 13, and on that particular occasion, I asked the Chair on three different occasions if he would remind not only the Senator who was speaking but also other Members of the Senate that we are to confine our remarks to the topic that is encompassed in the Bill. I would just like to ask if the Chair could not caution not only the gentleman from Lebanon, Senator Brightbill, but other Members of the Senate that, in fact, our debate on House Bill No. 1 should be confined to the substantive nature of the bill and not basically, Mr. President, debate on what the issue is in total.

The PRESIDENT. The Chair thanks the gentleman and finds his point to be well taken and would remind Senator Brightbill and all other speakers that we are dealing with House Bill No. 1 and that comments should be relegated to the proposed amendment to the Constitution.

Senator BRIGHTBILL. Mr. President, I would remind the gentleman that I am speaking on the proposed amendment and that every time I say something that he does not want to hear, he gets up and makes a point of personal privilege. I am going to speak about House Bill No. 1, and I hope the gentleman pays close attention.

Senator MELLOW. Mr. President, I would only like to tell the gentleman that I rose to a point of order, not personal privilege, and as long as the gentleman confines his remarks to the proposal that is before us, we will have no problem today. When the gentleman goes far afield from that, Mr. President, not only will I again rise to a point of order, but also at that point in time, Mr. President, I will ask for an interpretation of the Rule.

Senator BELL. Mr. President, are the remarks of the gentleman from Lackawanna in order?

The PRESIDENT. They are.

Senator BELL. Mr. President, are you not supposed to admonish Members of the Senate? Are we to be admonished by the gentleman from Lackawanna? I did not know he was President.

The PRESIDENT. The Chair will recognize the gentleman, without objection, just as the Chair recognized the gentleman from Delaware.

Senator BRIGHTBILL. Mr. President, a key ingredient to the provision in House Bill No. 1 is the use of one word which is, "residential," so House Bill No. 1 reads that it reduces tax rates on residential real property to the extent of additional revenues obtained from personal income taxes. Now, Mr. President, the question is, is agricultural property residential real property? The interesting aspect of this is that House Bill No. 1 was passed in constitutional amendment form before the statute was passed which was intended to implement it. The question I am going to leave unanswered today, because I do not know the answer, is, is the statute that we passed going to be unconstitutional when applied to the test of this amendment to the Pennsylvania Constitution?

Let me go on, Mr. President. The purpose of this constitutional amendment is to implement a tax reform proposal. Does the word "residential" mean agricultural? Are agricultural land and residential land the same? Let me ask you another question, Mr. President. At first this may seem like a silly question, but as I go on, it will make a lot more sense. Does residential land mean apartments?

Let me explain myself. The constitutional amendment that we have passed here is very similar to a constitutional amendment that passed and was implemented into the Constitution of our sister state of Ohio. The Ohio Constitution was amended to read, "...laws may be passed that provide all of the following: (1) Land and improvements thereon in each taxing district shall be placed into one of two classes solely for the purpose of separately reducing the taxes charged against all land and improvements in each of the two classes as provided in division (C)(2) of this section." Here is what is important: "The classes shall be: (a) Residential and agricultural land and improvements;" or "(b) All other land and improvements." So that when the drafters of the Ohio Constitution set about to create a similar program to provide a tax benefit for our farmers and our homeowners, they were far more specific. They said "residential and agricultural land and improvements." Interesting, Mr. President, but the word "agricultural" does not appear in House Bill No. 1, so any act

that we would pass that would define agricultural land as residential land may very well be unconstitutional, Mr. President. Meanwhile, there are going to be farmers out there who are going to vote for this thing, being told that this program was to help them.

Let me go on, Mr. President. You know, many of us were told during all the drafting and negotiations that this was going to be a once and done change in terms of the taxes and the tax differential between business and residential. There is no limitation to once and done in House Bill No. 1. Are my concerns well taken? Well, I went to the book called Pennsylvania Constitutional Law which was written by Robert E. Woodside, a distinguished jurist, and as I thought I would find in Judge Woodside's book, he said, "Constitutional provisions are not to be read in a strained or technical manner. Rather, they must be given the ordinary, natural interpretation the ratifying voter would give them." Is agricultural residential? Judge Woodside said numerous cases of the Supreme Court have held that the Constitution should be interpreted in the popular sense as the people who adopted it must have understood it when they voted on it. Very interesting, Mr. President, because in our sister State of New Jersey, they do differentiate between residential and agricultural. In fact, agricultural is considered a lower use for tax purposes so that a man pays lower taxes on agricultural land than he would on residential land. Let me go on, Mr. President. If we continue in Judge Woodside's book on constitutional interpretations, we find that what we say here on the floor of the Senate and what was said on the floor of the House in debate is not really relevant in terms of interpreting the Constitution. Justice Bell, one of our famous jurists, said, "Moreover, in ascertaining the legislative meaning, while what is said in debate is not relevant, the report of a legislative commission or a Senate or House committee may, if obscurity or ambiguity exists, be considered." He said more directly, in a case called National Transit Company v. Boardman, "While, in ascertaining the legislative meaning, what is said in debate is not relevant." So you see, Mr. President, when we are done here and these books are closed and we leave, what we are going to have is a provision in the Pennsylvania Constitution that simply says that local taxing authorities may reduce tax rates on residential real property to the extent of additional revenues obtained from personal income taxes.

Let us go back to our sister State of Ohio and let us see what happened when the courts got hold of their tax reform. In Ohio they were smart. When they wanted to include agricultural, they said it. They did not leave it for interpretation, so it says residential and agricultural. We were not that smart in Pennsylvania.

In a case called Roosevelt Properties Co. v. Kinney, an interesting twist occurred on the court's construction of the word "residential." There they construed residential to exclude apartments. Is that not interesting for all of those of you who represent hundreds of apartment dwellers, for all those senior citizens who are out there living in apartments anticipating that their landlord is going to get a tax reduction

and that tax reduction is going to be passed along to them? What happens when the county does not classify apartments as residential or when a taxpayer challenges our statute as being unconstitutional because residential does not include multi-family dwellings, or when a taxpayer challenges our Constitution and says that the word "residential" does not include a farm with all its agricultural and commercial operations and instead only the farmhouse is subject to the tax break? You see, Mr. President, what happened here is that people outsmarted themselves. They were in a hurry. They passed this constitutional amendment first and then without looking back to see what they had done, they wrote a statute and they compromised a bill. Unfortunately, we run a grave risk that the bill we passed in the declining minutes of the last Session may turn out to be unconstitutional as applied to those people in agriculture and perhaps those people who live in multi-family dwellings, and there is nothing we can do about it because debate is not to be considered according to our Supreme Court. We can yell, we can scream and we can say whatever we want on the floor of this General Assembly, but it is going to be what the court says. I am going to conclude in a minute, but I have one last quote from Judge Woodside's book. I brought the book along because I would like to share it with the Members here. It is kind of interesting. The name of the book is Pennsylvania Constitutional Law. It is by Robert E. Woodside. On page 75 is a warning, and it kind of reminds one of the warranties that you see on a pack of cigarettes or of a warranty on a product. Here is what the warning says, "Do not rely too heavily on the rules of construction. Even when they are clearly applicable to the construction of the provisions in question, the Pennsylvania Supreme Court may ignore the applicable rules of construction in order to reach the conclusion it wishes." This is Judge Woodside. "The Constitution has always been liberally construed and the courts have gone beyond the words to find the intent. However, in recent years the courts seem more likely to ignore the clear meaning of the language and its intent and to disregard the applicable rules of construction." Now the following is in capital letters: "THUS THE CONSTITUTION TODAY IS NOT WHAT THE LANGUAGE OF IT CLEARLY SAYS, NOT WHAT IT MEANT TO THOSE ADOPTING IT, NOR WHAT THE RULES OF CONSTRUCTION INDICATED TO MEAN, BUT WHAT A MAJORITY OF THE JUDGES OF THE COURT OF HIGHEST JURISDICTION THINK THE CONSTITUTION SHOULD PROVIDE."

In other words, Mr. President, we are going to be sending through our court six lines to interpret—six lines broadly and vaguely written. In those six lines, there is only one word that really defines the limitations of this so-called tax reform and that is the word "residential." The word "agricultural" never appears and we have seen what courts in Ohio did to the word "residential." Mr. President, this was hastily done and, Mr. President, I am going to vote "no" because I do not want my constituents out there buying a pig in a poke.

LEGISLATIVE LEAVES

Senator LINCOLN. Mr. President, I would request temporary Capitol leaves for Senator Andrezeski, Senator Fumo, Senator Jones and Senator Regoli.

The PRESIDENT. Senator Lincoln requests temporary Capitol leaves for Senator Andrezeski, Senator Jones, Senator Fumo and Senator Regoli. The Chair hears no objection. The leaves will be granted.

And the question recurring,
Shall the bill pass finally?

Senator LINCOLN. Mr. President, the longer I serve in the General Assembly the more I become frustrated by the actions of individual Members and the Body as a whole. We were subjected for the last forty minutes, or whatever it was, by one of our Members who has done everything within his power legally over the last eighteen months to keep tax reform from becoming a reality. Not one time in all that eighteen months that we had a Special Session Calendar—we had several bills, in fact, a series of bills which have been introduced—and all that time this gentleman never chose one time to add a positive point to any of the debate. In fact, he talks about it being done hastily. The only thing that was done hastily is that his party, and he was one of the prime movers, delayed the process with the hope that the Session would end purely on a partisan political basis. The merits of the issues were never important throughout 1987-88 when this issue was part of our everyday existence as Legislators, and to stand here today and attempt to confuse, by taking certain portions of whatever from Ohio, and wherever else, to me is a total disservice to the people who not only I represent but who he represents. I think if he is concerned about that between now and May 17th, he and other people who have been obstructionists in this process will have their opportunity to go out and make those debates.

POINT OF ORDER

Senator LOEPER. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Delaware, Senator Loeper, will state it.

Senator LOEPER. Mr. President, I believe a Member is questioning the integrity of another Member in his views on the debate on the floor, and it is out of order.

The PRESIDENT. The Chair finds the gentleman's point to be well taken, and I would simply remind the gentleman to constrain his remarks as well.

Senator LINCOLN. Mr. President, if the gentleman can point out to me one misstatement of fact, if he can point out to me at one point in time where the gentleman from Lebanon, Senator Brightbill, got up and made a positive statement about tax reform and the issues before us at any time in the last eighteen months, if at any one time he voted in a positive manner on a tax reform issue, then I will apologize to him publicly.

Senator BELL. Mr. President, I am going to vote for it so you do not have to attack me. I want the next speaker who, I think, wrote the bill, or had something to do with it in the

constitutional amendment, to answer a question to this Body. We have, not too far from here, a building called the "Townhouse." We have another one, I think, called the "Executive House." In Philadelphia we have the Bellevue-Stratford Hotel. The top floors are residential, the bottom floors are business. I have House Bill No. 1 in front of me. It says "...reduce tax rates on residential real property...." Will the Townhouse, will the Executive House, will the Bellevue-Stratford have their tax rates, constitutionally under House Bill No. 1, reduced or not? That is my question. I think what was raised by the gentleman from Lebanon, Senator Brightbill, today opened my eyes to the fact we have mixed residential and business properties, and I think they are under one tax assessment.

Senator LEWIS. Mr. President, it is my intention to try to respond to a number of the points that have been raised. Let me begin first with the one raised by the gentleman from Delaware County and direct his attention to page 17 of Senate Bill No. 442 under the definitional sections with regard to residential real property. The second item identifies within that definition the portion of multi-use properties which are used and occupied as a primary residence of the owner, thereby excluding the portions from such—

POINT OF ORDER

Senator LOEPER. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Delaware, Senator Loeper, will state it.

Senator LOEPER. Mr. President, in the previous ruling to the Minority Leader, you had indicated the speakers should confine their remarks directly to the bill before us, and I would ask an affirmation of that ruling.

The PRESIDENT. The Chair thanks the gentleman for his point of order, but would also point out that he granted a great deal of leeway in stating the case. Senator Lewis is attempting to respond to several of the comments. However, Senator, the Chair would remind you that we are dealing with House Bill No. 1.

Senator LEWIS. Mr. President, House Bill No. 1 proposes a constitutional amendment that would make it possible for different rates of taxation upon real property. The speakers who have preceded me have raised questions about the phrase in House Bill No. 1 "residential real property." I think that as they try to come to the answer to their own questions, they need to look at a variety of other materials. One of the items to which I would direct their attention is Senate Bill No. 442, and particularly with regard to the multi-use question within the definition of residential real property as raised by the gentleman from Delaware, Senator Bell. I would direct his attention to that section and invite him to review it and see if that will answer sufficiently the question that he raised. Mr. President, the issue before us today properly is the question of the constitutional amendment, and as we try to understand and appreciate what its effect will be, it is obligatory upon all Members of this Chamber who want to try to discuss it to be able to deal with the accurate and correct information. As I listened to the gentleman from Lebanon, Senator Brightbill, I

found him mixing and confusing the provisions of Senate Bill No. 442 and the provisions of House Bill No. 1 as it is now before us. He tried to suggest that, in his opinion, the phraseology "residential real property" as it is contained in House Bill No. 1 would lead potentially to a number of unanticipated consequences, specifically with regard to farmland and apartments. Let me suggest, Mr. President, that that conclusion cannot be supported by the facts or by the materials contained within Senate Bill No. 442, which is the document to which he must make reference when he tries to interpret and apply House Bill No. 1. The reasons are these: Senate Bill No. 442 contains explicit requirements with respect to property tax reductions. Those items stand free, separate and apart from the provisions of House Bill No. 1. And the gentleman needs to understand that so as not to confuse issues. There are mandated real property tax reductions within local tax reform. House Bill No. 1 simply provides the opportunity to those local governments which choose to utilize it to create a differential in the real property rates between defined categories of real property. The provisions of House Bill No. 1 have no impact at all upon the mandatory property tax reductions required within the local tax reform legislation as we have adopted it. I think it is critical to understand that farmers, farmland and renters will receive the benefits of the property tax reductions under local tax reform as they have been described and promised. With respect to those items, we can find further clarification in the definitions sections of the local tax reform bills which talk specifically about definitions for residential real property. Section 302, for example, explicitly contains the references to family farmland.

POINT OF ORDER

Senator BRIGHTBILL. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Lebanon, Senator Brightbill, will state it.

Senator BRIGHTBILL. Mr. President, I believe we are discussing House Bill No. 1, which is the constitutional amendment, and he seems to be talking about an act of assembly which is not in controversy at this point in time. He is discussing the act of assembly, he is not discussing House Bill No. 1.

The PRESIDENT. The Chair thanks the gentleman for his point, but respectfully disagrees and points to the fact that Senator Lewis is drawing some important information as it relates to House Bill No. 1.

Senator BRIGHTBILL. Mr. President, he is discussing the tax reform legislation. When I was on the floor the Chair ruled and admonished me not to discuss that legislation, that I was to direct my discussions to this constitutional amendment. I would ask the Chair to admonish the gentleman in the same fashion.

The PRESIDENT. The Chair thanks the gentleman and would appreciate the indulgence of all speakers in addressing House Bill No. 1, the constitutional provisions.

Senator LEWIS. Mr. President, I will try to be mindful of the concerns that have been expressed. Let me restate this in a different way. Let me assure the gentleman from Lebanon

and all who have listened to the preceding debate that there is nothing within House Bill No. 1 which will in any way impede or defeat the real property tax reductions which farmers, owners of farmland and those who live in multi-tenant dwellings have been promised and can expect under the legislation which has previously been passed. The gentleman needs to understand that House Bill No. 1 simply provides the opportunity, not a mandate, but the opportunity for a taxing entity in this Commonwealth within the parameters established by this legislation to create differentials for real property tax categories. It does not require them to do so, and that is an important point which has not been noted so far, and it does not in any way relieve their responsibilities for mandatory tax reductions prescribed in the other legislation. So for the gentleman to raise questions about the definition of farmland as it fits within the wording and the phraseology of House Bill No. 1, I think is an appropriate exercise, but to try to suggest that because of concerns about constitutional interpretation this may defeat, by the passage of this bill, promises that have been made based upon priorly approved legislation is just completely inaccurate.

Mr. President, I might further suggest that to the extent that there is merit in the concerns that have been expressed by the gentleman, this General Assembly will have reasonable opportunity to amend and conform legislation which has previously been passed such that there will be no constitutional violation even if one were to exceed or acknowledge that such a thing might, in fact, happen. I am not sure that is the case. I think it is a point that is worth pursuing. I think we need the best legal interpretation and legal minds that we can call upon to help us with this issue, but as we move through it we again need to understand that there is no problem at all with the language in House Bill No. 1 affecting the tax reductions on real property which farmers and renters all over this Commonwealth can expect.

Senator PECORA. Mr. President, I think we have some complications in this legislation, especially when we refer back to the tax reform or tax increase legislation that we previously passed. I am looking at the Local Government Commission's report, and I listened to my colleague on the other side of the aisle who states that all municipalities that comply with the tax reform, or whatever he calls it, that they will lower property tax 25 percent on residential property. But in the Local Government Commission report it must have an error. It cannot be right when it refers to home rule municipalities such as Pittsburgh, Philadelphia, and many municipalities in my districts. It says, "Due to the unique nature of the authority granted to home rule municipalities to levy higher rates of taxation on residents, this section was drafted to maintain the flexibility for home rule municipalities in determining tax rates on residents. Thus, a home rule municipality's adherence to the Residential Real Property Tax Reduction is left to its own determination." My God, they must have an error here—it says that they do not have to lower the taxes. But, of course, my colleagues on the other side of the aisle tell me different. Of course, maybe the Local

Government Commission's report is wrong, Mr. President, but I feel that we should attempt to tell the truth on the Senate floor and quit distorting the truth in an attempt to convince people that this legislation is good.

Senator BRIGHTBILL. Mr. President, I would like to rise for two points. One is directed to the debate of the gentleman from Fayette, Senator Lincoln. I thought it interesting that since he was not able to refute my arguments based upon the words in House Bill No. 1 and the laws of interpretation, he attempted to impugn my integrity. I did not know that we did that in this Senate and I regret that he found that something he should do. We have not debated this issue very much on the floor of this Senate. There has been a lot of debate, and I have been as active as anyone in terms of the debate as to which way this bill should go in terms of discussions behind the scenes in meeting with various people. I will say this, that with the size of the task of attempting to absorb what this set of laws does to my constituents, it was only last week that I realized that there is a problem. As I listened to the people on the other side, nothing has convinced me that there is not a problem. If we had not passed a bill last Session dealing with tax reform, and if I were to ask Senator Lewis what residential meant, and if I were to ask Senator Mellow what residential meant, Senator Scanlon what residential meant, and Senator Pecora and Senator Bell, I may very well get five different answers. The point is that in a constitutional amendment, the people of this state are empowering us as their elected Members of the General Assembly to pass laws. When this referendum is approved, if it is approved, we will be empowered to pass laws that make special tax provisions authorizing or requiring classes of local taxing authorities to reduce tax rates on residential real property to the extent of additional revenues obtained from personal income taxes. The question is going to be, have we or will we then be exceeding the authority given to us by the people of Pennsylvania? I have heard the arguments here on the floor today. Of course we are not looking at the bill we passed. Well, Mr. President, when you go and read the Constitution to test the constitutionality of a bill, you do not look at the bill you passed, or a bill would never be declared unconstitutional. This, Mr. President, is a legitimate issue. I may only have been smart enough to have raised it last week—I saw it at the Committee on Rules and Executive Nominations. I have not seen anyone else raise it, and I have not heard an answer to it.

Senator MELLOW. Mr. President, I realize that although I was the one who initially raised the point of order, you have allowed us to go far afield in this discussion today the same way the President pro tempore allowed us to go far afield in the discussion last week with regard to Senate Bill No. 13. Mr. President, there are at least a few things that I believe have to be covered with regard to the comments made by the gentleman from Lebanon, Senator Brightbill, and the statement that the gentleman from Fayette, Senator Lincoln made—who unfortunately is not on the floor, because he is very capable of defending himself. Senator Brightbill made the statement that Senator Lincoln has impugned Senator Bright-

bill's reputation because of his opposition to the bill, but he talked about impugning his reputation. I think it is important, Mr. President, that we point out that the only thing Senator Lincoln talked about—

Senator BRIGHTBILL. Mr. President, I said "integrity," not "reputation."

The PRESIDENT. He has accused the Senator of impugning his integrity, not his reputation.

Senator BRIGHTBILL. Attempting to do it, Mr. President.

Senator MELLOW. Mr. President, I do not think there is much difference between reputation and integrity. I think, basically, they are one and the same. I think it is important to note, Mr. President, that Senator Lincoln merely pointed out the facts that not only have appeared in the Senate Journal from last week, but also the facts that have appeared—at least I would think them to be factual—in statements by Senator Brightbill in the news media of his total opposition to tax reform. Yes, Mr. President, it is a very legitimate issue. The issue of tax reform is something that the Governor recognized how legitimate it was because on November 9, 1987, some fifteen plus months ago, Mr. President, it was addressed to the full Body of the Legislature, both the House and the Senate, how important and how legitimate this issue was. And the Republican Party here in the Senate refused to give it any legitimacy by discussing it in full Session right here in the Pennsylvania Senate, where it so rightfully belonged during the entire Special Session Calendar of 1988. The only reason, Mr. President, we are discussing it in any detail today is because of the basic frustrations, I believe, some Members on the other side are feeling because of what, in fact, may be perceived by the public as a good, positive issue. Yes, Mr. President, it is a legitimate issue; yes, Mr. President, it does not have the proper type of discussion in this Body that maybe, in fact, it should have had and, yes, Mr. President, the reason is because the Majority Party in this Senate did, in fact, not want to bring it to full discussion right here, because they were more set on trying to defeat the issue back in November 1988 than they were to discuss the merits of tax reform. I think it is time, Mr. President, that we now get on with the agenda, that we pass House Bill No. 1, that we allow the people of Pennsylvania on May 9th to indicate to us, through referendum, whether, in fact, they are in favor of tax reform, and then if some form of modification must take place, we will have one year to bring that about through implementation. Mr. President, I think at this point in time—as I said—it is time that we get on with the issue and we vote on the bill.

Senator LEWIS. Mr. President, in listening to the debate it has occurred to me that it might be instructional and helpful for all of us to go back and to understand what House Bill No. 1 is all about and how and why it came into being. As we moved through the dimensions of local tax reform, and as we tried to achieve an objective of making it possible for significant reductions in real property taxes, what we discovered was that the only alternative broad-base revenue source was a personal income tax. The problem that arose as real property

taxes were reduced and revenues were replaced with an income tax was that many of the people who would be receiving the benefits of reduced real property taxes—

POINT OF ORDER

Senator LOEPER. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Delaware, Senator Loeper, will state it.

Senator LOEPER. Mr. President, once again, I think we have gone far astray from House Bill No. 1. The only issue that is before us is the constitutional question, and I would ask you to reaffirm your ruling on that.

Senator LEWIS. Mr. President, with all due respect, if the gentleman had heard the preamble, I am trying to explain the purpose and reason for House Bill No. 1.

The PRESIDENT. Actually, the Chair agrees with Senator Lewis in this matter, and while we have heard quite a bit of debate, and while much of it has rambled beyond the point, I do think that Senator Lewis' remarks are focused on House Bill No. 1 and are on point at this point.

Senator LEWIS. Mr. President, what we discovered was that as real property taxes are reduced, the persons receiving the benefit of those reductions may not necessarily be the same as those who would be paying a new or an increased personal income tax. Specifically, there was a great deal of concern about so-called business properties, commercial properties that would receive real estate tax reductions and not continue to pay a proportionate fair share of their obligation for school districts and municipalities. It was as a result of that concern that House Bill No. 1 came about. It came about after extensive input and contribution from the business community, which has been very significantly concerned about any categories of real property tax, but after a realization that this was the only way that we could approach this problem in a fair and sensible way, the constitutional amendment was proposed. Its purpose, Mr. President, is to make it possible for those taxing jurisdictions which choose to do so, to create a differential between the real property tax level paid by individuals and the real property taxes paid by commercial property owners. That is the concept, stated as simply as I know how to do it. Now as we looked at trying to implement that, questions arose with regard to definitions, and we have heard other questions raised on this floor today with respect to definitions. I do not know that anyone has thought yet of all of the potential problems or interpretations that might arise. I think we do need to be about that task today and in the future. But I think it is important to understand this simple, straightforward and equitable concept which gave rise to this constitutional proposal, because it has nothing to do in the first instance with property tax reductions. Those are items which can and will be implemented through legislation that is already passed. This constitutional amendment has nothing to do with that program or that objective. What it has to do with is the effort to make it possible for municipalities and school districts to maintain a fair and equitable relationship between the individual taxpayers and the business taxpayers in their community, in the sense of the amounts of money that they

are proportionately contributing for education and for local governments. That is the approach that is intended. That is the purpose of House Bill No. 1. It is only a small part of local tax reform, and it is important for us to remember that all of the aspects of local tax reform can go into effect without this constitutional amendment, and even with the constitutional amendment, it does not necessarily have to implement or impact in any adverse way any of the other provisions of local tax reform.

Mr. President, as a final item, and I hope the Majority Leader will give me his indulgence for one moment since the question was raised by the gentleman from Allegheny, Senator Pecora, that was of concern to him with respect to this issue. Let me direct Senator Pecora's attention, if he will, to Section 105, which deals with his issue of home rule municipalities, and I think he will find that they are not exempt from the anti-windfall provisions which require property tax reductions when other revenues are raised.

Senator TILGHMAN. Mr. President, on House Bill No. 1, it has to be the biggest piece of trash that we ever passed in this General Assembly in 200 years, and in my old days in the Marine Corps we would have called it a "blivet." Does the gentleman from Washington, Senator Stout, and the gentleman from Beaver, Senator Ross, know what a "blivet" is? B-L-I-V-E-T.

Senator BELL. Mr. President, to explain the action of the former Marine, a "blivet" is two pounds of candy in a one pound bag.

Mr. President, seriously, I am voting "yes" today, and when I go forth from here I am not going to be for the constitutional amendment or against it. First of all, some people will be hurt when the trigger bill—if I am permitted to say it—goes into effect. Some will be hurt and some will be helped. For the young Senators—not some old-timer like the gentleman from Bucks, Senator Lewis—remember this: The ones you hurt remember it; the ones you help forget it.

Senator LOEPER. Mr. President, I could not help but note the words of the Minority Leader today and just felt they needed some sort of response. I think if we take a look at the history as to how House Bill No. 1 comes before us today, we will see that the constitutional question was passed in the last Session, in Special Session, under House Bill No. 14. It is interesting to note that at that particular time the gentleman, who seems now to be the strongest proponent of this issue, was one of four negative votes on the constitutional question in the last Session, and, ironically, here we are today voting to put the question on the ballot to the voters. I think there was, however, in order to get to this process of discussing House Bill No. 1 today, a great deal of discussion, public discussion, even though we were denied the opportunity to debate the final version on the Senate floor at the last minute of the last hour on November 30th. But I think, as I pointed out last week in my remarks, what we have seen is a great division of opinion as to how the passage of House Bill No. 1 today is going to impact upon the voters of Pennsylvania. I think that depending on each one of us, what district we come from and

what kind of a perceived impact this legislation may have, you are going to find our Members voting accordingly.

Senator MELLOW. Mr. President, I have just one final observation. In the words of the gentleman from Delaware, Senator Bell, it is obvious that the gentleman from Bucks, Senator Lewis, remembered who it helped and who it hurt.

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:

YEAS—36

Afflerbach	Fumo	Madigan	Rhoades
Andrezeski	Greenwood	Mellow	Ross
Belan	Helfrick	Musto	Scanlon
Bell	Hopper	O'Pake	Shumaker
Bodack	Jones	Peterson	Stapleton
Corman	Lemmond	Porterfield	Stewart
Dawida	Lewis	Punt	Stout
Fattah	Lincoln	Regoli	Williams
Fisher	Lynch	Reibman	Wilt

NAYS—13

Armstrong	Holl	Pecora	Shaffer
Baker	Jubelirer	Rocks	Tilghman
Brightbill	Loeper	Salvatore	Wenger
Greenleaf			

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 recognizes the presence on the floor of Senator Stapleton. His temporary Capitol leave will be cancelled.

RECESS

Senator LOEPER. Mr. President, at this time I would ask for a very brief recess of the Senate for purposes of a meeting of the Committee on Intergovernmental Affairs and, immediately following that, a meeting of the Committee on Rules and Executive Nominations in the Rules Committee room at the rear of the Senate Chamber, in order that they can present reports to the floor.

The PRESIDENT. For purposes of a meeting of the Committee on Intergovernmental Affairs to be followed by a meeting of the Committee on Rules and Executive Nominations, the Senate will stand in brief recess.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

UNFINISHED BUSINESS

REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator WILT, by unanimous consent, from the Committee on Rules and Executive Nominations, reported the following nominations, made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

MEMBER OF THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE

January 13, 1989.

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, Raymond P. McGinnis, 2401 Blair Street, Williamsport 17701, Lycoming County, Twenty-third Senatorial District, for reappointment as a member of the Pennsylvania Board of Probation and Parole, to serve for a term of six years, or until his successor is appointed and qualified, but not longer than ninety days beyond the expiration of that term.

ROBERT P. CASEY.

MEMBER OF THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE

January 13, 1989.

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, Mary Ann Stewart, 1137 North Highland Avenue, Apartment 31, Pittsburgh 15206, Allegheny County, Thirty-eighth Senatorial District, for reappointment as a member of the Pennsylvania Board of Probation and Parole, to serve for a term of six years, or until her successor is appointed and qualified, but not longer than ninety days beyond the expiration of that term.

ROBERT P. CASEY.

JUDGE, COURT OF COMMON PLEAS, TWENTY-SIXTH JUDICIAL DISTRICT

January 20, 1989.

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, Gailey C. Keller, Esquire, 603 Country Club Drive, Bloomsburg 17815, Columbia County, Twenty-seventh Senatorial District, for appointment as Judge of the Court of Common Pleas of the Twenty-sixth Judicial District, composed of the Counties of Columbia and Montour, to serve until the first Monday of January, 1990, pursuant to Act 213, 1986.

ROBERT P. CASEY.

NOMINATIONS LAID ON THE TABLE

Senator WILT. Mr. President, I request the nominations just read by the Clerk be laid on the table.

The PRESIDENT. The nominations will be laid on the table.

RESOLUTIONS REPORTED FROM COMMITTEES

Senator ROCKS, from the Committee on Inter-governmental Affairs, reported the following resolution:

SR 15 (Pr. No. 472)

A Resolution memorializing Congress and the President of the United States to take prompt action to extend the steel Voluntary Restraint Arrangements.

Senator LOEPER, from the Committee on Rules and Executive Nominations, reported the following resolution:

SR 12 (Pr. No. 422)

A Resolution declaring Thursday, February 16, 1989, as "Elks American Patriotism Day."

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

REPORT FROM COMMITTEE

Senator LOEPER, from the Committee on Rules and Executive Nominations, reported the following bill:

HB 67 (Pr. No. 286)

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," providing for the number of signers for the nomination petition for the office of district council member in a city of the second class and providing for the fee for filing the petition; and further providing for assistance in voting.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Sany Saikaly by Senator Bodack.

Congratulations of the Senate were extended to the South Baldwin Volunteer Fire Company of Baldwin Borough by Senator Dawida.

Congratulations of the Senate were extended to Mr. and Mrs. Paul L. Thomas, Mr. and Mrs. Peter Horvath and to Larry Boyer by Senator Helfrick.

Congratulations of the Senate were extended to Joseph C. Perry by Senator Jubelirer.

Congratulations of the Senate were extended to Inez Ortiz and to David M. Schultz by Senator Lemmond.

Congratulations of the Senate were extended to the Old Forge High School Football Team by Senator Mellow.

Congratulations of the Senate were extended to Kenny Brightbill, Reverend W. Reid Teitworth and to the Lions Club of Topton by Senator O'Pake.

Congratulations of the Senate were extended to William Boykas by Senators O'Pake and Afflerbach.

Congratulations of the Senate were extended to Paul M. Montgomery by Senator Shaffer.

Congratulations of the Senate were extended to Betty Lou Artman and to Jason Zurko by Senator Wilt.

BILLS ON FIRST CONSIDERATION

Senator WILT. Mr. President, I move 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 2, 188, 193, 194, 253, 257, 295 and HB 67.

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

COMMUNICATION FROM THE GOVERNOR

1989 BUDGET MESSAGE

The PRESIDENT laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

1989-90 BUDGET MESSAGE OF GOVERNOR ROBERT P. CASEY TUESDAY, FEBRUARY 7, 1989

Lieutenant Governor Singel, Speaker Manderino, President pro tempore Jubelirer, members of the General Assembly, members of the cabinet, and my fellow citizens:

Two weeks ago I came before you with my mid-term report on the state of our Commonwealth, and delivered an accounting of financial health and economic growth.

I gave you my assessment of the historic achievements of the 172nd General Assembly, and I presented an agenda of urgent unfinished business—the devastation of drugs and addictions, the shame of child abuse, the challenges of basic and higher education, the skyrocketing cost of auto insurance.

Now we must allocate our resources to confront these and other pressing challenges with the 1989-90 budget that I submit to you today.

It's our collective decision on this spending plan that'll guide our stewardship of the Commonwealth in the year ahead.

The decisions we make, beginning today, will determine the kind of state we build for the people of Pennsylvania as they prepare to enter the 21st Century.

We meet at a time when our state is fiscally sound and the future bright with promise.

But we've had two recent reminders of the need to chart a prudent and responsible course through the economic uncertainties of the future.

The first was the decision of our Supreme Court on county court costs. The second was the court's ruling last Friday on the so-called 1983 bank shares tax case.

This budget does not address the issue of county court costs because neither the governor nor the legislature can be

expected to allocate public money to a program whose scope and cost have not yet been determined.

At the request of the court, you appropriated \$1 million this year for a study of the subject from which recommendations will be made to the General Assembly. You've commissioned this study so that the matter is moving forward in accordance with the court's recommendation.

The second reminder came last Friday when the State Supreme Court declared the 1983 Single Excise Tax on banks unconstitutional.

As a result of this decision, the Commonwealth could be required to return as much as \$700 million in back taxes and interest to more than 300 banks.

Obviously we must replace this revenue as soon as possible. Otherwise the banking industry will have paid virtually no state tax for the years in question.

You responded promptly and responsibly last year in a similar situation when the court struck down the old Axle Tax of 1981. Working together, we put a replacement plan in place in record time. The bank shares case requires the same response.

In consultation with the leadership of both the House and the Senate, we will offer new legislation which is consistent with the Constitution. I'm confident that, once again, you'll rise to the occasion with bipartisan support for prompt passage.

As we look to the year ahead, I believe the priorities of the people are clear. To lead, we simply have to listen, and act.

Zachary Montone's a third grader in Hazleton; back before Thanksgiving he sent me this letter and asked for my help.

Here's what Zachary wrote:

"Dear Governor Casey; I listen to the news and read the paper, but I'm worried. Could you find homes for the homeless? Give jobs to people? And give some of the tax money to the poor? Also help the children to be safe from drugs. Because I want the world to be safe.

"I enclose a dollar to help.

"Some day I want to be a President of the United States."
Signed...Zachary Montone.

Zachary, you've got my vote. And yes, a lot of people have the same worries and concerns that you do.

Ladies and gentlemen, our job is to respond to the call of the Zacharies of our Commonwealth. And with this budget, we will.

We'll be able to respond because, together, over the last two years, we've laid a firm foundation of legislative performance, fiscal restraint and rock solid financial administration. That's been our approach in the past two budgets, and it'll be the bedrock of the next two.

We're a state that's solvent. In fact, I'm pleased to report that we anticipate a budget surplus of \$275 million for the fiscal year that'll end June 30th.

Right now our revenue's coming in about one percent higher than what we forecast last year—and I'd sure rather be one percent higher, than one percent lower.

The surplus isn't a revenue windfall, or a stroke of luck; it's the product of prudent fiscal administration. And it's certainly no excuse to go on a spending spree. The economic future is just too uncertain, and the needs too great.

And so, once more in this year's budget I call on you to invest in our most precious resource, our children, our families, our people.

Invest in the war against drugs and addiction.

Invest in new jobs for our workers and their families, and new opportunities for our business and industry.

In reclaiming our environment from the neglect of the past.

In enhancing our children's opportunity for a limitless future by improving their education.

And invest in human services that directly touch the millions of our people who look to us to bring them compassion, hope and the chance for a better life.

First, I call on you to help free our families from the violence of the drug dealers and the ravages of addiction.

Drugs and addiction are the single greatest threat to family life in Pennsylvania today. It's almost impossible to overstate the problem. An estimated 700,000 of our men, women and children are addicted to alcohol and other drugs.

The demand on public and private resources is staggering: prison overcrowding, mounting health care and welfare costs, the burdens of supporting the children of addiction.

And a young generation of urban poor that's being decimated by cocaine and crack.

It's time to end the violence—right now—and salvage the human potential that's being lost to addiction. I'm issuing a call to arms today, to every branch of government, to join in the first comprehensive attack on drug abuse ever proposed by a Pennsylvania governor.

The drug enforcement program I outline today was developed in discussions with our new attorney general, Ernie Preate. This budget translates into action our determination to win this battle.

Today I'm recommending that we double state spending for drug law enforcement to \$21 million, so we can:

- * Increase the Attorney General's anti-drug funding to almost \$12.5 million—an increase of 120 percent.

- * Create a new Attorney General's Drug Law Division, with over 120 new drug investigators and prosecutors.

- * Strengthen the Attorney General's eight regional drug strike forces.

- * Set up a ninth strike force and assign it exclusively to the drug battle already underway in Philadelphia.

- * Form a special prosecuting "flying squad" to target drug conspiracies that're too sophisticated for any single local agency to handle.

- * Increase State Police anti-drug spending by 52 percent, including \$2 million to staff and equip five mobile narcotics teams that'll crack down on street-level drug trafficking.

- * Assist local police and district attorneys in setting up more than 20 local drug enforcement task forces and providing them with the equipment and resources to get the job done.

This budget sends a clear and simple message to the drug traffickers: If you're dealing drugs anywhere in this state, we're going to use the full force of government to hunt you down and drive you out of business.

But tough law enforcement's just one part of the job. The real hope and lasting solution is to cut the demand for drugs through education and treatment.

That means recommitting this government to helping sick people get better. And it means helping the next generation avoid addiction entirely. This budget recommends that we spend almost \$80 million for all treatment and prevention programs in Pennsylvania in the next year.

Our top priority is to make sure our kids don't get hooked on drugs in the first place.

In the last two years, Pennsylvania became one of the first states to require drug and alcohol education in every school. We'll put an additional \$1 million into new student assistance programs that train a corps of teachers to reach out to alcoholic and addicted school children and get them help.

We'll add more than \$2 million in new prevention programs in our schools and neighborhoods, searching out young people who're at the highest risk of losing control of their lives to addiction.

With another \$2 million we'll double our investment in new treatment services for the most vulnerable: pregnant women and addicted mothers with young children. And we'll spend \$2.25 million to make over old facilities so mothers and children can live together during the long-term treatment.

We'll provide an extra \$1.5 million for Medical Assistance nonhospital rehabilitation for the addicted poor.

And we'll help 4,000 more prison inmates break their addictions so they can return to society as productive, law-abiding citizens—triple the number since 1987.

And we'll open two new treatment units for addicted young people who're confined in state youth development centers.

This is the most far-reaching anti-drug campaign in state history. But government can't do it all alone. People are the key: people and partnerships and persistence.

I will direct the Drug Policy Council to form the Governor's Coalition Against Drug Abuse to harness the people's energies into a grass roots movement aimed at prevention and education. It's going to take all of us, working together, but I'm confident we'll win this drug war, one day at a time.

AIDS is another affliction of the 80s—much of it drug-related—that challenges us to find new answers. We're ready to meet the challenge.

I call on the General Assembly to increase our direct AIDS spending by more than \$8 million—nearly four times what was budgeted in 87-88.

AIDS touches every segment of our society. Cases are reported in 59 of our 67 counties. In just eight years, AIDS has killed 1,323 people in Pennsylvania.

What's more frightening is that thousands more men, women and, yes, even children are infected with the HIV virus, and they'll need support from our health care system for years to come.

Last year, we set up a special AIDS unit in the Health Department. We became the first state to require mandatory AIDS education in every classroom. We provided free testing and counseling to nearly 60,000 people at 74 sites in every corner of the state.

We'll continue these services; and much more:

- * A 50 percent increase in Health Department spending for AIDS education, counseling and testing.

- * Nearly \$2.5 million to provide the life-prolonging drug, AZT, to Medical Assistance recipients.

- * Nearly \$900,000 for medical service to the growing number of state prison inmates with AIDS.

In addition, there's 3.5 million in federal dollars for drug and alcohol services to IV drug users who're at the greatest risk of getting the disease.

Plus more than \$6 million that we'll spend on state Medical Assistance for AIDS patients in the next year.

Throughout this budget are human service programs that reach out to the hundreds of thousands of men, women and children who turn to us every year with problems they can't overcome on their own.

Among those who depend on us the most for daily support are our mentally ill and mentally retarded citizens. I propose a total increase of more than \$31.5 million for all new community mental health and mental retardation services.

For community-based mental retardation programs, I recommend more than \$330 million, an increase of \$21.5 million.

And to encourage the families who care for their loved ones at home, I propose an additional \$1 million in new services like home visitation, help with recreation activities and speech therapy.

For community mental health services, I propose more than \$115 million, an increase of \$7 million. Plus an expanded program to help those who suffer from mental illness find decent and affordable housing and suitable employment.

For the physically handicapped, I propose \$6 million in attendant care, and another quarter million in services for the severely disabled who choose to live on their own.

I'm requesting \$3.5 million to replace lost federal funds so we can prevent interruptions in community services for the mentally retarded, victims of rape and domestic violence, the mentally ill and the welfare of our children.

And, to combat the tragedy of teen suicides, I urge you to approve more than \$2 million for intervention and counseling those at risk.

I'm also asking you to do more for the fastest growing part of our population, our older citizens. By the turn of the century, twice as many of us will be over 75 years old than in 1980. We must prepare now for their future long-term care needs.

I'm asking you to provide almost \$7 million so we can unify all our programs into a single, coordinated system called Penn-CARE.

PennCARE'll provide older Pennsylvanians with personalized services that let them stay at home instead of in institutions. And just as important, PennCARE'll give their caregiving families the support they need:

* Support from the General Fund for the Family Caregiver Support program will double.

* Almost \$5 million more will bring services to some 9,500 who live at home.

* And a PennCARE pilot program in Philadelphia will provide attendants for those who need help when they venture out.

* I also propose almost \$1.5 million, a 10 percent increase, for senior citizen centers.

More than ever, the Lottery's essential to programs for the aging. In the coming fiscal year, I propose that we transfer \$20 million in program costs from the Lottery Fund back to the General Fund.

That'll make a cumulative total of \$134 million in costs that we've lifted off the backs of our older citizens in three years. One hundred and thirty-four million.

There's another problem. Thousands of older couples in Pennsylvania are trapped in a nursing home Catch 22. Under a rigid and unforgiving federal system, neither spouse can qualify for Medical Assistance for long-term nursing home care until they exhaust their assets.

Couples literally have to go broke first. The spouse who stays at home often ends up on the welfare rolls. That's not just bad public policy, that's crazy.

We'll spend over \$10 million more this year so more older people can get the nursing home care they need. And the spouses—22,000 of them—will have enough of their life's earnings to keep their independence, and their dignity.

We'll invest in other members of our families, too, with human services programs that support families who're trying to support themselves. Some families have no choice but to depend on public assistance to meet the expenses of everyday living.

I recommend that we increase monthly cash assistance grants by an average of five percent: Helping some 618,000 people.

And to make sure they get the health care they need, I propose more than \$16 million for expanded Medical Assistance coverage for children, older people and the disabled through our new Healthy Beginnings and Healthy Horizons programs.

Healthy Beginnings reduces infant mortality and prevents medical problems for infants and children. We'll open the program to 30,000 more kids this year.

And we'll expand another program to prevent infant mortality. With more than \$1 million, we'll provide prenatal case management to 3,800 pregnant women: nutrition and psychological counseling, childbirth and parenting education to ensure their babies are born safe—and sound.

This'll also be the first full year that 53,000 older and disabled people get expanded medical care from Healthy Horizons.

These are investments that protect the well-being of the people who depend almost entirely on us.

I'm just as committed to strengthening the independence of Pennsylvania's families by helping men and women take control of their own lives.

Job training is the key. But for too long our job training programs didn't do enough to steer poor people into the work place.

We began to change that with our Joint Jobs Initiative: In less than two years, it's helped 57,000 people find meaningful employment.

I recommend we invest \$5 million in job training programs that'll continue to find jobs for people on public assistance as well as unemployed or dislocated workers who're on the brink of poverty. And we'll support our job trainees with child care allowances, toughened child support collection efforts and up to a year of extended Medical Assistance coverage.

We believe we can close more than 23,000 welfare cases this way, and that'll not only save millions, it'll produce human benefits that can't be measured in dollars.

The unique problems of the homeless continue to mount, as do the number of homeless families with children.

Our response has escalated sharply: Since 1987, we've increased assistance for the homeless by 98 percent.

The Pennsylvania Housing Finance Agency, at my request, is going to contribute another \$10 million from its own reserves for low income housing units. That'll make \$30 million that PHFA has agreed to invest in housing for the homeless since 1987.

All told, in two years the agency's financed 1,134 housing units for the homeless and very low income families, and expects to underwrite 800 more in the next year.

This year, I also recommend a new program to rescue homeless families from the chaos and crime of crowded public shelters. We'll move the families to more permanent housing where we can give them the kind of services they need to regain a stable life.

We'll also protect families that're on the verge of becoming homeless through mortgage foreclosure. To help them, I propose \$11.5 million to extend the life of the Homeowner's Emergency Mortgage Assistance Program.

In one form or another, these're all investments in our children. We'll invest in other ways as well, to ensure that their childhoods are healthy and secure.

For the well-being and development of our children, I'm proposing:

That we increase the nutrition program for women and their children by almost 15.5 percent, expanding the program to cover 4,000 more mothers and their babies.

We'll buy baby formula and other foods in bulk, using the \$14 million in savings to expand these services for yet another 20,000 women and their children.

To keep poor families and their children from going hungry, I also propose to increase the Emergency Food Assistance program to \$9.5 million.

We'll expand our new Farmers' Market Food Coupons program so low income pregnant and nursing mothers can buy fresh Pennsylvania fruit and vegetables.

We'll serve 12 million solid, nutritional breakfasts to school kids from low income families. For many, it'll be the best meal they get all day.

And we'll put another \$5 million into child day care programs for nearly 29,000 kids whose parents couldn't work without our help.

We couldn't deliver these services without the thousands of personal care workers who help children, the workers who tend to the needs of our older family members, or who guide the mentally retarded through each day.

These hands-on caretakers work for private and non-profit agencies: They're among our most valuable resources, yet they're terribly underpaid.

Last year, after a speech in Luzerne County, a man came out of the crowd, asking to speak with me as I got into my car. He told me that he and his wife worked with children, but were so poorly paid that they qualified for Medical Assistance. He spoke of his love for his work, but didn't know how long he could last working for such low wages. No wonder the turnover rate in private agencies is as high as 55 percent.

If we don't stabilize this vital work force, our human services network literally will come apart at the seams. I urge you to approve \$10.1 million for pay raises for direct personal care workers in private non-profit agencies.

Nearly 1,800 of those workers have one of the toughest jobs in our Commonwealth: They're child protective services workers, and it's their job to protect our children from abuse.

There's an epidemic of violence against our children that cuts across economic levels and parallels the breakdown of families torn apart over the last decade by mental health problems and addiction. In the last two years, more than 30,000 episodes of child abuse were reported in Pennsylvania. We'll never know how many more went unreported.

Sadly, our current laws haven't been able to deal with the realities of the problem. Up 'til now, county child abuse workers could only move to protect a child if the case involved proven physical or sexual abuse: the most obvious, flagrant cases.

But the law didn't permit case workers to step in to save a child who's traumatized by what the law terms "neglect." The law considers it "abuse" only if the injuries are serious. Not until then is the child eligible for protection.

More and more, it's these victims of child "neglect" who're in danger, even though they haven't been seriously injured—yet. They're the ones who need our protection the most, but the law's not there for them.

We must change the law now—right now—before more children are harmed. I'll offer legislation to establish a single and more effective system of protection for both physically abused and neglected children.

We'll expand the Child Protective Services Law to safeguard more children, permit earlier detection and allow quicker intervention.

Our new program also will ensure that the victims of abuse, the children, have their own legal representation.

I propose \$6.1 million to put the new system to work and to begin to professionalize the child protective services work force:

* By requiring statewide certification standards for case workers—and then giving them more than \$1 million in pay raises.

* By hiring, training—and retraining—new case workers to protect more children.

* By reducing the caseload, so workers can devote more attention to each child.

And we will do more. Last year, you approved an unprecedented increase of \$30 million for county children and youth services; much of it went for child abuse. That 30 million wasn't a one-shot deal. We'll maintain that \$30 million supplement, and add another four million to it this year. For the sake of the children, we should do no less.

We must build on our investments in a safe and healthy childhood with a commitment to the education of children—a commitment that's irrevocable, for it's to our children that the future really belongs.

In the last two years, we've increased our investment in basic education by a half a billion dollars. Today I'm asking you to strengthen our commitment by nearly a quarter billion more.

That, by the way, includes a seven percent increase in our subsidy for special education, plus the first of five annual \$12 million installments to reimburse school districts for prior special ed spending.

Our goal for all basic education is simple: Improve the quality of our teachers and the quality of their teaching, and the future of each child will be enriched.

But education faces a deepening crisis: Salary levels simply are not competitive with other professions.

Not only is it getting more difficult to attract the best and the brightest college graduates to teaching; half leave within seven years because there's so little salary growth.

We've adopted the lead recommendations of the Carnegie Report on the Teaching Profession: Last year we raised minimum starting salaries, introduced performance incentives and launched a variety of teacher development programs. This year, I propose we take the next steps:

First, I recommend we use state dollars to raise the minimum salary of all permanently certified teachers to \$24,000.

Second, to enhance teacher professionalism, we'll open three new centers where veteran "lead teachers" can share their skills and experience with their colleagues.

Third, we'll increase our teacher loan forgiveness program by more than \$1 million to reward teachers who're dedicated enough to teach kids in hard-pressed city and rural schools where a good education may be a young person's only chance for a better life.

And fourth, we'll increase performance incentive awards to schools by \$2.5 million.

We issued a challenge to students and teachers last year: Improve your performance and we'll reward your school with cash grants to pay for further improvements.

The response was overwhelming. Soon I'll be announcing the first winning schools—and there'll be about 200 of them.

We're sending a message that quality counts, and that we expect our teachers and schools to give our kids the very best possible education.

Because of it, more of our children will be prepared for college. But all our investment and all the book work'll be for naught if our kids and their families can't afford the high cost of higher education.

Every parent who's sent a child to college is haunted by the same question: What sense does it make to set our children's sights on a better future if it's unreasonably mortgaged from the very start?

That's why, since my first day on this job, we've increased higher education scholarships and loans by a record 20 percent; to cut that mortgage down to size.

Yet, even with this help, nearly half of our high school graduates never go to college, and rising tuitions are still a major reason why.

We spend over a billion dollars a year on higher education in Pennsylvania, yet, tuition has gone up an average of 13 percent a year—for the last decade.

As far as I'm concerned, that's no longer acceptable. Still, no one needs to convince me that higher education needs more money. The question is: How much more? And what do the people get in return?

Here's what I propose to do:

A seven percent increase this year for higher education: That'll mean over \$821 million for the state system, Penn State, Pitt, Temple and Lincoln.

But we'll ask them to tighten their belts, and practice fiscal restraint. And, if they do, we'll help even more. We'll give the schools the opportunity to earn another \$16 million if they agree to cap next year's tuition increases at \$100 a student.

That's my challenge, and when each school accepts, we'll contribute \$100 for each registered, full-time Pennsylvania student at that school. That'll effectively bring their increase in state funding to well over nine percent.

And to help our families further, I recommend another record-breaking 10 percent increase in scholarship assistance for the third year in a row.

I also intend to give our young families a new head start in paying for their children's college education. Families with young children will be able to purchase discounted Pennsylvania general obligation bonds today that'll mature when it's time to pay the tuition bills tomorrow.

We'll begin the program with a limited bond issue and soon I'll submit legislation to expand the plan to its full potential.

For the last two years, this government's been an active participant in the economic growth that's bringing Pennsylvania to a new era of prosperity.

The crackling energy in our economy is no accident. It's being encouraged by the Economic Development Partnership we've forged between government and business, education and labor. The Partnership's an historic compact between private enterprise and public purpose.

I propose a 22 percent increase to support the Partnership's proven strategy to create jobs, attract new business and assure

that Pennsylvania technology and products can compete anywhere in the world.

For the second year in a row, we'll put \$10 million into regional Industrial Resource Centers which put technology to work for Pennsylvania's small and medium sized manufacturers.

We'll increase Business Infrastructure Development grants and loans by 10 percent.

And we'll request \$45 million for Housing and Redevelopment, with more than half earmarked for economic development projects.

We'll also boost our assistance to mass transportation to a record \$224.4 million. And we'll spend nearly \$2 billion in state and federal funds making sure our network of highways and bridges is maintained and enlarged—and we'll do it without a gas tax increase.

Agriculture, our number one industry, also's a full partner in our Economic Development Partnership.

With the release of \$13 million in capital funds last August, construction's underway on Penn State's Agriculture and Research Center, which'll give our farmers the most advanced farm technologies possible.

I intend to strengthen agriculture further with over \$1.5 million more in programs to help Pennsylvania farmers stay number one by competing in new markets here and abroad.

I propose we add another \$1.5 million to the agricultural research and extension service. This will bring our three-year increase to nearly \$9 million.

I also recommend another million dollars for the PennAg Fund for agribusiness development.

To assure consumer confidence in our food producers, I propose \$450,000 for expanded food inspections and a major program to test Pennsylvania poultry and eggs for salmonella.

And I'm asking for \$390,000 for agricultural promotion campaigns that we hope'll expand our farm exports by 50 percent and deepen our domestic market share.

Tourism's a major industry in Pennsylvania. And I intend to continue the aggressive, highly successful promotion campaign that's attracting record numbers to our Commonwealth.

We're letting the world know that "America Starts Here," and the world's knocking down our door to see why. We've turned around a decade-long decline in our share of the national travel market.

The numbers aren't in yet, but we estimate that travelers and tourists spent well over \$12 billion last year visiting our unique historic, natural, and cultural treasures.

We're among the top states in tourism spending, and I recommend we expand this proven investment. I'm proposing \$11 million—a 22 percent increase—for statewide tourism marketing and promotions.

I also propose \$7 million for local and regional tourism promotion agencies. And we'll allocate just over \$1 million to create brand new local Heritage Parks so our communities can showcase their own industrial history.

We'll back up our economic development budget with \$25 million in reserves from the State Workmen's Insurance Fund for the Sunny Day business development program, and \$25 million for the Rainy Day Fund, as a cushion against possible hard times in the future.

We'll also add another \$25 million from the Fund to the \$140 million we're holding in reserve to make local tax reform work.

It all adds up to good economic news for Pennsylvania. But our help is still urgently needed in areas of the state still in transition from the economic hard times of a few years ago.

I propose a new \$10 million Steel Valleys Economic Revitalization program to help restore industry and new hope to workers and their families in places like the Mon, Beaver, Shenango and Alle-Kiski valleys.

This is "targeted" economic development: We're taking sharp aim at blighted industrial sites that were given up as useless—until now. With the right caliber financial ammunition, we'll help transform these sites into modern centers of economic opportunity and community renaissance.

In addition, I'll increase support by \$2.9 million for the Distressed Communities Act that we put on the books in 1987.

We'll also begin a new approach to reviving the economic vitality of our three ports, which create thousands of jobs and economic opportunity all across our state. We'll reinforce the competitive position of the Delaware River ports, and soon I'll submit legislation to establish regional port governance. Our goal is to link the ports to the Commonwealth's overall economic development.

Another goal for 1989 is to put into action the landmark environmental laws that you approved in the last session. The year 1988 will go down as the year the people of Pennsylvania began to win the battle to reclaim our environment. With your help, 1989'll go down as the year we put the people's will to work.

Our total investment in reclaiming our natural environment this year will be \$208 million, 11 percent more than a year ago.

Of course, PennVEST, our 25-year plan to rebuild our clean water system, is already at work with a quarter billion dollars in water and sewer projects in 121 communities statewide. Now I'm asking for \$12.5 million more for the PennVEST loan pool.

Last year, we became the largest state with a mandatory program to recycle trash. I recommend just over \$1.5 million to help get the recycling effort going, so we can cut our volume of solid waste by 25 percent within a decade.

We also established our own toxic waste cleanup program that lets us move quickly to clean up the most dangerous hazardous waste sites.

To support a total first-year cost of \$40 million, I propose nearly \$16 million from the General Fund to get the cleanup program started.

We'll also put muscle into the state's toxic waste prosecutions of criminal polluters by increasing funding for Attorney General's investigations by more than 80 percent.

And we'll add nearly \$1.5 million to clean up hazardous chemical spills, and to monitor the infectious and medical waste that clinics, labs and hospitals discard every day.

We have a responsibility to be good environmental neighbors, too. This year we begin a three-year, \$1.5 million investment in the Great Lakes Protection Fund. And I propose to bring our annual contribution to the Chesapeake Bay cleanup to nearly \$3 million.

By continuing these history-making investments in our economy, in our environment, in our children and in our families, we're renewing the spirit of William Penn's "holy experiment" by building a New Pennsylvania.

And it's our mission to see that it works—for all of our people.

With a government that satisfies their priorities of peace, safety and happiness.

A government that frees them to fulfill their hopes and dreams.

This budget is for our people—for young Zachary Montone, for his family and their friends and neighbors, and for millions more like them across this state. This is their agenda, their road map to the future.

And if we meet these challenges, if we listen to the voices of the people and respond with compassion, courage and commitment, we'll give our people the opportunities they need to find a better life.

I ask today for the support of our people, and of you, their elected leaders.

Together, we will build a New Pennsylvania, a Commonwealth that works.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, FEBRUARY 8, 1989

10:00 A.M.	PUBLIC HEALTH AND WELFARE (Public Hearing of Health Care Cost Containment Council Report)	Room 461, 4th Floor Conference Rm., North Wing
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Public Utility Commission)	Senate Majority Caucus Room
2:30 P.M.	APPROPRIATIONS (Budget Hearing - Office of Consumer Advocate)	Senate Majority Caucus Room

TUESDAY, FEBRUARY 14, 1989

9:00 A.M.	GAME AND FISHERIES (Meeting with Game Commission officials)	Game Commission Headquarters, 2001 Elmerton Ave., Harrisburg
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10:30 A.M. LOCAL GOVERNMENT Room 461,
(to consider Senate Resolu- 4th Floor
tion No. 13 and Senate Bills Conference Rm.,
No. 307, 308, 309, 313 and North Wing
321)

MONDAY, FEBRUARY 27, 1989

9:30 A.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Depart- Caucus Room
ment of Public Welfare)

2:00 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Depart- Caucus Room
ment of Health)

3:00 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing - PEMA) Caucus Room

TUESDAY, FEBRUARY 28, 1989

9:00 A.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Pennsyl- Caucus Room
vania State University)

10:00 A.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Caucus Room
Temple University)

11:00 A.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Caucus Room
Lincoln University)

1:00 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Caucus Room
University of Pittsburgh)

2:00 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing - State Caucus Room
System of Higher Education)

WEDNESDAY, MARCH 1, 1989

9:00 A.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Depart- Caucus Room
ment of Education)

1:00 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Depart- Caucus Room
ment of Revenue)

2:30 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Depart- Caucus Room
ment of Aging)

THURSDAY, MARCH 2, 1989

9:00 A.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Depart- Caucus Room
ment of Environmental
Resources)

1:00 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Pennsyl- Caucus Room
vania Historical and
Museum Commission)

2:00 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Public Caucus Room
School Employees' Retire-
ment System)

3:00 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing - State Caucus Room
Employees' Retirement System)

MONDAY, MARCH 6, 1989

9:30 A.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Caucus Room
Treasury)

11:00 A.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Depart- Caucus Room
ment of Military Affairs)

1:00 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Depart- Caucus Room
ment of Corrections)

2:30 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Depart- Caucus Room
ment of Commerce)

TUESDAY, MARCH 7, 1989

9:00 A.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Depart- Caucus Room
ment of Transportation)

10:30 A.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Depart- Caucus Room
ment of State)

1:00 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Depart- Caucus Room
ment of General Services)

2:00 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Depart- Caucus Room
ment of Community Affairs)

WEDNESDAY, MARCH 8, 1989

9:00 A.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Pennsyl- Caucus Room
vania State Police)

10:30 A.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Caucus Room
Governor's Office)

1:00 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Depart- Caucus Room
ment of Insurance)

2:30 P.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Caucus Room
Judiciary)

THURSDAY, MARCH 9, 1989

9:00 A.M. APPROPRIATIONS Senate Majority
(Budget Hearing - Depart- Caucus Room
ment of Labor and Industry)

10:30 A.M.	APPROPRIATIONS (Budget Hearing - Attorney General)	Senate Majority Caucus Room
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Depart- ment of Agriculture)	Senate Majority Caucus Room
2:00 P.M.	APPROPRIATIONS (Budget Hearing - Auditor General)	Senate Majority Caucus Room

TUESDAY, MARCH 21, 1989

10:00 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (Public Hearing to consider security of Bell Telephone Company's telephone service to general public)	Room 8, Hearing Rm., East Wing
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ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Wednesday, February 8, 1989, at 11:00 a.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 3:50 p.m., Eastern Standard Time.