

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, FEBRUARY 6, 1996

SESSION OF 1996

180TH OF THE GENERAL ASSEMBLY

No. 7

SENATE

TUESDAY, February 6, 1996

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

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

PRAYER

The Chaplain, Reverend Dr. PAUL D. GEHRIS, of American Baptist Churches - U.S.A., Harrisburg, offered the following prayer:

Let us pray.

Almighty and everlasting God, known to us in the glory of all creation, and open to us as we approach Your being with our sense of self, source of all that is good and true and beautiful, powerful in rejection of evil and inequity and wonderful in love and mercy, in these moments we center on who we are in relation to You. Help us to know Your presence with us. For those of us who know so much and want to do so much, grant us power to be as much as we can be so that our knowledge translates into wisdom and our energy into righteousness.

We remember this day our sisters and brothers across the Commonwealth who have been snowed in and flooded out. Guide this body and policymakers and civil servants at all levels in granting appropriate aid and succor.

We pray for our Governor and the House of Representatives as they are joined by this Senate to begin to deal with the dollars of our public policy. In the work and duty of governance, let each and all know who they are and, ultimately, whom they serve.

We pray in Your name and for the good of our beloved Commonwealth. Amen.

The PRESIDENT. The Chair thanks Reverend Gehris, who is the guest today of both Senator Mowery and Senator Piccola.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of February 5, 1996.

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

HOUSE MESSAGES

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate SB 37 and SB 140, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule XIV, section 5, this bill will be referred to the Committee on Rules and Executive Nominations.

HOUSE CONCURS IN SENATE
CONCURRENT RESOLUTION

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

Weekly adjournment.

BILLS INTRODUCED AND REFERRED

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

February 6, 1996

Senators SALVATORE, BODACK, RHOADES, ANDREZESKI, and LEMMOND presented to the Chair SB 1395, entitled:

An Act regulating the check cashing industry; providing for the licensing of check cashers; providing for additional duties of the Department of Banking; providing for certain terms and conditions of the business of check cashing; establishing the Check Cashing Industry Recovery Fund; and providing penalties for money-laundering activities.

Which was committed to the Committee on BANKING AND INSURANCE, February 6, 1996.

Senator PETERSON presented to the Chair SB 1396, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey a tract of land situate in Conewango Township, Warren County, Pennsylvania, to the Warren County Commissioners.

Which was committed to the Committee on STATE GOVERNMENT, February 6, 1996.

RESOLUTIONS INTRODUCED AND REFERRED

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

February 6, 1996

URGING THE GOVERNOR TO PURSUE EVERY LEGAL MEANS TO OBTAIN REIMBURSEMENT FROM THE ENVIRONMENTAL PROTECTION AGENCY AND THE FEDERAL GOVERNMENT FOR COSTS INCURRED FOR PAYMENT AND SETTLEMENT OF ACT 72 OF 1995

Senators BODACK, BELAN, MUSTO, RHOADES, MELLOW, WAGNER, BELL, GREENLEAF and AFFLERBACH offered the following resolution (*Senate Resolution No. 97*), which was read and referred to the Committee on Intergovernmental Affairs:

In the Senate, February 6, 1996

A RESOLUTION

Urging the Governor to pursue every legal means to obtain reimbursement from the Environmental Protection Agency and the Federal Government for costs incurred for payment and settlement of Act 72 of 1995.

WHEREAS, The 1990 amendments to the Federal Clean Air Act required the attainment and maintenance of certain national ambient air quality standards and required reductions of emissions in motor vehicles through a program of enhanced vehicle emissions inspection and maintenance; and

WHEREAS, These amendments were adopted by the United States House of Representatives by a vote of 401-25 and the United States Senate by a vote of 52-46; and

WHEREAS, Every member of the Pennsylvania delegation to the United States Congress, save Congressman Bud Shuster, voted affirmatively for the amendments authorizing an enhanced centralized vehicle emissions inspection and maintenance program; and

WHEREAS, The Environmental Protection Agency promulgated regulations pursuant to its statutory authorization under the 1990 amendments to the Clean Air Act which strongly recommended the adoption of an enhanced centralized vehicle emissions inspection and maintenance program; and

WHEREAS, The General Assembly of Pennsylvania enacted legislation which, in part, created the Emissions System Inspection Program Advisory Committee to investigate both centralized and decentralized enhanced vehicle emissions inspection and maintenance programs and to advise the Department of Transportation on the adoption of a program which would maximize air pollution reductions while providing the most cost-effective, consumer-friendly and inexpensive means of complying with the mandate of the United States Government without jeopardizing Federal highway funding or inviting sanction by the Environmental Protection Agency; and

WHEREAS, The administration of Governor Casey applied to the regional administrator for the Environmental Protection Agency for approval to implement a decentralized enhanced vehicle emissions inspection program but was rejected; and

WHEREAS, The Department of Transportation promulgated regulations, pursuant to the Independent Regulatory Review Act, which proposed an enhanced centralized vehicle emissions inspection and maintenance program which complied with Federal law and regulation and thereafter entered into a contract with Envirotec Partners, Envirotec Systems, Corp. and Envirotec Technologies, Inc. for the construction, maintenance and operation of a sufficient number of

testing facilities in the areas designated by the United States Government; and

WHEREAS, The Congress of the United States, at the urging of many, including the Governor of the Commonwealth of Pennsylvania, temporarily prohibited the Administrator of the Environmental Protection Agency from rejecting State Implementation Plans which proposed the adoption of an enhanced decentralized vehicle emissions inspection plan; and

WHEREAS, Envirotec Partners, Envirotec Systems, Corp. and Envirotec Technologies, Inc., instituted legal action against the Commonwealth of Pennsylvania for the Commonwealth's breach of the aforementioned contract and requested damages in the amount of \$350 million; and

WHEREAS, The Commonwealth recently settled the suit with Envirotec Partners, Envirotec Systems, Corp. and Envirotec Technologies, Inc., for the amount of \$145 million plus contingent costs that may be incurred, and such amount was authorized by the General Assembly by Act 72 of 1995; and

WHEREAS, The 1990 amendments to the Clean Air Act authorize the institution of civil suits by private citizens to insure compliance with the amendments. Two suits have been instituted which will require the Commonwealth to incur additional expenses in defending such suits and will expose the Commonwealth to possible adverse judgments for noncompliance; therefore be it

RESOLVED, That the Senate urge the Governor to pursue every legal means at his disposal to obtain full reimbursement from the Environmental Protection Agency and the Federal Government for the costs incurred by the Commonwealth of Pennsylvania for payment and settlement authorized by Act 72 of 1995, arising from the legal actions against the Commonwealth by Envirotec Partners, Envirotec Systems, Corp. and Envirotec Technologies, Inc., in connection with the federally mandated program of enhanced centralized emissions inspections authorized by the Federal Clean Air Act Amendments of 1990 and subsequent Environmental Protection Agency regulations; and be it further

RESOLVED, That copies of this resolution be transmitted to the Governor.

COMMEMORATING FEBRUARY 4 THROUGH 10, 1996, AS "NATIONAL BURN AWARENESS WEEK" IN THIS COMMONWEALTH

Senators JUBELIRER, LEMMOND, ULIANA, AFFLERBACH, PUNT, TILGHMAN, GERLACH, BODACK, BRIGHTBILL, BELAN, STAPLETON, WENGER, TOMLINSON, STOUT, BELL, O'PAKE, THOMPSON, WAGNER, SHAFFER, LAVALLE, SALVATORE, ROBBINS, HART and SCHWARTZ offered the following resolution (*Senate Resolution No. 98*), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, February 6, 1996

A RESOLUTION

Commemorating February 4 through 10, 1996, as "National Burn Awareness Week" in this Commonwealth.

WHEREAS, Every year more than two million people suffer burn injuries of some kind, and more than one of every three burn victims are children; and

WHEREAS, Approximately 75% of all burn injuries and deaths are preventable; and

WHEREAS, Severe burn injuries are a leading cause of deaths and injuries in North America, especially among young children; and

WHEREAS, The Shrine of North America operates three Shriners Burn Institutes, which provide free medical care to severely burned children; and

WHEREAS, The Shrine of North America and the Shriners Burn Institutes join with other burn facilities across the nation in recognizing the seriousness of this hazard and the urgent need to educate the public about burn prevention and fire safety; and

WHEREAS, It is fitting and appropriate to acknowledge the outstanding contributions of the Shrine of North America and to commend the Shriners for their continued support and care for young burn victims; therefore be it

RESOLVED, That the Senate mark February 4 through 10, 1996, as "National Burn Awareness Week," during which communities across our Commonwealth and nation encourage all of our citizens to support the Shriners Burn Institutes and to take appropriate precautions to protect their families from devastating burn injuries.

**DESIGNATING MARCH 1 AS "ST. DAVID'S DAY";
AND HONORING THE MANY PENNSYLVANIANS
OF WELSH HERITAGE**

Senators LEMMOND, JUBELIRER, BODACK, JONES, ROBBINS, WENGER, O'PAKE, MELLOW, STOUT, MUSTO, GERLACH, BRIGHTBILL, HART, RHOADES, SCHWARTZ, AFFLERBACH, STAPLETON and TILGHMAN offered the following resolution (**Senate Resolution No. 99**), which was read and referred to the Committee on Rules and Executive Nominations:

In the Senate, February 6, 1996

A RESOLUTION

Designating March 1 as "St. David's Day"; and honoring the many Pennsylvanians of Welsh heritage.

WHEREAS, St. David is the patron saint of Wales, and March 1, St. David's feast day, is the Welsh National Holiday, celebrated by Welshmen throughout the world; and

WHEREAS, William Penn was the first of many people from Wales to settle in Pennsylvania; and

WHEREAS, During the 19th Century, thousands of people moved from Wales to Pennsylvania seeking employment; and

WHEREAS, Since Pennsylvania and Wales both include rare anthracite coal among their natural resources, many of the settlers from Wales settled in Pennsylvania's coal regions; and

WHEREAS, Pennsylvania now has the highest concentration of Welsh people anywhere outside of Great Britain; and

WHEREAS, The rich Welsh traditions and heritage have had a tremendous impact on Pennsylvania; therefore be it

RESOLVED, That the Senate designate March 1 as "St. David's Day" and honor the many Pennsylvanians of Welsh heritage.

REPORTS FROM COMMITTEE

Senator GERLACH, from the Committee on Intergovernmental Affairs, reported the following bills:

SB 1325 (Pr. No. 1609)

An Act amending the act of July 29, 1953 (P. L. 970, No. 235), entitled "Middle Atlantic Interstate Forest Fire Protection Compact Act," authorizing the admission of other states into the compact; and making an editorial change.

SB 1344 (Pr. No. 1741) (Amended)

An Act amending the act of June 25, 1931 (P. L. 1352, No. 332), entitled "Delaware River Joint Toll Bridge Compact," further providing for attendance at meetings, for a limitation on certain employment and for joint audits.

SB 1345 (Pr. No. 1742) (Amended)

A Supplement to the act of June 25, 1931 (P. L. 1352, No. 332), entitled "Delaware River Joint Toll Bridge Compact," requiring the commission to adopt competitive purchasing practices.

SB 1346 (Pr. No. 1743) (Amended)

An Act amending the act of May 8, 1919 (P. L. 148, No. 102), entitled "An act providing for the joint acquisition and maintenance by the Commonwealth of Pennsylvania and the State of New Jersey of certain toll-bridges over the Delaware River," adding members of the commission.

SB 1347 (Pr. No. 1744) (Amended)

A Supplement to the act of June 25, 1931 (P. L. 1352, No. 332), entitled "Delaware River Joint Toll Bridge Compact," requiring the Delaware River Joint Toll Bridge Commission to adopt an affirmative action program and to adopt open and competitive hiring practices.

SB 1348 (Pr. No. 1653)

A Supplement to the act of June 25, 1931 (P. L. 1352, No. 332), entitled "Delaware River Joint Toll Bridge Compact," directing the Delaware River Joint Toll Bridge Commission to provide for its meetings to be open to the public and the news media.

HB 2079 TAKEN FROM THE TABLE

Senator LOEPER. Mr. President, I move that House Bill No. 2079, Printer's No. 3076, be taken from the table and placed on the Calendar.

The motion was agreed to.

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

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

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

HB 2079 (Pr. No. 3076) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for homicide by vehicle; adding the offense of aggravated assault by vehicle; further providing for accidents involving death or personal injury, for certain authorized travel periods, for permit for movement during course of manufacture and for the movement of certain oxygen furnace parts; and providing for the movement of domestic animal feed.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEAS—49

Afflerbach	Hart	Mellow	Shaffer
Andrezeski	Heckler	Mowery	Stapleton
Armstrong	Helfrick	Musto	Stewart

Belan	Holl	O'Pake	Stout
Bell	Hughes	Peterson	Tartaglione
Bodack	Jones	Piccola	Thompson
Brightbill	Jubelirer	Porterfield	Tilghman
Corman	Kasunic	Punt	Tomlinson
Delp	LaValle	Rhoades	Uliana
Fisher	Lemmond	Robbins	Wagner
Fumo	Loeper	Salvatore	Wenger
Gerlach	Madigan	Schwartz	Williams
Greenleaf			

NAYS—0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR DANIEL S. DELP PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from York, Senator Delp.

Senator DELP. Mr. President, joining us today as guest Pages are two sixth grade students from the York City School District. I would like to introduce them to everybody at this time. Joining us are Elizabeth Hilbert and Tonya Balton. I would appreciate it if the Senate of Pennsylvania would give them its usual warm welcome.

The PRESIDENT. Would the guest Pages please rise so that the Senate may acknowledge you.

(Applause.)

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

The PRESIDENT. The President pro tempore of the Senate has appointed the following Senators to act as a committee on the part of the Senate to escort the Governor to the Joint Session: the gentleman from Allegheny, Senator Fisher, chairman; the gentleman from Dauphin, Senator Piccola; and the gentleman from Beaver, Senator LaValle. The committee will leave immediately to discharge its duties.

HOUSE NOTIFIES SENATE IT IS READY TO CONVENE IN JOINT SESSION

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

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

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

The SERGEANT-AT-ARMS. Mr. President, I have the honor to introduce the chairman of the escort committee, the Honorable Bruce Smith.

Mr. SMITH. Mr. President, we are a committee on the part of the House appointed to inform the Senate that the House is

ready to receive the Members of the Senate in Joint Session and to escort the Members of the Senate to the Hall of the House.

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

SENATE PROCEEDS TO HOUSE TO HEAR GOVERNOR'S MESSAGE

The PRESIDENT. Would the Members of the Senate please form a line in the center aisle immediately behind the Sergeant-at-Arms and the House Committee in order that we may proceed to the Joint Session.

RECESS

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

AFTER RECESS

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

RECESS

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, for the information of the Members, the Senate will stand in recess, and at 1:30 I would ask all Republican Members to report to the first floor caucus room for a Republican caucus, with an expectation of returning to the floor at approximately 3 p.m.

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

Senator BODACK. Mr. President, I, too, would like to take this opportunity to ask the Democratic Members to report to the Democratic caucus room at 1:30 so we may continue with the day's business.

The PRESIDENT. The Senate will stand in recess.

AFTER RECESS

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

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session to consider Senate Bill No. 712, Resolutions No. 93, 98, and 99, and certain executive nominations.

LEGISLATIVE LEAVES

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, Senator Holl and Senator Corman have been called to their offices, and I request temporary Capitol leaves on their behalf.

The PRESIDENT. Senator Loeper requests temporary Capitol leaves for Senator Holl and Senator Corman. Without objection, those leaves are granted.

The Chair recognizes the gentleman from Lehigh, Senator Afflerbach.

Senator AFFLERBACH. Mr. President, I request a temporary Capitol leave for Senator Tartaglione.

The PRESIDENT. Senator Afflerbach requests a temporary Capitol leave for Senator Tartaglione. Without objection, that leave is granted.

CALENDAR

THIRD CONSIDERATION CALENDAR

BILLS OUT OF ORDER

Without objection, the third consideration bills on today's Calendar were called out of order by Senator LOEPER as Special Orders of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 686 (Pr. No. 720) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), entitled "The Third Class City Code," further providing for the publication of a certain notice relating to fiscal matters.

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—49

Afflerbach	Hart	Mellow	Shaffer
Andrezeski	Heckler	Mowery	Stapleton
Armstrong	Helfrick	Musto	Stewart
Belan	Holl	O'Pake	Stout
Bell	Hughes	Peterson	Tartaglione
Bodack	Jones	Piccola	Thompson
Brightbill	Jubelirer	Porterfield	Tilghman
Corman	Kasunic	Punt	Tomlinson
Delp	LaValle	Rhoades	Uliana
Fisher	Lemmond	Robbins	Wagner
Fumo	Loeper	Salvatore	Wenger
Gerlach	Madigan	Schwartz	Williams
Greenleaf			

NAYS—0

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

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

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Corman has returned, and his temporary Capitol leave is cancelled.

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION AMENDED

SB 847 (Pr. No. 1732) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, providing for the titling of motor boats; and further providing for registration of boats.

On the question,
Will the Senate agree to the bill on third consideration?
Senator ROBBINS offered the following amendment No. A0364:

Amend Sec. 3 (Sec. 5322), page 7, line 16, by striking out "1996" and inserting: 1997

Amend Sec. 4, page 12, line 8, by striking out all of said line and inserting:

Section 4. This act shall take effect as follows:

- (1) The addition of 30 Pa.C.S. § 5325 shall take effect in 60 days.
- (2) This section shall take effect in 60 days.
- (3) The remainder of this act shall take effect six months after the effective date of regulations promulgated under the authority of 30 Pa.C.S. § 5325.

On the question,
Will the Senate agree to the amendment?
It was agreed to.
Without objection, the bill, as amended, was passed over in its order at the request of Senator LOEPER.

BILLS OVER IN ORDER

SB 856 and HB 905 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AMENDED

SB 1251 (Pr. No. 1684) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," transferring the Scotland School for Veterans' Children from the Department of Education to the Department of Military Affairs.

On the question,
Will the Senate agree to the bill on third consideration?
Senator LOEPER offered the following amendment No. A0331:

Amend Title, page 1, line 22, by striking out "Affairs." and inserting: and Veterans Affairs; and making editorial changes.

Amend Sec. 1 (Sec. 202), page 2, line 13, by inserting brackets before and after "Pennsylvania State Board of Censors,"

Amend Sec. 1 (Sec. 202), page 2, line 20, by inserting brackets before and after "Business" and inserting immediately thereafter: Licensed

Amend Sec. 1 (Sec. 202), page 2, lines 21 and 22, by inserting a bracket before "State" in line 21 and after "Schools," in line 22

Amend Sec. 1 (Sec. 202), page 2, line 24, by inserting after "Military": and Veterans

Amend Sec. 3, page 4, line 4, by inserting after "SECTION 3.": The Scotland School for Veterans Children is hereby transferred from

the Department of Education to the Department of Military and Veterans Affairs.

Amend Sec. 3, page 4, line 7, by inserting after "MILITARY": and Veterans

Amend Sec. 3, page 4, line 10, by inserting after "MILITARY": and Veterans

Amend Sec. 3, page 4, line 13, by inserting after "MILITARY": and Veterans

Amend Sec. 4, page 4, line 16, by inserting after "MILITARY": and Veterans

Amend Sec. 4, page 4, line 18, by inserting after "MILITARY": and Veterans

Amend Sec. 4, page 4, line 26, by inserting after "MILITARY": and Veterans

Amend Sec. 4, page 4, line 28, by inserting after "MILITARY": and Veterans

Amend Sec. 4, page 4, line 30, by inserting after "MILITARY": and Veterans

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

BILLS OVER IN ORDER

SB 1371, HB 1578 and HB 2066 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 6, SB 216, SB 394, SB 708, SB 1322, SB 1353, HB 1571 and HB 1927 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

LEGISLATIVE LEAVES

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, Senator Jubelirer and Senator Peterson have been called from the floor, and I ask for temporary Capitol leaves on their behalf.

The PRESIDENT. Senator Loeper requests temporary Capitol leaves for Senator Jubelirer and Senator Peterson. Without objection, those leaves are granted.

The Chair recognizes the gentleman from Erie, Senator Andrezeski.

Senator ANDREZESKI. Mr. President, I request temporary Capitol leaves for Senator Kasunic and Senator O'Pake, who have been called to their offices on business.

The PRESIDENT. Senator Andrezeski requests temporary Capitol leaves for Senator Kasunic and Senator O'Pake. Without objection, those leaves are granted.

THIRD CONSIDERATION CALENDAR RESUMED

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 1083 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 150 (Pr. No. 1731) -- The Senate proceeded to consideration of the bill, entitled:

An Act regulating and requiring the licensure of electrical contractors; establishing the State Board of Electrical Contractors and providing for its powers and duties; making an appropriation; and providing penalties.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

Senator CORMAN. Mr. President, Senate Bill No. 150 is a bill that proposes to regulate electrical contractors in the State of Pennsylvania and provides for a State board of electrical contractors. I think as stated in the preamble of the bill, what it wishes to do sounds reasonable. But as I examine the bill, I am very fearful that this bill will stop us from having electrical contractors some 10, 20 years down the road.

As I look at page 2 of the bill, it identifies an electrical contractor as, "An individual who performs or supervises electrical services, including, but not limited to, the installation, erection, repair or alteration of electrical equipment...." So we are talking about the person who is actually doing the job or his or her supervisor who is telling them how to do the job.

Now, if I turn to page 7 of the bill, I read where we speak then of the license that is required, and it says on that page that, "An individual may not perform electrical contracting services unless the individual has obtained a license from the board. The individual so licensed shall assume full responsibility for all of the electrical work...." It then further specifies qualifications for a license. And it says here that, "An individual may not be granted an electrical contractor's license unless he submits proof satisfactory to the board that: (1) He has been employed or engaged in the business of electrical construction and installation or has equivalent practical experience for a period of not less than five years preceding the time of application...." So a person would have to have been in business for at least 5 years, as I read this, to qualify for the rest of the requirements, one, that he takes an examination and passes it, and then he fills out an application and pays the appropriate amount of money for the application.

Now, if I look then at the exclusions from this law, because we are excluding certain people from it, again if I look at that on page 8, it says, "Exemption from examination. The requirements of section 6(2) shall not apply and a license shall be issued without examination to an individual who has submitted an application for license, accompanied by the required fee...." And it goes on to say that this person must have proof of being employed or engaged in the business of electrical contracting within this Commonwealth for a period of at least 6 years prior to the effective date of this act.

So, Mr. President, I not do not know where we are going to get our electrical contractors if today someone starts to be an electrical contractor and hangs his shingle up today saying I am an electrical contractor. It seems to me this is going to put him out of business, or, in fact, today if some young journeyman, let us call him, electrical contractor decides to quit and this bill is law, how does one then hire someone else to be on his team of electrical contractors? I do not see anywhere where we bring new people into the business, and it seems to me what we are really saying is if this passes we will eventually not have electrical contractors, or the ones who will be left will certainly be highly paid because you are going to have a tough time finding them.

So I would encourage the Members to vote "no" on the bill at this point or have it put over until someone can prepare the proper amendment to allow journeymen electrical contractors to get in and learn the business.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Jubelirer has returned, and his temporary Capitol leave is cancelled.

And the question recurring,
Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Bell.

Senator BELL. Mr. President, this had been discussed back and forth in our caucus. The gentleman from Centre, Senator Corman, is mixing up electrical contractors with electrical journeymen.

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

Senator RHOADES. Mr. President, would the gentleman from Centre, Senator Corman, submit to interrogation?

The PRESIDENT. Senator Corman, do you wish to stand for interrogation?

Senator CORMAN. Yes, Mr. President.

The PRESIDENT. Senator Rhoades, continue.

Senator RHOADES. Mr. President, from the gentleman's reading, may I ask for the interpretation that if I were an electrician trained in my vocational technical school and went out after that and maybe even picked up some additional tech training and then wanted to go and wire a house or do some electrical work somewhere, would I be, by this bill, permitted to continue to do that or do I have to work for an electrical contractor for 5 years before I would be able to do that?

Senator CORMAN. Mr. President, let me get a copy of the bill. As I said, the definition of electrical contractor is "an individual who performs...." So we are talking about that individual who wishes to perform because they just graduated from some school or who supervises. We are talking about that individual and the person who supervises him must be licensed. Now, if we say they must be licensed, then we look at the license requirements, and it says that, "An individual may not be granted an electrical contractor's license unless he submits proof satisfactory to the board that: (1) He has been employed or engaged in the business of electrical construction and installation or has equivalent practical experience for a period of not less than five years preceding the time of application, or shall otherwise establish, pursuant to regulations promulgated by the board, that he has the necessary education and experience to take the examination for a license." So it is possible that the board might, but we do not know--

Senator RHOADES. We are not sure.

Senator CORMAN. --allow that person to be licensed if they can show they have proper education, but it is not obviously guaranteed here.

Senator RHOADES. Mr. President, that education, we really do not know whether that is a formal education, an apprenticeship, or the fact is, say, my father could be an electrician and I could work with him. That may not be an approved type of procedure? That is what I am trying to find out.

Senator CORMAN. Mr. President, right. Well, that is what it seems to me. It is not specified what "necessary education" is. There are some definitions. "Necessary education" is not one of those that has a definition.

Senator RHOADES. Thank you, Mr. President.

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—35

Afflerbach	Holl	Musto	Tartaglione
Andrezeski	Hughes	O'Pake	Thompson
Armstrong	Jones	Piccola	Tilghman
Belan	Jubelirer	Porterfield	Tomlinson
Bell	Kasunic	Salvatore	Uliana
Bodack	LaValle	Schwartz	Wagner
Fisher	Lemmond	Stapleton	Wenger
Fumo	Loeper	Stewart	Williams
Greenleaf	Mellow	Stout	

NAYS—14

Brightbill	Hart	Mowery	Rhoades
Corman	Heckler	Peterson	Robbins
Delp	Helfrick	Punt	Shaffer
Gerlach	Madigan		

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

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

LEGISLATIVE LEAVES

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, Senator Corman, Senator Piccola, and Senator Mowery have been called from the floor, and I request temporary Capitol leaves on their behalf.

The PRESIDENT. Senator Loeper requests temporary Capitol leaves for Senator Corman, Senator Piccola, and Senator Mowery. Without objection, those leaves are granted.

The Chair recognizes the gentleman from Indiana, Senator Stapleton.

Senator STAPLETON. Mr. President, I request a temporary Capitol leave for Senator Bodack, who has been called to his office.

The PRESIDENT. Senator Bodack requests a temporary Capitol leave for Senator Bodack. Without objection, that leave is granted.

THIRD CONSIDERATION CALENDAR RESUMED

BILLS OVER IN ORDER

HB 299 and SB 317 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AMENDED

HB 569 (Pr. No. 2466) -- The Senate proceeded to consideration of the bill, entitled:

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

On the question,

Will the Senate agree to the bill on third consideration?

Senator AFFLERBACH offered the following amendment No. A5309:

Amend Title, page 1, line 3, by removing the period after "assault" and inserting: and for cruelty to animals.

Amend Bill, page 6, by inserting between lines 1 and 2:

Section 2. Section 5511(q) of Title 18, amended July 6, 1995 (P.L.238, No.27), is amended and the section is amended by adding a subsection to read:

§ 5511. Cruelty to animals.

* * *

(k.1) Transporting, capturing or breeding pigeons for pigeon shoots.—A person commits a summary offense if he imports, receives, transports, delivers, sells or offers for sale, breeds, captures or confines a pigeon for use at a pigeon shoot.

* * *

(q) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Animal fighting." Fighting or baiting any bull, bear, dog, cock or other creature.

"Audibly impaired." The inability to hear air conduction threshold at an average of 40 decibels or greater in the better ear.

"Blind." Having a visual acuity of 20/200 or less in the better eye with correction or having a limitation of the field of vision such that the widest diameter of the visual field subtends an angular distance not greater than 20 degrees.

"Deaf." Totally impaired hearing or hearing with or without amplification which is so seriously impaired that the primary means of receiving spoken language is through other sensory input, includ-

ing, but not limited to, lip reading, sign language, finger spelling or reading.

"Domestic animal." Any dog, cat, equine animal, bovine animal, sheep, goat or porcine animal.

"Domestic fowl." Any avian raised for food, hobby or sport.

"Normal agricultural operation." Normal activities, practices and procedures that farmers adopt, use or engage in year after year in the production and preparation for market of poultry, livestock and their products in the production and harvesting of agricultural, agronomic, horticultural, silvicultural and aquicultural crops and commodities.

"Physically limited." Having limited ambulation, including, but not limited to, a temporary or permanent impairment or condition that causes an individual to use a wheelchair or walk with difficulty or insecurity, affects sight or hearing to the extent that an individual is insecure or exposed to danger, causes faulty coordination or reduces mobility, flexibility, coordination or perceptiveness.

"Pigeon shoot." An event or contest taking place in this Commonwealth involving the release of live pigeons as targets.

"Zoo animal." Any member of the class of mammalia, aves, amphibia or reptilia which is kept in a confined area by a public body or private individual for purposes of observation by the general public.

Amend Sec. 2, page 6, line 2, by striking out "2" and inserting:
3

On the question,

Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentleman from Lehigh, Senator Afflerbach.

Senator AFFLERBACH. Mr. President, let me first begin by thanking the Majority Leadership for going through the deliberations necessary to schedule this amendment for today. I am particularly grateful for that. I am particularly grateful because it happens to be my 51st birthday, and I cannot think of any way I would rather celebrate that than to offer an amendment that, in fact, seeks to protect a number of living creatures which cannot speak for themselves.

We have heard a lot about what this amendment is thought to do. Let me tell you first of all what it actually does. First of all, the amendment is very simple. It deals directly to commerce. What it does is prohibits the confinement, the transporting, the sale, or the purchase of certain specific sensitive, tactile, avian creatures for no other purposes than to serve as living targets.

It is not a hunting issue, and I say that as a hunter of more than 40 years. In fact, I began hunting before I was of legal age in Pennsylvania, because as a farm kid, as many of my colleagues know, when you are out on the farm you are taught early how to be a hunter. I repeat, it is not a hunting issue, and, in fact, we have hunters throughout the Commonwealth of Pennsylvania who are finally coming forward and stating that the one commonality among hunters is that we respect the animals we harvest; we respect the lives of those animals we harvest.

And it is not a firearms issue, and I say that as a military-qualified expert marksman who continues to own a number of firearms and continues to remain proficient in the use of them. The fact is that those who believe in target shooting, in trap shooting, and in marksmanship have avenues available to them which are far, far more challenging than attempting to shoot a number of living creatures that, frankly, do not

even know that they are being shot at until it is too late. The fact of the matter is that one of Pennsylvania's finest marksmen, the late Bob Rodale, a qualified Olympic marksman, decried the use of living creatures as targets for no other purpose than to raise money.

So, it is not a hunting issue and it is not a firearms issue, but what it is, it is an issue that has to deal with violence, an issue that has to deal with the expenditure of tax dollars of this Commonwealth, an issue that has to deal with the use of scarce resources by the Pennsylvania State Police and municipal police. It is an issue that relates to only three States in the union - Pennsylvania being one, Texas another, North Carolina the third. It is an issue that relates to only 20 separate sites or localities in this Commonwealth, even though we read predominantly about one.

And in many ways it is an issue that represents a contradiction in Title 18, with respect to the cruelty to animals section. I would ask you to think for a moment what went through the minds of legislators some years ago when we chose to prohibit animal fighting and we chose to make it a third-degree felony for any human to raise animals for that purpose, to pit animals against one another for that purpose, to wager on animal fights, and I ask you to put those thoughts against permitting humans in this Commonwealth to continue to slaughter in mass numbers certain avian creatures that do not even have the opportunity to defend themselves. It seems to me rather ludicrous that we would prohibit, under the pain of a third-degree felony, an animal fight where the animal at least has a chance to defend itself and, at the same time, ignore the fact that we are transporting thousands of avian creatures for the purpose of nothing more than target practice.

Now, Mr. President, I know that many Members in this Chamber would rather not face this amendment, and I know that one of the arguments that has been raised about it is that these particular performances, for lack of a better word, that are staged at certain municipalities are absolutely necessary to address the fiscal solvency of those municipalities or the community services that are funded by the moneys raised at these particular target shoots. Now, Mr. President, I would say to that, woe be to the municipality whose financial stability rests upon income from the mass killing of any living creature.

And I said, Mr. President, it is an issue that deals with education. And I would also say that when we educate children, we frequently say to them, pay attention not only to what I say but to what I do. And I would say, woe be to the municipality and the residents of that municipality who are educating their children year after year with the concept that it is perfectly all right to create a mass killing of living creatures if you get paid for it. What sort of message does that send to children throughout this Commonwealth? But that is what these continued target shoots utilizing live caged animals, live caged fowl, in this particular case, do.

Mr. President, I would conclude by saying that virtually every newspaper in this Commonwealth, save but a few, over the past 5 or 6 years have recognized this practice and have editorialized against it. I would further say that at the national level there are hunting organizations, representatives of those

organizations, firearm organizations, representatives of those organizations who understand that the continued authorization of these kinds of target shoots demean hunting, demean marksmanship, demean the true and genuine sportsmen who participate in these particular enterprises.

Finally, Mr. President, I would say that we have the opportunity, we have had the opportunity for quite some time, to address this issue and to put to rest the very same arguments that many other States have put to rest long ago. Mr. President, quite by coincidence, in yesterday's edition of *The Allentown Morning Call* newspaper, and I say quite by coincidence because the writer had no idea that this bill was coming up today or this amendment, he published the following statement, and I quote:

(Reading:)

"To have an ample supply of living targets, more than 20,000 birds were delivered to Interstate Park 'to be butchered,' in the words of one writer, 'to make a trapshooter's holiday.'

"...During the first eight-hour shoot, more than 2,900 pigeons were killed or wounded."

"...in the majority of kills,' the writer continued, 'the bird falls dead, a bag of riddled skin and broken bones. In many instances, however...the flying target receives only the outer pellets of the pattern...and it may fall maimed in the boundary marked to constitute a count for the shooter or out of it.

"In the one case it is roughly snatched up by a boy employed to retrieve the birds that go to make up the scores. In the other it is allowed to linger and suffer until the official butchery is over and the roundup of the cripples is in order."

"The community turned out en masse to protest, but most of it was simply brushed aside. The bird body count for the second day was more than 3,000. And even though a bill prohibiting pigeon shooting was sent to the New York Legislature, the 222 entrants just continued to fire as fast as their weapons allowed."

Mr. President, that same article could have been written about the occurrences that have taken place in Pennsylvania as recently as Labor Day of 1995, but, in fact, it was written about occurrences taking place in New York State between April 1-5 in the year 1901. Ninety-five years, Mr. President, and we have not come very far in this Commonwealth with respect to using living creatures for target practice. We have the opportunity to take that step now, and I urge this Chamber to do that.

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

Senator RHOADES. Mr. President, I rise to oppose this amendment. As far as I am concerned, as I say, cut it, slice it, or fry it, baloney is still baloney. This is antigun, this is anti-shooting, this is antihunting. If it is okay to shoot doves, and if I were to come in here and put a dove in one hand and a pigeon in the other, I would dare most of you to be able to distinguish one from the other. Yet, on the same day, Labor Day, at 12 noon, it is all right to shoot doves and it is not all right to shoot pigeons. Follow up with that, well, next it will be crows, then we go to pheasants, then we go to grouse, then we go to ducks, and after you are done with that, do not forget rabbits and squirrels and deer, because, as I said, you know, I told you a long time ago when we got into the cockfighting and the dogfighting, sooner or later, folks, you are going to be down to this one. Well, here is the day.

If you do not like the Hegins pigeon shoot, do not go. Stay away. We do not want you there. But do not try to tell us, by legislating from this floor, what I am going to do in my county or your county. I am not telling you that you cannot shoot pigeons in any of your counties or townships. Please do not do the same to us.

On the issue of humaneness, is it humane then to spend thousands of dollars and poison thousands of pigeons? Then we should stop that too. Let us not do that. But then when you get the disease and the smell and the waste all over, you cannot complain about it.

The other thing that gets me concerned, too, is the comment of the young children. I dare any of you to compare the kids from the Hegins Valley area to those across the Commonwealth. They are as good as anybody else. And I will tell you what, Tri-Valley High School does not have metal detectors in their hallways for kids bringing in knives or guns, as they do in other areas. These kids are good kids. They are hardworking kids. And I will tell you what, they have gone to the Ivy League schools, they have excelled in sports, they have excelled in the classroom, they have excelled in all areas. So to say that this ruins their area, sometime maybe you ought to go up there and take a look through and you will get to appreciate it.

Another comment was made, too, that poll results show that 99 percent of the respondents oppose live pigeon shoots and voted to ban them. Yet on the second page, pigeon shoots are a statewide problem, not a local issue. Pigeon shoots are held across the State nearly every weekend from September to March in Berks County, in Bucks County, in Dauphin County, in Erie County, in Montgomery County, and in Schuylkill County. So if that makes up the 1 percent, that is an awfully big 1 percent.

Lastly, the Hegins pigeon shoot cannot be justified as a fundraiser, because the organizers of the shoot have turned down offers to end the shoot for money, including an offer to purchase two clay shooting machines for Hegins. Basically, folks, I will tell you what, they have been doing this for 50 or 60 years, and probably it was losing its appeal until the anti-group came in. They were maybe about ready to close it down, they were making around \$3,000 to \$5,000 a year. Since the anti-group came in and called so much attention to it, they are now making \$50,000 a year. So if there is not an appeal to it, then where are these people coming from? If you do not like it, do not go to it. Let me also add that the people who are coming in protesting are not all Pennsylvanians. They are from Illinois, Maryland, New Jersey, New York, and those are the ones making the biggest complaint. If you do not like it, go someplace else.

Lastly, it says, after all, in Pennsylvania, cockfighting is a felony. You know, as one of my colleagues just reminded me, too, I do not even think abortion is a felony. Dogfighting is a felony, and by comparison, live pigeon shoots make these activities look compassionate. Well, if these are less compassionate, we should not have severe penalties for them. We ought to take out the cockfighting felony and the dogfighting felony, but we are not going to do that.

The last thing I have to say is I urge all my colleagues to shoot this amendment down.

Thank you.

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

Senator HECKLER. Mr. President, I wonder if the maker of this amendment, the gentleman from Lehigh, Senator Afflerbach, would stand for brief interrogation?

The PRESIDENT. The gentleman from Lehigh, Senator Afflerbach, indicates that he will.

Senator Heckler, you may continue.

Senator HECKLER. Mr. President, I would direct the gentleman's attention to page 2 of the amendment, the definition of pigeon shoot, and I would inquire, specifically, what the gentleman's explanation would be of the verb "release," as it is used in the context of this amendment?

Senator AFFLERBACH. Mr. President, my explanation of the verb "release" would be inclusive to take into consideration the actual transportation to a specific site and the physical letting go of the particular bird in question, in this case a pigeon, to either fly, sit still, run, or whatever it chooses to do, without being restrained by the individual who took it to that site, and that would be my definition of the word "release."

Senator HECKLER. Mr. President, well, let me then follow on a bit. If I took a crate of pigeons to a site, let us say it was a couple hundred acre farm, opened the crates, shooed the pigeons off to, as you say, fly, walk, do whatever they chose to do, and I gave them 15 minutes or half an hour and then with bird dogs who were trained for hunting or whom I was training for hunting came after them, flushed what birds were about and shot them, would that fall within the scope, again, assuming, well, let us say we are doing this as a contest of some sort, would that fall within the definition of what you are describing as a pigeon shoot?

Senator AFFLERBACH. Mr. President, I think the gentleman stretches the meaning of the word "contest" in this particular instance. Clearly, one could argue, I would suspect, that the release of the birds in the context that the gentleman described would make them available to use as targets through the process of literally hunting them down in the brush or the farmland. This issue, and particularly this amendment, does not address itself to the Game Code and what is considered to be legitimate hunting. In fact, there is already within the section on cruelty to animals an exception for anything that is defined as hunting within the Game Code. And therefore, I would have to say that under the gentleman's description, this particular amendment would not fit that description.

Senator HECKLER. Mr. President, I thank the gentleman. Could I be recognized to speak on the amendment?

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

Senator HECKLER. Mr. President, the thing that has always troubled me about legislation aimed at ending the Hegins pigeon shoot is the same thing that troubles me about this amendment, and I will say that this amendment is a little bit different than some of the other provisions I have seen in the past, but as a hunter and as someone who, and I will make full

confession, has transported, oh, probably a lot of crates of pheasants over the years--I have never much fooled around with pigeons--I have transported them, I have placed them in the field, I have turned them loose so they could fly and go where they wanted to, and I have spent absolutely some of my happiest days in the field, and certainly some of the happiest days for an English Setter who has now gone on to her reward, finding those pheasants an hour or 2 hours later, having her point them, flushing them, and shooting them. If I had done that, as field trials are one of the major activities using gun dogs by sportsmen throughout this Commonwealth, certainly some of those activities involve competition, not generally for how many birds are shot but maybe for how many birds the dogs find and the style and performance of the dog in the field, for retrieves if the breed is a retrieving breed.

The problem I have always had with this-- And I do not go to Hegin. As our colleague from Schuylkill has indicated, if you do not like it, stay away. I stay away. But the distinction between the conduct which is prohibited here with regard to pigeons and legitimate conduct that has gone on for hundreds of years which is appropriate and necessary for the continuation and particularly the training of hunting dogs and for their use in a wholesome, appropriate, and enjoyable way for those who are comfortable with hunting as a sport is, as far as I am concerned, nonexistent aside from the breed of creature which is specified.

That being the case, whatever my thoughts on the Hegin pigeon shoot one way or another, I am obliged to vote against this amendment and I would urge my colleagues to do likewise.

The PRESIDENT. The Chair recognizes the gentleman from Lehigh, Senator Afflerbach.

Senator AFFLERBACH. Mr. President, I will not delay the Chamber with an elongated rebuttal of any sort. I think the points I have made are legitimate points. I think there are a couple of things, however, that need to be added to the record. The gentleman from Schuylkill, Senator Rhoades, accurately stated that many of the protesters who have come to Pennsylvania to protest these kinds of target shooting events are, in fact, from out of State. I would submit to the gentleman that many of the shooters who come to Pennsylvania to participate in these contests are also from out of State, because they are not permitted to enter contests of this nature in their States, unless they live in North Carolina or Texas.

And so I think the issue of who is from out of State is pretty much a wash, with one exception, and that exception is that I do not feel very comfortable with allowing people from outside of Pennsylvania and attracting them to come into this Commonwealth for these kinds of target shoots with their weapons and with the activity that has been known to occur at these shoots with respect to the consumption of alcoholic beverages. Every year we have had to pay additional funds to the State Police for overtime duty, additional costs for municipal police and for the judiciary to process those who are arrested on both sides, whether it be the protester or the shooter. Every year that cuts into municipal budgets and our State budget.

We heard our Governor today make a plea for a budget reduced from last year's expenditures. We heard him make a plea of how difficult it is going to be to make ends meet and take care of the emergency funding that we need from the storms that we have had. Here we have an opportunity to save upwards of \$100,000 in the State Police budget alone. If for no other reason, we should seize that opportunity because, as I indicated to you earlier, there is already an exception in the cruelty to animals section for legitimate hunting. That exception is not harmed by this amendment.

And to the gentleman from Schuylkill, I would also say that I am sure that the kids in Schuylkill County and the other counties where these shoots take place are basically good kids and are probably no worse or no better than the kids in all other parts of the Commonwealth. It is not their goodness I am concerned about, it is the adults who are teaching them that it is perfectly all right to commit the mass slaying of any living creature as long as you are paid for it. That is what I object to with the kinds of shoots that take place.

Again, I ask for support of the amendment.

LEGISLATIVE LEAVES

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, Senator Robbins, Senator Fisher, and Senator Punt have been called to their offices, and I request temporary Capitol leaves on their behalf.

The PRESIDENT. Without objection, those leaves are granted.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, Senator Williams and Senator Jones have been called to their offices, and I request temporary Capitol leaves for them.

The PRESIDENT. Without objection, those leaves will be granted.

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

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

YEAS—10

Afflerbach	Hughes	Tilghman	Wagner
Bell	Jones	Uliana	Williams
Greenleaf	Schwartz		

NAYS—36

Andrezeski	Hart	Madigan	Robbins
Armstrong	Heckler	Mellow	Salvatore
Belan	Helfrick	Mowery	Shaffer
Bodack	Holl	Musto	Stapleton
Brightbill	Jubelirer	Peterson	Stewart
Corman	Kasunic	Piccola	Stout
Delp	LaValle	Porterfield	Thompson
Fisher	Lemmond	Punt	Tomlinson
Gerlach	Loeper	Rhoades	Wenger

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?

Senator PORTERFIELD offered the following amendment No. A6400:

Amend Title, page 1, line 3, by removing the period after "assault" and inserting: ; and prohibiting certain entertainment in specified establishments.

Amend Bill, page 6, by inserting between lines 1 and 2:

Section 2. Title 18 is amended by adding a section to read:

§ 7329. Prohibition of certain types of entertainment on bottle club premises.

(a) Offense defined.—No bottle club operator, or servants, agents or employees of the same, shall knowingly permit on premises used as a bottle club or in any place operated in connection therewith any lewd, immoral or improper entertainment.

(b) Penalty for violation.—Any person who violates subsection (a) commits a summary offense.

(c) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Bottle club." An establishment conforming to the definition set forth in section 7328(c) (relating to operation of certain establishments prohibited without local option).

"Lewd, immoral or improper entertainment." Includes, but is not limited to, the following acts of conduct:

(1) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or excretion or any sexual acts which are prohibited by law.

(2) Any person being touched, caressed or fondled on the buttocks, anus, vulva, genitals or female breasts. This paragraph includes simulation.

(3) Scenes wherein a person displays or exposes to view any portion of the pubic area, anus, cleft of the buttocks, vulva, genitals or any portion of the female breast directly or laterally below the top of the areola. This paragraph includes simulation.

(4) Scenes wherein artificial devices or inanimate objects are employed to portray any of the prohibited activities described in paragraph (1), (2) or (3).

(5) Employment or use of any person in the sale and service of alcoholic beverages while such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the anatomy described in paragraph (3).

(6) Employment or use of the services of a person while the person is unclothed or in such attire as to expose to view any portion of the anatomy described in paragraph (3).

(7) Permitting any person on the premises to touch, caress or fondle the buttocks, anus, vulva, genitals or female breasts of any other person.

(8) Permitting any person on the premises while such person is unclothed or in such attire as to expose to view any portion of the anatomy described in paragraph (3).

(9) Permitting any person to wear or use any device or covering exposed to view which simulates the human buttocks, anus, vulva, genitals or female breasts.

(10) Permitting any person to show, display or exhibit on the premises any film, still picture, electronic reproduction or any other visual reproduction or image the content of which primarily depicts graphic sexual acts as described in paragraphs (1) and (4).

Amend Sec. 2, page 6, line 2, by striking out "2" and inserting:

3

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

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

Senator MELLOW offered the following amendment No. A0144:

Amend Sec. 1 (Sec. 2702), page 3, line 24, by inserting a bracket before "OR"

Amend Sec. 1 (Sec. 2702), page 3, line 29, by inserting a bracket after "MATTERS)"

Amend Sec. 1 (Sec. 2702), page 4, line 8, by inserting a bracket before "OR"

Amend Sec. 1 (Sec. 2702), page 4, line 11, by inserting a bracket after "63"

Amend Sec. 1 (Sec. 2702), page 5, line 13, by removing the period after "institution" and inserting: county jail or prison, juvenile detention center or any other facility to which the person has been ordered by the court pursuant to a petition alleging delinquency under 42 Pa.C.S. Ch. 63 (relating to juvenile matters).

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

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

RECESS

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

The PRESIDENT. For the purpose of a meeting of the Committee on Rules and Executive Nominations, the Senate stands in recess.

AFTER RECESS

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

UNFINISHED BUSINESS REPORTS FROM COMMITTEES

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

SB 562 (Pr. No. 586)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the criminal use of communication facilities.

SB 563 (Pr. No. 587)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, regulating testimony of defendants as to other offenses.

SB 1171 (Pr. No. 1368)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for other offenses.

SB 1172 (Pr. No. 1369)

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

SB 1374 (Pr. No. 1704)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, clarifying provisions relating to equitable matters.

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

SB 712 (Pr. No. 1747) (Amended) (Rereported) (Concurrence)

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for the renaming of the Department of Military Affairs; providing for the issuance of certificates relating to release or discharge and for the use or recycling of office supplies and materials.

RESOLUTIONS REPORTED FROM COMMITTEE

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

SR 93 (Pr. No. 1725)

A Concurrent Resolution commemorating the 50th Anniversary of the Electronic Numerical Integrator and Computer.

SR 98 (Pr. No. 1739)

A Resolution commemorating February 4 through 10, 1996, as "National Burn Awareness Week" in this Commonwealth.

SR 99 (Pr. No. 1740)

A Resolution designating March 1 as "St. David's Day"; and honoring the many Pennsylvanians of Welsh heritage.

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

DISCHARGE PETITION

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

In the Senate, February 6, 1996

A PETITION

To place before the Senate the nomination of Charles M. Greene, as a member of the Council of Trustees Cheyney University.

TO: The President Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby

request that you place the nomination of Charles M. Greene, as a member of the Council of Trustees Cheyney University, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

William J. Stewart
Leonard J. Bodack
Michael A. O'Pake
Patrick J. Stapleton
Anthony B. Andrezeski

The PRESIDENT. This communication will be laid on the table.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Charles Thompson and to Melvin Clayton by Senator Holl.

Congratulations of the Senate were extended to Krystal Barry, Sam Barry, Chris Higgins and to Matt Meyer by Senator LaValle.

Congratulations of the Senate were extended to Sharon Gaffney Medash by Senator Musto.

Congratulations of the Senate were extended to Mr. and Mrs. George Hartwick by Senator Piccola.

Congratulations of the Senate were extended to Mr. and Mrs. John Bilsak, Mr. and Mrs. John P. Delman, Mr. and Mrs. Robert Heisler, Mr. and Mrs. Lawrence W. Kimmel, Mr. and Mrs. Franklin H. Rex, Mr. and Mrs. Joseph Rustine, Mr. and Mrs. Kermit E. Shoup, Mary Hand and to Michael P. Barner by Senator Rhoades.

Congratulations of the Senate were extended to Ronald Galbreath, Michael Galbreath, Christopher McCormick and to Gregory S. Palmer by Senator Robbins.

Congratulations of the Senate were extended to Cub Scout Pack 5 of Butler by Senator Shaffer.

Congratulations of the Senate were extended to Mr. and Mrs. Edward P. Dugan and to Mr. and Mrs. Angelo R. Stefanelli by Senator Stapleton.

Congratulations of the Senate were extended to Andrew Nicholas Mescolotto and to Jack Levin Weinstein by Senator Tartaglione.

Congratulations of the Senate were extended to Chief Charles McDonald by Senator Uliana.

CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late Vincent J. Fenerty, Sr., by Senator Fumo.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

SB 562, SB 563, SB 1171, SB 1172, SB 1325, SB 1344, SB 1345, SB 1346, SB 1347, SB 1348 and SB 1374.

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

PETITIONS AND REMONSTRANCES

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

Senator MELLOW. Mr. President, today marked another milestone in Pennsylvania government when we had the opportunity of having Governor Ridge present to us his State of the Commonwealth message with regard to budgetary considerations and the various reactions that would take place not only by Members of the General Assembly but indeed by editorial writers throughout the State.

Mr. President, I did not attend the Joint Session today. I watched from my office on television as the Governor delivered his address, and I watched not only his delivery but also what he said through his presentation. Mr. President, two things bother me initially. It bothers me what the Governor said and how he said it, and what equally bothers me is what the Governor did not say. I think the way the Governor started with his remarks and devoted so much time after he got through the discussion of the disaster, the weather disasters that have taken place over the last several weeks, was the amount of time that the Governor spent on workers' compensation, and perhaps his characterization of the lack of reform of workers' compensation. Mr. President, personally, that was an affront to what has happened in the past with regard to workers' compensation.

Mr. President, no one in this Chamber who was an active Member of this Senate in 1993 needs to be reminded of the difficult times that we had that actually started back in 1991 with the reform of workers' compensation. I do not believe that we must go through a history of what happened with workers' compensation, but when I became President pro tempore of the Senate, I made as our number one legislative initiative for the Senate the passage of Senate Bill No. 1 in the Session of 1993-94, which was reform of workers' compensation, and I was very happy, Mr. President, at that time to welcome with me the gentleman from Bradford, Senator Madigan, as the individual who on the other side of the aisle would not only coauthor the proposal but would work with me to try to make sure that we could get legislative approval.

Mr. President, we did receive that legislative approval in the summer of 1993, and then Acting Governor Mark Singel signed into law Act 44, which for the first time in the better part of 20 years reformed workers' compensation laws in Pennsylvania. And that is probably where the battle began, because those individuals who were not able to get through what they wanted in legislation then tried, to the best of their ability, to get through what they wanted through regulation change. Unfortunately, Mr. President, it was not until November 11, 1995, some 11 months after Governor Ridge was sworn in and took over as our chief executive officer of

the Commonwealth, that we at least at that point in time had the regulations that were promulgated by the Department of Labor and Industry finally approved by the Independent Regulatory Review Commission.

As we talk here today, Mr. President, several months from November 11, 1995, those regulations as of yet have not been implemented by the Department of Labor and Industry. Yet the Governor, for some reason, perhaps because he does not have a true budget message to deliver to the General Assembly and to the people of Pennsylvania, the Governor, for some reason, decided to take an extreme liberty, since he did not address the Commonwealth in a Commonwealth address last month, and he decided to attack workers' compensation in his budget message.

What he did not point out, Mr. President, is that he had an 11-month opportunity to advance his rules and regulations through the Independent Regulatory Review Commission and he decided not to do that. He did not tell you, Mr. President, that since 1993 and the adoption of the bill minus the regulations that there have been two overall reductions in workers' compensation in Pennsylvania. In 1994 the Pennsylvania Rating Bureau overall reduced workers' compensation by 4.6 percent, and in 1994, although the Pennsylvania Rating Bureau requested a 5.79-percent reduction in overall workers' compensation premium benefits as far as the charge that would go to the employer, the reduction was 6.3 percent. The overall reduction since enactment of workers' compensation, Mr. President, has been 10.9 percent, minus the meaningful input that would take place through the proper implementation of the regulatory review that must take place. Once those regulations are fully enacted and promulgated, the reductions would be much more significant. Yet the Governor decided, for some reason, to attack workers' compensation, and he said we needed additional reform in workers' compensation. Well, Mr. President, this is very similar to when the Governor's Secretary of Transportation trumpeted his increase in the gas tax throughout the State for a significant period of time and the Governor never quite supported him publicly.

Not once, Mr. President, during the Governor's 12- or 13-month reign here in Harrisburg have we seen him submit to the General Assembly anything that deals with reform of workers' compensation. Not yet has the Governor advanced his proposal as to what additional reform may be. Not once, Mr. President, has the Governor put his stamp of approval on any legislative agendas that have been advanced to reform workers' compensation. The only thing the Governor did today was be very critical of workers' compensation reform in Pennsylvania. It is really unfortunate that he would have decided to take that avenue of approach in his budget message.

The part that concerns me, Mr. President, is about the things that the Governor did not say today. When Governor Ridge was sworn in as Governor in January of 1995, he inherited a \$500 million surplus. The question that must be asked of Governor Ridge is where did that surplus go? We realize that last year the Governor reduced business taxes by some \$282 million in the last fiscal year alone and that the reduction of those business taxes, although \$282 million last year, will signifi-

cantly grow this year and will grow next year, but where did that surplus go? Has the Governor squandered the surplus? Has he squirreled it away in a hole for some future date, Mr. President? What exactly has the Governor done with the \$500 million surplus that he inherited from the Casey administration?

Furthermore, Mr. President, the real victim of the Governor's budget is children. Because however the Governor may want to sugarcoat it that he has allowed and he is asking for additional money for education in Pennsylvania, public education in Pennsylvania, when you look at his line item that asks for an increase in the basic education subsidy in Pennsylvania for the budget year of 1996-97, the amount of money in there is zero. There is no percentage increase for the 501 school districts for their educational subsidy.

What does that mean, Mr. President? That means basically that local property taxes are going to have to increase rather dramatically so that local school boards will have to pick up the part where State government has badly fallen behind. For some reason, the Governor has decided no new money for basic education and no new money for higher education. What does it mean for higher education? It means that the sons and daughters of the working-class people in Pennsylvania whom the Ridge administration has totally ignored during his 13 months as Governor, those are the individuals who, once again, are going to be asked to pick up the tab for higher tuition payments to colleges and universities in the Commonwealth because the Governor has made no new money available for higher education.

I am sure, Mr. President, there will be other speakers following me. I am sure there are going to be at least one or two rebuttals made by the Republicans, but I know there will be other Democrats who will follow me who are going to talk about the budget. They are going to talk about how the Governor has grossly misled the people of Pennsylvania because he started off by talking about that this is the first time in 25 years that State government will spend less than it did the year before. And nothing, Mr. President, could be more deceitful, nothing could be more dishonest, nothing could be more misleading by the chief executive of any State than the Governor who will make those particular types of statements. And we have a chart, and it is going to be shown by the gentleman from Philadelphia, Senator Fumo, and properly explained by Senator Fumo exactly what the appropriations deal with, exactly how the Governor is asking and will spend more money in 1996-97 than he did in 1995-96.

However, today when he had his opportunity to level with the people of Pennsylvania, he decided to come up with some sleight-of-hand performance and tried to badly mislead the people of Pennsylvania that he has taken part of the chapter of Governor Whitman in the State of New Jersey, or perhaps he is trying to copy what she did in the State of New Jersey and say that he is spending less money in this fiscal year than he spent in the past fiscal year.

Mr. President, the real losers in this budget are going to be the children of Pennsylvania. And how depressing is it for a State that went on for many, many months last year in a Special Session on crime to see this particular chart, the chart we

have listed as Ridge's budget proposal, which shows State prisons versus education, because we have said over and over that it is not only good to be tough on crime in Pennsylvania, it is equally as good to be smart on crime in Pennsylvania. And we have advanced proposals through the Special Session, and many of those proposals have been once again introduced in Regular Session, but they will never see the light of day, that will prevent crime from taking place before it happens. It is not the only thing to do, Mr. President, to take people after they have committed the crime and put them in jail through incarceration; it is equally as important to establish a way that you can prevent crime from happening.

How do you tell the 12 million people of this State that we are not concerned about that hoodlum, that criminal who wants to hit you on the head, steal your purse, wants to take your wallet and steal your money, that we are only interested in getting that person after they have committed the crime? We are not interested in putting additional police officers on the street to prevent the crime from taking place. So this is what we get. We get a chart that shows that in this particular budget the Governor is asking for \$80.3 million in new money to fully operate 3,310 beds, new facilities in Pennsylvania, that he wants to build a new facility to incarcerate criminals in Chester County, and that he wants to spend additional money to rehab the State Hospital for the purpose of incarceration.

What has he given us in new money for education, for basic education subsidies? No money whatsoever. What is he doing for new money for higher education to help fund our State colleges and universities, to fund Pitt, Penn State, Temple, and other State universities? He is giving us no new money to prevent tuition from increasing for Pennsylvania students at those universities. It is a sad message when he is telling us that his administration is more concerned about incarceration than they are about education.

We are also very happy in the Governor's budget in this regard that last week we had a news conference, and the news conference we had last week talked about a Democratic agenda for the people of Pennsylvania. It talked about a common good for the Commonwealth, about what we as Democrats believe to be important. And what we said as Democrats is we believe it is very important that the Governor lift the cap on the Children's Health Insurance Program, better known as CHIP, because in what better area would you want to protect the health needs of people but from the date of birth up, hopefully, to the age of 18. Last year, when the Governor had a \$500 million surplus in his budget, he saw fit to cap the CHIP program. He saw fit to tell children who were in need that it was more important that we give money back to those on Wall Street than for us to take care of the needs of the people on Main Street in Pennsylvania, that the children who were sick and who did not qualify for a lottery, that they would fall between the cracks in Pennsylvania, because even though we had the kind of surplus that we had, we were not going to make money available to provide for the Children's Health Insurance Program.

And also senior citizens, and those senior citizens who, as we currently talk, are not able to receive PACE, the paid pre-

scription drug program, because they received a very small increase in Social Security. It has been years, Mr. President, since we increased the eligibility for PACE. For a single person, it is still at \$13,000. If that single person received an increase in their Social Security benefits, which they did over the past year, there is a significant number of those individuals who would not qualify for PACE because of that small increase in Social Security that put them above the eligibility. We have been asking for a year, Governor Ridge, please use some of that \$500 million surplus. Do not give it all to big business, the wealthiest of wealthy corporations in Pennsylvania. Think a little bit about that small individual, that small person who is living on a fixed income collecting only Social Security with no other taxable income. They have now been knocked off the PACE program. Do not put them in a position of having to choose between food and drugs, two essential elements of life for senior citizens.

We are very happy that in our news conference last week we asked the Governor to take a look at PACE, to join us in increasing the PACE allocation and increasing the eligibility for PACE, and in this particular budget the Governor has addressed that issue. And, Mr. President, we also asked the Governor that the next time he is going to have a tax reduction, a giveaway to business, it is important that he attach that giveaway to business to some type of job creation. In this budget, Mr. President, the Governor has said that it is important that we attach a \$30 million job creation tax that we save for Pennsylvania corporations, that if a company employs new people, we will allow it to deduct up to \$1,000 for job creation. We will allow it to deduct up to \$1,000 because it has had job creation in the amount of corporate net income tax that it pays in Pennsylvania. However, in doing that, those jobs must be at a wage that is livable. And that livable wage, if you figure it out through arithmetic, you will find that it is in excess of \$6 per hour that must be paid in the creation of those new jobs if a company is going to ask for the \$1,000 credit on its corporate tax.

And to that we say, congratulations, Governor, and welcome aboard, because these are Democratic initiatives. This is part of the Democratic agenda that we have been pushing that says do not just give away to corporations a major reduction in their taxes so that they can increase their profits, benefit their stockholders, and furlough their middle management people. If we are going to have a reduction in taxes in Pennsylvania, do it in the form of an incentive through job creation. The Governor has agreed to the proposals that we had, and we think that is important.

But the Governor did not go far enough, Mr. President, because although the Governor has affixed to that particular job creation tax credit a minimum wage of about 6-plus dollars per hour, he is silent on what the minimum wage increase should be for the working men and women in Pennsylvania. I ask you, is \$4.25 an acceptable minimum wage that working men and women should receive in Pennsylvania to provide for the basic needs of their family? I ask you, since through your budget proposal, Governor, you are going to ask an additional 100,000 people to get off public assistance, the drastic cuts that

he is making in his budget in many cases will be supported by a good number of the Members of the General Assembly, but you can only support those cuts when you give people the opportunity to have a meaningful wage so they can support their families.

It is important today that Governor Ridge speaks out and speaks up on the minimum wage in Pennsylvania. He is following the lead of the Governor of New Jersey with regard to trying to show the people of Pennsylvania that he is going to spend less this year than he did in the 1995-96 budget. Although Christie Whitman is, in fact, doing that, Governor Ridge, in fact, is not doing that, and we will expose that later on to a further degree. But Governor Whitman in New Jersey has a \$5 minimum wage in the State of New Jersey. How has it affected the State of New Jersey? According to a Princeton report in 1992, it has affected it in a very positive way. So, Governor Ridge, if you are listening, and I am sure there are some people from your office who are, we support efforts and we have continued to support efforts in reforming the very important problem dealing with welfare, but you cannot support a cut in welfare, Governor Ridge, unless you are prepared to give these people a decent, honest, and livable wage. Your base wage must be livable, and \$4.25 today in Pennsylvania is not a livable minimum wage.

Mr. Governor, if you are listening, we implore you to come to the plate now, to come to the plate and join the Democrats in the Senate as you did in the CHIP program. You acknowledged the fact that your last budget was not appropriate for CHIP, and you came to the plate on CHIP. Come to the plate on the PACE program, Mr. Governor. You have acknowledged that the Democratic agenda in the Senate is right, that there should be an increase in eligibility in PACE, and you talk about it in your budget message. Come to the plate, Mr. Governor, also with regard to minimum wage. You cannot ask people to work for \$4.25 an hour. It is just not a livable amount of money.

And, Mr. President, we stand prepared and we stand ready to do one of two things. If Governor Ridge wants to talk to us, if he wants to not only solicit but incorporate the ideas that the 21 Democrats have, now 20 with the resignation of Commissioner Dawida, we are prepared, Mr. Governor, to meet with you, to talk with you, to ask you since you have accepted some of our proposals to consider a few more of our proposals, to take another look at education, to speak out on minimum wage, to do the things that the people of Pennsylvania are asking for, to make money available to our towns to address the needs that we have because of the flood that took place on January 19. And, Governor, if you are ready do that, I commit our Caucus as a Caucus that will be prepared to stand with you the same way we did last week when you called for a Joint Session with regard to the flood problems, the same way when you said we needed bipartisan support to help the 12 million people of Pennsylvania get through the ravages of that flood of January 19. Mr. President, we now need a bipartisan effort to get us through this budgetary crisis that we are apparently facing.

But, on the other hand, Mr. Governor, if you close the door to us, if you tell us there is no room here for negotiation, that you are not prepared to talk to us about your Medical Assistance program, that you are not prepared to come on board and say \$4.25 is not a livable wage, I wonder how many people in Governor Ridge's family or, for that matter, families of those who are here in the Senate, how many of the people in their families are making \$4.25 an hour?

Mr. Governor, if you are not prepared to deal with us on those issues, then we are not prepared to support your budget. And what you should do so that we can end this exercise in futility, and it is very important that we are not intellectually dishonest with the people of Pennsylvania, then you should ask the Majority Party in both the House and Senate to move your budget even prior to any budgetary considerations being given by Appropriation hearings, because all that is going to take place for a 2-week period of time is we are going to march Secretaries and their deputies in front of the Committee on Appropriations and they will be asked various questions. If there is no room for negotiation, that is an exercise in futility that is costly to the taxpayer and should not take place.

So, Governor, if you are not prepared to talk to us about the issues, if you are not prepared to come up with some form of a balancing act on your part, if you are not going to be prepared to deal with us on the issue of minimum wage, on the issue of Medical Assistance, on the issue of education, then, Mr. Governor, I suggest to you that you put up your 26 votes in the Senate in a very short period of time, and you put up your 102 votes in the House, the same way you did last year, the same way you gave us a budget last year that was determined to be unconstitutional by the appellate court, and you do not drag us through that experience and that agonizing period of time of budgetary hearings, of giving people some hope if no hope exists, and we will then not march to the beat of your drummer. Unfortunately, Mr. President, this is a very difficult time for us because although we continue to talk about it, it is more and more evident every day that the Minority will have its say, but the Majority will have its way. And, Governor Ridge, I hope that today is only the first step in your second budget that you presented to us, and that you will, and I am repeating myself but it is very important, that you will extend your hand to us in cooperation the same way we extended our hand to you when you asked us for that type of cooperation last week with regard to the ravages of Pennsylvania and trying to get us through the flood.

Thank you very much.

The PRESIDENT. The Chair recognizes the gentleman from Erie, Senator Andrezeski.

Senator ANDREZESKI. Mr. President, several weeks ago I gave a speech in my district, and in the speech I noted that a Democratic agenda, an agenda for the common good of the Commonwealth, was that we would support job creation efforts that are tied to the reduction of corporate taxes here in Pennsylvania. I remember after the speech and for a week afterwards I received some comments, phone calls, and several letters, and the letters I received said that, well, you just do not understand what is needed in business, that these are things

that are not going to be proposed, or these things are not part of agendas that should be presented. I would like to applaud Governor Ridge for doing this, for adopting our agenda, for taking the first step, although a small step, in saying that job creation should be tied to some sort of corporate tax reduction.

In one of the presentations today, they referred to this as something that would help people with the family wage. This would be pegged at the credit. The \$1,000 tax credit would be based on somebody creating a job that paid 150 percent of the minimum wage. I doubt that somebody with a family could have any quality of life at 150 percent of the minimum wage, and I would like to say that I think one of the real problems we face in our society is the fact that we have two parents working four jobs to raise two children, and this is not an uncommon event. And although this is an effort at 150 percent, I think we should be doing things to make sure that we have the educational system, the support system, to provide real jobs in Pennsylvania.

Also in our budget, job training is up. I think it is 66 percent, which is very good. We live in a very fast-changing marketplace, a fast-changing world. I would like to point out in my district we have approximately 2,000 workers at GE who were told last year that they were going to have permanent layoffs at General Electric in Erie, even though General Electric has had very large increases in productivity due to these workers' efforts. Well, when this happened, Secretary Hagen and Secretary Butler were up in Erie meeting with company officials and union officials, and they said that they were going to do two things. They were going to help provide job training funds for these employees and expedite their unemployment checks when these events happened. Unfortunately, their job training fund application was turned down last week. It would be my hope that the Governor's Office and his Secretaries who are in charge of this area would make every effort to try to channel some of that 66-percent increase back to the Governor's hometown of Erie. In fact, it would be my hope that he would use the ability of his office to channel some of the businesses that are looking at Pennsylvania to come up to Erie and perhaps he could shop Erie first.

We then turn to welfare, and we talk about the welfare system and the failure of the welfare system. Well, there are a lot of reasons for failure, and it is easy to talk about them or talk about all the people who are taking advantage of the system, but one of the failures is that, one, there are no jobs out there, and the jobs that are out there do not pay enough for people to live on. I challenge anyone here to try to live on minimum wage. In Erie I worked at Marx Toys one summer and I worked for minimum wage, and my take-home pay was about \$38 a week. I could not live on minimum wage. It just could not happen. And I challenge anyone here to try to do that, and then turn around and see that any support service that you did have is not there anymore. I applaud the efforts to have more day care slots open up in Pennsylvania, but we are creating an industry to take care of a need that might not be there if you cannot get a job.

Also, I know we had to cut the budget someplace, and, of course, the easiest thing to do is to cut the welfare budget, and

we have taken a big, big chunk out of paying for medical services for welfare recipients. In fact, you are only going to get them if you are over 65 or under 18, or you are pregnant, in most cases, and we had some exceptions for those with mental illness. But to quote the words of the Minority chairman of the Committee on Appropriations, Senator Fumo, "I do not think that people in Pennsylvania are going to get sick and go to the hospital and die for Tom Ridge." I just do not think it is going to happen. I do not think they are going to say, well, I have this cancer in my body and I have lost my job and we are losing our house and we are going to die for Tom Ridge's budget. I also do not think that the doctors who are going to have a pretty big swat taken out of their income and the hospitals that are going to lose a big chunk of this \$250 million that is going out, this money is not going to poor people, it is going to people who make a real good income, are going to sit by and say, what a good idea, let us reduce our income from treating welfare patients.

I was rather amused at the educational funding formula that we are now adopting here in Pennsylvania. Someone might ask, what funding or what increase? And the answer is there does not seem to be an increase for basic education, or the answer might be to lower the construction cost on school buildings, so now we have to ask, how do we get an educational increase? Do we build a building and pay people less to build it and then say that the money we made by paying them less is our subsidy increase? I see no connection between lowering the wages of tradesmen and increasing educational opportunities in Pennsylvania.

Finally, as I conclude, Mr. President, I volunteer my time in a soup kitchen run by the Benedictine nuns in my senatorial district, and I often have pretty engaging political commentary with the people who are customers of that kitchen. But as I turned one day I noticed a calendar on the wall, and it said something very important that I would like to enter into the record that maybe could be part of our reflection as we go ahead on this budget. And that is, "The function of silence in the life of the privileged is to be able to hear the voices of the oppressed and to change things. The demands of the poor irritate us because of welfare fraud, because of our own desires to accumulate, because of our commitment to the truisms of rugged individualism. But the needs of the poor are not ours to judge. What we forget is that God will judge the poor on honesty. The rest of us God will judge on generosity."

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Hughes.

Senator HUGHES. Mr. President, the general course of the conversation, the discussion so far has been around the Governor's budget proposal provided to us several hours ago. I want to speak about the Governor's budget proposal, but I want to, if I could, focus very specifically on one category, and that is the Governor's proposed budget cut of approximately 100,000 people off of Medical Assistance. Now, these are not 100,000 people who are employed, these are not employed at the low end of the economic scale, subpoverty level. These are not 100,000 people who are receiving some form of general

assistance, some form of cash grants, some cash support from the State or from the Feds. These are 100,000 people who previously had received financial support, cash grants, who in the last couple of years have been cut off of cash grants but who were receiving Medical Assistance, and now this Governor proposes to take away their health benefits, their health coverage. One hundred thousand Pennsylvania citizens get no cash, and now under this proposal they will get no medical coverage.

My assumption is that, and this is only an assumption, I have not had a chance, and I would expect the Committee on Appropriations to make this request in our budget hearings, these 100,000 individuals will have to find a way to pay for their own medical coverage. The average medical insurance policy ranges from \$3,000 to \$4,000 annually. So here we have 100,000 individuals who received no cash grants for the last several years, who will be cut off from their health coverage, who will have to find a way to find \$3,000 or \$4,000, or somewhere around that range, for medical coverage to pay for it out of their own pockets. So, how will they get medical care? Let us walk through this process here. How will they get medical coverage? Well, they do not have any medical insurance, so then the doctors will not cover them. The only place that they can go will have to be to the emergency rooms in our hospitals. The most costly kind of health coverage you can get is in an emergency room in a hospital. Everybody agrees with that. The hospitals agree with it, the doctors agree with it, even we agree with that here in the General Assembly. We agree that the most costly coverage that a person can receive in health care is when they go through an emergency room. But this State, in its infinite wisdom, has decided to make the regulations for reimbursement for emergency room coverage a lot more tighter. If you are an individual who cannot go anywhere else and you have to go to an emergency room for medical coverage and medical care, it has to be a true emergency, defined as a true emergency, before that hospital will be reimbursed by the State for that coverage. So that means the hospitals will have to take up the lion's share of the costs. The bottom lines of those hospitals will have to face the costs that this Governor chooses to walk away from.

So I guess now the assumption is that these 100,000 individuals who have been cut off the rolls, they will have to find jobs now. They will have to find jobs. What jobs? What jobs? The unemployment rate in this Commonwealth is going up, not going down. It was 4.7 percent, now it is up to 5.7 percent. And let us just put a pin in that. We still need the question answered, Mr. President, that if you get a job at the low end of the economic scale, let us say at that minimum wage of \$4.25 an hour, will you be able to get Medical Assistance? That question has not been answered. It has not been laid out. The answer has not been provided for us. What jobs? We are creating lots of jobs? Ha, ha. The record belies that statement.

You know, we had a \$500 million budget surplus in this Commonwealth last year, Mr. President, \$500 million that we could have done some exciting things in terms of stimulating employment and opportunity for all of Pennsylvania's citizens. Well, we gave out a \$280 million tax cut, Mr. President, \$280

million tax cut to the largest corporations in this Commonwealth. They got paid. The expectation is, the expectation was, what was told to us by the administration, what was told to us by the Majority party of the House and the Senate, the expectation was that with that tax cut we would create thousands of jobs. More opportunity. More work.

Run down the list of what actually happened. In 7 months' time since that tax cut went into place, Mr. President, those corporations that received - CoreStates laid off 1,900 people; the Philadelphia Navy Yard laid off 2,100 people; Lockheed in Montgomery County, 1,800; Silo, all across the State, 1,700; Boeing Helicopter in Delaware County, 1,700 jobs; Integra Financial in Allegheny County, another 1,500 jobs. Bethlehem Steel, they got a tax cut, Mr. President. They got a break, Mr. President. What did they do with that break? They laid off 1,300 people. Meridian Bank across the State, another 900; Sun Oil in Philadelphia, 600; Leslie Fay Company in Lackawanna County laid off 500 people. They closed down. Five hundred people lost their jobs. The Zenith Corporation in Delaware County, 500 people; Keystone Coal in Armstrong County, they closed the mine. They got a tax cut and they closed down, 350 people lost their jobs. In Lancaster County, Armstrong World Industries, downsized. Boy, that is a rough word, that "downsize" word. Right size, correcting, whatever. Downsize. What that means is 350 people lost their work. Westinghouse, 225 people because of restructuring. It goes on and on and on.

So where are the jobs for these individuals who are the most difficult to find employment for, who require the most training, require the most education, require the most work? Where is the opportunity for employment in 7 months' time? Who is kidding whom? Who is kidding whom? In what direction are we going in this Commonwealth when we can just say 100,000 people who do not have work, have lost their general assistance coverage, and now cannot get medical coverage?

Government must work. There is no question about it. Government must be efficient, government must be lean, must be intelligent with their money, but government must care. And government must be responsible and thoughtful and smart about how we run our affairs and about what happens in people's lives. Those 100,000 people who are about to lose their medical coverage are not throwaway people. They are real. They have lives, they have circumstances, they have families, they are real people. And the 15,000 other people whom we have not even talked about but the 15,000 other people, Mr. President, who will be cut off of general assistance by this Governor's proposal, they are not throwaway people. The question is, does this Governor care about those people? Does this legislature, this Senate, our colleagues in the House, care about those people? We will find out. Will we have the guts to say "no" and turn toward people, or will we run away from 100,000 people and cast them off and say they get no health coverage, no medical benefits, and will we turn away? I choose to stand for people. I hope all of us will make that same choice.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Fumo.

Senator FUMO. Mr. President, I rise to comment on the Governor's Budget Message today. I was one of the Democratic Leaders who did not go to listen to it, because we had heard the preview and did not want to spend time sitting around listening to that kind of, quite basically, political nonsense. Mr. President, the Governor quoted the esteemed world leader Winston Churchill in his speech, and I think it is incumbent upon me to do the same. Winston Churchill once said that "This is one of those cases in which the imagination is baffled by the facts." Mr. President, that is what this budget is about. The imagination is baffled by the facts and the reality.

Mr. President, this is one of the most mean-spirited budgets I have ever seen. But more importantly, it is one of the most deceptive I have ever seen. Let us start with the classic piece of praise that this Governor wants to foist upon himself, and that is when he says that for the first time in 25 years he is a Governor who is proposing a budget that is smaller than last year's. Mr. President, that is outright false. I am trying to restrain myself and say this as politely as I can, so I will not call it a lie, but I will say this: It is not true.

Mr. President, we probed and asked, how can you possibly say such a thing? And the answer we got was this, and I know that this is a little bit technical, and that is how you can get away with political falsehoods when you deal in the technical arena and people do not understand because what you are basically doing is insulting their intelligence and saying it is too complicated. Well, at the risk of giving the public credit for their intelligence, I am going to explain what really happened here. Mr. President, last year the amount proposed in the government and appropriated was \$16,165,979,000. Mr. President, the amount proposed this year was \$16,192,000,000 in change, an increase, an increase of some \$24-plus million. Mr. President, that is not a decrease. So when you ask how do you even possibly have the audacity to make the statement, the answer comes back, well, we want the General Assembly to appropriate more for this year in the form of a supplemental appropriation, one that has not yet been appropriated, but that is what he wants. So he adds in the amount that he is going to request of \$54 million to pump up this year's spending number so he can show a decrease.

But, Mr. President, what he fails to do in this shell game is tell the people of Pennsylvania that there is a \$90 million lapse, and a lapse is money that will not be spent. And an example of that was the money that was appropriated for the choice program for schools of some \$40 million. The bill cannot get through the House, the money is not being spent. There is a \$90 million savings there. So when you come down to the bottom line, this year's spending is \$6,129,000,000. Next year he is proposing \$16,180,000,000, an increase of some \$60 million.

Mr. President, I know that is a little complicated, and maybe the Governor does not think Joe Six-pack can understand it, but that is the truth. So for him to get up as the leader of this Commonwealth and make a misstatement like that is truly sad, because if there is one thing that politicians are criticized for

day in and day out is that they are dishonest, that they do not tell the truth to people, they shade the truth to benefit them. And now we have the standard bearer of our Commonwealth playing that kind of a game. Mr. President, that is fact number one.

Mr. President, this budget, as it has been said before, has no increase for basic education. It is, under our Constitution, the responsibility of the State to provide a fair education to every single child in this State. By this Governor's proposal of not adding one dime to that subsidy and that assistance, either one of two things are going to happen to the citizens of Pennsylvania, and it depends on where you live. Either, number one, your taxes will go up to pay for increased school districts' budgets, or your quality of education will go down because, whether you like it or not, there is an inflationary cost to education, and in many cases those taxes are going to go up.

But in this particular instance, in contrast to what happened in New Jersey, and I know this Governor tries to emulate Governor Whitman, his fellow Republican from New Jersey, every chance he gets, but in New Jersey at least they lowered the income tax and then let the local taxes go up, so you could sit there and figure out if you made out on the deal or not. In Pennsylvania, this Governor did not do that. Instead, he chose last year to give back some \$282 million to businesses. And what kind of businesses? The richest corporations in Pennsylvania. No strings attached, just give it back. That is who got the tax break. So if you are at home and you have a child in school, or even if you do not, you are going to be faced with a local tax increase if this budget passes.

Mr. President, the gentleman from Philadelphia, Senator Hughes, started to give out the litany of the job closings, and I will not take the time tonight to do that, but I will at some future date. It is a very, very sad litany. But in short and in summation on that issue, Mr. President, since this Governor has become Governor, since he has tried to make Pennsylvania the job-friendly State, with all of his conservative philosophies and all of his beliefs about business tax cuts, I do not believe we have ever suffered this kind of a loss in jobs. Since he has been in office, we have lost, from July 1, 1995, 18,924 jobs from major employers. That does not take into account the ripple effect when a Lockheed Martin lays off 1,800 people, of all the other little businesses that rely on the people who work in those businesses. The numbers are staggering, Mr. President.

So this year he finally got the message. He is going to give them back more money, but this year you only get the money back if you create a new job. It remains to be seen what kind of creative accounting is going to go on in those major corporations to get that money without creating that job, but, Mr. President, it is a day late and a dollar short. These almost 19,000 jobs are not coming back to Pennsylvania because of this Governor's message today. Because what has he created? When employers look to locate a company, one of the most important things they look at is the quality of life where they are going to locate, and after that, what they look at is an educated work force. And in Pennsylvania, look at the message we have for those employers. If this budget were to pass tomorrow, you would have 133,000 people scrambling around trying

to find out how they are going to get healthcare for themselves, and their only crime so far is that they are poor and that they need medical help.

You know, I watched the debate on the national level and watched Republicans tell Washington, give the responsibility for welfare to the States. We can do a better job to take care of our people. I even watched the Governor's good friend Christie Whitman this week on one of those national news shows, Meet the Press, or whatever one it was, where she said she was insulted, insulted because President Clinton had a fear that if they left welfare to the people of the States, that people would be hurt. She was indignant. She was insulted to think that a Republican Governor would not take care of the people in their State. Well, here is the poster child for that complaint, Tom Ridge.

And there are many people out there, Mr. President, of our 8 or 10 million population who are not going to be directly affected by this. The people directly affected are those 133,000 people, and maybe there are some very liberal people who care about them, but that number, if it hit 200,000, would be an awful lot. So, you play the numbers if you are Tom Ridge and you say, well, there are 8 million people out there, the rest do not care. Well, I am talking now to those people out there who do not care, those people who think it might even be neat to get rid of those people who are draining us dry, who do not want to work. Mr. President, I do not know of a human being alive who is going to step up to the plate and say, Tom Ridge, I will starve for you. Tom Ridge, I will allow myself to get sick and die for you. Mr. President, that is not going to happen.

And these 133,000 people, when they need health care, are going to do it either one of two ways. They are going to commit a crime to take care of their health care needs, and now what do we have? Now we have another victim and we have the criminal justice system and then we have another prison to build. That is sexy when you are a conservative politician, but we still have the victim. And if they do not commit a crime, Mr. President, they are going to do us a favor and go to their hospital emergency ward for treatment. As was said earlier, that is the most expensive treatment that we can give. What are the hospitals going to do when they are now besieged by these people? My prediction is if they tell them no, we are not going to treat you because you are poor, you will have chaos, you will have strife, you will have demonstrations, and you will have unbelievable riots in those emergency rooms. And if that does not happen, Mr. President, and they decide to take these people in and treat them, they will face bankruptcy. Mr. President, that community hospital is going to close. When you, Mr. Taxpayer, "decent, honest, hard-working Pennsylvanian" that Tom Ridge talked about last year, when you need that emergency room for your child, it is not going to be there.

Mr. President, we will be taking out, if this were to become law, \$250 million from the healthcare system in Pennsylvania. In addition to causing the strife of those 133,000 people, we have now affected doctors, nurses, medical technicians, hospitals. We are just going to yank it right out of the system. Mr. President, that is no way to run a government.

Mr. President, he talks about increasing job training so that we can find these people who are on welfare and get them off to get a good job, a good-paying job, a \$6-an-hour job, a number that he picks that he defines as the necessary number to pay a person, a wage earner, a living wage. Yet in Pennsylvania we do not want to hear about raising the minimum wage. Mr. President, you cannot have it both ways. The minimum wage should be raised. And you know, in New Jersey again, and I hate to draw the comparisons there, but that is his good friend, and I live in that media market so I see what is happening there, even there with Governor Whitman's welfare reform proposals, even she recognizes that you have to have the medical benefits for people to get them off of welfare into a job, because in many cases those jobs with medical benefits do not exist at that level.

Mr. President, I go back to Winston Churchill. This is one of those cases in which the imagination is baffled by the facts.

Mr. President, I now offer a challenge to my Republican colleagues, whose job it is today to defend their Governor. This is not a great day to be a Republican. And I am sure they are going to have wonderful things to say about their Governor's budget and how it is such a great document, but, Mr. President, I challenge you on this: If this is such a great budget, pass it. Introduce the bill tomorrow and pass it next week, and let us inflict this pain upon the "decent, honest, hard-working Pennsylvanians" in this State. If you have the guts, pass it. You have the votes, you control this Chamber, you control the House Chamber now, and you have the Governor.

But I submit to you, even though you will try to defend this nonsense, even you will not vote for it in its present form. I submit that it is going to be this General Assembly's job to put back the necessary moneys to run this government. But if it is not, that is fine with us. Just get your bill, run it through your committee, and have your big party afterwards, and I will supply a bottle of champagne for you, because you do not have the guts to do it. And you do not have the guts to do it because this budget sucks, and even you cannot defend it.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, I have taken the opportunity for quite a bit of time now to listen to the Senate Democratic response to the Governor's budget presentation today. And I think, Mr. President, that many of them have, in their remarks, lost sight of what their President said to the nation in his State of the Union Address just a week ago when Bill Clinton said that the era of big government is over. I think we have experienced that throughout this country. We have seen it in every State of the 50 States in this country, and, Mr. President, Pennsylvania is no exception. As our Governor said today, Pennsylvania expects to receive almost \$600 million less from Federal sources than it has in the previous year, with a lot of uncertainty attached to that as to exactly where the Federal government is going and where its resources coming to the States may be and how they would be allocated.

But, Mr. President, I think it is very important to note that

with the State budget presented by the Governor today, Pennsylvania has the opportunity to show its taxpayers something very important, and that is that State government can make a serious effort to control its spending, and I think the document that was presented to us in Joint Session today certainly reflects that. It is a State budget that proposes to spend less than is being spent this year, and it is an incredible milestone in achievement in State budget history. Now, the previous speaker disagreed with that position, he disagreed with the assertion of the Governor that, in fact, it was not less than the previous year's budget. But, Mr. President, as we all know in the course of budget deliberations in this body and the General Assembly, we can get a different set of numbers to prove any point that we want to prove. However, I think, Mr. President, in reflection, that we will see that the actual number of dollars spent in this year's General Fund budget, with its supplementals, will exceed what the Governor proposed today.

I think, Mr. President, one point that has been missed by all the previous speakers is the starting point of Governor Ridge's budget message to the General Assembly today, and that was the absolutely right starting point, and that was to rule out any kind of a tax increase for any of the taxpaying residents of our Commonwealth. Then I think, Mr. President, if we were to reflect on the budget message and to see the mandates that we in Pennsylvania face in Medical Assistance and other areas, again in reflection of the Federal cutbacks and the State resources that a disaster recovery will require, it is apparent that a State spending spree was certainly unaffordable and out of the question and that a frugal budget, one that was presented today to spend within our means and one that reflects a change in spending priorities, was very much in order.

I think the Governor has made the right choice to shift money to critical areas, to restructure programs and policies which certainly are reflective of but not necessarily have met their obligations and expectations of the past. And I think that what we are seeing is a budget that certainly would meet the criteria of taxpayers as well as many of the pressing needs of our communities across this Commonwealth. It seems to me, Mr. President, what this budget message has set today are Pennsylvania's priorities, things that seem to be very important and sensible to the taxpayer, that is, continuing to cut taxes to improve our job climate, controlling spending so that there is no need to increase State taxes, continuing to add responsibility requirements to the array of welfare programs to make those who qualify for those programs responsible in meeting the requirements for them. I think, Mr. President, also, the efforts to emphasize the link between workers and jobs through job training programs, technologies in our classrooms, to link learning with real job prospects for our graduates, and also restructuring for State programs so that they work for the people and not just the bureaucrats.

Mr. President, it was also very important in the message today to talk about job creation and retention for the 21st century. I noted that the gentleman from Lackawanna, Senator Mellow, the Minority Leader, in his initial remarks this evening reflected upon workers' compensation and the Governor's highlighting of that issue as part of his budget message today,

and he also reflected on the work that had been done by him and the gentleman from Bradford, Senator Madigan, in this Chamber for a significant period of time to try to address that issue, and I commend Senator Mellow and Senator Madigan for the efforts that were put forth during that period of time.

But, Mr. President, upon reflection, I remember the original Mellow-Madigan proposal. The original Mellow-Madigan proposal then became known as Mellow-Madigan I. And that, Mr. President, was followed by Mellow-Madigan II. And that, Mr. President, by Mellow-Madigan III. And finally, Mr. President, by Mellow-Madigan IV. By the time that Mellow-Madigan IV had reached the halls of both the House of Representatives and the Senate of Pennsylvania, many of the provisions that had been so responsibly placed in Mellow-Madigan I had been watered down to the point that in Mellow-Madigan IV, many of us who were significantly in favor of workers' compensation reform questioned whether, in fact, the legislation should even receive an affirmative vote. However, the perception was that Mellow-Madigan, because of all the work that both Senator Mellow and Senator Madigan had put into that proposal, was workers' compensation reform, and, in fact, that measure did finally pass the General Assembly. As I say, I am not being critical of the Mellow-Madigan proposal. It was a significant attempt, a bipartisan attempt, to try to address that issue for Pennsylvania, to move Pennsylvania forward, to move its job climate forward, to also create a more attractive atmosphere for business not only to stay in Pennsylvania but to relocate here.

However, Mr. President, I think as the Governor highlighted today, and I would think many Members of this Senate would agree with me, that regardless of where we go throughout this Commonwealth, whatever group we address in any corner of this Commonwealth, and ask them, what is the number one concern for them conducting business in Pennsylvania, the issue we will get in response is workers' compensation reform, that workers' compensation rates in Pennsylvania are so non-competitive with our neighboring States that they just get to the point where they cannot afford to conduct business in Pennsylvania. Mr. President, we can tell stories like Senator Mellow, I am sure, has heard in his district, or Senator Jubelirer in his, or myself in the southeast, of companies doing business not only in Pennsylvania but also New Jersey, Delaware, and Maryland, where collectively their workers' compensation premium rates in those three other States combined are less than what the rate may be in Pennsylvania. Mr. President, I simply point this out because it is one ingredient that we need to further address and we need to further fine-tune in order to make Pennsylvania more competitive.

I think that many of the things that the Governor talked about today, preparing our children for the 21st century, I think the Governor is focusing new dollars in education to equip our children with the learning and technical skills that are necessary to compete in a global economy. Link to Learn, the Governor's proposal, a bold new initiative providing state-of-the-art equipment that will break down geographic barriers and link classrooms across the Commonwealth, is one that is very exciting and one that certainly is in tune with the times.

You know, Mr. President, we have heard some of the previous speakers talk about how we are shortchanging education. Well, Mr. President, just take a look at the basic education subsidy that the Commonwealth supplies to its 501 school districts. And yet I think, Mr. President, as the Governor indicated today, maybe what we should do is take a look at some of the mandate relief that we could provide to our local districts, where they could have some significant cost savings, getting out from under the umbrella of forced State mandates. Just one, for example, Mr. President, the elimination of teacher sabbaticals, a mandate on the State level, could create an additional \$225 million that could be distributed to our local school districts.

I think, Mr. President, if we were to continue to take a look at the Governor's budget remarks today, we would see that the Governor also proposed situations dealing with Pennsylvania's children, the disabled, and the elderly. The Governor proposed a commonsense welfare reform measure. You know, some may call it draconian, some may say that it is going to hurt people, but I think that it really is based on the premise of individual responsibility, the importance of work, education, and the family. I think, Mr. President, in reflection of the budget message today, we see that this budget significantly increases spending on programs proven to help end the cycle of dependency on State taxpayer dollars. It also included a 115-percent increase in day care, so that those individuals dependent on day care for their children will have the opportunity to get out and find responsible jobs, Mr. President, and also money to create job training for over 30,000 more individuals.

I think, Mr. President, particularly of note is that for the first time recipients of welfare will be required to sign a contract with the taxpayers of Pennsylvania stipulating that for the money they receive they will achieve specific goals leading to improvements in education and their lifestyle in order that they can become productive, working members of the community. I think it was also very noteworthy, as has been mentioned by some of the previous speakers here on the floor this evening, about increasing the eligibility limits for the PACE program by \$1,000 for singles and the same amount for couples. That, in turn, Mr. President, will make over 26,000 more of our senior citizens eligible to participate in the PACE program.

I think, Mr. President, that there is a consistent theme that to be truly competitive we must attack the bottom-line costs that drive jobs out of the Commonwealth. The Governor clearly described the problem and the challenge that we face on issues like workers' compensation. We must lift or modify mandates that drive up costs without providing benefits to our citizens, and we must increase support for the programs that work and try new approaches in areas where our efforts have proven outdated or ineffective in the past. There is an emphasis here on accountability. Many times when we increase funding or expand a program, taxpayers ask the question, what is Pennsylvania getting for the additional money that you are spending? Why do costs go up and results stay flat, whether we are talking about the area of education or welfare or other areas of major State commitment and investment? This budget, Mr. President, tells Pennsylvania taxpayers that we are going to

insist on more accountability, that we will concentrate on getting results instead of allowing spending pressures to block change and defeat fiscal responsibility. When we look at the tough decisions that taxpayers have to make year after year, they have every right to expect, to insist, Mr. President, that the State control their spending, stop the mandates, stop the added costs and added commitments that add up to more government and a weaker economy. Drawing the line is the bottom line of this budget, and in my view, Mr. President, is going to eventually be its most notable success.

Mr. President, I would also like to extend an invitation to the Members of the other side of the aisle, and specifically to some of the speakers who spoke here tonight, that as the Majority Leader of this Senate, it is not my intention to bring a budget bill here and run it next week, but instead I would hope that we could join hands as we have on many other issues, to sit down to rationally try to address this budget proposal, to realize that we are constrained by certain parameters imposed on us by the taxpayers of Pennsylvania, and that we can work together in order to achieve a very affordable, responsible, and successful budget for Pennsylvania to make Pennsylvania a better place in the future.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Blair, Senator Jubelirer.

The PRESIDENT pro tempore. Mr. President, I just want to put some comments on the record, if I might.

Mr. President, I listened very carefully. Obviously, there are not many of us left in this Chamber, just a handful, and perhaps we are talking to each other, but I think there is a wider audience out there who will be watching and listening very carefully to what we say here tonight. Even though, overwhelmingly, the Membership has departed, people are listening.

I think they are also looking to us, Mr. President, to say to them, you know, we are inside here and we are talking to each other, and sometimes I am not sure that the people outside truly understand the meaning of budget day. To me, the Governor's remarks on the first Tuesday in February in three years and in March in the fourth year is perhaps one of the most significant days that we spend here, and the document that he offers is the most significant vote we make, perhaps after the first vote, but besides that one, I believe that this vote is incredibly significant.

Mr. President, I must tell you, I thought this Governor was absolutely magnificent today. I do not think this budget sucks at all, as the gentleman from Philadelphia, Senator Fumo, said. In fact, I think this Governor bit the bullet, took some real leadership steps to move ahead in recognizing that no Governor in my memory, certainly in the more than two decades that I have served here, has ever had to put together a budget not knowing what in the world the Federal government was going to do. How do you do that? Do you buy a pig in a poke? No. I think the only thing you can do is garner the best information you can from your sources, from your congressional delegation, and try to do the very best that you can, recognizing that the final decision from Washington has not come. It cannot be

good, that is for sure. It cannot be good in the sense that Pennsylvania is going to lose, as the Governor put it, at least some \$600 million. When you lose \$600 million, Mr. President, I think that is something that people ought to take into account. Frankly, it could very well be significantly more.

I noted that this weekend the National Governors' Association met to discuss Medicaid funding, and even though there are some who believe that the Governor was unfair and insensitive, I believe that the National Governors' Association pretty much agreed, Republican and Democratic Governors alike, on how to deal with the issue of Medicaid and has come to a pretty strong consensus, on a bipartisan basis, on how Medicaid should be dealt with by the Federal government. I think there is a real effort on the Federal level in Washington to try to work together to solve that problem, because let us face it, that is the biggest concern that this General Assembly or any Governor has, the increasing, significant costs of Medicaid.

What did the Governor do? The Governor very clearly presented an austere budget, and by anybody's assessment it was an austere budget. And I said many times to the Governor and the Budget Secretary, we all knew he was going to present us a very difficult budget, but I said, if you are going to do it, and I suspect you must do that, be creative, do things in that budget by utilizing your resources in a manner that is most effective and most compassionate to those who are least advantaged. Mr. President, I commend the Governor for doing just that. This budget showed a great deal of thought, a great deal of input, a great deal of agonizing, a great deal of worry, and a great deal of common sense. As the Majority Leader said, the first thing that people want to know is, are my taxes going to go up? There will be those who say yes, but they will be on a local level. I say no, that does not need to be the case, and the Governor has made the case that that does not have to happen.

Mr. President, we all look to the area of basic education when we look to the budget, and I suggest that the Governor has provided a new way to go. If anyone in this body or any other place thinks that we are going to solve the problems of education by throwing money at it, I must tell you, I take great disagreement to that. It has not worked in the past, it has not presented us better students, and it is not going to work in the future. What this Governor has done and what I believe this General Assembly will support is that we are going to deal with it in different ways.

In November of 1995, I wrote the Governor a letter, much prior to Representative Veon's news conference, suggesting that he deal with the issue of technology in the 21st century. I suggested the issue of computers was one that I was hearing about from all my school districts, and I believed that we needed to deal with that. I met with the Governor on several occasions and urged him to do that. I am delighted that Representative Veon and others, I am sure, around this body thought the same thing, and the Governor took the leadership and the initiative to support the kind of program that I believe people will accept. The Governor's program will pour probably over \$100 million in 3 years, but it does provide for technology into the 21st century, something that our school districts need.

The Governor has asked for mandate relief. What have I heard from my school districts? Give us mandate relief. Give us some flexibility. Not just the dollars, give us the relief. And if you give us the relief, that gives us the freedom to manage the dollars we have the way we want. And frankly, it seems to me, Mr. President, what they are asking us is the same thing that we have been asking the Federal government, to have that kind of flexibility. And again, Mr. President, I think the Governor is right on target. He mentioned the issue of sabbaticals. I think that anachronism is one that is ready to go, and certainly I believe that it is only a beginning. There are other mandates that we can deal with. Tax reform hopefully is on its way, and we will be giving more local tax flexibility to our school districts and to our local governments.

Mr. President, this Governor was committed from day one to doing something about increasing business in Pennsylvania, and it is easy for those to get up and rail and talk about the jobs that we lost, but I can tell you that Berg Electronics, a Sunny Day project that was played out in this Chamber, is here because of the tax cuts of last year. The administration was committed to those tax cuts, and Berg Electronics knew that this administration was a very projob, probusiness administration and one that would live up to its commitments.

I point out in the February 2, 1996, edition of the Chambersburg paper where it says that "Comp rates scared Frito." Frito-Lay is part of PepsiCo Corporation, a Fortune 500 company. Frito-Lay is on its way to Texas or Virginia by virtue of the fact that the workers' compensation rates were something that scared them off.

The gentleman from Delaware, Senator Loeper, indicated that every place we have gone we have sat down with all kinds of business people - small business people, medium business people, and, on occasion, larger business people, but for the most part they have been small business people. And when we asked them what can we do in Harrisburg to make the job climate any better, the first and almost only thing we hear is, for Pete's sake, you guys are trying hard, but we have to have workers' compensation relief.

And I think that is what it is all about. We need to move from the point where the gentleman from Lackawanna, Senator Mellow, and the gentleman from Bradford, Senator Madigan, brought us in the previous Sessions and move on. And let us face it, that administration would have signed the bill that was presented to them, and they did the very best they could and that is the best that we could get. But this administration is prepared to go further and further ahead, and I think we should do that.

Mr. President, we still have the issue of flood damage to remember. This General Assembly is going to be in Special Session next month. The Federal government is committed to 75 percent, but this General Assembly is going to have to support some 25 percent, or at least a part of that is going to have to be 25 percent non-Federal aid. Nobody knows that better than you, Mr. President, because you have been out there in the trenches and you know, going across this State, the devastating kind of natural disaster we had, and Senator Mellow, who stands at that desk, in his district was certainly at the

forefront of it. I was at the forefront of it in my district. We know firsthand the kind of pain that is out there, and I do not think there is anybody in this body who is not committed and prepared to support the Federal effort with whatever State dollars we need. And even though that has not been mentioned and there is no set-aside in this budget, I think one has to remember that that money has to be available.

Mr. President, I do not think there is any question that the manner in which this budget was presented, the highlights of it are significant. I believe as the Governor commits to day care, as the Governor commits to mental health and mental retardation, as the Governor commits to drug and alcohol, and to job training, I do not think there is any question that this Governor is committed to a safety net to assure that people do not drop through the cracks.

We were told this morning that this State is still number two in the nation in terms of welfare benefits to our people. We need to certainly recognize that there are people who desperately need our help, and I believe this budget addresses that. But to suggest that there is something harsh or something mean-spirited or a budget sucks, I frankly think that that is inappropriate, and I think that we can work together in a bipartisan fashion to try to see if we can work this out, but it is going to be tough. It is going to be tough because, philosophically, there is very little money to deal with in this budget. It is going to be tough because we are not going to raise taxes, but I think that there are means and ways that we can work together to go through the process, so to speak.

Much that was complained about in the last budget I hope will not be in this budget, that we will be able to work together, there will be hearings, there will be meaningful input, that we are going to work with people, that we have to recognize the people want to see government downsized, that they recognize that even though their favorite program may be cut, they are certainly in favor of other programs being cut where they feel it is necessary. The Federal government is not just going to roll over and provide the kind and source of funding that we have had, and frankly government gets money, government spends money. Obviously, we can do that ad infinitum.

Mr. President, it has been a long day, it has been an important day, it has been an historic day. I think the Governor assumed his constitutional responsibility. I do not think it was necessary for the Governor to be here in a State of the Commonwealth message. At that time, frankly, the Governor was out touring Pennsylvania during the blizzard and flood ravage, and that is where he should have been, and I think he saved it all for today and gave us his message today.

Mr. President, he has done his constitutional duty. The time is going to come when we in the General Assembly must do ours, and that is to pass a general appropriations budget and balance that budget with the revenues that we have. Hopefully, Mr. President, we will see a growth in revenue, we will see a growth everywhere, and next year's budget perhaps might not be as tight. But in the meantime, Governor Ridge has taken the leadership to begin the process of recognizing that we can only deal with the revenues we have. I believe he has done a superb job. I believe he has recognized families. I believe he has rec-

ognized jobs. I believe he has recognized those in the most need and yet protected the taxpayers of this State.

And certainly we have heard the disagreements from the other side, but I think if we are going to solve problems, I think this is the blueprint we have to begin that job. And I look forward to working with every Member of this General Assembly to solve those problems, to compromise our differences, and, hopefully, bring about a bipartisan resolution to Pennsylvania's number one issue, and that is the budget of 1996-97.

Thank you, Mr. President.

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

Senator MELLOW. Mr. President, first of all, I think it is important that we had the opportunity of hearing from both the President pro tempore, Senator Jubelirer, and from the gentleman from Delaware, Senator Loeper, to explain to us what their interpretations are of the Governor's budget, to express to us the concern that they may or may not have about President Clinton's statement that the year of big government is over, to talk about the fact that big government and the cutting down of big government does not necessarily mean not being responsible to the needs of the people of Pennsylvania, because I do not think they go hand-in-hand.

I was very happy to hear the other side of the aisle, Mr. President, talk about how taxes are not going up, but they did not say anything for the individual taxpayer about how their taxes may be going down. Also, Mr. President, they said nothing about the possibility of an increase in the gas tax, when here we sit on a surplus in the Motor Vehicle Fund in excess of \$100 million. They did not address that issue whatsoever, Mr. President, nor did they address the issues in dealing with where the Governor has decided, in his own wisdom, to completely eliminate or cut programs. And I believe it is appropriate that we talk about it. Even though there may not be a lot of Members in the Senate, there are over one million households in Pennsylvania today that receive their information in Harrisburg from the Pennsylvania Cable Network, and the Pennsylvania Cable Network will be carrying what we are talking about here to untold millions of people in Pennsylvania, so that they cannot be misled by what the Governor did or did not say today, because he took so many liberties today, Mr. President, that I do not and I will not refer to the Governor as a person who stretched the truth or is a liar, because I would not call him that, but he took some liberties today that none of us as elected officials should ever take and be proud of taking.

Mr. President, agriculture is the number one industry in Pennsylvania, yet the Future Farmers program, a measly \$50,000 to develop a program for future farmers, the Governor did not see fit to appropriate \$1. He 100 percent, Mr. President, cut that money from the budget. There was an excellent program for organic food. Again, Mr. President, a program of \$50,000 in the Department of Agriculture, and the Governor cut that completely. There are programs that obviously are much more costly. A program under the community facilities, \$1.5 million, which means so much to our municipalities in Pennsylvania in view of the fact that the Governor wants to cut

their closest tie to government, the Department of Community Affairs. He wants to eliminate that department. He has taken the community facilities money of \$1.5 million and he has totally eliminated that.

Mr. President, the Governor talked about job training, customized job training, if you will. Last year it was funded at \$9 million. This year the Governor has requested a funding of \$1.5 million, or a reduction of 83 percent, probably the most inopportune time to ask for a cut in the customized job program. And, Mr. President, the gentleman from Blair, Senator Jubelirer, to his credit, talked about Berg Electronics, which is located in his district, and after we had some information clarified on the floor of this Senate, each and every Member of the Senate voted for the appropriation from the Sunny Day Fund to provide that money for Berg Electronics, which incidentally applied for the money prior to any reduction in the corporate net income tax in Pennsylvania in 1995.

Mr. President, the Governor, for some reason, has taken a program that has been very effective, started by one of his predecessors, a Republican Governor, Governor Thornburgh, pushed by a former Speaker of the House, the late Jim Manderino, because of a surplus we had in government. But Governor Ridge has taken that program and he has taken the \$15 million that was appropriated there for last year and he has reduced that to zero, so there is no new appropriation for the Sunny Day Fund.

The LIHEAP program, Mr. President, a weatherization program, which, for the most part, benefits poor people, and when would you want to benefit poor people for a weatherization program than after this devastating winter that we have had this year? Well, the Governor feels so good about those people that he took the total amount of money that was appropriated under LIHEAP of \$8.3 million, and he has completely eliminated that program from his budget presentation.

Let us go to education. Let us find out exactly what the Governor eliminated in education, Mr. President. The line item for improvement of teaching. If there is a problem in Pennsylvania with education reform, then Governor Ridge should submit to the General Assembly a program of educational reform and stop trying to get through his program of a voucher system which is not supported in Pennsylvania. But if there is a problem, Mr. President, with the reform package in Pennsylvania, if something should be done with sabbatical leaves in public schools, then the Governor should take the lead and present a program to us to eliminate those particular types of abuses, if in fact they so exist. But no, the Governor did not do that. He took the program for improvement of teaching, a \$1.4 million program, Mr. President, and he totally eliminated that. Or how about this program in education? How about this program? When you talk about needy people, those people who are disadvantaged, education of the disadvantaged, a measly \$1 million to help those individuals who are disadvantaged, who are in dire need of those educational programs, the Governor chose, in his own wisdom, not to fund that program.

Or how about the private residential rehabilitative institution program? A half-million dollars, again to help those people who are disadvantaged, in some cases people who are handi-

capped, people who come from poor families. The Governor has taken that \$500,000 and he has scrapped it, the same way he has with education for indigent children. That is what the Governor thinks about needy people in Pennsylvania, especially at the early spectrum of life, when they so badly need the help. How about higher education equipment, another very important program, or the Safe Schools program, a program, Mr. President, where we asked for a very small amount of money, and in that particular case the Governor has agreed to it and he has given us a small increase.

Mr. President, I do not know if any of you have ever been involved in the D.A.R.E. program, the program that basically is administered through police departments where there is a tremendous amount of cooperation through local district attorneys' offices, where they go into public and private schools and they talk to children about not using alcohol or drugs. And then when those kids go through the program they have a graduation ceremony. I have had the opportunity of attending a number of them, one concluded just last week in my district. The amount of money in the D.A.R.E. program, Mr. President, was just a little over \$3 million. The Governor is so interested in abuse of alcohol and drugs that he zeroed-out that program, and there is no money available in that D.A.R.E. program.

Mr. President, we are going to turn to health, because it is important that people know what this good, compassionate, considerate Governor thinks about people who have a health problem. Mr. President, the Arthritis and Lupus Research program that was started a few years ago, a program that basically will meet the research needs of people who are suffering from arthritis and lupus, and many of us have those problems within our own families, especially the lupus problem, \$233,000 for research, and our compassionate, considerate Governor did not find in his heart the ability to put \$1 in that program.

The Vietnam Veterans Health Initiative Commission, Mr. President, \$168,000. Tom Ridge, being a Vietnam veteran, talked about it during his campaign, over and over, how important it is to take care of the needs of veterans and talked about how he is a Vietnam veteran, \$168,000, Mr. President, and the compassionate Tom Ridge has not appropriated one dime for that program.

How about, Mr. President, the program of poor people who have a kidney disease who need renal dialysis in Pennsylvania? How about those poor individuals who must rely on renal dialysis some three and four times a week basically just to survive? If you do not have renal dialysis treatment and you suffer from kidney disease, it is very clear your body becomes toxic and you die. It is not like it is going to go away, it is not like having a headache, that if you go to bed perhaps tomorrow you will wake up without the aspirin and the pain will go away. You die from lack of treatment without renal dialysis. Last year there was \$10 million made available. This year the compassionate Governor we have put no money in, period, for renal dialysis.

The same thing for services of children with special needs, and I know it is hard for the Majority in the Senate to listen to this because he is their compassionate Governor, but services for children with special needs, the Governor has not found fit

to put one dime into that program. Instead, he just wiped it out. Or how about coal miners? If you talk about the bedrock of the foundation of Pennsylvania and the industry that started this State hundreds of years ago, it was carved on the back of the coal miners in the anthracite regions in northeastern Pennsylvania and the bituminous regions of western Pennsylvania. And if you have ever been in the company of an individual suffering from pneumoconiosis, you know how difficult it is for that person to breathe. They must gasp and they must gulp to try to get some air into their lungs. We provided in our State a meager \$200,000 to try to help those coal miners who, in most cases today, are quite elderly. But this great compassionate Governor, one who wants to do so much for the people of Pennsylvania, has decided those coal miners do not need that \$200,000, and he has given them no money whatsoever to provide for their needs of black lung through pneumoconiosis.

Mr. President, I could continue. I realize there is not a great deal of interest on the other side to hear this, but I also have heard over and over the amount of money that we are going to lose in State moneys from the Federal government, and it has been stated by previous speakers that we are going to receive \$600 million less from Federal sources in this fiscal year than we have received in the previous fiscal year. Well, Mr. President, quite frankly, I do not know where that is going to come from.

I do not know where those figures came from, and I do not think the other side can document it because I am going to read from their document, their document dealing with public welfare and the type of money that the State can save because of Federal reimbursement of public welfare. Mr. President, it is on page E33.16 of the budget, if those of you on the other side would like to refer to it. It says Medical Assistance programs, the first one is "General Fund: Medical Assistance - Outpatient." We are being told by the Federal government that the revision of the Federal financial participation from today's 53.27 percent to 57 percent for the next fiscal year will save the Department of Public Welfare and the Medical Assistance Outpatient program \$44,141,000. These are Tom Ridge's figures, through his Budget Secretary, which I assume have been gathered through the Department of Public Welfare. A little further on, Mr. President, he talks about the same thing, "Medical Assistance - Inpatient," as opposed to the last one being outpatient. Once again the revision of the Federal financial participation from 53.27 percent to 57 percent, which means, by and large, that we are going to get a greater share of Federal dollars for those inpatient individuals who are on Medical Assistance. And they tell us in that particular part of the budget document as submitted today by the Governor that the State will save \$54,637,000 in that particular area.

On the next page, Mr. President, it talks about "Medical Assistance - Long-Term Care," that once again the Federal participation rate will change from 53.27 percent to 57 percent. And by making that change at the Federal level, we will save on that line item \$70,857,000. Mr. President, if you had a savings as shown just on this page alone and you add that to the capitation of Medical Assistance where they say we will save an additional \$43,783,000, if you add \$44 million to \$54

million, that gives us 98 million dollars' worth of savings. To that \$98 million, if you add the \$70 million in Medical Assistance long-term care, we are now up to 168 million dollars' worth of savings, and if you take that and you add the \$43 million of capitation, you will find out that our savings for this year alone, because of the change in percentage, is in excess of \$200 million.

Now, that is his document, Mr. President. That is not our document. The gentleman from Philadelphia, Senator Fumo, did not come up with this document. People like to be very critical of him for coming up with documents. He did not come up with this proposal. This is Tom Ridge's proposal, and it is listed in here the kind of money that will be saved through the Department of Public Welfare because the Federal government is increasing the financial participation to the State on those particular areas that I talked about from 53.27 percent to 57 percent. Yet, we hear the Majority in the Senate saying we are going to lose \$600 million in Federal sources. Mr. President, we cannot identify where that \$600 million loss is going to come from. The thing we can identify is the mean-spirited attitude that has been developed in the formulation of this budget for the purpose of holding down what Governor Ridge, I assume, would like to say is holding down his budget so that he can present to the General Assembly, to the people of Pennsylvania, a budget of less than what he presented last year, which, as we have stated previously, is not accurate.

Let us talk about another thing. I did not bring it up, but since it was brought up, I think it is important to mention. It was suggested that Frito-Lay did not come to Pennsylvania because of workers' compensation rates. Well, Mr. President, if the truth be known, and I hope that the administration has leveled with my colleagues on the other side of the aisle, the reason why Frito-Lay did not come to Pennsylvania—first of all, if Governor Ridge had instructed his Department of Labor to have the proper regulations submitted to IRRC in a timely fashion, and those regulations were implemented by the Department of Labor and were in place today, we could further have a reduction in overall rates of workers' compensation, which in the last 2 years have been reduced by almost 11 percent—but if the truth be known, Mr. President, Frito-Lay did not come to Pennsylvania because Frito-Lay wanted to locate in York County. And instead of the administration wanting them to locate in York County, Mr. President, they wanted Frito-Lay to locate in Franklin County. Now, I can only surmise why. Perhaps Franklin County is represented by one of the most influential Congressmen in Washington. Perhaps the Congressman from Washington wanted them to locate in Franklin County. Perhaps the Governor wanted to offset the potential loss of jobs because of the closing of Letterkenny, or the job loss in Letterkenny Depot. Perhaps he wanted to offset those particular jobs is what has taken place. But the real reason that Frito-Lay is not coming to Pennsylvania and in fact is going somewhere else is not because of workers' compensation, it is because of where they wanted to locate. And I am sure that if the gentleman from York, Senator Delp, knew that, he probably would have been irate over the fact that the ad-

ministration tried to lead them into a county where they did not want to go.

But how can we be surprised, Mr. President, because all we have to do is look at the Governor's track record and how he ran the railroad with regard to the Meyer Werft program, where we had the opportunity in Pennsylvania in the Port of Philadelphia of bringing some 7,000 new jobs into Pennsylvania and the Governor did not on one occasion, from May of 1995 to September of 1995, find it in his wisdom to make one phone call to Germany to talk to the executives of the corporation to tell them what we could do for them in Pennsylvania so that they would come here. Instead, the Governor last year reduced taxes by approximately \$282 million to the largest of large corporations. This year, Mr. President, that reflects a decrease in cash to our budget of Pennsylvania of \$300 million, money that could have been used perhaps to bring Frito-Lay into Pennsylvania, money that certainly could have been used to agree with Meyer Werft to bring their shipbuilding industry into the Port of Philadelphia to hire those people who would have been able to work there.

So, Mr. President, this is a major issue. This is not an issue that is going to go away. It is not something that we are going to debate, although hopefully we are not going to become personal about the issue, we are going to talk about the merit of the issue.

There are glaring problems within the Governor's proposal, Mr. President, and if you want to talk about the ending of big government and you want to say that that was part of the President's message, his State of the Union message last week, perhaps what we should have had several weeks ago was Tom Ridge's State of the Commonwealth message. If he had something important and quite interesting to tell us, maybe he should have told us then. Maybe the thing that Tom Ridge was afraid of is that someone may ask him the question; Governor, last year you reduced taxes by \$282 million, yet in that same period of time we have lost 18,000-plus jobs in Pennsylvania, in a State that you say you are making job friendly, more jobs than we have lost in Pennsylvania in the Casey and Thornburgh administrations combined. But it is obvious he had no answer to that question.

And, Mr. President, as we talk about what is happening with the emergency management, is it not ironic and incredible that everybody talks about that the Federal government should get off our backs and should not tell us what to do unless they are in a time of crisis? The moment that we had the problem in Pennsylvania with regard to the flood of January 19, which each and every one of us in here on a bipartisan basis wants to participate in and wants to support, the first group of individuals whom the Governor of Pennsylvania criticized was the Federal Emergency Management Agency and the President of the United States, when perhaps he should have been criticizing the administration in Congress that is being headed up by Bob Dole and Newt Gingrich and the way that they insisted that the Federal Emergency Management Agency and their funds be cut by 25 percent over the amount requested by the President of the United States. Or perhaps they should have been a little critical of our United States Senator from the

western part of the State, who when he was a member of Congress and they had the same types of problems out in the midwestern part of the country voted against emergency money to be made available to those people in other States.

Mr. President, there is a great deal to talk about here. A lot has been said and a lot will continue to be said over the next several months, and I am going to reiterate what we have said over and over, that we are a Minority Party on this side, but we have a voice and we will be heard over and over and over. We think the Governor should extend a hand of cooperation. We think the Governor should be talking about increasing the minimum wage. We think the Governor should be advancing to this General Assembly an educational reform package, one that does not include vouchers, because he knows damn well that he cannot get that passed. But if the Governor has other good quality ideas to reform public education, then, in fact, we should be seeing those.

And the Governor should not sit over in his ivory tower and talk about workers' compensation and how workers' compensation should be reformed. The gentleman from Delaware, Senator Loeper, talked about Mellow-Madigan I, Mellow-Madigan II, Mellow-Madigan III, and finally Mellow-Madigan IV, and we did everything we could on a bipartisan basis to reform workers' compensation, but I have yet, Mr. President, to see Ridge I with regard to his proposals on workers' comp. So it is easy for him to be critical, but it was also very easy for him not to have his Secretary of Labor advance through the Independent Regulatory Review Commission the proper types of regulations to implement the program. That was very easy, apparently, for him to do, not to advance that, but it has been very easy for him to be critical without producing one document that would give the General Assembly some direction, some leadership by the Governor—which we are all looking for, incidentally, some leadership by the Governor—to say what he would like done with workers' compensation.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Blair, Senator Jubelirer.

The PRESIDENT pro tempore. Mr. President, I know the last person you probably want to hear from is me, unless it was the previous speaker, I am not sure. But, nevertheless, the gentleman from Lackawanna, