

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, MAY 23, 1989

SESSION OF 1989 173RD OF THE GENERAL ASSEMBLY

No. 32

SENATE

TUESDAY, May 23, 1989.

The Senate met at 1:00 p.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, the Reverend Father JOHN HARVEY, Pastor of St. Ann's Roman Catholic Church, Homestead, offered the following prayer:

Let us pray.

Father all powerful, we stand in awe of Your greatness and power and also are aware of our need for Your help each day. Today, particularly, we pray for our state Senators who serve this great and wonderful Commonwealth. Fill each Senator with an awareness of the importance of the role of Legislator in the enrichment of the lives of all the citizens of our state. May they strive to enact laws which will benefit all segments of our society. Let them not fear criticism nor resort to pettiness in their actions, but in all their deliberations may they act from the firm conviction that they are seeking to serve the common good. We ask this and all things in Your name. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of May 22, 1989.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with, and the Journal was 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:

Recess Adjournment.

REPORTS FROM COMMITTEES

Senator CORMAN, from the Committee on Transportation, reported the following bills:

SB 81 (Pr. No. 81)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for times when lighted head lamps must be displayed.

SB 702 (Pr. No. 1105) (Amended)

An Act amending the act of December 8, 1982 (P. L. 848, No. 235), entitled "Highway-Railroad and Highway Bridge Capital Budget Act for 1982-1983," adding projects.

SB 866 (Pr. No. 972)

An Act amending the act of January 22, 1968 (P. L. 42, No. 8), entitled, as amended, "Pennsylvania Urban Mass Transportation Law," further providing for pooled bus acquisitions.

Senator SHAFFER, from the Committee on Community and Economic Development, reported the following bills:

SB 515 (Pr. No. 539)

An Act providing for loans as an incentive to foreign exports; conferring powers and duties on the Department of Commerce; establishing a fund; providing penalties; and making an appropriation.

SB 516 (Pr. No. 540)

An Act providing grants to Pennsylvania businesses participating in international trade fairs; and making an appropriation.

SB 517 (Pr. No. 541)

An Act establishing the Pennsylvania International Trade Council and conferring powers and duties upon it.

SB 518 (Pr. No. 542)

An Act providing for the development of shared foreign sales corporations; providing tax exemptions for these corporations; and conferring powers and duties on the Department of Commerce and the Department of Revenue.

SB 519 (Pr. No. 1104) (Amended)

An Act amending the act of July 2, 1984 (P. L. 545, No. 109), entitled "Capital Loan Fund Act," adding a definition and further defining "small business enterprise"; and further providing for loan eligibility, terms, conditions, applications and administration.

SB 520 (Pr. No. 544)

An Act providing matching grants to public or private regional entities to promote exports; and making an appropriation.

Senator BELL, from the Committee on Consumer Protection and Professional Licensure, reported the following bills:

SB 430 (Pr. No. 1101) (Amended)

An Act amending the act of February 19, 1980 (P. L. 15, No. 9), entitled "Real Estate Licensing and Registration Act," further providing for the broker's disclosures to the buyer.

SB 522 (Pr. No. 546)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting unsolicited commercial telephone calls during certain hours.

SB 558 (Pr. No. 1102) (Amended)

An Act amending the act of February 19, 1980 (P. L. 15, No. 9), entitled "Real Estate Licensing and Registration Act," providing for continuing education.

SB 759 (Pr. No. 1103) (Amended)

An Act requiring the accreditation of persons engaged in occupations relating to asbestos; granting certain powers to the Department of Labor and Industry; and providing for criminal and civil penalties.

APPROVAL OF REGULATION

Senator BELL, from the Committee on Consumer Protection and Professional Licensure, reported the following regulation has been submitted and recommended for approval by the Independent Regulatory Review Commission:

State Board of Podiatry Regulation 16A-218.

DISCHARGE PETITIONS

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

In the Senate, May 23, 1989.

A PETITION

To place before the Senate the nomination of Thomas J. O'Donnell as a member of the Indiana University of Pennsylvania Council of Trustees.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Thomas J. O'Donnell, Dunmore, Pennsylvania, as a member of the Indiana University of Pennsylvania Council of Trustees, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Roy W. Wilt
F. Joseph Loeper
Robert C. Jubelirer
Noah W. Wenger
David J. Brightbill

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

In the Senate, May 23, 1989.

A PETITION

To place before the Senate the nomination of Virginia M. Arnal as a member of the Western Center Board of Trustees.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Virginia M. Arnal, Canonsburg, Pennsylvania, as a member of the Western Center Board of Trustees, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Roy W. Wilt
F. Joseph Loeper
Robert C. Jubelirer
Noah W. Wenger
David J. Brightbill

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

In the Senate, May 23, 1989.

A PETITION

To place before the Senate the nomination of Julian I. Fine as a member of the Western Center Board of Trustees.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Julian I. Fine, Washington, Pennsylvania, as a member of the Western Center Board of Trustees, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Roy W. Wilt
F. Joseph Loeper
Robert C. Jubelirer
Noah W. Wenger
David J. Brightbill

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

In the Senate, May 23, 1989.

A PETITION

To place before the Senate the nomination of Beatrice F. Goldszer as a member of the Western Center Board of Trustees.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Beatrice F. Goldszer, Pittsburgh, Pennsylvania, as a member of the Western Center Board of Trustees, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Roy W. Wilt
F. Joseph Loeper
Robert C. Jubelirer
Noah W. Wenger
David J. Brightbill

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

In the Senate, May 23, 1989.

A PETITION

To place before the Senate the nomination of Angela Zondos as a member of the Western Center Board of Trustees.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Angela Zondos, Ambridge, Pennsylvania, as a member of the Western Center Board of Trustees, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Roy W. Wilt
 F. Joseph Loeper
 Robert C. Jubelirer
 Noah W. Wenger
 David J. Brightbill

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

LEGISLATIVE LEAVES

Senator STAPLETON. Mr. President, I request temporary Capitol leaves for Senator Fumo and Senator Lynch.

The PRESIDENT. Senator Stapleton requests temporary Capitol leaves for Senator Fumo and Senator Lynch. The Chair hears no objection. The leaves will be granted.

LEAVES OF ABSENCE

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

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

CALENDAR

SB 727 CALLED UP OUT OF ORDER

SB 727 (Pr. No. 1013) — Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 727 (Pr. No. 1013) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 17, 1986 (P. L. 1685, No. 197), entitled "An act providing that recorders of deeds may make additional charges for accepting certain documents;....," regulating sizes of documents accepted for recording.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,
 Shall the bill pass finally?

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

YEAS—48

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

NAYS—0

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

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

SPECIAL ORDER OF BUSINESS

ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. The Majority and Minority Leaders have given their permission for the Committee on Rules and Executive Nominations to meet to consider House Bill No. 75 and certain executive nominations during the Session.

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

Senator O'PAKE. Mr. President, today the Berks County Chapter of the March of Dimes Adolescent Pregnancy Program was awarded one of seven statewide awards for the work that they have done in our area. We are very fortunate to have in the gallery the recipient of that award, who is visiting the Capitol today, together with other members of the Berks County Chapter of the March of Dimes. I would ask that the Chair recognize and extend its usual warm welcome to the award recipient, Judy Druckenmiller, and her colleagues from the Berks County Chapter of the March of Dimes. They are Susan Schmehl, Ernestine Krick, Chris Archambault, Betty Hlubney, Sandi Kissinger, Sherri Klar Sacco, Arlene Seiders, Lorna Petersen, Tamara Huschle and Sharon Painter. They are in the gallery. After you recognize them, there are other people I would like also to have the Chair recognize.

The PRESIDENT. Would the guests of Senator O'Pake please rise so the Senate could welcome you to the Chamber and give you our usual warm greeting.

(Applause.)

Senator O'PAKE. Mr. President, I am also very pleased to welcome to the floor of the Senate two people. Actually, one is in the gallery, and she is a very dear friend and a member of longstanding, twelve years as a matter of fact, of the Berks County Board of Assistance, Mrs. Sheila Slimmer. On the floor of the Senate as a guest page is someone I am very proud of, and that is her son and my godson, Samuel John Slimmer. I would ask that the Chair welcome them.

The PRESIDENT. Would Mrs. Slimmer and also, John, please rise and be recognized.

(Applause.)

The PRESIDENT. Thank you, John, for your service to the Senate.

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 first floor caucus room, with an expectation of returning to the floor at approximately 3:15 p.m.

Members LINCOLN. Mr. President, I would ask the Members of the Democratic caucus to report immediately to the caucus Chamber for a very important caucus.

The PRESIDENT. For the purpose of Democratic and Republican caucuses to begin immediately, the Senate will stand in recess.

AFTER RECESS

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

LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, I request a Capitol leave on behalf of Senator Salvatore who has been called to his office.

Senator STEWART. Mr. President, I would like to request a temporary Capitol leave for Senator Regoli.

The PRESIDENT. Senator Loeper requests temporary Capitol leave for Senator Salvatore. Senator Stewart requests temporary Capitol leave for Senator Regoli. Without objection, those leaves will be granted.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 576 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL OVER IN ORDER

SB 5 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AMENDED

SB 16 (Pr. No. 984) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for government-wide computer security; and providing for the training in security matters of persons who are involved in the management, operation and use of State computers and State computer systems.

Considered the third time,

On the question,

Will the Senate agree to the bill on third consideration?

Senator LOEPER, by unanimous consent, offered the following amendment No. A1361:

Amend Sec. 5, page 5, line 28, by striking out "4(c)" and inserting: 4(b)

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

BILLS OVER IN ORDER

SB 36 and 104 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 253 (Pr. No. 1099) — The Senate proceeded to consideration of the bill, entitled:

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.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

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

YEAS—48

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

NAYS—0

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

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

SB 497 (Pr. No. 521) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), entitled "The County Code," further providing for security for bids.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

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

NAYS—0

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

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

BILL OVER IN ORDER

SB 548 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 723 (Pr. No. 787) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), entitled "The County Code," further providing for expenses of county row officers for attending certain meetings.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

LEGISLATIVE LEAVE

Senator LINCOLN. Mr. President, I request a temporary Capitol leave for Senator Fattah.

The PRESIDENT. Senator Lincoln requests temporary Capitol leave for Senator Fattah. The Chair hears no objection. The leave will be granted.

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—48

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

NAYS—0

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

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

SB 724 (Pr. No. 788) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1966 (1965 P. L. 1656, No. 581), entitled "The Borough Code," providing for adoption of property maintenance regulations and standard codes; authorizing boards of code appeals; and eliminating provisions for milk inspection.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

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

NAYS—0

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

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

SB 725 (Pr. No. 789) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 7, 1947 (P. L. 1368, No. 542), entitled, as amended, "Real Estate Tax Sale Law," further providing for the distribution of moneys collected and for notice of distribution of moneys obtained from tax sales.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

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

NAYS—0

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

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

SB 726 (Pr. No. 790) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 27, 1927 (P. L. 409, No. 267), entitled "An Act providing for the postponement of the lien of a mortgage and bond accompanying the same to the lien of another mortgage or mortgages and bond accompanying, and providing for the recording of the agreement therefor;....," eliminating marginal notations of mortgage postponements in certain cases; and making an editorial change.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

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

NAYS—0

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

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

SB 788 (Pr. No. 868) — The Senate proceeded to consideration of the bill, entitled:

An Act prohibiting the sale, manufacture, distribution or use of certain cleaning agents containing phosphates; conferring powers and duties on the Environmental Quality Board and the Department of Environmental Resources; and providing penalties.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEAS—48

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

NAYS—0

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

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

BILL OVER IN ORDER

SB 804 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

LEGISLATIVE LEAVE

Senator LINCOLN. Mr. President, I request a temporary Capitol leave for Senator Williams.

The PRESIDENT. Senator Lincoln requests temporary Capitol leave for Senator Williams. The Chair hears no objection. That leave will be granted.

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

SB 315 (Pr. No. 1093) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for inpatient residential treatment services for mentally ill children and youth; and making an appropriation.

Considered the second time and agreed to,

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

BILLS REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 364 and 555 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

SB 575 (Pr. No. 1096) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 26, 1975 (P. L. 438, No. 124), entitled, as amended, "Child Protective Services Law," providing for reporting and investigating substance-abused children; and making an appropriation.

Considered the second time and agreed to,

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

PREFERRED APPROPRIATION BILL OVER IN ORDER

SB 458 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Fumo. His temporary Capitol leave will be cancelled.

SECOND CONSIDERATION CALENDAR RESUMED

PREFERRED APPROPRIATION BILL OVER IN ORDER TEMPORARILY

HB 623 — Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

BILLS OVER IN ORDER

HB 7 and SB 47 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL OVER IN ORDER TEMPORARILY

HB 162 — Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

BILLS OVER IN ORDER

SB 193, 287, 365, 398, 417, 472, 597, 648, 715, 728, 735 and 742 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

HB 623 CALLED UP

HB 623 (Pr. No. 1777) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 4 of the Second Consideration Calendar, by Senator LOEPER.

PREFERRED APPROPRIATION BILL ON SECOND CONSIDERATION AMENDED

HB 623 (Pr. No. 1777) — The Senate proceeded to consideration of the bill, entitled:

An Act to provide additional appropriations from the General Fund for the expenses of the Executive Department and Judicial Department of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 1988, to June 30, 1989, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1988; to provide additional appropriations from the Motor License Fund to the Executive Department; to provide for the additional appropriation of Federal funds to the Executive Department of the Commonwealth for the fiscal year July 1, 1988, to June 30, 1989, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1988.

The bill was considered.

On the question,

Will the Senate agree to the bill on second consideration?

FUMO AMENDMENT

Senator FUMO offered the following amendment No. A1368:

Amend Table of Contents, page 2, line 5, by striking out all of said line

Amend Table of Contents, page 2, line 6, by striking out "202" and inserting: 201

Amend Table of Contents, page 2, line 7, by striking out "203" and inserting: 202

Amend Table of Contents, page 2, line 8, by striking out "204" and inserting: 203

Amend Table of Contents, page 2, line 9, by striking out "205" and inserting: 204

Amend Table of Contents, page 2, line 10, by striking out "206" and inserting: 205

Amend Table of Contents, page 2, line 11, by striking out "207" and inserting: 206

Amend Table of Contents, page 2, line 12, by striking out "208" and inserting: 207

Amend Table of Contents, page 2, line 13, by striking out "209" and inserting: 208

Amend Table of Contents, page 2, line 14, by striking out "210" and inserting: 209

Amend Table of Contents, page 2, line 17, by striking out all of said line

Amend Table of Contents, page 2, line 18, by striking out "242" and inserting: 241

Amend Table of Contents, page 2, line 19, by striking out "243" and inserting: 242

Amend Sec. 201, page 9, lines 23 through 30, by striking out all of said lines

Amend Sec. 202, page 10, line 1, by striking out "202" and inserting: 201

Amend Sec. 202, page 11, lines 5 through 9, by striking out all of said lines and inserting:

For local tax reform support.
State appropriation..... 100,000

Amend Sec. 203, page 11, line 10, by striking out "203" and inserting: 202

Amend Sec. 203, page 12, lines 14 through 18, by striking out all of said lines and inserting:

State appropriation..... 25,000,000

Amend Sec. 204, page 12, line 19, by striking out "204" and inserting: 203

Amend Sec. 205, page 13, line 26, by striking out "205" and inserting: 204

Amend Sec. 206, page 14, line 22, by striking out "206" and inserting: 205

Amend Sec. 207, page 15, line 10, by striking out "207" and inserting: 206

Amend Sec. 207, page 20, line 26, by striking out all of said line and inserting:

State appropriation..... 218,340,000

Amend Sec. 207, page 22, line 12, by striking out all of said line and inserting:

State appropriation..... * 3,000,000

Amend Sec. 207, page 22, lines 23 through 30; pages 23 and 24, lines 1 through 30; page 25, lines 1 through 24, by striking out all of said lines on said pages

Amend Sec. 208, page 26, line 30, by striking out "208" and inserting: 207

Amend Sec. 209, page 27, line 12, by striking out "209" and inserting: 208

Amend Sec. 209, page 27, lines 16 through 23, by striking out all of said lines

Amend Sec. 209, page 28, lines 7 through 20, by striking out all of said lines

Amend Sec. 210, page 28, line 21, by striking out "210" and inserting: 209

Amend Sec. 241, page 29, lines 13 through 30; page 30, lines 1 through 5, by striking out all of said lines on said pages

Amend Sec. 242, page 30, line 6, by striking out "242" and inserting: 241

Amend Sec. 243, page 30, line 16, by striking out "243" and inserting: 242

Amend Sec. 302, page 32, line 15, by striking out all of said line and inserting:

State appropriation..... 300,000

Amend Sec. 406, page 35, lines 14 through 22, by striking out all of said lines

Amend Sec. 406, page 35, line 23, by striking out "(D)" and inserting: (b)

Amend Sec. 406, page 35, lines 29 and 30; page 36, lines 1 through 3, by striking out all of said lines on said pages

Amend Sec. 410, page 37, lines 12 through 17, by striking out all of lines 12 through 16, "(B)" in line 17 and inserting:

Section 410. Repeals.—

Amend Sec. 410, page 38, lines 10 through 19, by striking out all of said lines

On the question,

Will the Senate agree to the amendment?

Senator LOEPER. Mr. President, I rise to oppose this amendment. It is my understanding the context of this amendment is to essentially delete all the additions to the supplemental appropriation bill that were included by the House of Representatives, as well as all the inclusions in the supplemental bill that were completed in the Senate Committee on Appropriations yesterday. I would remind the Members of the Senate that some of the items that were included that the gentleman from Philadelphia is proposing to delete by this amendment included a commitment to special education for our local school districts across this Commonwealth in the amount of some \$98 million. That is money the state owes to our local school districts and has really placed an undue burden upon our local property taxpayers in our local jurisdictions of school districts.

Mr. President, it would also strip out money for mental health and mental retardation to our counties supplying those

vital services to the residents of those communities. Mr. President, I believe the state has an obligation to pay its bills, those costs that are incurred on the local level by our school districts, and by our counties. Therefore, Mr. President, it would be my view that this money, as proposed by the Senate Committee on Appropriations in the supplemental bill in House Bill No. 623, should remain intact, and I would oppose the adoption of the amendment.

Senator FUMO. Mr. President, in response, I think we have to take a look at the history of House Bill No. 623. It started out as an absolutely needed deficiency appropriation bill or supplemental appropriation bill, however you want to term it, in that there were a number of needs that had to be taken care of. There were needs for the counties for mental health and mental retardation at a realistic level, and there was a need to put monies into special education this year. There were a lot of programs that had to be funded, but somewhere along the way, people started to play games with the bill. As we often do in the Legislature when we are afforded the opportunity of not having to be responsible, everybody did everything for everybody, and nobody wanted to pay the bill. That process did, in fact, start in the Democratic controlled House where they Christmas-treed this bill, and when it got here the process continued in the Republican controlled Committee on Appropriations. What we now have is a bill that, if passed, would totally decimate the surplus that is already shrinking rapidly and put us into a position where, if we are going to have a good budget for this year, we are going to have to raise taxes. And even if we are crafty enough to be able to avoid a tax increase this year, it will definitely mean that we will have to raise taxes next year. One of the things that the Republicans did in the Committee on Appropriations was to start funding ongoing programs with the \$140 million that was left over from tax reform. Now, that is nice to do this year. It is a way to help people, but what do you do about it next year when the program has to continue, and when the program is going to face normal inflationary pressures? Do you then say to those people that are getting that money, you cannot have it anymore? We have all been around government long enough to know that is not what happens. What you are trying to do—when I say "you," in this instance I mean the Republican Majority—is to set the budget process up for a tax increase. In the political games that get played, you will be the first to sit back and say, gee, how did this happen? The Governor did not manage the money right, now he needs a tax increase to pay for his big spending programs. Well, as I have said many times both in committee and on the floor and in the press, what a difference a day makes. The fiscal conservatives of the Republican Majority of this Senate instantly became fiscal liberals, big spenders overnight when they lost the Governor's seat. That is a neat trick to play. It is fun, but at some point in time you have to be responsible, and at some point in time I would hope you would have some sort of consistent philosophy. The crux of this is that this amendment takes back the original spending and the extra spending in the House and the extra spending in the Senate to a point

where it was originally envisioned by all concerned in the budget process where the needs were originally defined as being realistic and what is needed. We have to preserve what is left of a surplus in order to balance next year's budget. That is what is called fiscally responsible planning. That is not what we would be doing today if we passed House Bill No. 623 without it. Certainly the spending of the \$140 million of monies left over because of the defeat of tax reform in the fashion in which the Republican Majority has proposed is a definite precursor to a tax increase. We even received letters from people in the counties, not Democrats, people in the counties, not from Philadelphia, but from other counties, on the MH/MR issue wherein they said that they do not even want the extra monies unless they are going to be annualized on a regular basis so that they can plan for the use of those in the future. If that is what they want, and if that is what we intend to do, then we are definitely looking at a tax increase. There are a lot of spending things that I philosophically think should be addressed, and I am willing, if need be, to put my vote up for a tax increase to fund it, and I will have the courage to do it when the time comes. But what I am seeing here today is a little cute game. If the Republican Majority is willing to commit to me today their full caucus to pay for the things that they want to spend for, then perhaps we can talk, but I know I will get the answer, well, it is too soon to know. We do not know how much money. That is an issue for later on. Right now, let us just spend it away. That is like the irresponsible drunken sailor who wants to spend his paycheck as soon as he gets it and not have to worry about paying for his family's mortgage payment or his family's food bills. Let us drink it today, worry about tomorrow when tomorrow comes. That is not what I perceive my role to be as the Democratic Committee on Appropriations Chairman, and I know that is not what my colleague would perceive his role to be if he had a Republican Governor. But I think there is a time when you go above politics and you really start to worry about being responsible in the legislative process.

Mr. President, I would urge an affirmative vote on the amendment so we can proceed with the normal orderly process of developing a realistic and good budget for Pennsylvania's future.

Senator LINCOLN. Mr. President, prior to the election we had some very difficult days and some debate at times that I participated in that I really was not pleased with myself when I walked off the floor. I was hoping that whenever all the issues that had been before us since last November until the Primary here on the 16th of May would somehow leave the process, and we would get back to trying to do things in a responsible manner for the constituents that we represent, whether they are Democrat, Republican or not registered, or whatever, to be here to do the things we are supposed to be here for and that is to try to run government in the best manner in which we can. The very first week we are back, and the very first day, the Majority Party, in a meeting of the Committee on Appropriations, which they control by an overwhelming majority, shattered that hope immediately. I think

we ought to listen to what the gentleman from Delaware, Senator Loeper, said about special education funding that is being proposed to be reduced from House Bill No. 623 in the manner in which it stands right now. I think we ought to also talk about what the ramifications are of not doing that. We have had in the previous administration—and I hesitate to even get into this because it has now become something that sounds partisan—but my experience over the last seventeen years with special education is that it has always been treated special, and it does not make any difference whether it is Democrat or Republican. It is a very emotional issue to deal with, and it is one that is hard to say no to. But for a period of eight years, during the Thornburgh Administration, the individuals who had the opportunity to submit budgets to bring about the educating of our special students in Pennsylvania were doing that, and the administration did not examine one of those budgets for eight years and for the first two years of the Casey Administration. For a period of ten years there was no examination of the budgets. Unfortunately, what happened is there were people who were submitting these budgets from different places in Pennsylvania that realized that, and they started to put in things that did not belong there. We have a responsibility to fund special ed to pay for excessive costs, and whatever, and they were taking advantage of this to the extent that it became a very serious problem in this year. What happened is, in each year of the Thornburgh Administration and in the first two years of the Casey Administration, we would appropriate so much money for special education. But because there was no discipline in going over the budgets, there was more money being spent than what was actually appropriated, and each year there would be a little gap at the end of the fiscal year between what money was left and when the new fiscal year would start and when the new money would come in. What they were doing in the Department of Education was not paying certain bills and waiting until July 1st and paying them. Well, it went two years, it went three years and four years. As you can imagine with your own budget at home, if you had five major payments to make and you only had enough money to pay four of them, you could get away with skipping one every month, but eventually you would get so far behind in all five that they would come and take away from you the five products that you were paying for. That is basically what we are talking about that has happened now with special education. The gap between when the money runs out and when the new money comes in became so great that this year the April payment for special education to the school districts and the intermediate units could not be paid. The House of Representatives took a bill that was introduced at the urging of the Governor that primarily was in response to that April payment that had not been paid, the \$25 million. At that time they started to talk about the inspection they were doing of the new budgets being submitted by the intermediate units throughout the state, and a whole furor came about. I mean these people do not even believe that state government, which is funding their programs, should be allowed to examine their budgets, is basically what they are

saying to you and me. I have served with many of my colleagues on the other side of the aisle, and I have seen them over the years, regardless of whether it is a Democratic or Republican Governor, want responsible government, and stand shoulder to shoulder with other Members of this caucus besides me and make things happen because we were responsible individuals. I cannot believe some of those same responsible people, who have developed the special education programs over the last twenty years, are going to say for any political gain whatsoever that may come out of this particular effort, whether it be a gain for your side and a loss for mine, which I do not really know how we can determine that, but how can you jeopardize all those years of developing one of the finest special education programs in this country by saying that we want to put all the money in today to fund that shortfall that has developed over a ten-year period without saying to anyone you must not do that next year because, basically, what you are doing is taking away from the Secretary of Education, the Budget Secretary and the Governor their ability to govern properly. They cannot go to these intermediate units now and say, we are going to examine your budgets, and anything by law that is not required to be paid, we are not going to pay. We are going to give it to the school districts, where it should go, and you are going to start submitting responsible budgets that are going to be inspected, and you are going to keep your spending in line with the mandates of law. We are not saying you are going to have to cut any programs. We are not saying you are going to have to cut any teachers. We are not saying you are going to have to cut any social workers. We are just saying you are going to have to submit a responsible budget which will be approved by the Department of Education according to law. Let me tell you what the real downside is of what is happening here by all that money being put in to pay off a debt that—by the way, the Governor has come forth with a pretty responsible plan in that he wants to increase whatever the percentage increases are in the budget next year for special education—on top of that there will be \$12 million added for the next five or six years to pay off that debt. It did not come overnight, and it should not be paid off overnight as long as we can fund and keep things going. The sad part of it is, by virtue of twenty-seven votes you are going to reject an amendment today, and I anticipate that because I heard the Majority Leader already ask for a “no” vote, and I would suspect that we are going to see that happen. You are going to jeopardize and delay further the payment of that \$25 million which was due. There is no way you can turn that number around, and there is no way you can say to me it is your fault because, as bad as this bill was when it came from the House, it came over here about two months ago and we did not deal with it until yesterday in the Senate and today on the floor. So the delay that has been caused in that payment is basically the delay because the Republican Majority in the Senate had chosen not to do anything with it and let it sit, whether that was by design or whether it was just more of what has taken place around here for the last eight years, where if you do nothing, sometimes problems go away. The bill has been here.

It could have been amended. All the excess spending that was put in it by the House Members who voted for it could have been taken out either in committee or on the floor, and we could have resolved this problem in late March, early April, mid April or early May when we were here, but now we are down to the point where we are talking about funding another budget. We are talking about a budget that has been submitted. We have revenue estimates and all the other things we do in late May and early June, in mid and late June for the next fiscal year. That is part of the process right now. If you complicate that with taking revenues that are available for a brand new budget and insert them into a deficiency appropriation, which you know is not going to be accepted, you know the Governor cannot accept this in any way, shape or form and you know the Governor is going to have to blue line or cut back the spending measures at some point in time, and you are going to see by our votes today that there are no votes to override those line-item vetoes, so why are we going through this? Why do not the responsible minds that put together all the fine educational programs that have come out of the committees of the gentleman from York, Senator Hess, and the gentleman from Mercer, Senator Wilt, people I have served with on the Committee on Education throughout the years, why do we not do that today? Why do we not put this bill in a position that it could be a responsible approach to funding deficiency appropriations? You are going to have to answer that at some point in time because this is now the 23rd of May. We are not going to be in Session next week. We will be back here on the 5th of June with twenty-three days left to put together a budget for the coming fiscal year, and we have not even finished with the current fiscal year we are in. I think we are doing a very big disservice to not only the constituency we represent but to each one of us who is going to have to deal with this at some point in time. We have a problem in special education. The problem has been one that has grown over a period of ten years. We have a problem that is not going to go away with this vote, but we do have an opportunity to take one major step towards solving that problem between now and the end of June. I would ask you to vote for this amendment, allow this bill to go back to the House for its concurrence or go straight to the Governor. Actually, if this amendment passes, so the special education people out there will know that all people, Republicans and Democrats alike in this Senate, are concerned about the fears they have about special education. Rather than try to use those poor kids as a political crutch and a tool in an effort to make one party look good and one party look bad, let us send those special kids a message and tell them we are concerned about your education. We are concerned about the funding for your education. We are concerned about your programs. We are determined that we are going to fund at the level they should be. We are going to pay the debt off that we have allowed to occur over the past ten years, and we are going to insure that the special education programs that have been outstanding in Pennsylvania are going to remain outstanding and no one is going to get hurt. And the only way you can do that is what you have

before you right now, and that is to vote for this amendment and then to pass the bill in the form that it would be in after the amendment passes.

Senator LOEPER. Mr. President, I have listened to the remarks of the previous speakers and I think it is important, Mr. President, to point out some various issues to try and clarify some of the issues that have been raised by those speakers. Mr. President, this is not new money. This is money that is already appropriated, \$140 million of this year's general fund budget that will lapse on June 30th of this year unless some action is taken. I would indicate, Mr. President, that it is not only this year, there was an ongoing commitment by this administration to a tune of over \$600 million in the next four years to fund the item of tax restructuring in Pennsylvania. I would indicate, Mr. President, that we are not proposing new programs to spend this money on. We are proposing that the state pay its bills that we already owe to our local communities for services they have already provided. Let me just give you an example, Mr. President, of how it has affected many of our local school districts. Specifically, in Delaware County, let me indicate to you that every one of our school districts has had to raise their real estate millage anywhere from 4 mills to 16 mills in this year's proposed budget to cover the costs of special education which the state owes those districts and which has not been reimbursed. Mr. President, we want to talk about tax relief to our local communities. Maybe this is an area that the state could start by paying its bills on time and not overburdening our local citizens to try and make up those differentials. I think also, Mr. President, it is important to point out finally that anyone who would vote for this amendment, any Member of this Senate who stands to vote for this amendment, let me indicate to you what you are voting against. A "yes" vote for this amendment, Mr. President, would be a vote against special education in all of your local school districts. It would be a vote against increased money to your nursing homes that is already owed to them. It would eliminate monies to the counties for a mandated federal wage and hour decision. It would eliminate increased MH/MR funds to our counties for costs that they have already incurred. It would eliminate urban mass transit assistance that is included in this bill. Those are some of the items that you would be voting against. Included with that and in addition to it would also be highway maintenance. It would also be a \$3 million item to the City of Philadelphia for a drug task force which was requested and worked on so hard by the gentleman from Philadelphia, Senator Williams and some of the other Members of this group. So, Mr. President, I think that a "yes" vote to eliminate all these types of monies to go into those programs, for the most part, monies which are owed to those local communities, would certainly be a disservice to the residents of our communities and I would urge a "no" vote on the amendment.

Senator FUMO. Mr. President, I think there are a number of fallacies in the gentleman's argument that I have to address. Number one, if this money were to lapse, as he says, it does not go into never-never land. If it lapses, it means it

becomes part of the surplus to be spent in next year's budget in a responsible fashion. It is not like it gets lost somewhere or it goes to Russia or something. It stays right here. It is just money that you did not spend this year, you spend next year. It is kind of like, you get a paycheck of \$300 a week and you spent \$250, and you did not get a chance to spend the other \$50 before the next week started. You did not lose the money, it is still in your pocket. If you just want to impetuously spend it because you have to get rid of it, then you will adopt the Majority Leader's philosophy. Let us get rid of it quickly. I am sorry that the gentleman has to look at property tax increases in his county. Perhaps if he would have joined with others in voting for tax reform and fighting for it, that is what it was designed to do, to eliminate those property tax increases. You cannot have it both ways on the Senate floor, Mr. President. You can do it out in the media where you try and say that bill was anti-Philadelphia in the wards in Philadelphia and then the counties say it is pro-Philadelphia. You can pull those stunts off out there. You are not going to pull them off here. If you really did not want those increases in millages and property tax, then you would have embraced the tax reform issue. As far as what we are voting against, Mr. President, let us straighten this out a little bit. We are not eliminating special education money. This amendment leaves in some \$25 million for special education payments, and there is a plan to pay back all of that money quickly. As far as us eliminating the increased money for community MR services, I will now quote from the letter I received earlier from the Mental Health and Mental Retardation Program Administrative Association in Pennsylvania located here in Harrisburg.

