

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, JANUARY 27, 1993

SESSION OF 1993

177TH OF THE GENERAL ASSEMBLY

No. 4

SENATE

WEDNESDAY, January 27, 1993

The Senate met at 10 a.m., Eastern Standard Time.

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

PRAYER

The Chaplain, Reverend WENDY WILLIAMS-BRINKS, Pastor of St. Peter's United Church of Christ, Parryville, offered the following prayer:

Let us pray.

God of our mothers and fathers, God of our sisters and brothers, God of our children and grandchildren, and our God, each of us come this morning from our homes in different cities and towns across this Commonwealth to be about an important work that makes a difference in people's lives.

Indeed, each of us come this morning a product of our unique histories, carrying with us certain agendas and ideas, moved by various passions and philosophies, daring to reason together in order to make a difference in people's lives. Either, O God, you have a grand sense of humor or you are wise beyond all knowing, or is it both?

We recognize that as we begin our work here today there are millions of individuals across Pennsylvania who also are engaged in important work that makes a difference in people's lives. We give you thanks, O God, that you have fashioned each person to be an integral part of the whole. Help us to shape policies that improve the quality of life for all people in our Commonwealth. May our minds be open and our spirits strong as we struggle together to seek solutions to difficult and complicated issues. Keep us ever mindful that issues and policies translate into human lives.

May we see the face of a mother who drops her child off at the day care center and says, I will see you this afternoon, and a son who kisses his mother on the cheek at the end of a hospital visit and says, I will see you tomorrow. May we picture the father who rocks his child in his arms and wonders about the future, and the 90-year-old woman who calls for her mother, and the nursing staff who cares for her day and night. We are these people too, O God. May we not shy away from the anguish and uncertainty that is a part of our lives. Rather, may we embrace it, and in so doing, may it motivate us to action.

May we be faithful caretakers of the people, resources, and wonders of Your Creation that you have entrusted to our care.

May Your justice be our guide, Your righteousness permeate our lives, and Your peace be our vision.

We pray in the name of the One who was, is, and always will be, world without end. Amen.

The PRESIDENT. The Chair thanks Reverend Williams-Brinks, who is the guest this day of Senator Reibman.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of January 26, 1993.

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

COMMUNICATION FROM THE GOVERNOR

NOMINATION BY THE GOVERNOR REFERRED TO COMMITTEE

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

DISTRICT JUSTICE

January 27, 1993

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, William A. Seles, 341 Butler Street, Springdale 15144, Allegheny County, Forty-fourth Senatorial District, for appointment as District Justice, in and for the County of Allegheny, Magisterial District 5-3-03, to serve until the first Monday of January 1994, vice Arthur Sabulsky, resigned.

ROBERT P. CASEY
Governor

APPOINTMENT BY MINORITY LEADER

The PRESIDENT. The Chair wishes to announce the Minority Leader has made the following appointment:

Senator Harold Mowery as a member of the Governor's Commission for Children and Families.

REPORT FROM COMMITTEE

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

SB 267 (Pr. No. 278) (Amended) (Rereported)

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," requiring a report of certain racial and ethnic groupings; further providing for school tax levies in certain districts of the third class; providing for instructional support, for payments to intermediate units and for special education payments to school districts; and creating a fund for payments to approved private schools.

LEGISLATIVE LEAVE

Senator STAPLETON. Mr. President, I request a temporary Capitol leave for Senator Schwartz.

The PRESIDENT. Senator Stapleton requests a temporary Capitol leave for Senator Schwartz. The Chair hears no objection. The leave will be granted.

LEAVES OF ABSENCE

Senator LOEPER asked and obtained leaves of absence for Senator HELFRICK and Senator SHAFFER, for today's Session, for personal reasons.

SENATE RESOLUTIONS

RECOGNIZING JANUARY 30, 1993, AS "PENNSYLVANIANS WITH DISABILITIES DAY" TO HONOR THE COUNTLESS EFFORTS AND CONTRIBUTIONS MADE BY PEOPLE WITH DISABILITIES

Senators AFFLERBACH, SHUMAKER, LINCOLN, STOUT, LaVALLE and WENGER offered the following resolution (Senate Resolution No. 10), which was read as follows:

In the Senate, January 27, 1993

A RESOLUTION

Recognizing January 30, 1993, as "Pennsylvanians with Disabilities Day" to honor the countless efforts and contributions made by people with disabilities.

WHEREAS, Beginning in July 1992, when the sweeping provisions of the Americans with Disabilities Act came into effect, private employers, State and local governments, employment agencies and labor unions were prohibited from discriminating against qualified individuals with disabilities. Americans with disabilities were no longer forced to face discrimination in the workplace; and

WHEREAS, Over a half million people with disabilities between the ages of 16 and 64 live in our Commonwealth. Many of these individuals have shown admirable determination in combating various physical and social obstacles. As a result, they now lead full and rewarding lives as active and productive members of their workplace, school and society; and

WHEREAS, President Franklin Delano Roosevelt was one of the most distinguished individuals with disabilities in our nation's history. His birthday, January 30, has been declared Day of the Disabled by

Congress. It is indeed fitting that the date of this great leader's birth should be chosen as a day on which we honor all Americans with disabilities; and

WHEREAS, The policy of the Commonwealth toward people with disabilities is to encourage Pennsylvanians to recognize them as "persons first" and as having a disability second; therefore be it

RESOLVED, That the Senate in recognition of the countless efforts and contributions made by people with disabilities, recognize January 30, 1993, as "Pennsylvanians with Disabilities Day" and urge the citizens of Pennsylvania to acknowledge and appreciate the determination and capabilities of people with disabilities and to be aware of the access afforded them through the Americans with Disabilities Act.

Senator AFFLERBACH asked and obtained unanimous consent for the immediate consideration of this resolution.

On the question,

Will the Senate adopt the resolution?

SENATE RESOLUTION NO. 10, ADOPTED

Senator AFFLERBACH. Mr. President, I move that the Senate do adopt Senate Resolution No. 10.

On the question,

Will the Senate agree to the motion?

Senator AFFLERBACH. Mr. President, I merely wish to make the Members aware that this resolution will be held at the desk for additional signatures after we have approved it.

And the question recurring,

Will the Senate agree to the motion?

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

YEAS—47

Afflerbach	Fisher	Lynch	Robbins
Andrezeski	Fumo	Madigan	Salvatore
Armstrong	Greenleaf	Mellow	Scanlon
Baker	Hart	Mowery	Schwartz
Belan	Holl	Musto	Shumaker
Bell	Jones	O'Pake	Stapleton
Bodack	Jubelirer	Pecora	Stewart
Bortner	LaValle	Peterson	Stout
Brightbill	Lemmond	Porterfield	Tilghman
Corman	Lewis	Punt	Wenger
Dawida	Lincoln	Reibman	Williams
Fattah	Loeper	Rhoades	

NAYS—0

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

EXPRESSING SORROW AT THE DEATH OF JUSTICE THURGOOD MARSHALL

Senators JONES, WILLIAMS, O'PAKE, BAKER, LYNCH, PORTERFIELD, DAWIDA, STOUT, SHUMAKER, FUMO, PECORA, AFFLERBACH, LINCOLN, BELAN, LaVALLE,

SCHWARTZ and WENGER offered the following resolution (Senate Resolution No. 11), which was read as follows:

In the Senate, January 27, 1993

A RESOLUTION

Expressing sorrow at the death of Justice Thurgood Marshall.

WHEREAS, Thurgood Marshall, former United States Supreme Court Justice, and one of the most influential black Americans of the twentieth century, died on January 24, 1993; and

WHEREAS, Justice Marshall was born in Baltimore on July 2, 1908, attended the segregated public schools of Baltimore and in 1926 entered Lincoln University, working his way through as a grocery clerk and waiter; and

WHEREAS, Justice Marshall was graduated cum laude from Lincoln University in 1930, entered law school at Howard University and finished first in his class; and

WHEREAS, He served as assistant to the NAACP's first special counsel; and

WHEREAS, In 1938, Justice Marshall became chief counsel of the Legal Defense Fund, the separate litigating arm of the NAACP; and

WHEREAS, As a civil rights lawyer, Justice Marshall distinguished himself by devising a legal strategy to use the Constitution's dormant promises as a sword to cut through one racial barrier after another, culminating in the 1954 Brown v. Board of Education decision outlawing segregation in the public schools; and

WHEREAS, Among his early successes were decisions striking down the "white primary" of the Texas Democratic Party in 1944, segregated seating on interstate buses in 1946, racially restrictive real estate covenants in 1948 and separate state law schools for black Americans in 1950; and

WHEREAS, Justice Marshall served as chief legal officer of the NAACP for 23 years before being named to the United States Court of Appeals in New York in 1961; and

WHEREAS, In 1965, he was named solicitor general, the third-ranking officer of the United States Justice Department; and

WHEREAS, Justice Marshall was nominated to the United States Supreme Court by President Johnson in June 1967, and the Senate confirmed his nomination on August 30, 1967, making him the first black justice in the court's 178-year history; and

WHEREAS, He served in the majority on the Supreme Court when busing was upheld as a remedy in school desegregation cases, when restrictive abortion laws were struck down, when President Nixon was ordered to release the Watergate tape recordings and when Congress' one-house vetoes of executive-branch decisions was struck down; and

WHEREAS, Justice Marshall never lost sight of the fact that laws serve people rather than abstract principles; therefore be it

RESOLVED, That the Senate of Pennsylvania express its sorrow at the death of Justice Thurgood Marshall and direct that a copy of this resolution be transmitted to his immediate family.

Senator JONES asked and obtained unanimous consent for the immediate consideration of this resolution.

On the question,

Will the Senate adopt the resolution?

SENATE RESOLUTION NO. 11, ADOPTED

Senator JONES. Mr. President, I move that the Senate do adopt Senate Resolution No. 11.

On the question,

Will the Senate agree to the motion?

Senator JONES. Mr. President, I have introduced a resolution in memory of Justice Thurgood Marshall, former Justice of the United States Supreme Court. It is only fitting and proper, Mr. President, for the Senate of Pennsylvania to honor the memory of a man who has done so much for so many.

Justice Marshall has affected the lives of all Americans, particularly those without the power to protect themselves. His triumphs for equal justice as chief counsel of the NAACP, and his opinions and tireless efforts as Justice of the Supreme Court flow like main battle streamers on the colors in the war against inequality. He was there at every fight, and he fought for everyone.

While he may be best known for his victory to outlaw public school segregation in Brown v. Board of Education in 1954, I believe that his earlier victory in striking down the white primary of the Texas Democratic Party in 1944 was the key impetus for future political involvement for all Americans, especially those who had heretofore been denied their basic rights. And it was only right that Thurgood Marshall wound up on the Supreme Court, since he had a 90-percent average against it, winning 29 of 32 cases. Any good coach would want a player like that on their team rather than against it.

Justice Marshall will always be known as Mr. Civil Rights, and his life and times are a good study for all young people to learn and emulate. Those of us who have felt the benefit of his efforts must never forget his presence, and we begin with this resolution here in the Senate, because in his time and in his space, with God's grace, Justice Marshall made a difference in this nation.

Thank you.

Senator BAKER. Mr. President, there is an institution in my district named Lincoln University which is sometimes overshadowed by larger institutions in our State, but it is a part of our Commonwealth's system of higher education of which we can be very proud. And the fact that Thurgood Marshall is a graduate of that institution is a reminder to us that institutions that have bred such leaders should be supported, and we can take great pride in those institutions such as Lincoln University which in an unsung way, and especially during that earlier period during which Justice Marshall was educated, sometimes were the only avenue into education for those who were in an underprivileged situation and were willing to work and to expose themselves to the educational process, and Lincoln University can be very proud today to honor someone whose life has meant so much to America.

Thank you very much.

Senator WILLIAMS. Mr. President, I rise to support the resolution of the lady from Philadelphia, Senator Jones, and to support the observations by the gentleman from Chester County, Senator Baker, as well.

What can one say about the contribution of a Thurgood Marshall? Suffice it to say that I think that he represented one of thousands of African-Americans who have made distinguished contributions to the American fabric, lore, and our institutions, and some of his works are well-known,

specifically pointed out, and his participation on the Supreme Court and all of that. But I think when we give memory to a single individual, it is good if we can learn the lesson in a broader way, and I would just suggest that as we come to the Black History Week and African-American Month celebrations in a day or two from now, that the call of Thurgood Marshall in fighting for justice and inclusion in fundamental ways as Americans, we ought to reflect on how different fundamental concepts of freedom, justice, and equality for all were removed just a few weeks ago from people in this country who were African-Americans. There was a constructed artificial notion called separate but equal, and it was not long ago until the court legally recognized that separate and equal was inherently unequal, largely through the works of this giant we are talking about today.

But we must recognize that the thoughts that brought about those practices of injustice then required a man like Thurgood Marshall to accomplish significant contributions is an operational condition in a democracy, and even today, of some kind of diligence, some kind of learning. And as the Senator from Chester pointed out, we look at Lincoln University as, I guess, a second-rate African-American institution sometimes and maybe we will fund it and maybe we will not, with no degree of pride as to what Pennsylvanians have given to this whole country. And it is not just Thurgood Marshall. The litany of great Americans of African descent who have made fundamental contributions to this country, well-known like Thurgood Marshall, came from Lincoln University in Pennsylvania, and it is a shame that Pennsylvanians do not embrace that contribution to America because of what we did in the educational institution.

And so I am just saying, Mr. President, as we honor Thurgood Marshall, if we look at the man's work, the only way we can give any memory to it is to connect with the deeds that were done, and in Pennsylvania, the deeds that were done came from a nurturing, came from an experience that we had a lot to do with in Pennsylvania, especially as legislators, and I would hope that we would recognize how that came through both Lincoln University and other institutions that build pride in people who contribute.

And so, finally, Mr. President, not wanting to make a speech but wanting to just specifically point out on the record that all too often we talk all these generalities, that George Washington never told a lie. Well, that is a lie. But what George Washington did do was connect it with something that is practiced today. And in the African-American community especially, it is well-known that the history books, for some fundamental reasons, have left those contributions out. We want to correct that. But in the ongoing oral history of our time come people like a Thurgood Marshall or a Martin Luther King, Jr., or many others of African-American descent, and I just think as Americans who give lip service to those concepts, who give attention to those precious words that define the human spirit, that we have to connect it with real people and what they do here and now and somehow put that in a balance of what we learn or do not learn.

Thank you, Mr. President.

Senator BELL. Mr. President, I want to endorse 100 percent the comments of my colleagues, the gentlewoman from Philadelphia, Senator Jones, and the gentleman from Philadelphia, Senator Williams.

My district now is immediately adjacent to Lincoln University. My district also includes the institution which no longer exists where Martin Luther King, Jr., got his formal education in Pennsylvania. Both the gentlewoman and the gentleman from Philadelphia, what they have said should echo throughout this entire Commonwealth, because they are great messages.

Thank you.

The PRESIDENT. Prior to voting on the resolution, the Chair would advise all Members that Senator Jones has requested that the resolution be held at the Secretary's table for further signatures. Also, Senator Afflerbach's resolution is at the table as well. Any Members wishing to sign either of the resolutions may still do so.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to and the resolution was adopted.

CALENDAR

THIRD CONSIDERATION CALENDAR

PREFERRED APPROPRIATION BILL OVER IN ORDER TEMPORARILY

SB 260 — Without objection, the bill was passed over in its order temporarily at the request of Senator LINCOLN.

NONPREFERRED APPROPRIATION BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 248 (Pr. No. 256) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Trustees of the University of Pennsylvania.

Considered the third time and agreed to.

On the question,

Shall the bill pass finally?

Senator CORMAN. Mr. President, I rise to express some concerns I have about this series of supplemental appropriation bills that are being offered here today by my colleague from Philadelphia, Senator Fumo. But first, allow me to express my record of support in this Chamber over the past 16 years for the cause of higher education and my continued commitment for the same. I also wish to make it clear to my fellow Senators that my comments here today are from my own sincere commitment that education is one of the most important building blocks in the foundation of Pennsylvania, and, indeed, our Nation.

But, Mr. President, I stand in an attempt to clarify the commitment of the Casey administration to this series of bills to ensure that such dollars as we are about to allocate to these worthy private institutions are indeed going to be available. I would like to be assured by the prime sponsor that indeed these funds are going to be available and that we will not later in this fiscal cycle see the administration abate moneys that are already intended to be sent to the State-owned and to the State-related institutions.

For that, Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator Fumo.

The PRESIDENT. Will the gentleman from Philadelphia, Senator Fumo, permit himself to be interrogated?

Senator FUMO. I will, Mr. President. Regrettably, I was not paying attention to the preamble, so I will stand for interrogation. I just would like the questions framed again.

The PRESIDENT. The gentleman may proceed.

Senator CORMAN. Mr. President, I wonder if the gentleman can assure me that he has a commitment from the Casey administration that these bills will be funded and not to the detriment of the State System of Higher Education or the State-relateds of Temple, Pitt, Lincoln, and Penn State University?

Senator FUMO. Mr. President, regrettably, we have no commitment from the Governor on this issue. In fact, this was a stumbling block when we tried to negotiate the budget last year, but I assure the gentleman that we on this side have absolutely no intention of seeing the money to fund this come from those other institutions. There is currently in the budget more than enough money to fund these institutions at the level in these appropriation bills. I do not know what the Governor is going to do. In fact, the last pronouncements we got from the Governor back in late June was that the budget was just fine and he was happy with it, and these were not in it. These are bills similar to the ones that we passed through here last year I believe almost unanimously. But we fully assure the Senate that there is more than sufficient amounts of money in the current fiscal situation that it will not require us to take one penny from any other institution in order to fund this. Also, these are non-preferreds anyway, and the other ones are preferred appropriations, so that we would not be able to take—

Did the gentleman ask about Penn State as well? I am sorry.

Senator CORMAN. Mr. President, Penn State, Pitt, Temple, Lincoln.

Senator FUMO. Mr. President, we have different categories in there, but we do not intend to allow any money to be taken from those institutions to fund these institutions, if that is the short of the answer.

Senator CORMAN. Mr. President, I thank the gentleman.

Mr. President, I am concerned about it. Certainly, I have a deep regard for all of higher education, and the privates certainly play a very important role in it. However, I think we have a deep commitment first to those that we own, the SSHE system, the State System of Higher Education, and certainly to those fine institutions called State-related which are also non-preferreds of Lincoln, Pitt, Temple, and Penn State.

Mr. President, when the Governor abates funds from these institutions, as he has done in the past, the only way we can confront that is to try to override such a veto. Now, I am wondering, Mr. President, if the prime sponsor would be the prime sponsor of that effort to override the Governor's veto if he should abate funds from any of these institutions to fund these bills?

Senator FUMO. Mr. President, with great pleasure and glee I would be the sponsor of that, and I am sure that every Member of this Caucus would participate in that activity, as well as I am sure your Members would. We have shared your frustrations with the Governor's vetos at times, particularly on appropriations matters. I have found the spirit of cooperation in this Chamber to be distinctly better than it is in the House, and on these issues I am sure there is complete agreement and we would fully cooperate in any effort like that.

Senator CORMAN. Mr. President, I thank the gentleman, and I will then be supporting these bills.

Thank you.

Senator BELL. Mr. President, I congratulate the chairman of the Committee on Appropriations publicly for his action in fighting for fairness on these bills, because when I listened to the Governor—and I had a better view of him than you did because I watched him on a television set, and, by the way, he looks very healthy and aggressive and everything else—he made a statement that he is going to go all out to provide more doctors for Pennsylvania, and if people do not know it, I think there are seven medical schools. The Governor has approved funding for Temple, Pitt, and Penn State Medical School, but the others were left out to dry.

Then I heard the Governor say that the outstanding product of Pennsylvania was agriculture, but the New Bolton Center of the University of Pennsylvania Veterinarian School is a prime place where the health of the dairy industry, the poultry industry, and a number of other things associated with agriculture is determined. This action by Senator Fumo making this number one product, providing money—by the way, the Governor forgot the eye doctors, and I understand they had to double their tuition, and the rural areas are denied eye doctors because of this—but, this is only fair. And, again, Senator Fumo, I probably never will congratulate you again, but I do on this one.

Senator FUMO. Mr. President, I would hope that those congratulatory remarks will continue over the Session. I will try to earn them.

RECONSIDERATION OF SB 248 ON THIRD CONSIDERATION

Senator PETERSON. Mr. President, I ask that the vote by which this bill was approved on third consideration be reconsidered.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third consideration?

Senator PETERSON, by unanimous consent, offered the following amendment No. A0060:

Amend Sec. 1, page 1, lines 12 and 13, by striking out all of said lines and inserting:

3) For instruction in the Doctor of Medicine program, subject to the condition that 50% of this appropriation shall be used to create, strengthen or enhance primary care physician programs and subject to the further conditions that this 50% shall be utilized as follows:

- (i) one-half shall be used for family physicians;
- (ii) one-quarter shall be used for general pediatrics; and
- (iii) the remaining one-quarter shall be used for general internal medicine 4,435,000

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

LEGISLATIVE LEAVES

Senator LINCOLN. Mr. President, I request temporary Capitol leaves for Senator Bortner, Senator Reibman, Senator Mellow, Senator Fattah, and Senator Williams.

The PRESIDENT. Senator Lincoln has requested additional temporary Capitol leaves for Senator Bortner, Senator Reibman, Senator Mellow, Senator Fattah, and Senator Williams. The Chair hears no objection. Those leaves will be granted.

LEGISLATIVE LEAVE CANCELLED

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

LEGISLATIVE LEAVES

Senator LOEPER. Mr. President, I would ask for a temporary Capitol leave on behalf of Senator Jubelirer and Senator Fisher.

The PRESIDENT. Senator Loeper requests temporary Capitol leaves for Senator Jubelirer and Senator Fisher. The Chair hears no objection. Those leaves will be granted.

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

Senator PETERSON. Mr. President, the amendment I am offering today I think is a very important amendment if we are going to move in the right direction with the health care crisis facing this country and this Commonwealth. Pennsylvania is blessed, as it was mentioned here a few moments ago, with many good medical schools, some part of the State system, some private. We have today bills for five of those to give them State appropriations.

The amendment that I have would say the following: "...50% of this appropriation shall be used to create, strengthen or enhance primary care physician programs and subject to the further conditions that this 50% shall be utilized..." one-half for family physicians, one-quarter for general pediatrics, and one-quarter for internal medicine, which are the three major disciplines of primary care.

The major problem facing this country, and I think C. Everett Koop said it best many, many times, is if we do not change the ratio of physicians in this country, we will never address the health care costs. If we are going to treat all of our people with the high-tech—and I hate to pick on any one discipline, but I will pick on ophthalmologists or cardiologists or neurosurgeons—if that is what we are going to predominantly have, health care costs are not going to be affordable and health care is not going to be accessible to many of our people in our inner cities and our rural areas.

The problem facing most of our hospitals across the Commonwealth today is the inability to recruit family physicians, primary care physicians, internists, and pediatricians. Those are the people who should be giving 85 percent of the care to all of us throughout our lives. We should only be using high-tech specialists on occasion. I think in the '90s we are going to see the debate of health care, and this year is going to be the beginning of it.

Let me just share with you what some of the major medical groups in this country have to say about this issue. The Council of Medical Education says that primary care physicians must be graduated from American medical schools in a much greater manner than they are today. That has also been spoken by the Association of American Medical Colleges, the Pennsylvania Medical Society, the American Medical Association, the Health Services Administration, and the Academy of Family Physicians. They all agree that one of the major problems facing us in health care is that we are today not creating enough primary care physicians.

It seems to me if we are going to give State dollars to medical schools, that we ought to purchase what we need, not what they think we need or not what they want to produce. I think one of the real problems in Pennsylvania's whole higher education process has been that we argue here each year about whether we are going to give a 3-, 4-, 5-, or 7-percent increase to higher education, or last year debate about how much we are going to cut them or limit the cut, but we do not talk about what we need and what we want and what should be created out there, what kind of programs are needed. Everybody is left on their own to provide us what they want to provide us. It just seems to me it is pretty basic and fundamental that this legislature needs to get more involved in making sure that we are purchasing what is needed, and what is needed without any argument, no one can argue against it, we need family physicians. We need primary care physicians in pediatrics and internal medicine. There are none coming out of the pipeline, and if we take this step today, we are 4 or 5 years away from helping the problem. If we wait 4 or 5 more years to do something about it, we are a decade away from making steps that should be made not only in Pennsylvania but in this country.

I would like to say as testimony that the only school that is going to be on the Calendar today that has made significant steps in increasing the production of primary care physicians is Thomas Jefferson University. The other schools have not. I will say today that both Pitt and Penn State are starting to

move in the right direction; not as fast as they should, but they are starting. One way we can start them all real quickly is to say to them today that 50 percent of your medical school appropriation must be utilized to increase, enhance, or improve the creation of primary care physicians, who are the greatest need across this Commonwealth, and I ask for my colleagues to support this important amendment today.

Senator FUMO. Mr. President, the gentleman's remarks certainly have some bearing on the health care issue. I am not sure whether or not the answer to the health care crisis is more people in primary health care, although I would like to see more general practitioners throughout the Commonwealth and throughout the Nation. I believe the areas of concern that he has are valid, but I do not believe that this is the proper fashion in which to solve them. What I would like to see done is for him and others to introduce legislation along that line and also look at some of the other issues and perhaps go through the Committee on Public Health and Welfare, where it can be studied properly, because I do not know if 50 percent of this money should go to that or 30 percent, or whatever. I think his remarks today and my remarks in concurrence with the objectives should be some signal to these institutions that are getting this money that we do intend to address this problem in the future. I just do not think that this is the fashion to do it. I would like to see a more studied attempt to look at the overall situation of how we educate people in Pennsylvania to become doctors.

I agree with the gentleman, we do need more GPs. I would like to go back to the days when a doctor would make a house call. You know, I do not know that that is ever going to come back. It is very frustrating to me. It was extremely frustrating to me when I lost my mother in the hospital, who was there for 4 months in intensive care, and I never had one doctor tell me what was wrong. It was always this specialist was handling it today, somebody over here tomorrow, and if you want to go through frustration, when a parent is dying and not knowing what is going on and seeing and feeling that there is no overall coordination of this, it is very heart-wrenching. And if we were in the period of time when you had a general practitioner who could call upon the expertise of other specialists, that would have certainly been more comforting to me and my family. In fact, the only time we ever had anyone come to us with an overall picture was when they asked if we wanted them to use extraordinary measures and we said, no, and within 24 hours she died. That is very frustrating, and I think that is because there are not enough general practitioners and family doctors out there to at least give people the emotional comfort that they need. But I do not think that today in this fashion is the way to go. I would like to get these bills moved over to the House as quickly as possible so that we can proceed with the process, but I would encourage the gentleman to work with the gentleman from Philadelphia, Senator Williams, and others, along those lines. I certainly think the cause is admirable.

I would ask for a "no" vote.

Senator SCHWARTZ. Mr. President, I, too, would just like to briefly comment on the intentions behind this amendment,

the concern about the need for primary care in this State both in rural and in urban areas, and my own personal support for primary care providers. I, too, do not believe necessarily that directing 50 percent of the funding to medical school training from the State is going to necessarily be the best way of accomplishing that. We need to take a look at the variety of ways we might be able to encourage not just medical schools but actually the training that goes on in residencies when most of the specialty training goes on and there are, in fact, fewer than there should be training for family practice physicians and interns to be primary care providers. There are a variety of solutions to this. I am not sure that directing 50 percent of the funding would make it happen.

It also ignores the need for primary care providers who are not physicians, and I think there is less discussion than there ought to be about nurse practitioners, physician assistants, and a whole variety. I know the gentleman from Venango, Senator Peterson, is keenly aware that this whole area is a way to encourage and enhance the provision of primary care across the State and potentially wants to take a look at more seriously working in that arena as well in terms of the need for other providers to be able to have enhancements about the way they practice as a way of encouraging more access to primary care.

So I think that this is potentially one way of doing it, but the message to medical schools has been clear. I have signed on to the efforts of the gentleman from Philadelphia, Senator Williams, to encourage the Robert Johnson Foundation funding for medical schools to help look at better ways of encouraging primary care providers. We have looked at shifting funding, reimbursement levels, to encourage primary care providers to recognize the value of primary care, the importance of primary care. I think that is an important element as well, so that while in a general sense I support the notion of encouraging medical schools to focus more on primary care, encouraging and enhancing the value of primary care for physicians, it is, in fact, only one way of doing it and maybe would be better handled as a broader look at the issue than in this particular appropriations bill.

So, I will not be supporting this particular amendment today, but would be very interested in the much larger issue of encouraging primary care providers, physicians and others, in the State of Pennsylvania.

Thank you, Mr. President.

LEGISLATIVE LEAVES

Senator FUMO. Mr. President, Senator Dawida has been called to his office. I would like to request a temporary Capitol leave for him.

The PRESIDENT. Senator Fumo requests a temporary Capitol leave for Senator Dawida. The Chair hears no objection. The leave will be granted.

Senator LOEPER. Mr. President, Senator Salvatore has been called from the floor. I request a temporary Capitol leave on his behalf.

The PRESIDENT. Senator Loeper requests a temporary Capitol leave for Senator Salvatore. The Chair hears no objection. That leave will be granted.

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

Senator PETERSON. Mr. President, I would like to make one more comment. I want to thank the gentleman and gentlewoman from Philadelphia for their support for the issue. I think anyone who has been paying any attention to health care problems knows this is a problem. It is not the only problem, but it is one of the major problems.

I just want to give you some statistics for 1992. At Hahnemann, 6 of 159 graduates went into general practice; at Jefferson, 29 of 211; at the University of Penn—whose amendment is in front of us today—2 of 147; at Penn State, 13 of 93; at the University of Pittsburgh, 8 of 130; at Temple, 10 of 171; and at the Medical College of Pennsylvania, 5 of 111. And just to put with that, just recently this report was given, and I am reading right from it, "The Association of American Medical Colleges (AAMC) has issued a report advocating a national goal that a majority of graduating medical students be committed to generalist careers (family medicine, general internal medicine or general pediatrics)...." A majority. That is over half. At Penn we are talking 2 of 147; barely less than 2 percent.

Folks, it is crisis time in health care. Costs are exploding. Availability of family physicians is a real crisis right around the corner. We can study it. We know the problem. And I want to tell you what changes behavior. There is nothing that changes behavior better than money. We give these schools money. I have talked to all of these schools in meetings of the Committee on Appropriations for 3 years, and we are getting 2 of 147 at Penn? I talked to them personally over the last 2 years. Two out of 147? Is talking and coercing going to work? No, it is not going to work. This country is drunk on high-tech medical care. People need doctors who are family physicians and general practitioners who give them daily care, who understand their whole health care, not just the special problem they have at one time.

If we want to be a leader in this country, if we want to take one bold step today, we can say, okay, we are going to fund you as we have in the past—and that argument is going to go on between some who do not want to do that—but we are going to say, you are going to produce what we need for our people. We need general primary care physicians, and that is all we are going to ask of you. We are going to give you money, but you have to develop — some of these schools do not even have programs. We can talk forever, we can study forever, and thanks for the support of those who have supported the issue, but the time to act is today. Send one crisp, clear message to the schools we give big bucks to, that if you want our money, you get in the family care business. That is what they are not doing. And I ask my colleagues today to make a vote which could be the most significant health care vote you make in Pennsylvania, and we are going

to make a lot of them, but it could be the most significant one that has good results at the other end. There is no downside to voting for this amendment.

LEGISLATIVE LEAVE CANCELLED

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

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

Senator FUMO. Mr. President, just briefly in response to the gentleman, I agree that there is nothing that motivates better than money, and the reason that I do not just want to do this today is it is not just the money to the medical schools. Those students are not dumb. They want to go out and make money. There is no question about it, and we even have some problems with fee structures. You are going to make a heck of a lot more money if you are a specialist than you are if you are a general practitioner. So, it comes within the context of the entire health care scheme and how even we reimburse physicians and what we pay them for what services, and not only the Blue Shield reimbursement rates but all of them, and also what we do at the Commonwealth level. If a person is going to be a general practitioner and see a person in the office and he can charge him \$15, which is reasonable—I do not know, some places maybe more or less—but if he is a specialist and he just pops in, it is \$150. We have to also start to change some of those things if we are going to have more people go into this.

So, it is not as simple as saying we give 50 percent of the money if they teach kids primary health care. The kids do not want to do it because they do not want to make a living that way. They do not want to kill themselves. So it is the whole problem. I am more of a free-marketeer than most on this side of the aisle, and I do not know how far I want to tinker with that. I do recognize the need, but I do not think telling them that 50 percent of the money has to go to that is going to even put a dent in that problem, regrettably. But I do want to see some comprehensive study and find a way to do it, so I would still ask for a negative vote on the amendment, Mr. President.

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

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

YEAS—22

Armstrong	Greenleaf	Madigan	Robbins
Baker	Hart	Mowery	Salvatore
Bell	Holl	Peterson	Shumaker
Brightbill	Jubelirer	Punt	Tilghman
Corman	Lemmond	Rhoades	Wenger
Fisher	Loeper		

NAYS—25

Afflerbach	Fumo	Mellow	Scanlon
Andrezeski	Jones	Musto	Schwartz
Belan	LaValle	O'Pake	Stapleton
Bodack	Lewis	Pecora	Stewart
Bortner	Lincoln	Porterfield	Stout
Dawida	Lynch	Reibman	Williams
Fattah			

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 third consideration?
It was agreed to.

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—47

Afflerbach	Fisher	Lynch	Robbins
Andrezeski	Fumo	Madigan	Salvatore
Armstrong	Greenleaf	Mellow	Scanlon
Baker	Hart	Mowery	Schwartz
Belan	Holl	Musto	Shumaker
Bell	Jones	O'Pake	Stapleton
Bodack	Jubelirer	Pecora	Stewart
Bortner	LaValle	Peterson	Stout
Brightbill	Lemmond	Porterfield	Tilghman
Corman	Lewis	Punt	Wenger
Dawida	Lincoln	Reibman	Williams
Fattah	Loeper	Rhoades	

NAYS—0

A constitutional two-thirds 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 249 (Pr. No. 257) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Hahnemann University, Philadelphia.

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—47

Afflerbach	Fisher	Lynch	Robbins
Andrezeski	Fumo	Madigan	Salvatore
Armstrong	Greenleaf	Mellow	Scanlon
Baker	Hart	Mowery	Schwartz

Belan	Holl	Musto	Shumaker
Bell	Jones	O'Pake	Stapleton
Bodack	Jubelirer	Pecora	Stewart
Bortner	LaValle	Peterson	Stout
Brightbill	Lemmond	Porterfield	Tilghman
Corman	Lewis	Punt	Wenger
Dawida	Lincoln	Reibman	Williams
Fattah	Loeper	Rhoades	

NAYS—0

A constitutional two-thirds 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 250 (Pr. No. 258) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Thomas Jefferson University, Philadelphia.

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—47

Afflerbach	Fisher	Lynch	Robbins
Andrezeski	Fumo	Madigan	Salvatore
Armstrong	Greenleaf	Mellow	Scanlon
Baker	Hart	Mowery	Schwartz
Belan	Holl	Musto	Shumaker
Bell	Jones	O'Pake	Stapleton
Bodack	Jubelirer	Pecora	Stewart
Bortner	LaValle	Peterson	Stout
Brightbill	Lemmond	Porterfield	Tilghman
Corman	Lewis	Punt	Wenger
Dawida	Lincoln	Reibman	Williams
Fattah	Loeper	Rhoades	

NAYS—0

A constitutional two-thirds 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 251 (Pr. No. 259) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to The Medical College of Pennsylvania, East Falls, Philadelphia.

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—47

Afflerbach	Fisher	Lynch	Robbins
Andrezeski	Fumo	Madigan	Salvatore
Armstrong	Greenleaf	Mellow	Scanlon
Baker	Hart	Mowery	Schwartz
Belan	Holl	Musto	Shumaker
Bell	Jones	O'Pake	Stapleton
Bodack	Jubelirer	Pecora	Stewart
Bortner	LaValle	Peterson	Stout
Brightbill	Lemmond	Porterfield	Tilghman
Corman	Lewis	Punt	Wenger
Dawida	Lincoln	Reibman	Williams
Fattah	Loeper	Rhoades	

NAYS—0

A constitutional two-thirds 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 252 (Pr. No. 260) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Philadelphia College of Osteopathic Medicine, Philadelphia.

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—47

Afflerbach	Fisher	Lynch	Robbins
Andrezeski	Fumo	Madigan	Salvatore
Armstrong	Greenleaf	Mellow	Scanlon
Baker	Hart	Mowery	Schwartz
Belan	Holl	Musto	Shumaker
Bell	Jones	O'Pake	Stapleton
Bodack	Jubelirer	Pecora	Stewart
Bortner	LaValle	Peterson	Stout
Brightbill	Lemmond	Porterfield	Tilghman
Corman	Lewis	Punt	Wenger
Dawida	Lincoln	Reibman	Williams
Fattah	Loeper	Rhoades	

NAYS—0

A constitutional two-thirds 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 253 (Pr. No. 261) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Trustees of Drexel University, Philadelphia.

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—47

Afflerbach	Fisher	Lynch	Robbins
Andrezeski	Fumo	Madigan	Salvatore
Armstrong	Greenleaf	Mellow	Scanlon
Baker	Hart	Mowery	Schwartz
Belan	Holl	Musto	Shumaker
Bell	Jones	O'Pake	Stapleton
Bodack	Jubelirer	Pecora	Stewart
Bortner	LaValle	Peterson	Stout
Brightbill	Lemmond	Porterfield	Tilghman
Corman	Lewis	Punt	Wenger
Dawida	Lincoln	Reibman	Williams
Fattah	Loeper	Rhoades	

NAYS—0

A constitutional two-thirds 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 254 (Pr. No. 262) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Delaware Valley College of Science and Agriculture at Doylestown.

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—46

Afflerbach	Fumo	Madigan	Robbins
Andrezeski	Greenleaf	Mellow	Salvatore
Armstrong	Hart	Mowery	Scanlon
Baker	Holl	Musto	Schwartz
Belan	Jones	O'Pake	Shumaker
Bell	Jubelirer	Pecora	Stapleton
Bodack	LaValle	Peterson	Stewart
Brightbill	Lemmond	Porterfield	Stout
Corman	Lewis	Punt	Tilghman
Dawida	Lincoln	Reibman	Wenger
Fattah	Loeper	Rhoades	Williams
Fisher	Lynch		

NAYS—1

Bortner

A constitutional two-thirds 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 255 (Pr. No. 263) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the University of the Arts, Philadelphia.

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—46

Afflerbach	Fumo	Madigan	Robbins
Andrezeski	Greenleaf	Mellow	Salvatore
Armstrong	Hart	Mowery	Scanlon
Baker	Holl	Musto	Schwartz
Belan	Jones	O'Pake	Shumaker
Bell	Jubelirer	Pecora	Stapleton
Bodack	LaValle	Peterson	Stewart
Brightbill	Lemmond	Porterfield	Stout
Corman	Lewis	Punt	Tilghman
Dawida	Lincoln	Reibman	Wenger
Fattah	Loeper	Rhoades	Williams
Fisher	Lynch		

NAYS—1

Bortner

A constitutional two-thirds 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 256 (Pr. No. 264) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Philadelphia College of Textiles and Science.

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—46

Afflerbach	Fumo	Madigan	Robbins
Andrezeski	Greenleaf	Mellow	Salvatore
Armstrong	Hart	Mowery	Scanlon
Baker	Holl	Musto	Schwartz
Belan	Jones	O'Pake	Shumaker
Bell	Jubelirer	Pecora	Stapleton
Bodack	LaValle	Peterson	Stewart
Brightbill	Lemmond	Porterfield	Stout
Corman	Lewis	Punt	Tilghman

Dawida	Lincoln	Reibman	Wenger
Fattah	Loeper	Rhoades	Williams
Fisher	Lynch		

NAYS—1

Bortner

A constitutional two-thirds 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 258 (Pr. No. 266) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Pennsylvania College of Optometry, Philadelphia.

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—47

Afflerbach	Fisher	Lynch	Robbins
Andrezeski	Fumo	Madigan	Salvatore
Armstrong	Greenleaf	Mellow	Scanlon
Baker	Hart	Mowery	Schwartz
Belan	Holl	Musto	Shumaker
Bell	Jones	O'Pake	Stapleton
Bodack	Jubelirer	Pecora	Stewart
Bortner	LaValle	Peterson	Stout
Brightbill	Lemmond	Porterfield	Tilghman
Corman	Lewis	Punt	Wenger
Dawida	Lincoln	Reibman	Williams
Fattah	Loeper	Rhoades	

NAYS—0

A constitutional two-thirds 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 259 (Pr. No. 267) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Pennsylvania College of Podiatric Medicine, Philadelphia.

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—47

Afflerbach	Fisher	Lynch	Robbins
Andrezeski	Fumo	Madigan	Salvatore
Armstrong	Greenleaf	Mellow	Scanlon
Baker	Hart	Mowery	Schwartz
Belan	Holl	Musto	Shumaker
Bell	Jones	O'Pake	Stapleton
Bodack	Jubelirer	Pecora	Stewart
Bortner	LaValle	Peterson	Stout
Brightbill	Lemmond	Porterfield	Tilghman
Corman	Lewis	Punt	Wenger
Dawida	Lincoln	Reibman	Williams
Fattah	Loeper	Rhoades	

NAYS—0

A constitutional two-thirds 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.

RECONSIDERATION OF SB 253

BILL ON FINAL PASSAGE

SB 253 (Pr. No. 261) -- Senator BORTNER. Mr. President, I move that the Senate do now reconsider the vote by which Senate Bill No. 253, Printer's No. 261, just passed finally.

The motion was agreed to.

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—46

Afflerbach	Fumo	Madigan	Robbins
Andrezeski	Greenleaf	Mellow	Salvatore
Armstrong	Hart	Mowery	Scanlon
Baker	Holl	Musto	Schwartz
Belan	Jones	O'Pake	Shumaker
Bell	Jubelirer	Pecora	Stapleton
Bodack	LaValle	Peterson	Stewart
Brightbill	Lemmond	Porterfield	Stout
Corman	Lewis	Punt	Tilghman
Dawida	Lincoln	Reibman	Wenger
Fattah	Loeper	Rhoades	Williams
Fisher	Lynch		

NAYS—1

Bortner

A constitutional two-thirds 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.

REPORT FROM COMMITTEE ON
RULES AND EXECUTIVE NOMINATIONS

Senator AFFLERBACH, 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:

JUDGE, COURT OF COMMON PLEAS,
DELAWARE COUNTY

December 4, 1992

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, Patricia Hedley Jenkins, Esquire, 8 Roscommon Road, Newtown Square 19073, Delaware County, Twenty-sixth Senatorial District, for appointment as Judge of the Court of Common Pleas of Delaware County, to serve until the first Monday of January, 1994, vice The Honorable Melvin G. Levy, resigned.

ROBERT P. CASEY
Governor

JUDGE, COURT OF COMMON PLEAS,
LUZERNE COUNTY

December 3, 1992

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, Joseph J. Musto, Esquire, 7 Prospect Place, Pittston City 18640, Luzerne County, Fourteenth Senatorial District, for appointment as Judge of the Court of Common Pleas of Luzerne County, to serve until the first Monday of January, 1994, vice The Honorable Bernard C. Brominski, mandatory retirement.

ROBERT P. CASEY
Governor

MEMBER OF THE STATE TAX
EQUALIZATION BOARD

December 10, 1992

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, James E. Bach, R. D. #3, Shickshinny 18655, Luzerne County, Twentieth Senatorial District, for appointment as a member of the State Tax Equalization Board, to serve until November 14, 1995, or until his successor is appointed and qualified, vice Gus A. Pedicone, Philadelphia, whose term expired.

ROBERT P. CASEY
Governor

NOMINATIONS LAID ON THE TABLE

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

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

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator AFFLERBACH,

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.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

MEMBER OF THE CAMERON COUNTY BOARD OF ASSISTANCE

January 4, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Raymond L. Berry (Democrat), R. D. 1, Box 251, Emporium 15834, Cameron County, Twenty-fifth Senatorial District, for appointment as a member of the Cameron County Board of Assistance, to serve until December 31, 1995, and until his successor is appointed and qualified, to add to complement.

ROBERT P. CASEY
Governor

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

December 8, 1992

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, Dr. Winston E. Cleland, 2011 Longs Gap Road, Carlisle 17013, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Board of Trustees of The Central Youth Development Centers, to serve until the third Tuesday of January 1993, and until his successor is appointed and qualified, vice Charles Adonizio, Pittston, whose term expired.

ROBERT P. CASEY
Governor

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

December 8, 1992

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, Gloria J. McPherson, Esquire, R. D. 1, Box 462, Landisburg 17040, Perry County, Thirty-first Senatorial District, for appointment as a member of the Board of Trustees of The Central Youth Development Centers, to serve until the third Tuesday of January 1997, and until her successor is appointed and qualified, vice Joan Holman, New Bloomfield, whose term expired.

ROBERT P. CASEY
Governor

MEMBER OF THE CLINTON COUNTY BOARD OF ASSISTANCE

January 4, 1993

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, Joseph A. Ordway (Republican), 307 First Avenue, Lock Haven 17745, Clinton County, Thirty-fourth Senatorial District, for appointment as a member of the Clinton County Board of Assistance, to serve until December 31, 1995, and until his successor is appointed and qualified, to add to complement.

ROBERT P. CASEY
Governor

MEMBER OF THE COLUMBIA COUNTY BOARD OF ASSISTANCE

January 4, 1993

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, Patricia A. Hanson (Democrat), R. R. 2, Box 86, Bloomsburg 17815, Columbia County, Twenty-seventh Senatorial District, for appointment as a member of the Columbia County Board of Assistance, to serve until December 31, 1995, and until her successor is appointed and qualified, to add to complement.

ROBERT P. CASEY
Governor

MEMBER OF THE COLUMBIA COUNTY BOARD OF ASSISTANCE

January 4, 1993

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 J. Matthews (Democrat), 408 Drinker Street, Bloomsburg 17815, Columbia County, Twenty-seventh Senatorial District, for appointment as a member of the Columbia County Board of Assistance, to serve until December 31, 1995, and until his successor is appointed and qualified, to add to complement.

ROBERT P. CASEY
Governor

MEMBER OF THE BOARD OF TRUSTEES
OF HARRISBURG STATE HOSPITAL

December 18, 1992

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, Willie M. Cooney, 4419 Venus Avenue, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Board of Trustees of Harrisburg State Hospital, to serve until the third Tuesday of January 1997, and until her successor is appointed and qualified, vice Harry Judy, Jr., Middletown, resigned.

ROBERT P. CASEY
Governor

MEMBER OF THE PENNSYLVANIA
HUMAN RELATIONS COMMISSION

December 8, 1992

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, Russell S. Howell, 164 Petersburg Road, Lititz 17543, Lancaster County, Thirty-sixth Senatorial District, for reappointment as a member of the Pennsylvania Human Relations Commission, to serve until February 21, 1996 or until his successor is appointed and qualified.

ROBERT P. CASEY
Governor

MEMBER OF THE MCKEAN COUNTY
BOARD OF ASSISTANCE

December 8, 1992

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, Dana M. Bentley (Independent), 54 Euclid Avenue, Bradford 16701, McKean County, Twenty-fifth Senatorial District, for appointment as a member of the McKean County Board of Assistance, to serve until December 31, 1994, and until his successor is appointed and qualified, vice Kenneth Jadowiec, Bradford, whose term expired.

ROBERT P. CASEY
Governor

MEMBER OF THE MCKEAN COUNTY
BOARD OF ASSISTANCE

December 8, 1992

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, Audrey L. Lane (Democrat), R. D. 1, Box 65, Turtlepoint 16750, McKean County, Twenty-fifth Senatorial District, for appointment as a member of the McKean County Board of Assistance, to serve until December 31, 1993, and

until her successor is appointed and qualified, vice Audrey Troutman, Mount Jewett, whose term expired.

ROBERT P. CASEY
Governor

MEMBER OF THE MERCER COUNTY
BOARD OF ASSISTANCE

January 4, 1993

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, Ann V. Hammond (Democrat), 333 Hamilton Avenue, Farrell 16121, Mercer County, Fiftieth Senatorial District, for appointment as a member of the Mercer County Board of Assistance, to serve until December 31, 1995 and until her successor is appointed and qualified, vice Doris Milheim, Sharon, resigned.

ROBERT P. CASEY
Governor

MEMBER OF THE MIFFLIN COUNTY
BOARD OF ASSISTANCE

January 4, 1993

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, Ronald E. Notestine (Democrat), 2 Winding Way, Lewistown 17044, Mifflin County, Thirty-fourth Senatorial District, for appointment as a member of the Mifflin County Board of Assistance, to serve until December 31, 1995, and until his successor is appointed and qualified, to add to complement.

ROBERT P. CASEY
Governor

MEMBER OF THE VENANGO COUNTY
BOARD OF ASSISTANCE

January 4, 1993

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, Creeta Y. Owens (Democrat), 806 West First Street, Oil City 16301, Venango County, Twenty-fifth Senatorial District, for appointment as a member of the Venango County Board of Assistance, to serve until December 31, 1995 and until her successor is appointed and qualified, to add to complement.

ROBERT P. CASEY
Governor

On the question,

Will the Senate advise and consent to the nominations?

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

YEAS—47

Afflerbach	Fisher	Lynch	Robbins
Andrezeski	Fumo	Madigan	Salvatore
Armstrong	Greenleaf	Mellow	Scanlon
Baker	Hart	Mowery	Schwartz
Belan	Holl	Musto	Shumaker
Bell	Jones	O'Pake	Stapleton
Bodack	Jubelirer	Pecora	Stewart
Bortner	LaValle	Peterson	Stout
Brightbill	Lemmond	Porterfield	Tilghman
Corman	Lewis	Punt	Wenger
Dawida	Lincoln	Reibman	Williams
Fattah	Loeper	Rhoades	

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.

NOMINATIONS TAKEN FROM THE TABLE

Senator AFFLERBACH. Mr. President, I ask unanimous consent to call from the table certain nominations and ask for their consideration.

The Clerk read the nominations as follows:

JUDGE, COURT OF COMMON PLEAS,
DELAWARE COUNTY

December 4, 1992

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, Patricia Hedley Jenkins, Esquire, 8 Roscommon Road, Newtown Square 19073, Delaware County, Twenty-sixth Senatorial District, for appointment as Judge of the Court of Common Pleas of Delaware County, to serve until the first Monday of January, 1994, vice The Honorable Melvin G. Levy, resigned.

ROBERT P. CASEY
Governor

JUDGE, COURT OF COMMON PLEAS,
LUZERNE COUNTY

December 3, 1992

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, Joseph J. Musto, Esquire, 7 Prospect Place, Pittston City 18640, Luzerne County, Fourteenth Senatorial District, for appointment as Judge of the Court of Common Pleas of Luzerne County, to serve until the first Monday of January, 1994, vice The Honorable Bernard C. Brominski, mandatory retirement.

ROBERT P. CASEY
Governor

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

PERSONAL PRIVILEGE

Senator MUSTO. Mr. President, I rise to a point of personal privilege.

The PRESIDENT. The gentleman from Luzerne, Senator Musto, will state it.

Senator MUSTO. Mr. President, since one of the nominees, Joseph Musto, nominee for Judge of the Court of Common Pleas, Luzerne County, is my brother, I would like a ruling from the Chair if it would present a conflict of interest.

The PRESIDENT. The Chair thanks the gentleman. The Chair would rule that aside from his obvious personal pride in his brother, that the gentleman has no personal or private interest in the vote that he is about to cast, and, therefore, is not only appropriately scheduled to vote but he is required to do so if he is on the floor.

Senator MUSTO. I thank you, Mr. President.

And the question recurring,

Will the Senate advise and consent to the nominations?

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

YEAS—47

Afflerbach	Fisher	Lynch	Robbins
Andrezeski	Fumo	Madigan	Salvatore
Armstrong	Greenleaf	Mellow	Scanlon
Baker	Hart	Mowery	Schwartz
Belan	Holl	Musto	Shumaker
Bell	Jones	O'Pake	Stapleton
Bodack	Jubelirer	Pecora	Stewart
Bortner	LaValle	Peterson	Stout
Brightbill	Lemmond	Porterfield	Tilghman
Corman	Lewis	Punt	Wenger
Dawida	Lincoln	Reibman	Williams
Fattah	Loeper	Rhoades	

NAYS—0

A constitutional two-thirds 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 AFFLERBACH. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR NO. 1

SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS
AMENDED ON SECOND CONSIDERATION
AND RECOMMITTED

SB 267 (Pr. No. 278) — The Senate proceeded to consideration of the bill entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," requiring a report of certain racial and ethnic groupings; further providing for school tax levies in certain districts of the third class; providing for instructional support, for payments to intermediate units and for special education payments to school districts; and creating a fund for payments to approved private schools.

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

Senator LINCOLN. Mr. President, I move that Senate Bill No. 267, Printer's No. 278, be recommitted to the Committee on Appropriations for a fiscal note.

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

Senator TILGHMAN. Mr. President, just generally on the bill, I understand, but I am not sure, that there is some \$10 million in this bill that can be spent at the discretion of the Secretary of Education for special education purposes in the Commonwealth, and maybe when we get to the Committee on Appropriations and we talk about this, if we could be enlightened on that, we would appreciate it very much as to how that money is to be spent in the 501 school districts in Pennsylvania. We would like to know that, and I am at the present time drafting a letter to the Secretary of Education with the hope of finding out something about that extra money.

Thank you.

Senator LINCOLN. Mr. President, in response to the gentleman from Montgomery, Senator Tilghman's question, the bill actually only has an additional \$5.5 million for raising the contingency fund from 1 percent to 2 percent. The first 1 percent has already been funded. My understanding is that \$1.5 million of that \$5.5 million has been spent, and the Budget Secretary has now held in reserve the other \$4 million. The bill as currently constituted would authorize an additional 1 percent, but there is no appropriation, and if the Secretary of Education desires to request that additional \$5.5 million, I would suggest that that would be an appropriate time to ask for some way of substantiating how he is spending it. I would join in Senator Tilghman's request for that information, and, in fact, would ask him, if he has no problem, to add my name to the letter that he is sending, because I do have some questions and concerns about just how the money is being spent, too. But there is no need for an additional appropriation of \$11 million or \$5.5 million, and if the administration wants to spend that money, I believe they should come back with guidelines and a request for an additional \$5.5 million.

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

The motion was agreed to.

The PRESIDENT. Senate Bill No. 267, Printer's No. 278, will be recommitted to the Committee on Appropriations.

CONSIDERATION OF CALENDAR RESUMED

SB 260 CALLED UP

SB 260 (Pr. No. 268) — Without objection, the bill which previously went over in its order temporarily, was called up, from page 1 of the Third Consideration Calendar, by Senator LINCOLN.

BILL ON THIRD CONSIDERATION AMENDED AND OVER IN ORDER

SB 260 (Pr. No. 268) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations to the Legislative Reapportionment Commission for legal expenses.

Considered the third time.

On the question,

Will the Senate agree to the bill on third consideration?

Senator FUMO, by unanimous consent, offered the following amendment No. A0073:

Amend Title, page 1, line 1, by striking out "an appropriation" and inserting: appropriations

Amend Title, page 1, line 2, by inserting after "expenses": and the Attorney General for the Supreme Court investigation

Amend Sec. 1, page 1, line 5, by inserting after "Section 1.": (a)

Amend Bill, page 1, line 10, by striking out "Section 2." and inserting:(b)

Amend Bill, page 1, by inserting between lines 13 and 14:

Section 2. The sum of \$770,000, or as much thereof as may be necessary, is hereby appropriated to the Office of Attorney General for the fiscal year July 1, 1992, to June 30, 1993, for the Supreme Court investigation. This appropriation shall not lapse at the end of the fiscal year but shall continue until September 30, 1993.

On the question,

Will the Senate agree to the amendment?

Senator LOEPER. Mr. President, if the gentleman would care to explain the amendment, then I would like the opportunity to interrogate him.

Senator FUMO. Mr. President, that was my intention, to explain the amendment.

Mr. President, this amendment would add an appropriation to the Attorney General's Office in the amount of \$770,000. This appropriation would continue through the fiscal year until September 30, 1993.

Mr. President, there has been a lot of controversy about this, and I want to make the record clear that it was not until this morning at 9:30 that the Attorney General ever approached me and asked for an appropriation for this office and for this investigation. We met; we discussed the investigation. He put forth the amount that he wanted, which was \$770,000, and we have now agreed to that.

Mr. President, I want to enumerate what it is for. There will be one full-time attorney. Although, Mr. President, I might question some of these amounts, with all the recent publicity, I am going to give them a blank check, but there will be one

full-time attorney receiving \$200 an hour. They estimate he will receive \$6,000 per week in salary, and if you compute that out over 40 weeks, that is \$240,000. That is for Mr. Dennis. There will be three part-time attorneys also receiving \$200 per hour. They will receive approximately \$4,000 a week in salaries, and that will last for 40 weeks. That will be \$160,000 each, so for three of them it will be \$480,000. We also, by the way, do not have to pay benefits. They will take care of their own Blue Cross. It is nice to see that at that number. And there is one investigator who will be compensated at the rate of \$50,000 per year. When we calculate that out, that is \$37,500, but we will have to give him benefits, and that is \$12,500. That works out to \$770,000. The Attorney General assures me—in fact, it was his request that it go to September 30. He assures me that will, in fact, be what his deadline is, if not sooner. He hopes that he does not have to spend all of the money, but there are no strings attached. Incidental expenses such as travel, things like that, will come out of his budget.

So, I would offer the amendment and hope that this investigation proceeds and we can put this matter behind us.

Senator LOEPER. Mr. President, may we be at ease for a moment?

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

Senator LOEPER. Mr. President, I would request the gentleman from Philadelphia, the Majority Appropriations chairman, to stand for brief interrogation.

The PRESIDENT. Will the gentleman from Philadelphia, Senator Fumo, permit himself to be interrogated?

Senator FUMO. I will, Mr. President.

Senator LOEPER. Mr. President, a point of clarification for the purpose of the record. The language in the amendment indicates that the appropriation of \$770,000 would be from the fiscal year of 1992-93, the fiscal year that would close June 30, 1993. Could the gentleman tell us the language that indicates that the appropriation shall not lapse until September 30, 1993, that would ensure that those moneys would be available until September 30 for the purpose of the investigation?

Senator FUMO. Mr. President, yes, that is our clear understanding, and this is the way in which the Legislative Reference Bureau decided to draft this particular amendment. It comes out of this year's appropriation. It does not lapse. It is a continuing appropriation. He can expend from it past that deadline, past the June 30, 1993, deadline, up to the September 30, 1993, deadline.

Senator LOEPER. Mr. President, could the gentleman tell us what his position would be should it be necessary that the investigation proceed past September 30, 1993, and whether, in fact, he would be supportive of an additional appropriation to bring that to a conclusion?

Senator FUMO. Mr. President, that is a hypothesis. The Attorney General assured me that this was more than enough time. If it is not, we will have to see what develops at that point in time, whether or not more money is needed, whether he is even going to lapse some of this money.

Senator LOEPER. Mr. President, I was wondering if the gentleman could tell us why here on Wednesday he is offering an amendment to this bill in the amount of \$770,000, when on Monday in a meeting of the Committee on Appropriations this week an amendment was offered by Senator Tilghman in the amount of \$500,000 and was rejected? There was also an amendment offered by Senator Tilghman in the amount of \$1.5 million and that amendment was rejected. Could the gentleman tell us why he believes today that \$770,000 is an accurate figure and he is prepared to support that amount?

Senator FUMO. Mr. President, I thought the gentleman would have gotten the answer to that question from my discussion on the amendment in the first place, but the two amounts that were offered in the meeting of the Committee on Appropriations by the Republicans had no basis in fact for any amount. It was only today that the Attorney General came in before the Committee on Appropriations' chairman, with Senator Lewis present as chairman of the Committee on Judiciary, and went through the expense, itemized it, and said that this is what he exactly needed and this was for the exact time period that he needed it. There was no prior communication to the chairman of the committee - myself - or to Senator Lewis as to exact amounts of the appropriation, and we on this side of the aisle perhaps are a little more fiscally conservative and would like to protect the Commonwealth taxpayers rather than just freewheel spending. By doing this we have saved \$730,000, and we now have the accurate figure from the Attorney General himself.

Senator LOEPER. Mr. President, I thank the gentleman, but I would simply indicate that it is my understanding that, in fact, there was correspondence from the Attorney General directed to the Governor dated January 16, a copy to both the Majority and Minority chairmen of the Committee on Appropriations, requesting the original figure of \$1.5 million, which was the amendment introduced by Senator Tilghman the other day.

Thank you, Mr. President.

Senator FUMO. Mr. President, with regard to the communication to the Governor, our office never received a copy of that letter until yesterday at approximately 4 o'clock in the afternoon. That was the first written communication we had gotten. We never received a carbon copy of the letter on the date that it shows, and the only other communication we got from the Attorney General was a vague request from his lobbyist a few weeks ago that if and when we did the supplemental, they would need about a million dollars. That is why, with all this confusion, we brought the Attorney General in with Mr. Cohen, his deputy, and his lobbyist, and got this exact number, worked it out to the penny, and that is how we got the number. We thought that was the proper way to do it. I do not know how many lawyers make \$6,000 a week or \$4,000 a week in the Commonwealth, but certainly these will be among the highest paid and we expect the finest of excellent investigatory response from them, and perhaps we should hire a psychiatrist for this investigation as well. I am open to funding that if and when he requests it.

Senator TILGHMAN. Mr. President, for the information of our Caucus, and anybody else on the other side of the aisle who might be interested, in the meeting of the Committee on Appropriations that Senator Loeper referred to on Monday, we did offer two amendments, one for \$500,000 and another for \$1,500,000. Both amendments were defeated on straight party-line votes.

But I would like to go to the discussion of this letter. The letter was dated January 19, and it was addressed to Governor Casey's supplemental budget request from the Attorney General, and it was copied—I want this in the record, that is why I am going to read it—to Secretary of the Budget Hershock, General Counsel Haggerty, Chief of Staff Brown, Senator Fumo, Senator Tilghman, Representative Evans, and Representative Pitts.

As I understand it, Senator Fumo said that he did not get a copy of the letter, and that is probably because he has such a large office upstairs that it gets missed and it cannot work its way back to his office in the rear of that massive chamber that he is in. But I am glad that Senator Fumo is driven by the realization that the public wants this matter cleaned up, and I support the \$770,000 appropriation. I am very sorry that this did not take place on Monday and that it had to be a straight party-line vote to defeat this money.

The public understands these types of things and I think that we should recognize that. Let us go ahead, have this investigation if it costs \$770,000 or \$2,770,000. We should clear it up, because there have been allegations made that are pretty bizarre, to say the least, on both sides, and I want to see an end to it and I want to see the Supreme Court of Pennsylvania respected by the people in Pennsylvania.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Williams, and his temporary Capitol leave will be cancelled.

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

Senator WILLIAMS. Mr. President, would the gentleman from Philadelphia, Senator Fumo, stand for brief interrogation?

The PRESIDENT. Will the gentleman from Philadelphia, Senator Fumo, permit himself to be interrogated?

Senator FUMO. I will, Mr. President.

Senator WILLIAMS. Mr. President, if we assume that this particular investigation is paid for and proceeds, is it possible that the legislature itself, through constitutional procedures, may also have a place in investigating this particular issue? And if that is a possibility, probability, or whatever, would that also cost some additional money?

Senator FUMO. Mr. President, as I understand it after having talked to the Attorney General this morning, in addition to his investigation, JIRB is now investigating as well, that is the Judiciary Inquiry and Review Board, so I assume that they are spending money. And if and when the House sets up its committees, there is already an impeachment resolution which

has been introduced there, so I assume that is going to require—if, in fact, they go forward—investigations there, so possibly, most possibly, in fact, money will be spent there. And if, in fact, an impeachment comes to the Senate, there will be a trial in the Senate, and I do not know what that would cost this Chamber, but it is very possible that there will be additional moneys needed for continuing and extra investigations.

I asked the Attorney General what is going to occur if he and the House bump into each other during the investigatory process, if, in fact, the impeachment goes forward. I would not want to see a similar occurrence as what happened in Washington when the Congress investigated, a special prosecutor investigated, and it was a total disaster and I think something like \$40 million was spent and there were pardons and every other thing. I told him to be aware of that. He said he hopes that the House of Representatives would yield to him. I have no idea what they are going to do, but, very possibly, there could be much, much more money spent on this than we are putting in here, ultimately.

Senator WILLIAMS. As I understand the issue here, upon which the investigation has proceeded or is requested are statements and/or allegations made by one of the Justices of the Supreme Court in a context of responding by paper to his own actions within some procedure within the court. So, these allegations of whatever nature come from one person, as I understand it so far, and the public dissemination of those particular allegations. Am I essentially correct?

Senator FUMO. Mr. President, yes, that is my understanding, that the allegations were made in court pleadings which were filed by Justice Larsen in his petition for reconsideration of the reprimand that he had received from the court. He, being the complaining witness, I guess, and in some cases the victim, has refused to cooperate with the investigation, according to published reports. The only allegations of any wrongdoing whatsoever have come from him in these written proceedings.

Senator WILLIAMS. Mr. President, then it is pretty abundantly clear that whatever the source, the image of the Supreme Court has been affected and there is an issue of public confidence, and that. The issue of the responsibility of the legislature, either through impeachment proceedings or some other proceedings or hearings, to determine either the fitness of a Justice or whether there are any other additional problems there, would you consider that to be a proceeding that is appropriate and proper, those two kinds of proceedings, within the legislature?

Senator FUMO. Mr. President, I have made public comments prior to this that I thought that was the proper forum, but—

Senator WILLIAMS. Mr. President, I am not necessarily asking whether or not you think that is the exclusive forum. I am just asking whether or not that is at least an appropriate forum.

Senator FUMO. Mr. President, impeachment, as I understand it, is a proper forum when you deal with misconduct of a member of the judiciary. And also, the U.S.

Supreme Court, in the Hastings case, I believe, has just ruled that the courts may not intervene in an impeachment proceeding. So, it seems to give legislatures throughout the United States, as well as Congress, the very broadest of powers in dealing with impeachment proceedings. Certainly the conduct of a Justice or a judge or anyone else in that category, the House of Representatives is a proper forum for those kinds of allegations.

Senator WILLIAMS. Mr. President, so, to answer my question, the gentleman said it certainly is a proper forum, and I think he referred to something that concerns me, and that is that as decided in that case, it may, in fact, be at least the exclusive forum, at least on first impression, it may very well be exclusive based on what the court struck down in the Hastings case. I take it that you are not trying to make that judgment, but at the very least there is present law which suggests that that might be the main or only forum, or at least the exclusive forum right now.

Senator FUMO. Mr. President, as I understand it, it is not the exclusive forum in Pennsylvania. In the United States judiciary, the Federal judiciary, impeachment is the exclusive forum, but in Pennsylvania we have a constitutional provision which allows for JIRB, which also gives the right to that body to discipline and remove members of the judiciary.

Senator WILLIAMS. Mr. President, the heart of what I was asking was that whatever the respective Constitution, constitutional infirmity or constitutional health would say, that there is in the Constitution an exclusive mechanism to handle these matters. That is what I am saying. You are suggesting that in Pennsylvania that it is both—

Senator FUMO. Mr. President, it is not exclusive in Pennsylvania. I am suggesting that our Constitution allows for two methods.

Senator WILLIAMS. Mr. President, I am saying that you can have exclusivity to two people, as compared to the world.

Senator FUMO. Mr. President, my definition of the word "exclusive" means one.

Senator WILLIAMS. Mr. President, well, the gentleman is from south Philadelphia.

Senator FUMO. Mr. President, I recognize that impediment.

Senator WILLIAMS. Mr. President, what I am asking is—

The PRESIDENT. If the gentleman would yield for just a second, Senator Tilghman has risen. For what purpose does the gentleman rise?

Senator TILGHMAN. Mr. President, I thought we were talking about an amendment for \$770,000, and this interesting legal discussion I really do not think is germane to the amendment.

The PRESIDENT. The Chair thanks the gentleman and is inclined to agree with him.

Senator WILLIAMS. Mr. President, if I could just say this. This gentleman is from the suburbs of Philadelphia. Everybody from Philadelphia would know that if you are going to have to do something else, it is going to cost more money, and we are merely suggesting that the Constitution may in fact say what you just did you have to do over, and it costs money. To me,

that is money. That is an appropriation, and I think there is nothing more central here than a responsible body that is supposed to protect the taxpayers' money to think that through, whether one is the Majority chairman or the Minority chairman of Appropriations. That does not give one the exclusive knowledge of everything. That is why the rest of us are here, to checkmate that. I am merely trying to checkmate that, and I appreciate your cooperation, sir. Whether it is one or two, I think you are saying that in the Constitution of Pennsylvania it is exclusive to two, not the rest of the world.

Senator FUMO. Mr. President, if a thing can be exclusive to two, yes.

Senator WILLIAMS. Mr. President, I accept that. So that if, in fact, by a judicial rendering when no one cares about this issue the courts then say that it should be in another forum, I suppose that would mean additional moneys?

Senator FUMO. Mr. President, yes. And interestingly, too, yesterday in my conversation with—

Senator WILLIAMS. Mr. President, I wanted to add to that question. If there are additional moneys, has the gentleman and the Minority chairman counted up what those moneys would be?

Senator FUMO. Mr. President, okay, I agree with the gentleman that this is an appropriations issue and I think that he is in order because he does not know how much more we are going to have to spend, you know, in that sense, but also it is important to note, in my conversation with a member of the media yesterday—there were many—there seems to be a misconception. The member said, well, let the Attorney General remove a Justice of the Supreme Court if that is what has to be done, and I enlightened him that the Attorney General has no authority to remove anyone. So his jurisdiction, while in some ways is broad, deals exclusively with the potential commission of a crime. He may complete his investigation and determine that, in fact, there was no crime. Then that would still not preclude JIRB, or the House through an impeachment process, to get into other areas as to the individual's ability, as to any individual's ability to be a member of the Supreme Court or any other court. So, it is important to recognize that there are different jurisdictions here, although in some ways they do, in fact, overlap.

Senator WILLIAMS. Mr. President, did the gentleman and the Minority chair, since it is inclusive too, because the rest of us on the Committee on Appropriations did not discuss it—that is where exclusivity to two—

Senator FUMO. Mr. President, but this is an amendment on the floor, rather than a committee meeting—

Senator WILLIAMS. Mr. President, I just want to know whether you two gentlemen took the time to think through those possibilities that we just discussed. Was there a process to discuss that, to figure out what those estimates could be, and was there an assessment of what the law would require, therefore affecting the outcome of the money?

Senator FUMO. Mr. President, I cannot speak for Senator Tilghman, but I certainly have looked into the additional costs and I am on record as having said, and I understand that the

House does not have an abundance of money—certain Caucuses have an abundance of money, but the overall operation of the House is somewhat strained right now—and I would expect that if they were to conduct a proceeding as extensive as an impeachment hearing, that they would request from us additional funds, and I would estimate that if the Attorney General is going to spend \$770,000 in the next 40 weeks, I would figure that the House would be more conservative in their reimbursement for lawyers so maybe they will spend \$350,000 to \$500,000. But that is all speculation. I do, however, agree and would support additional funding if the House so requested to proceed with any investigation of this nature.

Senator WILLIAMS. Mr. President, the separation of powers does suggest that there are different branches of government that should have the responsibility to do certain activities. As well, on a matter of this kind, I would assume that the Committee on Appropriations, which did act yesterday, should, I suppose, be privy to the information that we are discussing as opposed to — I respect Senator Lewis, I respect Senator Fumo, but whatever the answers are or are not fiscally should be before this body. The legal issue should be before this body as to the impact on possible expenditures of money.

And having said that, and I thank the gentleman, I would like to make a commentary on the amendment.

The PRESIDENT. The gentleman has completed the interrogation and is recognized for some remarks.

Senator WILLIAMS. Mr. President, it is true that the Committee on Appropriations met yesterday, and I do not know about everybody else's vote; it was referred to as a party-line vote. I suppose the person who commented on that was voting his party line, whatever that means, that he was voting that and putting that off on that because of a party line, a party objective. Well, I do not know that we ought to be doing that on a matter of this moment. Speaking for myself, I, first of all, had no information whatsoever about an investigation that affected straight up the separation of powers in this country when impeachment and what has happened with impeachment in the last 10 years has been very obvious to the American people that that is the main process used in this situation. Why then would we first think about something else and just automatically pass some money? Now, I do not know about anybody else, but I think that time will show that what you have here is a very pregnant issue of separation of powers, and we have the obligation to think that through.

It is also my opinion, looking at it, that based on what the allegation reason is, that that would be appropriate for the House and Senate impeachment, or whatever the process is. Unless there is some evidence of criminality in which you do not need any money to go get that, you just go get that.

And so, I wanted to make it clear that I, at least in my vote, voted "no" on that appropriation, whether it was a dime or several hundred thousand dollars.

The second thing is the former speakers always talk about expenditures of money, and there is no attempt at all to look at the fact that there very well may need to be a hearing within

the impeachment process or the other kind of processes as a public legislature to find out those facts.

So, Mr. President, I am suggesting that what we are doing here today is political posturing, having nothing to do with the amounts of money, and very well may be taking an act without even going into it. I have no problem if the Attorney General wants to come before the Committee on Appropriations and say, I need this money and this is appropriate and face the arguments in the daylight. There is nothing wrong with that, but that should happen. There are 15 or 20 people on the Committee on Appropriations or any other committee that wants to know what the facts are on the issue of this great moment.

Finally, Mr. President, as you can tell, I think that whatever is being proposed here threatens the separation of powers, threatens the House and Senate procedures. Also, it impacts on money, and you may have two or three investigations meaning nothing. We ought to think that through and be responsible for what we say and what we think and not be intimidated just because there is political posturing here, because the public wants a result. They do not want political posturing.

Having said that, however, I just want to make one final comment of evaluation. More than a year ago in Hanover, Pennsylvania, there were many, many acts of intimidation to children of African-American descent and others for the free expression of their own First Amendment rights and association. They were intimidated by mobs, backed up by illegal police action, and jailed and convicted improperly. Once the information was gathered we could not get a law section of this State - State Police or Attorney General - to follow through or spend a dime to investigate rights of children in Pennsylvania.

Now, the Supreme Court is a very, very important institution, one that generates confidence, should have confidence, and we need to deal with that issue and put it to rest. At the same time, the people under such an institution do not live just in theory, like we honor Thurgood Marshall, but if a kid cannot go through the streets of Hanover because he is black and the officers of the law do not want to investigate it, something is wrong. Of course, there was no political benefit in black children walking in Hanover or Reading. I just recall that because there is so much piousness about the need for an investigation. There are facts and allegations made by African-American legislators. No response, and we are still waiting. I add that only because if we are serious about the justice aspect of this, I call upon the same people, not just the Attorney General but the State Troopers and the Governor, to deal with issues that affect little people. We are always talking about people who cannot help themselves. We talk about it, but we never do anything about it, and in the middle of a discussion I just get sick and tired of the piety and the political posturing, and who cares about the rights of little people?

So, I am hopeful, Mr. President, that through this debate and this dialogue that is taking place here today that everybody will thoroughly consider as they go back to their offices, they ought to very seriously consider our legislative responsibilities

to these institutions. I know we are going to look at the Constitution, do all those things, because I just know that when this issue is dead and we have spent four times as much money in the improper forum, everybody is just going to rise up and say, well, we should have done it. I know that is going to happen, because it happens all the time. We are so responsible, we always do that, and I know that 3 years from now we will not be in a position of saying that. We will not slip quietly away and then spend some more money for an investigation that we could have properly evaluated now.

Thank you, Mr. President, for your indulgence.

LEGISLATIVE LEAVE

Senator FUMO. Mr. President, I request a temporary Capitol leave for Senator Lynch.

The PRESIDENT. Senator Fumo requests a temporary Capitol leave for Senator Lynch. The Chair hears no objection. The leave will be granted.

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

Senator STEWART. Mr. President, would the Majority chairman of the Committee on Appropriations, Senator Fumo, stand for interrogation?

The PRESIDENT. Will the gentleman from Philadelphia, Senator Fumo, permit himself to be interrogated?

Senator FUMO. I will, Mr. President.

Senator STEWART. Mr. President, I am having some difficulty understanding the format that we are dealing with here with this appropriation. Does not the Attorney General's Office get an allocation each year budgeted to do these sorts of things?

Senator FUMO. Mr. President, they do. I am advised by the Attorney General that this is an unexpected investigation, but we do give them enough money to generally conduct investigations of the nature of criminality. A lot of money, I might add.

Senator STEWART. Mr. President, in your memory, has there ever been an instance like this where the budget that the Attorney General was given at the beginning of the year was not sufficient enough to cover some investigation or some function that that office had to carry out?

Senator FUMO. Mr. President, not in my memory, although in this particular budget cycle the former Majority, the Republicans, cut his budget, as well as others, 5 percent when we passed the budget that the Governor liked when he got it back in June. So, in that sense, if the budget process would have proceeded in a normal fashion, he might have had more money. But I do not recall a similar circumstance, although you have to remember that this particular investigation has received an inordinate amount of publicity because of the individuals involved and the body involved, and I guess because of that the Attorney General felt that he could come out and request this kind of money and felt that he had to go outside of his office to hire outside counsel.

I might add that all of the lawyers on this investigation that he told me about today, the four we are requesting, are all outside, contract lawyers. The Attorney General is involved in this investigation. The only State personnel would be this new investigator, who is a former FBI agent. When he comes on board, he will be a State employee, and there are two State Police investigators who were assigned by the State Police, but they are paying for that out of their normal budget for criminal investigations.

Senator STEWART. So, Mr. President, the only real rationale or justification that he has gotten from the Attorney General's Office or his staff for the request for this appropriation is that this is an unexpected event?

Senator FUMO. I do not even know if I got that kind of response. I think it was an assumption that we made, and given all the publicity, I must also add that in the meeting of the Committee on Appropriations on Monday we did not cut out money for an investigation. We refused to put additional money into the Attorney General's Office because, among other things, we had no request for it. But we now have a formal request. We had a meeting, and I would assume that if I were to ask him that question, he would have answered that this is an extraordinary event for his budget.

Senator STEWART. Thank you, Mr. President.

If I may, on the issue.

The PRESIDENT. The Chair recognizes the gentleman from Cambria, Senator Stewart.

Senator STEWART. Mr. President, I am really concerned about this format. Most of us have experienced in our districts at some point in time extraordinary events with the criminal justice system and there was no need to run here to this General Assembly to find an appropriation. In my district, I had a very similar, highly publicized case involving a Common Pleas judge. It went through a very convoluted kind of legal proceeding. The Attorney General was involved with that. State Police were involved with that. Grand juries were involved with that. There was no compelling need to go outside of their ordinary resources to take care of that kind of situation, and I submit that that was equally publicized and it had an equal effect on the judicial system in this Commonwealth. I just cannot accept the reason for the request for this appropriation simply being that it is an unexpected event. If that is going to happen every time there is an unexpected criminal event out there, we will do nothing here but appropriate money to some criminal agency, and that is going to cause a lot more problems than I think this Senate or this General Assembly wants to deal with.

I would respectfully ask for a negative vote on this amendment.

Senator ARMSTRONG. Mr. President, I also agree with my colleague from Cambria County, Senator Stewart. This is a lot of money, \$770,000. This is taxpayers' money. Are we going to get a report that is only half as good as when it was \$1.5 million, or maybe half as thick? Whatever we appropriate, that is what they are going to spend. Maybe we should appropriate \$150,000 and see if we are getting our money's worth before

we give them another dime. I just feel that we are throwing money away here at 200-and-some dollars an hour. I think that we could probably hire someone on a contract for maybe \$100,000 a year versus paying them by the hour, because the more money you have in there, the more they are going to spend. They are going to spend every dime we allocate to them.

So, I think this is a bad precedent to set, and I think perhaps the best way to do it would be one step at a time - \$100,000, \$150,000, have them report back to us, see what kind of a report we are getting, see where they are, and see if we want to spend another dime.

Thank you.

LEGISLATIVE LEAVES

Senator FUMO. Mr. President, I request a temporary Capitol leave for Senator Bodack.

The PRESIDENT. Senator Fumo requests a temporary Capitol leave for Senator Bodack. The Chair hears no objection. That leave will be granted.

Senator LOEPER. Mr. President, I would also request temporary Capitol leaves on behalf of Senator Wenger and Senator Punt.

The PRESIDENT. Senator Loeper requests temporary Capitol leaves for Senator Wenger and Senator Punt. The Chair hears no objection. Those temporary Capitol leaves will be granted.

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—41

Afflerbach	Fisher	Loeper	Rhoades
Andrezeski	Fumo	Lynch	Robbins
Baker	Greenleaf	Madigan	Salvatore
Belan	Hart	Mellow	Scanlon
Bell	Holl	Mowery	Schwartz
Bodack	Jones	Musto	Shumaker
Bortner	Jubelirer	O'Pake	Stapleton
Brightbill	Lemmond	Peterson	Stout
Corman	Lewis	Punt	Tilghman
Dawida	Lincoln	Reibman	Wenger
Fattah			

NAYS—6

Armstrong	Pecora	Stewart	Williams
LaValle	Porterfield		

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

The PRESIDENT. Without objection, Senate Bill No. 260, as amended, will go over in its order.

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 Matthew A. Allen and to Benjamin H. Calder by Senator Armstrong.

Congratulations of the Senate were extended to the CBV Team of Philadelphia Electric Company by Senator Baker.

Congratulations of the Senate were extended to Susan Douglass Hough and to Jason Taylor by Senator Fisher.

Congratulations of the Senate were extended to Dorothy Condy by Senator Hart.

Congratulations of the Senate were extended to Mr. and Mrs. Earl McFall and to Mr. and Mrs. Jack Edwards by Senator Helfrick.

Congratulations of the Senate were extended to John McHugh and to Cassie Dawson by Senator Musto.

Congratulations of the Senate were extended to the DECA Chapter of the Franklin County Vocational-Technical School of Chambersburg by Senator Punt.

Congratulations of the Senate were extended to the Bethlehem Area Jaycees by Senator Reibman.

ANNOUNCEMENT BY THE CHAIR

The PRESIDENT. The Chair has been advised by the chairman of the Committee on Public Health and Welfare that there will be a meeting of the Senate Committee on Public Health and Welfare immediately in the Rules room at the rear of the Chamber. Would the Members of that committee please report to the Rules room at the rear of the Chamber.

PETITIONS AND REMONSTRANCES

Senator BAKER. Mr. President, I would like to make special note of the fact that today as part of the extended budgeting process a very fine institution has received funding which was previously omitted and needed great attention. I am speaking of the New Bolton Center of the University of Pennsylvania Veterinary School. The New Bolton Center is not only important to my district but it is also important to the entire State. As you may know, there is only one veterinary institution in our State, and the New Bolton Center is a nationally known and respected institution which has helped our State in terms of agriculture, in terms of medical research, conducting projects such as the fight against the avian flu, and a number of other instances, and a great deal of concern has been expressed from the entire veterinary community about the possibility of following the administration's position on this. I want to thank the Members of the General Assembly for helping provide this very essential service at the New Bolton Center.

Thank you, Mr. President.

Senator BELL. Mr. President, I want to thoroughly endorse the remarks of the gentleman from Chester, Senator Baker, and I see that the gentleman from Lancaster, Senator Wenger, is on

the floor and I know he endorses them also. New Bolton is now in my district, and what that organization does in support of the dairy industry, the poultry industry, even the racehorses in Pennsylvania, it is number one in the country, and it was going to be bled to death by lack of State appropriation. Now, the only alternative, if we wipe out New Bolton by lack of appropriations, is to have a 100-percent State-funded veterinary school, which would cost far more. And, again, I concur with my colleagues that this is a very wise move, and, again, I thank the gentleman from Philadelphia, Senator Fumo.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Wenger, and his temporary Capitol leave is cancelled.

The PRESIDENT. The Chair recognizes the gentleman from Lancaster, Senator Wenger.

PETITIONS AND REMONSTRANCES (Continued)

Senator WENGER. Mr. President, the school of veterinary medicine, as has been pointed out by the two preceding speakers, is of great significance to the State of Pennsylvania. It is our only school of veterinary medicine. It is tremendously important to the agricultural community, and not only was I in support of and voted for the appropriation, but I would certainly hope that everyone would recognize the importance of having this being passed by the House and approved by the Governor, and that the funding for the continuation of that great school of veterinary medicine, which is not only one of the finest in the Nation but is world class, would be secured and we would be assured of their continuity.

Thank you, Mr. President.

ADJOURNMENT

Senator LINCOLN. Mr. President, I move that the Senate do now adjourn until Monday, February 1, 1993, at 2 p.m., Eastern Standard Time.

On the question,

Will the Senate agree to the motion?

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Prior to the vote on the adjournment motion, the Chair recognizes the presence on the floor of Senator Fisher, Senator Dawida, and Senator Reibman. They have rejoined us. Their temporary Capitol leaves will be cancelled.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to.

The Senate adjourned at 12:10 p.m., Eastern Standard Time.