"Given the level of unmet need in the mental retardation system, counties would, of course, support receiving additional funds. However"—and this is the big one—"with few exceptions, counties could not responsibly spend these supplemental funds unless they will be annualized in future budgets." If the gentleman is proposing to add \$22 million to increase MR for those programs on an annual basis and allow them to have the growth, again I come back to the beginning, let us have the tax vote and let us go out front and have a news conference about it, Mr. President, that you want taxes to fund this because the money does not come from never-never land.

As far as us voting against mass transit, yes, in this amendment, when you decided to start Christmas-treeing, you did put \$5 million in for that, and that is something we can easily address in a responsible fashion in the budget when the money lapses or gets spent somewhere else.

Highway maintenance was another sexy issue that the Majority put in here, \$28 million for highway maintenance. By the time they got the check, they would not know what to do with it. I do not know how they could possibly spend an additional \$28 million in highway maintenance in the one month left in the fiscal year. That one defies imagination. That is what is called showboating—you know, let us go around and tell those people we really helped them—when in reality the guy out in the street says, where are the roads? This

is not the way to fix the roads, you know that and I know that. When we talk about monies being taken away for wage and hour settlements, my amendment would leave in \$3 million for that problem. When we talk about putting the counties back to where they were when the \$4.9 million was taken away from them, that is in there too. What this amendment does is cut out the nonsense and deals with the problem responsibly. It stops the showboating, and it starts to take a look at the process in a reasonable fashion. It does not pander to demagoguery. It is realistic. Sometimes those votes are tough because you cannot get a lot of press being responsible. You get a lot more press running around like an idiot yelling and screaming. That seems to be what the Majority wants to do by defeating this amendment. As I said, this started in the House and they are not without blood on their hands either, but at some point in time all these brave people who want to spend all this big money have to find a place for it to come from. We are not in Disney World. This is not Fantasyland, this is Harrisburg, Pennsylvania, where if you want to spend it, you have to raise it. We do not deal with deficit spending in this state, although I know the Republican Majority would like us to do that. In Washington they are against it. In Pennsylvania they are for it. There is no consistency here except for the consistency of political demagoguery. I would hope we have reached a point in our history in dealing with Pennsylvania's budget that that nonsense would have stopped, but, obviously, it has not. So, Mr. President, this is not the evil bill that the Majority Leader would have you believe, but, rather, it is a responsible approach to the budget process, one that will not lead us into a tax increase, although I would be willing to vote for it if it were necessary. But this one leads you into it no matter how you try and get out of it. This is a responsible way to do it. I hate to keep using the word, but that is it. One and one still makes two, it does not make three, four, five or six. That only happens in the George Bush budgets and in the Ronald Reagan budgets. In the Casey budget, one and one still equals two.

Senator LINCOLN. Mr. President, I am really disturbed by the debate that is taking place because I think it is probably going to set the tone for what we are going to see for the next five weeks. I was really hoping that would not happen. I think it is probably going to make my life more difficult and everyone else's on this floor. But what really bothers me is when I hear the Majority Leader talk about, if you vote for this, this is what is going to happen. If you vote for this, let me tell you what is going to happen, and I have facts. I have not heard him refer one time to the problem, and I have not heard him one time say that it did happen over ten years. I have not heard him say one time that during the Thornburgh years there were budgets where there were no increases proposed whatsoever by Governor Thornburgh. To the credit of both Democrats and Republicans in this Senate and House, we increased those levels to keep the programs operating. But there are two things that really, really bother me about what is trying to be represented by the debate on the other side of the aisle. Whenever we had the beginning of this problem, we had

a secretary by the name of Scanlon, Bob Scanlon not Gene Scanlon. If it had been Gene Scanlon, we would have never had these problems. It was a gentleman by the name of Bob Scanlon who was specifically brought in by the Thornburgh Administration to be the hatchet man to special education, and he did not go about making proposals where we were going to examine the special education budgets and make them spend for good programs good money. He allowed them to do whatever they wanted to do because he was not concerned about it. He thought that within a period of two years he was going to be able to change the standards of special education. He went out and caused more havoc in this state among special education parents than anybody could possibly imagine. On the one hand he was letting them spend whatever they wanted to. On the other hand, he was trying to, by a very, very subtle manner, change what we had to provide by law. At some point in time he was hoping that he would have it down to where they would not have to spend much money on special education, and then he would go in and he would start to talk about, now we are going to examine your budgets. Fortunately, all of us, some very good friends of mine on the other side of the aisle and myself, fought that tooth and nail, tooth and nail, tooth and nail, and eventually Bob Scanlon became part of the history of this state and left, and a different secretary was named. That is where the problem came from, and it was allowed to perpetuate and go on and become a serious problem of \$96 million. Now, what are we talking about? We are talking about a responsible review of budgets that has found in one year \$34 million of funds that should not be spent in the manner they are spent. All you are doing by voting against this is protecting that. When you protect that, you are allowing a bad thing to continue. Then to say that by me voting for this amendment I am taking special education money, that is not so. At the end of this vote, if we did what I wanted to do, there would still be \$25 million that would go to special education. What is really strange is that would bring the total to \$84 million in this fiscal year, which is a \$17 million increase from last year. So we are not talking about taking away. We are talking about funding what we are obligated to do. We are talking about a \$17 million increase and we are talking about putting a handle on something that is out of control. I can tell you if we do not, then we are going to be here talking about how badly we have destroyed a special education program. Why is it important that we do not do that? Special education is not like regular education, just by the word, itself, "special." A child in that program has to have continuous education. If there is any breakdown in that process, a lot of young children go back to square one and have to start all over again. It is too dangerous to jeopardize the lives of all those young people who we are talking about. We have their fate and their future in our hands for a political gain of one stinking vote on this floor on May 23, 1989. It is ridiculous to put anybody in that position. I think the gentleman from Philadelphia, Senator Fumo, has very ably explained that we were not pleased with this bill when it came from the House. There should have been some

discipline there on what they did. I am not pleased that it sat here for two months without any activity at all, but there has been nobody at the microphones criticizing anyone for not moving this piece of legislation because supplementals are similar to regular budgets. They are negotiated, but I do not see any negotiation in this. This is like taking a sledgehammer and breaking the door down. I want to tell you I know what is going to happen. The roll is going to be called and it is going to be 23-27 or 22-27 or 22-26, whatever, and the bill is then going to be run and it is going to pass by 26-22 or 27-23, whatever the total number comes out. I can tell you that vote is one that you are going to remember for a while because it will be another three weeks, at least, before you resolve this problem because of that vote. All you are doing is taking another step farther into the morass of partisan politics that we have been practicing around here, and I do not think we can afford to do that. I am asking you and I pleaded a couple of weeks ago for us to stop doing this silliness. Next year's Governor's race is coming. There will be plenty of time to spend millions of dollars in advertising and all the other things that take place in 1990 to determine who the new Governor is going to be. Do not every day in this Chamber try to set something up to give an advantage or disadvantage on the political campaign because I will tell you something, in the long run every one of us will be hurt. You cannot tell me you, one of fifty people out of twelve million, are not special. You represent a quarter of a million people. I am sure that maybe out of that quarter of a million, only maybe one percent of them may be actively involved in a political party, and the people who you represent are going to be disappointed in you personally. Sure, they care whether a Republican or Democrat gets elected if they feel that strongly about it. They go vote and they make those decisions, but do not do everything that we do in this Body from now until November of 1990 based on whether it is going to help or hurt a candidate you may be supporting for Governor because I will tell you, my advice to you is, if you want to have a chance of winning next year, do not do this, because I guarantee you this is the kind of stuff that people see through eventually and it will hurt your candidate before it is over with. That is the political aspect of it. I am also saying to you that the \$25 million is desperately needed. I also say to you that even if you succeed in doing what you are doing, when this bill finally does get to Governor Casey, \$25 million is all that is going to be spent in this fiscal year, and that is all that is needed. Then let us go back and let us talk and let us complain about one another and let us have all our fights and our good days and bad days and on June 30th walk out of here with a substantially responsibly funded budget for 1990. If we do not do that today and if we continue on this path, I can tell you, I was in the other Body when everything fell apart, and we spent until August 20th trying to put it back together. I will tell you if that happens, you will never forget it as a public official. You will never forget it because no matter whether you believe it is your fault or not, you are going to wear it. You are always going to be criticized for what happened, and we do not have that kind of luxury today when we are sur-

rounded by states that are already not able to fund their programs. Sometime, somewhere, you have to sit down and think about how serious we are all about it and it is not always political. Sometimes we have to be human beings and have no political affiliation at all. Today is one of those days. Today what we vote and how we vote truly does have an impact on the people we represent, and that impact can be good or it can be bad, and if you think that defeating this amendment and going through this charade of having all that money in there in a supplemental appropriation is a good way of governing, then I am a little bit concerned about what we may have to face, not only just in this budget, but also for the future of Pennsylvania. So please consider what you are doing. Think of those kids who are depending on that \$25 million.

Mr. President, I apologize if I get a little emotional on this issue. I have been a Member of the Committee on Education in this state government for fifteen years. I have seen the days that Ralph Hess, Marv Miller, Freddie Noye and Bill Lincoln traveled together all over this state, the Jim Gallaghers, the Jeanette Reibmans, the Sieber Pancoasts, the good people, who have built the kind of educational system that we have, and that is why I am emotional because politically we are going to destroy it. I have never, in all the years we went through the bad days in the Shapp Administration, the bad days of funding in the Thornburgh Administration, seen a political position taken on the Committee on Education or on funding. We were all in it together because we all benefited from it and we benefited for our constituency. I am telling you what I see happening here today. Nothing else in this bill means a damn thing to me but that special ed money, and we do need that \$25 million and we do need to be responsible and reasonable in the approach to funding for the next few years because we do have a deficit to take care of. There is a plan that has been offered. If that plan is not good enough, then we have the minds and the capacity within this Body to say wait, let us do it this way. That is all we are asking. But I would ask you to consider voting "yes" for this amendment, putting this bill in the position it should be and it should have been when it came to us, sending it to the Governor, get the supplemental behind us and then we will start worrying about compromise and negotiation for another \$20 billion that we are going to spend for the next fiscal year.

Mr. President, I thank you for your indulgence, and I appreciated the opportunity to speak.

Senator PUNT. Mr. President, I guess when some Members on the other side feel that we do not have a Governor, we do not have leadership, but they do not want to say that publicly, it is easy to say that the Republican Majority in the Senate is railroading and insensitive to the needs. And that is what we have heard. I heard about a showboat version. Well, what we have seen here is just a show horse. This side has been nothing but a workhorse. I have heard about the Thornburgh bashing. Well, why do you not go back one year before Dick Thornburgh? I did not hear you say anything about a \$270 million deficit in the General Fund budget that Milton Shapp left Dick Thornburgh. I did not hear you say

anything about the unfunded liability of this teachers' retirement debt. I did not hear you say anything about \$1.3 billion—that was not million but billion—that was owed to the federal unemployment system, that we all received a letter in March of 1979, that we owed this liability. I did not hear anything said about the surpluses that were left over that we left Bob Casey. Dick Thornburgh left over a \$200 million surplus in Governor Casey's first budget. We have tried and, I believe on both sides of the aisle have literally, truly tried to work out a lot of these funding issues, to work out a compromise. But what we have seen, particularly in the last six months, is the Governor and cabinet officials running all over the state holding State Capitol Day in different parts of the state. We have heard about the funding shortfalls and so forth. Well, where has the Secretary of Education been, those administration officials been, to control that spending over these years? This is the third budget from Governor Casey which has been submitted to the Legislature. This problem, as Senator Lincoln and Senator Fumo mentioned, did not come up just now. I agree. I think it has come up over the last even, perhaps, ten years. But both sides can work together. What we have here today right now before us is a difference in philosophy of spending and of priorities. But we can work this out. I sincerely believe that. But what we saw six weeks ago, and the subtle subdued approach today, I do not see as the answer. The various parties involved can get together, all four caucuses of the Legislature and the Governor. We can work this out. I would encourage the Members to look at it objectively, fairly, that we can do it and believe in that basis, not just that the problem came today, but it has been here. We can work on it if we want to, but the administration is going to have to sit down and work with us, as well.

Senator FUMO. Mr. President, first of all, I have to clear up the record. There was no \$270 million deficit from the Shapp Administration to the Thornburgh Administration. I can deal with numbers and I can debate them, but when they are nonexistent I cannot. I mean they just were not there. When we talk about the deficit for the Teachers' Retirement Fund, Governor Shapp inherited a \$500 million deficit and cut it down to what it was when he left. As far as the UC comp fund and the debts to the federal government that occurred during the Thornburgh Administration and happened because of the Reagan depression, it was incurred during there and the Casey Administration, and this administration with a Democratic plan paid it off. As far as any minuscule surpluses that may have existed in the minds of some people during the Thornburgh days, we all finally saw where that money came from. It was stolen from the senior citizen Lottery Fund. We fought that battle here every year it happened, and it was not until Governor Casey came in that that debt is now being repaid each year a little bit at a time. So, let us get the record straight when we talk about it, and I will not even go back before Governor Shapp to Governor Shafer, when you could not even get a budget passed in this General Assembly, when you controlled both Houses, all you had was stopgap from month to month. It took Governor Shapp to have the courage

to stand up and say no stopgaps, we are going to have a budget. So, if you want to go back in history, I would not do it if I were you, because there is a lot of bad history there with Republicans. All we are saying is that this is not the way to do it, and in that sense I agree with the gentleman. But this is not working anything out. This is sledgehammering the door down, and saying I want what I want, and that is it. You tell me how we are going to spend \$28 million realistically in one month in highway maintenance funds over and above what they got. It is not going to happen. That is what I meant by showboating.

As far as the Majority Leader's comments about the \$3 million from Philadelphia that the gentleman from Philadelphia, Senator Williams wanted, he was there and I was there. Senator Williams specifically asked that that amendment not even be introduced, and then he voted against it when the gentleman from Montgomery, Senator Tilghman said, I am going to do it for you. It is Senator Tilghman's amendment, not Senator Williams' amendment. He did not want it because he recognized it for the political sham that it was. So, let us talk honestly, let us talk fairly and let us deal with the record and the facts and stop making up myths. When we get back to the original vote that we are asking for here today, it is one that requires some courage, one that has to force you to put aside some political demagoguery and says let us deal with the budget realistically. That is all the choice is. You can live in never-never land if you want, go ahead, vote "no." I urge a "yes" vote so we can get realistic.

GUESTS OF SENATOR ROY W. WILT PRESENTED TO SENATE

Senator WILT. Mr. President, and my colleagues as well, thank you for permitting this interruption, but as we all do from time to time, I have some very special guests in the balcony that I would like to introduce, and it is imperative that they leave shortly for their five-hour trek home. Part of the golden fiftieth is the prestigious Shenango Valley, and I have students here from three of the schools in the Shenango Valley: the Hermitage School District, the Farrell School District and the Sharon School District. There are thirty-five students who are eighth graders, who are in the gifted program, and this is an excellent opportunity to point out that here are three normally competing school districts in a very good, cooperative program. They are escorted by Nancy Bires, Carol Brekowski and Jim Aikens. They are here touring the Capitol and visiting the area in general. I would like to introduce them to this Chamber and ask that you give them our usual warm welcome.

The PRESIDENT. Would all the students and the guests of Senator Wilt please rise so we can welcome you to the Senate and give you our warm, customary greeting.

(Applause.)

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

Senator AFFLERBACH. Mr. President, during the debate it has occurred to me that, perhaps, the central question at

hand has been somewhat lost. The question is not whether we should provide additional funds for special education or whether we should provide additional funds for mass transit or any of the other very worthwhile projects that are included in House Bill No. 623. As I look at this situation, I am reminded of the little boy who goes into the kitchen and opens the cupboard and finds some extra change and dollars in a coffee cup that he did not expect to find there, and in his excitement, he runs out with that change and those few dollars in his hand and he spends it on all kinds of things that look good to him, only to discover a week or two later that that was money that could have been much better spent on family needs for that particular household. That is what I see when I look at what we are confronted with in House Bill No. 623 today. I see the Majority seizing \$140 million, which they really did not expect to have or certainly had not worked into the budget process, and in a hurry to apply it to worthwhile programs, simply are not looking ahead to the finalization of the entire budget process. There is one thing we do know for certain, and that is that the revenue estimates we had looked at in January are less than we had expected them to be. We do know that as we complete the budget process, we are going to have to deal with that shortfall, and I suggest to this Chamber that this \$140 million should not be hastily spent and should not be hastily appropriated one week after the Primary Election, but rather should be held in abeyance and become part of the final budget settlement, so that as we review where cuts may have to be made, we may look to these funds to replace those cuts in very important programs. It is for that reason I support this amendment, not because I disagree with the programs that it funds, but because I disagree with the hasty approach of spending this money simply because it now happens to be immediately available.

LEGISLATIVE LEAVES

Senator LINCOLN. Mr. President, I request temporary Capitol leaves for Senator Andrezski, Senator Bodack and Senator Mellow.

The PRESIDENT. Senator Lincoln requests temporary Capitol leaves for Senator Andrezski, Senator Bodack and Senator Mellow. The Chair hears no objection. The leaves will be granted.

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

Senator RHOADES. Mr. President, you know, as I listen to this debate I become more and more confused. Last year we said, let us cut out the excess and give a tax return. We said, no, you cannot do that. You are supposed to put it in the programs. Now we have an opportunity to put it in the programs. I do not care who you want to blame. There is a shortfall there, and we are as responsible as anybody else. Now we're saying, let us face up to that responsibility and put it into special education. Let us put it into mental health/mental retardation. Let us address mass transit. All I read in the Philadelphia Inquirer is that they are \$16 million short. The Governor has given them \$11 million as a pre-run for the problems

they have. As I address all of these things, I am saying now we have a chance because there is \$140 million there to be able to put it out and address needs, needs that kids have, \$3 million that can serve some of the kids in Philadelphia for a drug program. What is wrong with that? We are serving people. That is what it is there for. That is what I was sent here for, not to rubber stamp what the Governor wants, but I see that need to do that. Then we came out and we said, now wait a minute, the budget is short \$140 million. Maybe we should save it because we are going to need it. Yet the Governor just came out yesterday with a \$140 million proposal to fight drugs. Where is the bottom line? My thinking is, if I have it in hand, we propose the budget set out and we will work on that one. There is \$140 million there, if it is surplus, if you want to call it surplus, but I say it is IOU money that we can get out to serve people now, then let us do it.

I have another idea. If we are going to argue about it that much, then why do we not just put it all back and give tax cuts to the people and then everybody will have a piece of it, but apparently no one wants to do that. I say the best thing we can do is help those people in special education, help those people who need that drug assistance to put that program in—and it cannot be done until we allow it—and address those needs that are defined out there for mental health/mental retardation. Let us serve the people who elected us.

Senator LINCOLN. Mr. President, there is no sense in beating this dead horse any longer, but whenever I hear individuals who I have a great deal of respect for stand up and speak about something that they evidently have not given any thought to, it bothers me. I want to tell the gentleman from Schuylkill, Senator Rhoades, of that \$140 million, there was \$15 million of it earmarked for districts like mine and his for distressed municipalities. There evidently was not any thought given yesterday to how they were going to split that \$140 million up because I do not see any of it in here that says my distressed municipalities are going to get any of it. There was money in that \$140 million for transit down in the southeastern part of the state. I do not see any of that \$140 million for that. There was money of that \$140 million that said to the good county governments that if you reassess and you do a good job of reassessing in getting those reassessments within a certain level of error, we are going to give you some help on that. There was not any thought given to that. No, they take sexy ideas and throw \$140 million at them with no hearings, no process, no nothing. That is silly. I am not going to argue it anymore because I know it is going to be twenty-seven "no" votes, but you have to tell the truth when you stand up or you have to, at least, read something and know what you are talking about. There is no thought given to that \$140 million that was stuck into this bill yesterday, and if there is no thought to it now, there is going to be a hell of a lot of thought given to it next year, whenever that money is not being spent properly. That is not the way we are supposed to do things, and that is not what we are all about. The original \$51 million takes care of the needs of this fiscal year, simply put. That is all the Governor said he needed, and he had to come back and

ask us for it. It is not fun for a governor of any party to come back and say, I need \$51 million more to finish this year, but he did that. He said, this is what I need it for. Then the House has taken the liberty of doubling that amount for things that he says he did not need this fiscal year that he may need next year. Then we quadrupled it with things that we do not need to finish this fiscal year, but we may need that money for things for next year. That is all it is. You can talk, do whatever you want, but \$51 million will be left in this bill after this amendment that passed would satisfy the deficiencies that are there now. The remainder of the money is not needed to finish this fiscal year, but it is badly needed to fund the next fiscal year. That is all you are talking about and I will not speak again on this issue even if you ask me to.

Senator RHOADES. Mr. President, I will say this. There was a comment made earlier that there will be fighting and we will not be friends. I do not think we settled the budget until December or November of last year, and I still like the gentleman from Fayette, Senator Lincoln. But I remind him also, as I remind the rest of my colleagues, that going back three or four years ago, before we had the property tax reform, there was \$75 million that we wanted to spread up between all the municipalities to help them in that transitional area from then, because of loss in revenue funds to the present time, that they helped carry over. We said no, we will put that in the tax reform. When you talk about distressed municipalities and assessment, I think someone did pay attention to it. The end result is if you look at the tax reform vote last week, they said we do not want the money spent that way, we want it spent some other way. There are assignments of responsibility. Look at the tally, 3-1. I think that is enough votes to convince me what I should do with the money.

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

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

YEAS—22

| | | | |
|------------|---------|-------------|-----------|
| Afflerbach | Fumo | O'Pake | Scanlon |
| Andrezeski | Jones | Porterfield | Stapleton |
| Belan | Lincoln | Regoli | Stewart |
| Bodack | Lynch | Reibman | Stout |
| Dawida | Mellow | Ross | Williams |
| Fattah | Musto | | |

NAYS—26

| | | | |
|------------|-----------|----------|-----------|
| Armstrong | Greenwood | Loeper | Salvatore |
| Baker | Helfrick | Madigan | Shaffer |
| Bell | Hess | Pecora | Shumaker |
| Brightbill | Holl | Peterson | Tilghman |
| Corman | Hopper | Punt | Wenger |
| Fisher | Jubelirer | Rhoades | Wilt |
| Greenleaf | Lemmond | | |

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,
Will the Senate agree to the bill on second consideration?

LINCOLN AMENDMENT

Senator LINCOLN offered the following amendment No. A1370:

Amend Bill, page 9, by inserting between lines 22 and 23:

Section 201. Executive Offices.—The following amounts are appropriated to the Executive Offices:

Federal State
For transfer to the Pennsylvania Drug Free Community Trust Fund.

State appropriation..... 140,000,000

Amend Sec. 201, page 9, line 23, by striking out "201" and inserting: 202

Amend Sec. 202, page 10, line 1, by striking out "202" and inserting: 203

Amend Sec. 203, page 11, line 10, by striking out "203" and inserting: 204

Amend Sec. 204, page 12, line 19, by striking out "204" and inserting: 205

Amend Sec. 205, page 13, line 26, by striking out "205" and inserting: 206

Amend Sec. 206, page 14, line 22, by striking out "206" and inserting: 207

Amend Sec. 207, page 15, line 10, by striking out "207" and inserting: 208

Amend Sec. 208, page 26, line 30, by striking out "208" and inserting: 209

Amend Sec. 209, page 27, line 12, by striking out "209" and inserting: 210

Amend Sec. 210, page 28, line 21, by striking out "210" and inserting: 211

Amend Sec. 406, page 35, line 10, by inserting after "(b)": , (c), (d)

Amend Sec. 406, page 35, line 10, by striking out "(c)" and inserting: (e)

Amend Sec. 406, page 35, line 15, by striking out "201" and inserting: 202

Amend Sec. 406, page 35, line 18, by striking out "201" and inserting: 202

Amend Sec. 406, page 35, line 21, by striking out "203" and inserting: 204

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

Senator LOEPER. Mr. President, I desire to interrogate the gentleman from Fayette, Senator Lincoln.

The PRESIDENT. Will the gentleman from Fayette, Senator Lincoln, permit himself to be interrogated?

Senator LINCOLN. I will, Mr. President.

Senator LOEPER. Mr. President, would the maker of the amendment please explain the amendment?

Senator LINCOLN. I would hope to do that, Mr. President. You kind of jumped the gun on me a little bit. How in depth do you want it?

Mr. President, I just wanted you to know that my statement about not speaking again on this issue, there were six Members of the Senate who requested me to speak again, and one of them even being a Republican, and I will comply with their request.

Mr. President, the amendment I am offering would establish a \$140 million trust fund in this particular bill which would be used to fund the creation of PENNFREE, the Penn-

sylvania Drug Free Community Trust Fund which Governor Casey spoke of yesterday. I think it is important that if we were able to just throw \$140 million into this bill in a committee meeting that took place yesterday, six days after the election that determined that the \$140 million was not needed for the tax reform issue, then I think we ought to be, without fail, supporting an effort to spend another \$140 million for a definite program. Governor Casey, in his announcement yesterday, stated that we are going to have six public hearings between now and June 15th to hear from the people of Pennsylvania who deal with drug enforcement and drug rehabilitation as to how best to spend that \$140 million. I think it is interesting that in his message to the people of Pennsylvania, he said this \$140 million will say, in the area of enforcement, we are sending a message to the pushers that if you are dealing drugs in Pennsylvania, we are going to hunt you down and drive you out of business. To those who would like to educate, or those who believe that education is the main thrust in bringing about victory in this fight against drugs, we are saying the best way of fighting the drug problem is preventing our kids from getting hooked in the first place. Those of us who believe strongly in treatment for those poor souls in this country who fall into the drug habit, we are saying that we have to help sick people get better because if they do not overcome their addiction, the rest of us will keep right on paying the cost. I know every one of us is aware of how serious the problem of drug abuse is in this country. I know that I am going to hear that \$140 million is not going to solve it, but I also know that every effort that is made by government to combat this problem has to start somewhere. I can tell you that \$140 million towards this effort is an awful lot more money than I have seen come out of Washington or any place else. We hear all the rhetoric about drugs being the enemy, we have this war going on. In fact, we heard through President Reagan and now hear through President Bush, their professed, adamant feelings about defeating this enemy, and yet every budget that we have seen come out of Washington for the last nine years has decreased spending for fighting drugs. The states are going to have to do it themselves. We are going to have to help our local governments. What is really sad is that in this country 9 percent of the children born are addicted to drugs when they are born. In urban areas, that figure is as high as 25 percent. What I am asking this Senate to do today is to affirm their convictions of how strongly we feel about fighting drugs, to say to the Governor, yes, we do support you; yes, we do want to be part of your effort to rid Pennsylvania of this terrible problem. We can do that ladies and gentlemen of the Senate, by voting for this amendment and putting that money into a trust fund that will eventually be sent to each municipality in this state to combat this horrible problem. I do not know how you can follow a vote that insisted upon keeping \$140 million of spending that was done, really, without much thought, and how you can possibly defend not saying to those same constituents who you represent, all the times I have said to you I support the strong effort to rid this society of drugs, and I have now confirmed that

effort and my support by supporting a \$140 million special effort to go against fighting drug abuse. You had the occasion to say to me that if I voted for this amendment the gentleman from Philadelphia, Senator Fumo, offered, that I was for cutting special education funding. Ladies and gentlemen, I am saying to you as bluntly as you said it to me, if you vote "no" on this amendment, then you are saying to your constituencies and everyone else in Pennsylvania that I really do not support fighting drugs as strongly as what maybe I want you to believe I do, because here is your chance. I can tell you that is the story that is going to go out. You are going to have to tell people why you do not believe we should spend \$140 million on fighting the serious problem of drug abuse. I do not know how you are going to justify that because I had a good argument. There is \$25 million left in that bill after I voted for the amendment, and there is an opportunity for me to come back again, maybe tomorrow or maybe the next day, and continue to affirm my feelings about special ed. I can tell you, very seldom, if ever, have you had an opportunity to vote on a \$140 million immediate impact within the next four weeks to fight the scourge of our society. So there it is. You have a chance to vote yes, I want to affirm my support for Governor Casey in this tremendous effort, and, yes, I think we ought to take that \$140 million and spend it on local governments in giving them police officers and giving them technical help. Here it is, \$140 million. Never before have we made an effort in Pennsylvania to fight drugs like we can with this \$140 million. I do not know how you can explain it, although I probably will be amazed by the good explanation I will get for a "no" vote, but it is right here before you. Yes, I support the \$140 million drug fighting effort. No, I do not support that. It is black and white. Just no. It is very easy. Here it is. I am asking you for this support. Put this in this bill, and then we really will have an effort in the next year to fight the worst thing that has happened to our society in my lifetime. I ask for a positive vote on this amendment.

Senator LOEPER. Mr. President, I am a bit confused here. When I listened to the debate on the previous amendment criticizing the Majority for trying to address the money that we owed to our communities on programs and outstanding bills that need to be paid and indicating how we were going to have to save that money for next year's budget, and now the next amendment is to increase spending by another \$140 million over what we had just proposed to pay our existing bills with in the last.

Mr. President, I was wondering if the gentleman from Fayette, the maker of the amendment, the Minority Whip, Senator Lincoln, would stand for a brief interrogation?

The PRESIDENT. Will the gentleman from Fayette, Senator Lincoln, permit himself to be interrogated?

Senator LINCOLN. I will, Mr. President.

Senator LOEPER. Mr. President, when we talk about hastily conceived programs, it seems to me that just yesterday there was an announcement by the Governor as to the serious drug problem we have in this state. It is my view that no one disagrees that that is a serious problem. But, I cannot under-

stand, Mr. President, why there was no detailed plan for spending the money, and the gentleman purports to reallocate \$140 million to fight drug abuse in this Commonwealth. Could the gentleman explain to me what type of plan is proposed and how this money will be spent?

Senator LINCOLN. Mr. President, my understanding is the Governor is going to hold six public hearings throughout Pennsylvania in the next ten to twelve days, and he is going to take every one of those bills that the gentleman from Blair, Senator Jubelirer, and you and I have introduced, and I think if you probably add them up, they would be greatly in excess of \$140 million—he is going to take the Attorney General's proposal for fighting drugs. I got a very concise assessment of that in the mail over the past couple of weeks from Senator Jubelirer. We all stood together in the Governor's reception room—and I know that Senator Jubelirer was there but I am not sure about the gentleman from Delaware, Senator Loeper—and we all affirmed behind Governor Casey how strongly we were supportive together as a bipartisan unit in fighting drugs. What we are going to do is take those pieces of legislation and determine in the next ten days which ones are the most feasible to put into effect right now, and then, for once, we are going to have the money to fund those efforts in fighting drugs because we are going to use this \$140 million.

Senator LOEPER. Mr. President, in light of that, is it really necessary, then, if we have the information to put together, once again, another task force to go out through this state to try and gain input or a strategy that we are going to devise in three weeks to spend \$140 million that would supersede any of the proposals or initiatives that have been put forth already?

Senator LINCOLN. Mr. President, I have not talked to Governor Casey about this and I do not want to answer for him, but I would think that if you were willing to convene the Committee on Appropriations of the Senate in a joint effort with the Committee on Appropriations in the House and hold public hearings next week and save him the effort of going out, that would be a very responsible way of doing it, knowing full well that you have his support for spending the \$140 million that you could probably be part of picking whatever efforts and what bills that we were going to end up passing before June 30th. I think it is a wonderful idea, and I really think it would shortcut the effort. It would be probably a much more responsible way of doing it because of the good staff in all four caucuses that are available for those types of hearings and the fact that we have experience over the years in going over programs. I really believe next week would be an ideal time, being that we are not in Session, to have the Committee on Appropriations hold hearings on the number of bills that we have put forth and espouse our support for, knowing full well that if you could pick \$140 million worth of those bills, within four weeks we would be under way in one of the biggest fights against drugs that this Commonwealth has ever seen.

Senator LOEPER. Mr. President, in light of the gentleman's answer, it would seem that it would be difficult to

spend all this new money, particularly that quickly and that effectively, particularly when existing funds for specific drug fighting programs seem to be sitting around not being utilized at this point, monies that have already been appropriated for that purpose, to start up new drug fighting programs, and yet they are not being utilized to their fullest extent. If we cannot expend the already existing monies, how are we going to expend \$140 million more and devise that strategy within the next several weeks?

Senator LINCOLN. Mr. President, I am amazed to hear that statement because I am not aware of any monies that are not being used in that fight. In fact, one of the highlights of Governor Casey's February budget address was the fact that seventy-five new drug enforcement personnel were going to be given to our new Attorney General Preate. There have been efforts in each budget to increase the number of personnel. There is a proposal in this budget that we are going to be dealing with for a new task force in urban areas. I am amazed. I do not know of any effort that has been started within the last two years, particularly, where that money is not being utilized to its fullest extent. In fact, the one thing I can tell you is that we have a political society that tends to talk about all the good things we want to do about fighting drugs, but even on a state level at times we have been remiss in our funding. Here we are with an opportunity for the first time to adequately fund a very serious problem and one that everyone addresses verbally and one that I think we all recognize as being something that if we do not defeat the people who are out selling drugs to our young people, then I believe we are probably going to fail as a nation. So, I do not know of any programs where the money is not being spent, and I do know there have been a tremendous amount of new proposals and without this money. But with this money, maybe we could put 150 people in the Attorney General's office, and you cannot say that is partisan politics because we have two different parties between the Governor's Office and the Attorney General. But I think when this issue is debated, it cannot be partisan.

Senator LOEPER. Mr. President, I think, in following through with the gentleman's previous answer, that fighting drugs is certainly a nonpartisan issue, it is an issue we all recognize we have to work together on to try and combat it effectively in this Commonwealth. I think in addition, Mr. President, I would indicate to the gentleman I was fortunate enough to be present at the Governor's Drug Conference several weeks ago where we did present a unified effort. However, maybe the gentleman could indicate why, in fact, at that point in time at that press conference the administration would not support block grants back to our counties for drug and alcohol abuse, and yet now, under the \$140 million program, this seems to be a new initiative that is necessary. Could the gentleman comment on that, Mr. President?

Senator LINCOLN. Mr. President, I believe, first off, that each new budget brings about initiatives that maybe we were not thinking about two or three months ago. I think the fact that the Governor had proposed unusually large increases in

the proposed budget for fighting the war on drugs, and after analyzing all the available funds, I think probably those decisions were made as they are in every budget year, that only so much money can be given to each program. I think now we have an opportunity to spend \$140 million that we really did not expect to have available to us, and all at once we are going to be able to do all the good things that we were constrained by not having enough money to do in the past. I think Governor Casey has a record of proposing things to this General Assembly in his first three budgets in the war on drugs that he has no shame about. I think the fact that the very first thing he thought about using the \$140 million windfall for would be the war on drugs indicates that he is willing to do more than just talk about it. He is putting his money where his mouth is.

Senator TILGHMAN. Mr. President, the gentleman from Fayette, Senator Lincoln, maybe had better sit down because he is going to be terribly surprised at some of the figures I am going to give him, and I am going to give him some mathematics at the present time. Last year the Commonwealth of Pennsylvania received a federal anti-drug abuse appropriation of \$34,771,000 which the appropriation allocates to various departments in this state: the Attorney General, Education, Health, Probation and Parole and in the Executive Offices. For your information, so he can follow along with me, that amount and the figures are on page A47 of the Governor's Budget. As of yesterday, Senator Lincoln, of the \$34 million, \$17 million has been spent, 51 percent has been spent in eleven months. Let us look at the Department of Education which is the worst offender in getting this money out to the public. They have \$12,980,000 for educational programs during this fiscal year. As of yesterday, of the \$12,980,000, they had spent \$5,544,000. So generally speaking of those federal funds that came in, 50 percent were spent in the first eleven months of this year. It is improbable to assume that the 17 million remaining dollars will be spent in the next thirty days, but with this information going through the squawk box and everything, it may well be. Be that as it may, we said yesterday to the news media and the press corps in this building that we would monitor the drug programs throughout the Commonwealth of Pennsylvania, and the minute we found some program was not being funded adequately and effectively or the program had run out of money, we will put an appropriation in immediately to fund those programs. Throwing money onto programs that are not even adequately taken care of at the present time is absolutely ridiculous. On page E22 of the Governor's budget, he decided in February that he would ask for some additional funds for the various drug programs in the Commonwealth of Pennsylvania. They went to public welfare, youth development, community mental health, State Police, drug law enforcement, treatment and prevention and education. How much did he ask for? He asked for \$16,313,000, and he felt that was adequate and he said so in his statement to the Joint Session of the General Assembly. In addition to the \$16,313,000 of state funds, accompanying them will be federal funds in the amount of \$9,182,000, some \$25 million. On top of the \$25 million, there will be another

block grant for drug abuse prevention from the federal government of \$24 million, roughly \$50 million for next year plus whatever money may lapse on June 30th, that as of yesterday was \$17 million. If this administration and if the secretaries in the various departments cannot handle the money during this year more appropriately than I have just told you, there is absolutely no sense in taking \$140 million which we owe to the taxpayers in Pennsylvania and putting it on top of these unspent funds. I have instructed my staff at 1:30 this afternoon to find, if possible, every single dollar that is spent in drug programs in the Commonwealth of Pennsylvania. It can be public information. Once we get this in line, we can keep it for the next several years, or however long we want, and we can see where we are in each one of these programs and how well we are doing. We cannot be doing very well if we have allocated \$12 million for education during the past year and spent \$5 million. What is the Secretary doing with that money over in Education? There is absolutely no sense in setting it aside and holding it back. In the education field, you do not need to go out and hire new narcotics officers, new people. The teachers are there. Let us get the programs going. It has not been done appropriately during the past year. When I said that we would track the spending and the use of these funds, I want to also tell you that it is very, very difficult to find all the drug funds in the Commonwealth of Pennsylvania. For instance, when we give block grants for human resources to the counties, they like that particular appropriation because they can use it for any reason they want. Many of the counties may use that money for drug programs. We will never know that at the state level because it is impossible to monitor sixty-seven counties and all the different boards and commissions as to what they do with the money. We will make no secret of the information we get. If the gentleman from Philadelphia, Senator Fumo, and his people want to do the same thing, we will be happy to comply and work with them to find out where these drug funds are. We have also talked to the Attorney General's office, and obviously there are a lot of funds in that office, as there should be, and he has told me that to the best of their ability, either this afternoon or probably tomorrow, we will have a list from them of every single program that they have dealing with drugs and the amount of money set opposite those various programs.

Senator Lincoln said he would be surprised if it were true what the gentleman from Delaware, Senator Loeper said, that the money has not been used this year. I am surprised too. I am disheartened. I wish it had been used and I hope that it will be used in the next month effectively. But more importantly than that, just remember that on whatever the date was—February 3rd, 4th or 5th—the Governor, in his budget message, said that \$16 million of state funds would take care of this next fiscal year as to the best of the ability to hire people to get them into these programs. As you well know, it is very difficult to find professional people who can work in the drug field. You also know that when we allocate funds for personnel, we only allocate the salary for six months. The position may be open for a year, but we only allocate the salary for six

months because it takes a long time to get a program under way.

Senator O'PAKE. Mr. President, I am just amazed at the tone that this debate has taken. Every one of us, when we are running for election, tells our constituency that we are not doing enough in our war on drugs. If you look at the Presidential rhetoric during the last campaign, I think we were all hopeful that something would come from Washington, some additional money to back up the "Just Say No To Drugs" rhetoric. Unfortunately, one of the problems facing Pennsylvania as a state government, and every law enforcement official in Pennsylvania, is the roller coaster that we have been on with regard to federal funding. While the President—and I am talking about the preceding President—and his wife were telling our young people to "Just say no to drugs," they were heartlessly cutting the federal funding for state governments in their efforts to deal with drugs on the streets of the cities and the townships and the counties of this state. As a matter of fact, I think it is supremely ironic that Pennsylvania's share of that federal anti-drug money went from 1987 to a low in 1988 where we got almost nothing for the Pennsylvania Commission on Crime and Delinquency to dispense to local law enforcement and others concerned about the war on drugs. This year, I am told, it went up a little bit. It is something like \$9 million. I am certainly not an expert on the budget and how to manage that money, but I would think if I were in a responsible position in the Executive Department, I would be very concerned about this roller coaster, because you have no way of planning. You do not know from year to year what the federal government, the President and the Congress are going to be able to provide to the state, and, as a result, maybe you do not spend all the money in the year or within the few months that you are supposed to be getting it because you do not know about the uncertain future. But what bothers me more than this debate over how much money is where is the really strong feeling I get on this floor that the Republicans think we are doing enough. What does it take? We are not getting a lot of money from the federal government, but we are getting a lot of statistics out of the drug czar down there and I want to share just a few. According to President Bush's Drug Czar, Dr. William Bennett, 9 percent of all live births in this country are infants addicted to some drug. Urban areas average 10,000 cocaine or crack addicts with an average habit of \$60 a day. They steal \$6 million a day from people in our cities. After last Friday night, I can really appreciate that because my car was stolen near the University of Pennsylvania, and when they found a 14 year-old driving it two days later in the middle of the night, he had forty vials of crack on the front seat, obviously stealing cars to get the money to feed his habit. Czar Bennett also tells us that a national survey recently asked students if they used drugs or could get drugs—students, mind you. Fifty-five percent answered yes, and this survey was taken among fourth grade students. The Reading Times and Eagle last week just did a very extensive study on the abuse of drugs in our schools. Kids and Drugs ran for five or six days and pointed out how pervasive this addiction is. It

is an epidemic. When this Governor has had the courage to stand up and say we have to do something about it and it is going to take money, I am amazed that our friends on the other side of the aisle would try to play some fancy footwork and try to confuse us with esoteric budget manipulations. The fact is that Pennsylvania was receiving \$9 million from the federal government for drug law enforcement in budget year 1987, but this year we are scheduled to get \$4.9 million under the Bush budget for this fiscal year.

As I said, Mr. President, I do not think anyone in Pennsylvania thinks, as the Republicans apparently do on this floor, that we are doing enough in our so-called war on drugs. What this Governor has done is to say that he does not have all the answers—I do not think any of us do—but he wants in the next two or three weeks for his Governor's Drug Policy Council to go throughout this state and to listen to the experts in the field. This is not another, as the Majority Floor Leader referred to it, task force. As a matter of fact, I think it was Governor Thornburgh who created the Governor's Drug Policy Council, but this Governor is making it do something, and all he is saying is it is going to take money. I think the people of Pennsylvania are sick and tired of politicians saying that we have to get tough on the drug dealer, and all the bills that we introduce say, put them all in jail for longer periods of time. Here is an attempt to prioritize a good faith effort by the Executive of the Commonwealth of Pennsylvania in a leadership role to see what the people of Pennsylvania think as far as what our priorities are and what does work. We do not have all the wisdom up here in the state Senate or even in the state Capitol. There are a lot of good working programs out there. There is a lot of useful information that can be gotten, and what we are saying is, let the professionals and let the people who are working in the Governor's Drug Policy Council come back and make some recommendations. We will have the final say. If the Governor's deadline of June 15th is met, we have two weeks to prioritize and give the people of Pennsylvania something that is going to help cut down on those car thefts, those wasted lives, those robberies and all the other crimes that follow because people are getting caught up in the tidal wave of drug addiction in Pennsylvania. Let us give this a chance. Here is an opportunity to not only talk about warring on drugs, but doing something about it. I think the Governor should be commended rather than criticized for going out to the people and trying to find out what works and what the priorities are. If we are sincere in our concern about drug addicts and the criminal behavior that is filling our jails as a result of the drug addiction, then here is a place to start. Let us do it, and let us not pray that President Bush and the federal government are going to come to our rescue because, very clearly, there is no money in the federal budget for it.

Senator FISHER. Mr. President, I sat here and listened to the debate and listened to the Governor's announcement yesterday on his request to spend this \$140 million that has been sitting in the fund for our local municipalities and, quite frankly, I am astounded. I am astounded that this Governor,

who really only recently has gotten on board in the fight against drugs in this Commonwealth, has come forward and said that a sum of money which is almost ten times what has been available in prior years for the use in the war against drugs in this Commonwealth should all be spent in one fell swoop by coming in front of us and asking us to blindly transfer the sum of \$140 million to the Pennsylvania Drug Free Community Trust Fund—\$140 million without any definition, without any meat on the bones, without any blueprint, which even the supporters have indicated that it is going to take, at a minimum, three weeks to determine how to spend this money. I do not think that is what we are all about here. Each and every one of us collectively are concerned about drugs in our Commonwealth, drugs in our community and drugs in our school. Each and every one of us has that legitimate concern. I do not dispute it among any of the fifty Members of this Senate. Unfortunately, what we are faced with here is a political charade that makes me very disappointed that we are faced with it today in the form of a vote. When you look at the opportunities that have been available in this Commonwealth for fighting the war on drugs, certainly everybody could argue that we have needed more funds. Obviously, the combined recognition by Attorney General Preate and the Governor and putting more money into the budget, \$16 million more for law enforcement, is a step in the right direction. This caucus, together with the Attorney General, together with Members on that side of the aisle, have all introduced legislation, important legislation, that if enacted into law, and we know how long the passage is of any set of bills, notwithstanding a package of fifty or more bills—those pieces of legislation are all important. But when you talk about spending this large a sum of money, I think we have gone way overboard. I have served, as has the gentleman from Berks, Senator O'Pake, on the Pennsylvania Commission on Crime and Delinquency for the past decade. The Pennsylvania Commission on Crime and Delinquency, for those of you who are not keenly familiar with what the Commission does, has been the principal criminal justice planning agency in this Commonwealth over the past fifteen years. During the last decade in which I have served, I have seen as one of our duties the approving of application and the spending of federal dollars and state dollars that have come to that agency for various drug control programs, for various criminal justice programs. At the present time, we have funded from the last two fiscal years projects totaling \$12 million across this Commonwealth in the fight in the war against drugs. There are good programs that are out there. There are many good programs that are out there, but I can tell you what I have also seen in addition to the good programs. There have been many programs that have come before that agency that were nothing more than attempts to throw money at a problem. That agency, that commission, which is bipartisan and is nonpolitical, has worked effectively. It has worked well in trying to ferret out those projects that are truly deserving, those projects that will work and those projects that are targeted. But one of the most important aspects of the Com-

mission's work and one of the things that we have always done is we have tried to make sure that when an applicant comes in, whether it is Philadelphia County, Allegheny County, Washington County, or any county across this state, that we are not funding a one or two-year project. We ask, in any funding application, that they agree at the end of the funding period to assume the entire costs of that program because we want a program of some longevity to move forward in this Commonwealth. But what we are being asked to do here today in having faith that in three weeks programs are going to come forward, is that programs are going to be funded, whether it be one year or two years, and then where are we going to go? This money is not a recurring appropriation. It is a fund that was set aside two years ago for tax reform. Where are we going to go? Are we going to turn our backs on the community programs that we have said here we are going to help you with? I do not know where we are going to go, but I am sure that what we are going to find, if we go out and we hold that carrot out there of \$140 million, is sure, there are going to be takers, but there are not going to be takers who are going to structure a program that is going to be meaningful to stem the tide of drugs in this Commonwealth and to stem the tide of drugs in our communities. I do not think any of us are for wasteful spending. But when I look at this appropriation request, it is nothing more than an attempt to get out and try to say, here is what we are going to do with a \$140 million fund. That is why I am astounded. I am astounded because I do not believe that is the system that, one, is workable or that is the system the people of this Commonwealth sent us up here to design. We can structure meaningful drug control programs. We can structure them within the limits of the budgeted amounts that are available. We can structure them in law enforcement. We can structure them in education. We can structure them in training. But you cannot structure them through this sort of a political charade that is going to go out and try to do nothing else but throw money to a problem without having any answers.

Mr. President, I would urge that each and every one of us look very closely at this amendment. Look very closely at it, reject it and go back and collectively let us try to design the type of programs to fight the war on drugs, and then let us utilize the money that was set aside two years ago for some effective programs across the board where they are needed, where the needs are there, where the needs are immediate and where the money will not be wasted, as I am so fearful this money will.

Senator WILLIAMS. Mr. President, I would just like to add a few comments to the debate. The proposal by the Governor seems to me, wherever it ends up, is a bold step to address an incomprehensible problem, no matter how we look at it and what our political sides may be on the question of the budget and money. The house is burning down throughout the country, and all levels of our government and our social structure clearly recognize it. The evidence is overwhelming and irrefutable, that we are, in fact, losing a whole generation. I cannot quote the statistics on children who are being

born on drugs in this country. It seems to me that one thing is abundantly clear, and that is the Governor's proposal addresses the fundamental question in this country and in this state. It is a question of survival. Can we ask ourselves, what have we as a Body done for the last year? Some people have done a few things. The Governor has not sat and done nothing. He has moved too slowly for myself, but he has been in touch and on top of the issue. By a stroke of ironic circumstances, there is a pool of money. The question then arises, when a house is burning down or a body has curable cancer, what should we put those resources to? Miami is out of the question. It is done. New York is well on the way. What is happening in other cities, I do not know. Pennsylvania is marked already for serious and pervasive problems in drug traffic. Under those circumstances, what is the top executive to do but to say to the constituency that our survival is at stake and to point out the area in which these resources should be put. The gentleman from Montgomery, Senator Tilghman, did talk about the fact that there were monies on the book now and what we are using them for. Well, take an observation, and some of us asked for that to be done last year and some of us got some answers, and we found out we do not have a very well-coordinated program. Under those conditions, Mr. President, where the country is at stake, and everybody says it, and the state is at stake, and we also in our heart of hearts recognize that, just what are we to do? I would suggest that any thorough reading of the record indicates that most of the areas of funded activity that we talk about are impacted significantly and negatively by drugs. The homeless question that we find of such great moment and lots of money, in the New York Times yesterday it pointed out that a high, significant number of that constituency has a very secret condition and that is drugs. You can pass that on to the child abuse areas, where there is a lot of money in question now, and a host of other social programs. Indeed, with all the money we spend in education, it is threatened systemically and permanently on the whole question of drugs. I do not need to mention, but if you just called to mind all of the areas of activity that are service areas they will fail because of the drug problem.

Mr. President, my one point is this. If we could just step back and understand that as we appropriate monies which are connected with policies for growth development or survival, what is connected with what? As the old story about the bones connected with this bone and that bone, we will find that it is patently obvious, and I suppose it is in the Governor's mind, that these essential areas of activity and challenge of human service are fundamentally connected with what we do or do not do with the drug question. So, I suppose that his response is like the fundamental response to a number of fundamental questions. If we do not do anything with the money but to say hold tight, put it in a trust fund until we figure out what to do with a question that has obviously overtaken us, that thinking, Mr. President, it seems to me, ought to slow our roll and say, let us take a look at what we can do, what does this really mean, rather than to politically attack each other. The

issue has no politics, it has no sex, it has no race. The prediction is abundantly clear. I do not know what they are doing in other states in the country, but this one State of Pennsylvania can at least say that because of the irony of circumstances, we will take a fundamental, bold step to challenge the gorilla, and I do not think that is non-honorable. I do not think that is naive under the circumstances that we will soon be gone. Our children and our grandchildren can be a bunch of zombies and the strength of America will be sapped and wasted. Maybe because of our own lack of foresight, what is difficult may be winnable. That cannot happen unless it happens at every juncture of responsibility. So, I support the proposal and the amendment, not so much because the methodology is in place, and I do not think it is, but because the direction is right on the button. To the extent that we do not recognize it impacts on every other button that is basically being touched, we fail to exercise our ultimate responsibility. So, Mr. President, my two cents is just to say that over a year has passed since some of us were suggesting that a fundamental approach needed to be made when some sub-teenagers were executed in parts of our state. The problem got worse, and we watched the rest of the country burn down. Indeed in Pennsylvania we still have a chance. Wherever the details may fit and wherever the money may flow, we can just connect the proposal with our own willingness to struggle with the problem. Maybe, Mr. President, we can see clearly that the Governor's proposal is one that challenges all of us and challenges us in the best sense of the question that we are continually and every day faced with. As we watch the news tomorrow we will again see some outrageous demonstration of that very problem that in a sense we can put under the rug or we can rise to another level and fundamentally, as I said, face the gorilla.

Senator BRIGHTBILL. Mr. President, I desire to interrogate the gentleman from Fayette, Senator Lincoln.

The PRESIDENT. Will the gentleman from Fayette, Senator Lincoln, permit himself to be interrogated?

Senator LINCOLN. I will, Mr. President.

Senator BRIGHTBILL. Mr. President, as I look at the proposed amendment, the amendment simply provides for the transfer of funds to the Pennsylvania Drug Free Community Trust Fund of \$140 million, with no other indication of what will happen to this money. Would the gentleman indicate how and where this money is going to be used?

Senator LINCOLN. Mr. President, I think that is a repeat of what the gentleman from Delaware, Senator Loeper, and I went through, but I would be very happy to tell you again that the Governor has set up a series of six public meetings, which will take place across the state. I would suspect that those meetings will deal with the many pieces of legislation that all of us here—I think all fifty people—were sponsors of, some package of anti-drug bills. Within the period of ten to twelve days, when we are right in the heart of the budget process, the recommendations for which one of those bills would be the most feasible to get into place for a very quick response and a very quick beginning of the fight in the war on drugs. So I would suspect that within ten to twelve days that that money

will be covered with the type of legislation that will be necessary to spend it.

Senator BRIGHTBILL. Mr. President, would the gentleman indicate then, in summary, that the answer would be you do not know?

Senator LINCOLN. No, Mr. President. In fact, I would object to that even being considered part of my answer because if the gentleman is not listening close enough, then I will say it one more time. There will be a series of six public hearings that will be held throughout Pennsylvania. They will be gathering information from local law enforcement agencies, drug treatment centers and drug and alcohol people. They will be using as a guideline, hopefully, legislation which was very seriously thought out and drafted and introduced in both the Senate and the House. I think if you would like, I could probably get the letter that I got from the gentleman from Blair, Senator Jubelirer, informing me of what was in Attorney General Preate's package of bills. I could get the ones that the gentleman from Philadelphia, Senator Fumo, and I and many others introduced. I could probably give you some specifics about where that money will probably end up, but as far as not knowing, that is an absolute absurdity to put that in my answer because it has never been there from the beginning of this debate.

Senator BRIGHTBILL. Mr. President, over what period of time will the State of Pennsylvania spend this money?

Senator LINCOLN. Mr. President, I believe the Governor's proposal is a two-year spending of that initial \$140 million, and I would suspect that the Governor, in his next budget, as he has in the past three, would recommend to this General Assembly a continuation of those programs and probably an increase in that spending because since he became Governor, just in drugs and alcohol alone, the increase has been 80 percent. So I would suspect that Governor Casey has already proven his commitment and will continue to do so in the ensuing years when he proposes budgets.

Senator BRIGHTBILL. Mr. President, what will happen to this money if it is not appropriated during May or June of this fiscal year?

Senator LINCOLN. Mr. President, well, I really do not know the answer to that because I have been here during the Thornburgh years when we had a \$350 million deficit, but I have never been here when we had money after we passed the budget that was not appropriated for some purpose. So, I would suspect that the Constitution says we have to have a balanced budget. I do not know whether that means we have to spend it all or not. That is the kind of proposal that I love to be able to be part of though, having \$140 million more than I need.

Senator BRIGHTBILL. Mr. President, I am shocked that the gentleman from Fayette, Senator Lincoln, who has spent a far more number of years here than I, does not know what will happen to that \$140 million. What will happen to it, Mr. President, is that it will lapse. What that simply means is that \$140 million will be available for us to appropriate in next year's budget, so that if we do not here today appropriate this

\$140 million for something, it will be available next year for an appropriation. So, there is really no rush. I would suggest to the gentleman that the rush to spend this \$140 million is extremely premature.

Mr. President, I am going to borrow a line that I have heard the gentleman from Fayette say many times. I am going to say this and I hope he hears me say it. I have only been here six years and in many respects I consider myself a newcomer, but this is positively the silliest proposal that I have seen in six years—absolutely, positively, unequivocally, the silliest thing I have seen in six years, that someone brings before the General Assembly a proposal to spend \$140 million and does not have any real sense of where that money is going to be spent. You heard it: I could probably bring this and I could probably bring that. The truth is, you do not know where it is going to go. I thought in government what we did was we decide what we want to do to solve a problem, and then we figure out what it is going to cost to accomplish what we want to do to solve the problem, and then we go ahead and appropriate money. Here we have the donkey hooked to the cart, but the donkey is hooked backwards. We have the tail end where the head ought to be.

Mr. President, I want to make something perfectly clear about the debate we have had today, both on special education and on this drug money or this so-called Drug Community Trust Fund. There is nothing esoteric about this debate for this Senator. I am not concerned about losing my car in Philadelphia, but I am concerned about losing my kids to drugs. I have three sons. I have been blessed because, fortunately, the school district characterizes them as gifted. With the money that is available, they are in gifted programs getting a limited additional education. I look at those kids, Mr. President, and you know, I tell kids that in this time, at this place, in our society, there is more opportunity for children right now today than for children ever in the history of the world. That is true. I look at Andrew Brightbill, Jonathan Brightbill and my oldest son, J. David, and I know that in all likelihood the only thing that stands between them and being successful and being a productive contributing member to this society is drugs. In all likelihood, if one of them ends up or all of them end up not being productive and successful, it is going to be drugs. Mr. President, this is a self-serving statement, but if I could vote "aye" and guarantee, or even decrease by one-one hundredth of a percent, the chances that they will be in contact with and have their lives ruined by drugs, I would vote for that \$140 million. But you know, Mr. President, and the gentleman from Fayette knows—because I know he has the same kind of family pride, and I know he has a son who has just graduated from Embry Riddle and has a future career in aviation. I am sure he is extremely proud of that boy. We all know this \$140 million, if we vote "aye" today, is not going to do it because we do not have proposals. We do not have anything hard and fast. But we do have the commitment that people on both sides of this aisle, during the budget debate, and we know hard and fast what we are going to do with the money and where we are going to go with the money. We

know we are going to find a hole in that budget. We know this money is going to be here next week and in two weeks and in three weeks. We know Governor Casey can go around this state and hold public hearings and find out what is going on. It has been two years and he does not know, so now we have to have public hearings. It is two and a half years—the gentleman from Delaware, Senator Bell, just corrected me. As I said, Mr. President, my sympathy is to the gentleman from Berks, Senator O’Pake, who lost his car. I do not want to lose my kids. But I am not going to vote “aye” on some silly proposal simply because somebody may write an editorial somewhere and say that Chip Brightbill is not opposed to drugs. I am going to vote “no,” and if somebody misrepresents my vote, shame on them. If you go out and misrepresent my vote with one of those phony letters to the editor, shame on you, because you know the truth and I know you.

Senator PETERSON. Mr. President, about six or eight months ago I had the good fortune of hearing Jack Anderson speak on his views of the drug problems in this country. It was the most moving speech I think I have ever heard in the public sector. About six months ago I made a decision that no matter what group I was asked to speak to, in my message would be included a message to them that it was the greatest problem facing our country and all of our communities, and that they as individuals, whether they were professionals, whether they were Lions Clubs, whether they were Chambers of Commerce, or whatever organizations they were, I tried to challenge them that the drug issue should be number one on their agenda. It should be number one on all of our agendas. That is the record that I have been working on for some time. This is an issue that I have worked on for a number of years, legislatively. It is an issue I have had a concern about and I have tracked programs and what they are doing in federal funding and state funding. I think it is important that we look at the record as we make the decision on whether we should give the Governor this \$140 million for a program that has not been thought out, designed or blueprinted that he wants to put together. I commend him for joining the fight on drugs. I was pleased with the urgency of Ernie Preate, the new Attorney General, that he joined hands with him to expand enforcement. I commend him for that. Let us look at the record of two and a half years of this administration. The Governor’s Drug and Policy Council has met once. The educational programs, when you look at where they were and where they are today, the new program has signs around our schools. That is good, but that is not very substantive in educating our young people, and we will have to give them a “D.” I say, talk to the treatment programs out there, the people who are running those programs and rate the support they are getting from this administration. There have been those who have been crying for years for programs for young addicts because most of our programs are geared for adults. Those programs have not come forth, have not been funded. We give them an “F.” Look at the expansion of treatment programs for adults. Those programs have not been expanded, just carried forward. We will give them an “F.” How about the people in

our prisons? The majority of the individuals who are in our prisons today are either drug addicts or alcoholics, and unfortunately, because we do not have adequate programs there—most prisons do not have drug treatment programs—most of them leave our prisons as either alcoholics or drug addicts. Another “F” for failure. Enforcement. I think there is a renewed commitment with the programs that we forward and the joint efforts that are being made. We will give them a “C” for some new effort. A program recently put forth by the Health Department wanting to require master’s degrees for all counselors. Some of the finest counselors in this country and in this Commonwealth are ex-addicts with very limited educations, but they understand drug issues and they understand how to counsel. Yet, we are looking at making a master’s degree program necessary to be a counselor in drug and alcohol. I think it is a mistake.

Another issue: There are counties all over the Commonwealth, I think maybe in the one we are in today, that are out of money to admit people to their drug and alcohol programs. Did we see a request in this supplemental from the Governor for adequate funding? No. For a number of years the Health Department in this Commonwealth had become a pro active role dealing with drugs and alcohol. That pro active role has dissipated and faded away. Over half of our young people do not have the student assistance program available to them. We are looking today at a two-year program, throwing a lot of money at a problem for two years. Is this a two-year problem in Pennsylvania? No, it is a problem that has been growing, it is a problem that we will be fighting for the next decade or more. We need a commitment of ongoing funding. I stand here and I think most every Member of this General Assembly, Senate and House, stand ready and willing to fund any well-thought-out proven program for education, for treatment and for enforcement. I think this General Assembly stands ready to continue funding whatever we can do to stop this scourge on our young people and on our communities. It is a program that needs to be thought out, planned and put before this General Assembly. I personally feel it would be a mistake to take \$140 million and hand it to an administration that has failed in its record of commitment and achievement since they have been here. When they and the General Assembly join hands and develop the adequate programs that are needed in all three categories, I can guarantee you my votes will be there. I think they will be there from both sides of the aisle and from both Halls of this General Assembly. That is the prudent course we should take.

Senator LINCOLN. Mr. President, I absolutely do not believe that anybody who has been in this building for the two and a half years that Governor Casey has been in office could possibly stand at a microphone and not only misrepresent the facts, if that is what we are going to talk about, but where has the gentleman from Venango, Senator Peterson, been? There has almost been a doubling of the commitment to drug and alcohol alone—an 80 percent increase in some areas. I will tell you something, you can talk all you want, folks, and you can do all the pretty speaking and you can do everything you

want, but when your zeal to make Bob Casey look bad outweighs your efforts to fight drugs, then I say shame on you. That is exactly what you are doing here today. You can talk about all the things you want. You have an opportunity to fund all those good pieces of legislation that you are putting the press releases out on. Senator Brightbill does not have to worry about me misrepresenting his vote because he did it in the record which in no way can he change. It says that what we are all about today is very silly, very silly to put \$140 million into the war on drugs. He said that, I did not. That is his record, not mine. The other thing about this issue that kind of bothers me a little bit is the statement that Senator Tilghman made. How in good conscience could Senator Tilghman say what he said? Let me tell you, he is my kind of guy, I like him personally. You never have to ask a question about where you stand with Dick Tilghman, and I have been pretty much like that myself. I am not an ex-Marine, but I have a little bit of that in my character. But he either misrepresented the facts, or he does not understand them. When he was talking about the balance left, the 51 percent spending, it is a two-year program. Federal programs are two years. A lot of that money is start-up money. I see Bittenbender shaking his head "no." Talk to the Budget Secretary. It is a two-year federal program. Do not misrepresent things that badly. You talk about spending money willy-nilly. I just saw \$140 million spent willy-nilly. If you had not done that, your vote on this one would have been easy. You talk about being unprepared to take a ten-year deficit that grew over a period of time and say let us pay it off because we have \$140 million. That is next year's money. That is what we are talking about. That \$140 million you just spent by putting this amendment in committee yesterday and then refusing to vote for taking it out. That is willy-nilly. We are not talking about something that is a political issue when we are talking about this \$140 million for drugs. That is a serious problem. I have been there. I had a kid graduate from college, but I also had one who went to jail because of drugs. It can happen. You have three sons. I pray to God you never have to face that. I can tell you that if you think they are not being exposed to it every day, then you are listening to those conservatives who are trying to destroy this country by daydreaming about going back to the fifties. The only way we are ever going to get to the fifties again in our society is by facing the real facts of life. When you send a sixth grade kid to school, and my son started in the seventh grade, and I have a record to show for it that I cry about every time I read it. Somebody gave him drugs in the seventh grade. That is what we are talking about here today. I come from a pretty good family. If you think that it cannot happen to you if you have \$20 million in the bank or if you are a welfare recipient, Senator Williams said it best, there are no political lines, there are no race lines, there is nothing. When you send your kids out in this world today, you do not feel good about it. I am telling you sometimes they do not come home. That is what we are talking about today. We are not talking about whether Bob Casey gets credit or whether we have \$140 million to spend on some other program. We are talking

about something that affects our lives. Unfortunately, I have had it affect mine. Maybe that is why I feel so strongly about it. I can tell you that there are people out there who walked up to me every day and said, but for the grace of God, there go I. That is a hell of a way to fight a problem like we are talking about now. Maybe it is putting the mule backwards. Maybe that is what it will take to solve the problem. You cannot be looking at things through rose-colored glasses and you cannot be looking at things like they are going to happen tomorrow. They are just going to happen. We will not worry about it. We will pass these bills and we will do the other things. If we do not start taking the drastic steps that Bob Casey is proposing in this \$140 million plan, if we do not start taking some of those incredibly good pieces of legislation that the fine minds in this General Assembly are putting together, if we do not start doing those things, we are going to lose so much that everything else we are doing will be meaningless. We have to start treatment programs. When Dick Tilghman talked about spending only half of the federal appropriations, he did not say that the \$33 million that was placed in the budget for treatment is gone. We could use ten times that. He did not say that every other program that the Governor has proposed that has nothing to do with enforcement or depended on federal monies is gone. I am telling you, you cannot reduce this to the level that we have done it today where it is a political advantage to vote "yes" and a disadvantage to vote "no." I am telling you, we cannot do that. Somewhere along the line we are going to have to make a commitment to educate, to enforce and to treat in the same manner that we have made to educate children for educational purpose alone. If we do not do that, we have a lot of bad days ahead of us in this society. I do not know that anybody who votes for this is not going to be proud of what comes out of it by the middle of June or the end of June, whenever the funding is going to be used to put programs that are badly needed into place. It is not political. It is not Bob Casey. It is not the Democrats or Republicans in the General Assembly. It is a problem and I mean a big one. I do not want to hear anybody start talking about press releases and words because, ladies and gentleman of the Senate, today you have a chance to do something other than talk. You have a chance to vote to make a commitment to solve a very, very serious problem. If you vote "no" on this amendment, there is no explanation that you are going to be able to give to anybody. It is just a "no" vote. It is taking the opportunity to use \$140 million immediately in a very, very dramatic fight and in a very dramatic way. I urge you to vote "yes" on this amendment.

Senator HESS. Mr. President, I would be the last to question the sincerity of the speaker from Fayette County. I think we have lost sight of some things in our heated debate here this evening. I tried to make a few notes as to why I should vote yes or no. I should vote "yes" because in twelve or thirteen weeks after we have talked to the experts throughout this Commonwealth they will tell us how to solve the problem. I wonder. One thing those experts will tell the task force, or whatever you want to call it, is the number one drug problem

is not cocaine. It is not crack. It is not marijuana. It is not heroin. It is not any of those things we see on TV. The number one drug problem in this country is alcohol. We have been dealing with this problem since pre-prohibition days and we have not found the answer. For anyone to stand on this floor and tell me that I am to commit my vote for \$140 million of expenditures because in twelve to thirteen weeks the experts are going to tell me there is a solution to the drug problem, I am going to count to 100 before I say that, I can only say they are blowing smoke.

Senator WILLIAMS. Mr. President, I would just like to suggest to the gentleman on his question, at least I do see a radical difference in the question of alcohol and these other kinds of drugs. Maybe it is just a difference in some ways, but babies are being born without minds. People are being shot down in cold blood—public authorities, violence is widespread, based on the greed for money in the drug traffic, and I think there is a wildly distinct difference in whether or not we live or die within a couple of decades, frankly. So, I just wanted to say to the gentleman that the rhetorical question offered has an immediate and a bloodied answer that we face the minute we walk out of this door. But my need to further comment, Mr. President, is because I think that our level of dialogue has gotten almost completely political. On this question, there seems to be a unanimity of viewpoints. Everybody here hates the drug effects and problems. We agree on that. We agree on the fact that it is a priority issue, one in which the gentleman from Lebanon, Senator Brightbill, says the only way his children would have a problem would be because of that danger. Since we are in agreement, it seems to me the question is only how we approach or respond to it. What I have heard is two things critical of this proposal. One is that this Governor has failed in the drug situation. Let us not be naive. We all know what is happening throughout the country. Florida has a Republican Governor. They are almost dead. New York has a Democratic Governor. They are close to Florida. So it is irrespective of party. To suggest that Governor Casey is responsible for the problem in Pennsylvania is just not so, and I do not defend him. I do not think he has done an adequate job on the drug problems. I remind you that I clearly know nor have we, and nor can we escape the hook on a fundamental problem we all hate by saying the Governor is responsible. Milton Shapp was a Democrat and he put in those first things early on. The Republican Governor then took them out and put them in the Health Department. We do not say that Governor Thornburgh, therefore, caused the drug problem because he took that council out of his office, and this Governor is proposing to put it back. At least it says that someone should be in charge. I am saying that if our response is merely to blame the politician for the results, we might as well all go home. As a legislative Body each and every one of us has a responsibility to propose or to do something about that problem. What have we done in the face of that fundamental problem? Some of us have done a little bit. Some of us have tried to put some proposals on the table. I might add that some of you and the Governor have been

recipients of that input. I do not know what they have done with it and where they assess it. I agree there is no way you are going to get in six weeks a ready-made, cogent profile for the future. That is my personal opinion. That is not something that is ascertainable. There are things that can be built upon if we find out and share with the Governor, but more than that it is a start on an issue we all hate. It seems to me we ought to sit down and say, what do you have in mind? Here is what we can add to it. But failing all of that, are the processes impossible to come up with a mechanism since all we fault is a mechanism? You say we cannot get a mechanism in place to respond to what is killing our children and burning the fabric of every area that we fund to try to build. That is the question. It seems to me we can do that if, in fact, we are committed. It seems to me the Governor is doing what he should do, and that is saying I set the tone. I say it is obvious that we need the resources, and we need a trust fund or something central or something focal. We put money into a Lottery Fund and said, we know the senior citizens of this country have been long neglected, abused and all of that. They have paid their dues to this country, and based on that fundamental principle we will set aside some monies to service. We said we need a Rainy Day Fund to affect the fabric of our business community or Sunny Day Fund. So we are not strangers to appropriate segregation on fundamental questions. So if simplistically this is a proposal that says to us that all of us hate this issue and all of us want to improve it, it says let us stop here and now and figure out from the strategies of our minds what we need to do, and do not sit in the dark and say you do not have a ready-made program. In fact, we do not either. We are the Legislature, we have been here for two years and did we have the foresight to say, here, Mr. Governor, here is a program that you must sign? So we all bear responsibility, and none of us individually is to blame. The question is whether or not we have the individual and collective guts to say we have to start. Indeed, we need an anti-drug caucus. We do not need Democrat and Republican caucuses on a fundamental problem which is facing our country. Here in Pennsylvania, at this juncture in time, by the irony of fate on another mission, we have a pot. Where should it go? Shall we do business as usual or can we say, look Gov, your thing is not shaking, but you are on the course and here is how to do it. Very simply I am going to say we can figure the legal strategies to situate and define just like we have done in the past and cease blaming each other for the result, because it is not our individual faults. We have agreed that the Governor struck the correct issue. The issue is only how we can handle that. The challenge is whether or not we have the guts and the time enough to struggle with how to do that, it seems to me, Mr. President. I just want to indicate that as the issue got to its peak in this country, a Democrat and a Republican of note were probably the key public factors. One was Jesse Jackson, a Democrat who began that issue, the other was President George Bush who finished it up. So we concluded as a nation, that the issue that faces us is life and death. If we could just in Pennsylvania adopt that course to take it out of politics and maybe formu-

late an anti-drug caucus, the same as when we are in war and we forget our politics and we come together as a nation because, indeed, that is the only way there is ever going to be anything cogent happening on the drug problem in Pennsylvania or in the country.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Rocks and Senator Regoli. Their temporary Capitol leaves will be cancelled.

LEGISLATIVE LEAVES

Senator BRIGHTBILL. Mr. President, I ask for temporary Capitol leaves for Senator Corman and Senator Punt.

The PRESIDENT. Senator Brightbill asks temporary Capitol leaves for Senator Corman and Senator Punt. The Chair hears no objection. The leaves will be granted.

Senator LINCOLN. Mr. President, I request temporary Capitol leaves for Senator Fumo, Senator Jones, Senator Scanlon and Senator Ross. Also, Senator O'Pake and Senator Porterfield have been called to their offices.

The PRESIDENT. Senator Lincoln requests temporary Capitol leaves for Senator Fumo, Senator Ross, Senator Scanlon, Senator Jones, Senator O'Pake and Senator Porterfield. The Chair hears no objections. All those leaves will be granted.

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

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

YEAS—21

| | | | |
|------------|---------|-------------|-----------|
| Andrezeski | Jones | O'Pake | Scanlon |
| Belan | Lincoln | Porterfield | Stapleton |
| Bodack | Lynch | Regoli | Stewart |
| Dawida | Mellow | Reibman | Stout |
| Fattah | Musto | Ross | Williams |
| Fumo | | | |

NAYS—28

| | | | |
|------------|-----------|----------|-----------|
| Afflerbach | Greenleaf | Lemmond | Rocks |
| Armstrong | Greenwood | Loeper | Salvatore |
| Baker | Helfrick | Madigan | Shaffer |
| Bell | Hess | Pecora | Shumaker |
| Brightbill | Holl | Peterson | Tilghman |
| Corman | Hopper | Punt | Wenger |
| Fisher | Jubelirer | Rhoades | Wilt |

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,
Will the Senate agree to the bill on second consideration?

PECORA AMENDMENT

Senator PECORA offered the following amendment No. A1378 and, if agreed to, asked that the bill be considered for the second time:

Amend Table of Contents, page 2, by inserting between lines 6 and 7:

Section 203. Department of Corrections.

- Amend Table of Contents, page 2, line 7, by striking out "203" and inserting: 204
- Amend Table of Contents, page 2, line 8, by striking out "204" and inserting: 205
- Amend Table of Contents, page 2, line 9, by striking out "205" and inserting: 206
- Amend Table of Contents, page 2, line 10, by striking out "206" and inserting: 207
- Amend Table of Contents, page 2, line 11, by striking out "207" and inserting: 208
- Amend Table of Contents, page 2, line 12, by striking out "208" and inserting: 209
- Amend Table of Contents, page 2, line 13, by striking out "209" and inserting: 210
- Amend Table of Contents, page 2, line 14, by striking out "210" and inserting: 211
- Amend Bill, page 11, by inserting between lines 9 and 10:

Section 203. Department of Corrections.—
The following amount is appropriated to the Department of Corrections:

The following amount, or as much thereof as may be necessary, are hereby specifically appropriated from Commonwealth revenues for the acquisition of land, the planning, the design, and other preparatory activities for the construction of two State correctional facilities of a capacity of not less than 500 inmates each:

State appropriation..... 3,000,000

- Amend Sec. 203, page 11, line 10, by striking out "203" and inserting: 204
- Amend Sec. 204, page 12, line 19, by striking out "204" and inserting: 205
- Amend Sec. 205, page 13, line 26, by striking out "205" and inserting: 206
- Amend Sec. 206, page 14, line 22, by striking out "206" and inserting: 207
- Amend Sec. 207, page 15, line 10, by striking out "207" and inserting: 208
- Amend Sec. 208, page 26, line 30, by striking out "208" and inserting: 209
- Amend Sec. 209, page 27, line 12, by striking out "209" and inserting: 210
- Amend Sec. 209, page 28, line 20, by striking out all of said line and inserting:

State appropriation..... 25,000,000

- Amend Sec. 210, page 28, line 21, by striking out "210" and inserting: 211
- Amend Sec. 406, page 35, line 16, by striking out "1989" and inserting: 1990
- Amend Sec. 406, page 35, by inserting between lines 19 and 20:

(c) The appropriation to the Department of Corrections in section 203 for correctional facilities shall not lapse until June 30, 1990.

- Amend Sec. 406, page 35, line 20, by striking out "(C)" and inserting: (d)
- Amend Sec. 406, page 35, line 21, by striking out "203" and inserting: 204
- Amend Sec. 406, page 35, line 23, by striking out "(D)" and inserting: (e)
- Amend Sec. 406, page 35, line 29, by striking out "(E)" and inserting: (f)
- Amend Sec. 406, page 36, line 1, by striking out "209" and inserting: 210

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

Senator PECORA. Mr. President, the amendment will allow the Department of Corrections to begin work on the two new state prisons provided for in last year's capital budget. My amendment would take \$3 million marked for highway maintenance and use that money to buy land and pay for planning and design of two prisons. If the Governor is serious about fighting drugs, he can begin by taking the drug dealers off the streets and putting them in prison. Highways are important, Mr. President, but our children are more important.

And the question recurring,
Will the Senate agree to the amendment?
It was agreed to.

On the question,
Will the Senate agree to the bill on second consideration, as amended?

It was agreed to.
Ordered, To be printed on the Calendar for third consideration.

HB 162 CALLED UP

HB 162 (Pr. No. 1635) — Without objection, the bill, which previously went over in its order temporarily, was called up, from page 5 of the Second Consideration Calendar, by Senator LOEPER.

BILL ON SECOND CONSIDERATION AMENDED

HB 162 (Pr. No. 1635) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 5, 1941 (P. L. 752, No. 286), known as the "Civil Service Act," reestablishing the State Civil Service Commission; further providing for the civil service system; further providing for political activity; making editorial changes; and making a repeal.

The bill was considered.

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

RHOADES AMENDMENT

Senator RHOADES offered the following amendment No. A1302:

Amend Sec. 1 (Sec. 3), page 2, line 22, by inserting a period after "appoint"

Amend Sec. 1 (Sec. 3), page 2, line 23, by inserting brackets before "and" and after "approve."

Amend Sec. 19 (Sec. 905.2), page 19, line 1, by inserting after "Soliciting," paying,

Amend Sec. 19 (Sec. 905.2), page 19, lines 8 through 11, by striking out all of said lines

On the question,
Will the Senate agree to the amendment?
It was agreed to.

On the question,

Will the Senate agree to the bill on second consideration, as amended?

FATTAH AMENDMENT I

Senator LINCOLN, on behalf of Senator FATTAH, offered the following amendment No. A1365:

Amend Sec. 2 (Sec. 201), page 3, lines 15 and 16, by striking out "Commission members shall devote full time to their official duties."

On the question,
Will the Senate agree to the amendment?
It was agreed to.

And the question recurring,
Will the Senate agree to the bill on second consideration, as amended?

FATTAH AMENDMENT II

Senator LINCOLN, on behalf of Senator FATTAH, offered the following amendment No. A1358:

Amend Sec. 23, page 24, line 20, by inserting after "QUALIFIED": , but not longer than six months beyond the expiration of the six-year term to which they were appointed

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

Senator LINCOLN. Mr. President, on behalf of the gentleman from Philadelphia, Senator Fattah, I would offer an amendment that would bring the bill back to its original form when it came from the House, and that being that the USQ Provision of the bill, which means serves until a qualified successor has been confirmed, would go back to being six months. After the bill came to the Senate, it was amended in that the current commissioners could serve for an unlimited time after their term expires. I think the move that we made a number of years ago in taking this provision out of many other boards and commissions may have been changed.

Mr. President, over the number of years that I have been in the Senate, we have made many changes in the provision for individuals to serve after their term expires on different boards and commissions. I think the proper move was to go to a reasonable period of time like six months. I see no purpose in protecting someone for any period of time longer than that if they are qualified and they have done a good job. I think that on the merits alone, they would be renominated within a six-month period. If there is some other purpose or reason for wanting to protect that person, I think that is what has contributed to the many years of problems we have had putting and getting and keeping qualified people in these positions. I really think that six months is adequate. I think that even the people serving in that position would have very little complaint about having six extra months with the opportunity to convince whoever the Governor may be to renominate them. I would urge the Members of the Senate to support this amendment.

Senator RHOADES. Mr. President, I rise to object to the amendment. It was put in as a transitional amendment from

the standpoint of keeping intact the present commission so we can continue to move and stay in place. One of the problems right now is, if we implement or put this amendment in, we would lose one commissioner and in a matter of months we would lose another, we would then be without a majority and we would be at a standstill position until we can rectify it. I think this way we put it in place and we force ourselves. I think it is necessary to keep this Civil Service Commission in operation.

And the question recurring,

Will the Senate agree to the amendment?

A voice vote having been taken, the question was determined in the negative, and the amendment was defeated.

And the question recurring,

Will the Senate agree to the bill on second consideration, as amended?

DAWIDA AMENDMENT I

Senator DAWIDA offered the following amendment No. A1352 and, if agreed to, asked that the bill be considered for the second time:

Amend Sec. 19 (Sec. 905.2), page 21, line 2, by inserting after "days": but not more than one hundred twenty (120) days

On the question,

Will the Senate agree to the amendment?

Senator DAWIDA. Mr. President, it has always been my opinion that we do the wrong thing with regard to state employees by prohibiting them from participating in politics in many ways and relegating them to a second-class citizenship. However, this particular bill really does not deal with that in any major way, nor does my amendment, other than to say that when someone is found to be guilty of violating the state Mini-Hatch Act, that substantive judgment should be that no more than 120 days should be the penalty in a layoff or the penalty for acting in a prohibitive way. I urge a "yes" vote on this amendment.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

And the question recurring,

Will the Senate agree to the bill on second consideration, as amended?

It was agreed to.

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

UNFINISHED BUSINESS

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Allentown Hospital, St. Luke's Hospital of Bethlehem, Allentown Osteopathic Medical Center and to Sacred Heart Hospital of Allentown by Senator Afflerbach.

Congratulations of the Senate were extended to Mr. and Mrs. John Schmidt by Senator Corman.

Congratulations of the Senate were extended to Andy Amrhein, Lillian C. Zimmer, Shawn Moses and to Bethel Bakery of Bethel Park by Senator Fisher.

Congratulations of the Senate were extended to Richard T. Giblin by Senator Hess.

Congratulations of the Senate were extended to Prince A. Gilliard, Walter A. Willis, Jr., Tracy Young and to Florence L. Jones by Senator Jones.

Congratulations of the Senate were extended to Lucille Shoemaker by Senator Madigan.

Congratulations of the Senate were extended to John P. Dupay by Senator Mellow.

Congratulations of the Senate were extended to Monsignor Joseph F. Meier by Senator Musto.

Congratulations of the Senate were extended to Mark Cesari by Senator Rhoades.

Congratulations of the Senate were extended to Camp Curtin Early Childhood Center of Harrisburg by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. Stanley Schall by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. John T. Corsie and to Mr. and Mrs. Robert O. Dinsmore by Senator Stout.

POSTHUMOUS CITATION

The PRESIDENT laid before the Senate the following citation, which was read, considered and adopted:

A posthumous citation honoring the late Captain David Weigner and the late SP4 Paul Wolf was extended to West Point Boy Scout Troop 152 by Senators Holl and Greenleaf.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator WILT,

That the Senate do now resolve itself into Executive Session for the purpose of considering certain nominations made by the Governor.

Which was agreed to.

NOMINATION TAKEN FROM THE TABLE

Senator WILT. Mr. President, I call from the table certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

MEMBER OF THE STATE BOARD
OF VEHICLE MANUFACTURERS,
DEALERS AND SALESPERSONS

February 2, 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, Jay S. Masi, 515 Kahkwa Boulevard, Erie 16505, Erie County, Forty-ninth Senatorial District, for appointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Edwin K. Galbreath, Jr., New Castle, whose term expired.

ROBERT P. CASEY.

On the question,
Will the Senate advise and consent to the nomination?

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

YEAS—22

| | | | |
|------------|---------|-------------|-----------|
| Afflerbach | Fumo | O'Pake | Scanlon |
| Andrezeski | Jones | Porterfield | Stapleton |
| Belan | Lincoln | Regoli | Stewart |
| Bodack | Lynch | Reibman | Stout |
| Dawida | Mellow | Ross | Williams |
| Fattah | Musto | | |

NAYS—27

| | | | |
|------------|-----------|----------|-----------|
| Armstrong | Greenwood | Loeper | Salvatore |
| Baker | Helfrick | Madigan | Shaffer |
| Bell | Hess | Pecora | Shumaker |
| Brightbill | Holl | Peterson | Tilghman |
| Corman | Hopper | Punt | Wenger |
| Fisher | Jubelirer | Rhoades | Wilt |
| Greenleaf | Lemmond | Rocks | |

Less than a majority of all the Senators having voted "aye," the question was determined in the negative.
Ordered, That the Governor be informed accordingly.

NOMINATION TAKEN FROM THE TABLE

Senator WILT. Mr. President, I call from the table certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

JUDGE, COURT OF COMMON PLEAS,
ERIE COUNTY

February 2, 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, John R. Falcone, Esquire, 4614 Basin Circle, Erie 16509, Erie County, Forty-ninth Senatorial District, for appointment as Judge of the Court of Common Pleas of Erie County, to serve until the first Monday of January, 1990, vice The Honorable Richard Nygaard, resigned.

ROBERT P. CASEY.

On the question,
Will the Senate advise and consent to the nomination?

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

YEAS—22

| | | | |
|------------|---------|-------------|-----------|
| Afflerbach | Fumo | O'Pake | Scanlon |
| Andrezeski | Jones | Porterfield | Stapleton |
| Belan | Lincoln | Regoli | Stewart |
| Bodack | Lynch | Reibman | Stout |
| Dawida | Mellow | Ross | Williams |
| Fattah | Musto | | |

NAYS—27

| | | | |
|------------|-----------|----------|-----------|
| Armstrong | Greenwood | Loeper | Salvatore |
| Baker | Helfrick | Madigan | Shaffer |
| Bell | Hess | Pecora | Shumaker |
| Brightbill | Holl | Peterson | Tilghman |
| Corman | Hopper | Punt | Wenger |
| Fisher | Jubelirer | Rhoades | Wilt |
| Greenleaf | Lemmond | Rocks | |

Less than a constitutional two-thirds majority having voted "aye," the question was determined in the negative.
Ordered, That the Governor be informed accordingly.

NOMINATIONS TAKEN FROM THE TABLE

Senator WILT. Mr. President, I call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

MEMBER OF THE PENNSYLVANIA
COUNCIL ON AGING

April 3, 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, Dwight Davis, M.D., 928 Rhuehaus Lane, Hummelstown 17036, Dauphin County, Fifteenth 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.

MEMBER OF THE ANIMAL HEALTH
AND DIAGNOSTIC COMMISSION

March 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, Lynn Henninger, R. D. 1, Box 289, Elizabethville 17023, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Animal Health and Diagnostic Commission, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, pursuant to Act 148, approved December 14, 1988.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES OF
HARRISBURG STATE HOSPITAL

April 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, Barbara G. Edmiston, 436 Parkside Road, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Board of Trustees of Harrisburg State Hospital, to serve until the third Tuesday of January, 1993, and until her successor is appointed and qualified, vice Charles W. Woods, Harrisburg, deceased.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES OF INDIANA UNIVERSITY OF PENNSYLVANIA

February 8, 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, Thomas J. O'Donnell, 1505 Madison Avenue, Dunmore 18509, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Council of Trustees of Indiana University of Pennsylvania, to serve until the third Tuesday of January, 1991, and until his successor is appointed and qualified, vice Louise C. Waxler, Indiana, deceased.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES OF MILLERSVILLE UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

April 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, Blaine A. Brown, 2842 Blacksmith Way, Lancaster 17601, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the Council of Trustees of Millersville University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified, vice William J. VanPelt, Lancaster, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES OF MILLERSVILLE UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

April 3, 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, Robert Torres, 2405 Bellevue Road, Harrisburg 17104, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Council of Trustees of Millersville University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1993, and until his successor is appointed and qualified, vice James D. Cleland, Jr., Lebanon, resigned.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES OF SHIPPENSBURG UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

March 23, 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, Clarice Chambers, 147 Sylvan Terrace, Harrisburg 17104, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Council of Trustees of Shippensburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1995, and until her successor is appointed and qualified, vice Robert Beard, Sr., Chambersburg, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES OF SHIPPENSBURG UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

March 23, 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, Allan W. Holman, Jr., 14 East Main Street, New Bloomfield 17068, Perry County, Thirty-third Senatorial District, for reappointment as a member of the Council of Trustees of Shippensburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

January 31, 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, Wayne R. Gilbert, 1430 Overhill Road, West Chester 19382, Chester County, Nineteenth Senatorial District, for appointment as a member of the Municipal Police Officers' Education and Training Commission, to serve until February 21, 1990, and until his successor is appointed and qualified, vice Wayne G. Davis, Overbrook Hill, resigned.

ROBERT P. CASEY.

On the question, Will the Senate advise and consent to the nominations?

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

YEAS—49

Table with 4 columns of names: Afflerbach, Andrezeski, Armstrong, Baker, Belan, Bell, Bodack, Brightbill, Corman, Dawida, Fattah, Fisher, Fumo, Greenleaf, Greenwood, Helfrick, Hess, Holl, Hopper, Jones, Jubelirer, Lemmond, Lincoln, Loeper, Lynch, Madigan, Mellow, Musto, O'Pake, Pecora, Peterson, Porterfield, Punt, Regoli, Reibman, Rhoades, Rocks, Ross, Salvatore, Scanlon, Shaffer, Shumaker, Stapleton, Stewart, Stout, Tilghman, Wenger, Williams, Wilt.

NAYS—0

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Senator WILT. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

BILLS ON FIRST CONSIDERATION

Senator WILLIAMS. 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 81, 430, 515, 516, 517, 518, 519, 520, 522, 558, 702, 759 and 866.

And said bills having been considered for the first time,

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

RECESS

Senator LOEPER. Mr. President, at this time I would ask for a recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to commence in the Rules room at the rear of the Senate Chamber.

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations to begin immediately in the room to the rear of the Chamber, the Senate will stand in brief recess.

AFTER RECESS

The PRESIDENT pro tempore (Robert C. Jubelirer) in the Chair.

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

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:

DISTRICT JUSTICE

May 22, 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, Barbara M. Lyter, 112 North Third Street, Mifflintown 17059, Juniata County, Thirty-third Senatorial District, for appointment as District Justice in and for the County of Juniata, Magisterial District 41-3-01, to serve until the first Monday of January, 1990, vice Marian S. Mertz, resigned.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES OF EBENSBURG CENTER

April 5, 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, Earl F. Glock, Esquire, 901 Sunnehanna Drive, Johnstown 15905, Cambria County, Thirty-fifth Senatorial District, for reappointment as a member of the Board of Trustees of Ebensburg Center, to serve until the third Tuesday of January, 1995, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD OF OPTOMETRY

April 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, Bernard Mallinger, O.D., 1336 Bennington Avenue, Pittsburgh 15217, Allegheny County, Forty-third Senatorial District, for appointment as a member of the State Board of Optometry, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice James D. Danielson, O.D., Butler, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES OF WESTERN CENTER

February 8, 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, Virginia M. Arnal, 333 Ridge Avenue, Canonsburg 15317, Washington County, Forty-sixth Senatorial District, for reappointment as a member of the Board of Trustees of Western Center, to serve until the third Tuesday of January, 1995, and until her successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES OF WESTERN CENTER

February 8, 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, Julian I. Fine, 52 Morgan Avenue, Washington 15301, Washington County, Forty-sixth Senatorial District, for reappointment as a member of the Board of Trustees of Western Center, to serve until the third Tuesday of January, 1991, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE BOARD OF TRUSTEES
OF WESTERN CENTER

February 8, 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, Beatrice F. Goldszer, 5808 Ferree Street, Pittsburgh 15217, Allegheny County, Forty-third Senatorial District, for reappointment as a member of the Board of Trustees of Western Center, to serve until the third Tuesday of January, 1995, and until her successor is appointed and qualified.

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 pro tempore. The nominations will be laid on the table.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Andrezeski. His Capitol leave is cancelled.

REPORT FROM COMMITTEE

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

HB 75 (Pr. No. 1829) (Amended)

An Act reenacting and amending the act of October 4, 1978 (P. L. 883, No. 170), referred to as the "Public Official and Employee Ethics Law," adding definitions; further providing for the membership, powers and duties of the State Ethics Commission and for persons who must file statements of financial interests; reestablishing the State Ethics Commission; and making an appropriation.

BILL ON FIRST CONSIDERATION

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

The motion was agreed to.

The bill was as follows:

HB 75.

And said bill having been considered for the first time,

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

BILLS INTRODUCED AND REFERRED

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

May 23, 1989

Senators LINCOLN, STOUT, ROSS, JONES, SCANLON, SALVATORE, WILLIAMS, REGOLI, PORTERFIELD, DAWIDA, REIBMAN, FISHER, LYNCH, WENGER, HELFRICK, O'PAKE, FATTAH, PECORA, BELAN and ANDREZESKI presented to the Chair **SB 962**, entitled:

An Act amending the act of June 23, 1970 (P. L. 419, No. 140), entitled "Renal Disease Treatment Act," providing for last resort financing of immunosuppressive drugs for organ transplant patients; and making an appropriation.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, May 23, 1989.

Senators GREENLEAF, JUBELIRER, BELL, HELFRICK, REGOLI, SHUMAKER, REIBMAN, STOUT, HOPPER, STEWART, O'PAKE, MELLOW and PORTERFIELD presented to the Chair **SB 963**, entitled:

An Act amending the act of June 18, 1984 (P. L. 384, No. 81), entitled "Amusement Ride Inspection Act," further providing for the Amusement Ride Safety Advisory Board.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, May 23, 1989.

Senators GREENLEAF, SHUMAKER, BELL, ROCKS, O'PAKE, HELFRICK, FISHER, LYNCH and PORTERFIELD presented to the Chair **SB 964**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for miscellaneous motor vehicle business registration plates; and making an editorial change.

Which was committed to the Committee on TRANSPORTATION, May 23, 1989.

Senators CORMAN, RHOADES, PECORA, STOUT and AFFLERBACH presented to the Chair **SB 965**, entitled:

An Act amending Title 72 (Taxation and Fiscal Affairs) of the Pennsylvania Consolidated Statutes, providing fees for evidence of payment of tax.

Which was committed to the Committee on LOCAL GOVERNMENT, May 23, 1989.

Senators BRIGHTBILL, SALVATORE, JUBELIRER, ROCKS, PORTERFIELD, JONES, FISHER, BELL, HELFRICK, GREENWOOD, REIBMAN, BELAN, HOPPER and WENGER presented to the Chair **SB 966**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for investigations in adoptions.

Which was committed to the Committee on JUDICIARY, May 23, 1989.

Senator MADIGAN presented to the Chair **SB 967**, entitled:

An Act authorizing the Department of Environmental Resources to accept a certain railroad line from the Consolidated Rail Corporation and to defend and indemnify the Consolidated Rail Corporation in actions arising under the acceptance.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, May 23, 1989.

Senators HESS and RHOADES presented to the Chair **SB 968**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), entitled "Pennsylvania Election Code," further providing for certain specimen ballots.

Which was committed to the Committee on STATE GOVERNMENT, May 23, 1989.

Senators O'PAKE, ROSS, MUSTO, SCANLON, BRIGHTBILL, HESS, ANDREZESKI, LYNCH, SHAFFER, PORTERFIELD, FUMO and DAWIDA presented to the Chair **SB 969**, entitled:

An Act authorizing the incurring of indebtedness, with approval of the electors, of \$100,000,000 for loans to counties for the repair, construction, reconstruction, rehabilitation and improvement of county prisons.

Which was committed to the Committee on JUDICIARY, May 23, 1989.

Senator RHOADES presented to the Chair **SB 970**, entitled:

An Act providing for the regulation of professional wrestlers and promoters; imposing a tax on certain receipts; requiring the posting of performance bonds; and providing penalties.

Which was committed to the Committee on STATE GOVERNMENT, May 23, 1989.

Senator RHOADES presented to the Chair **SB 971**, entitled:

An Act reestablishing a State Athletic Commission; establishing an Executive Director and a Medical Advisory Board; permitting and regulating boxing contests and exhibitions; requiring licenses and permits; providing for the granting, suspension and revocation of licenses and permits issued by the State Athletic Commission; preserving the rights of existing licensees and permittees; prescribing penalties, fines, forfeitures and misdemeanors; requiring bonds and insurance; providing for rules and regulations; and creating an Athletic Commission Augmentation Account.

Which was committed to the Committee on STATE GOVERNMENT, May 23, 1989.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, MAY 24, 1989

| | | |
|-------------------|---|--|
| 9:30 A.M. | PUBLIC HEALTH AND WELFARE (to consider Senate Bills No. 646, 873, 917, 935 and 943) | Room 460, 4th Floor Conference Rm., North Wing |
| 10:00 A.M. | JUDICIARY (to consider House Bill No. 570 and Senate Bills No. 56, 764, 775, 787 and 875 and to hold a public hearing on the nomination of Brendan J. Vanston, Esq. for appointment as Judge, Court of Common Pleas of the 44th Judicial District composed of the Counties of Sullivan and Wyoming) | Room 8E-B, Hearing Rm., East Wing |
| 10:30 A.M. | STATE GOVERNMENT (to consider Senate Bills No. 153, 312, 373, 730 and 732, (State Athletic Commission Bill) and Senate Resolution No. 33) | Room 460, 4th Floor Conference Rm., North Wing |
| After Adjournment | EDUCATION (to consider Senate Bills No. 252, 605, 633 and 614) | Room 461, 4th Floor Conference Rm., North Wing |

ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Wednesday, May 24, 1989, at 10:30 a.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 7:43 p.m., Eastern Daylight Saving Time.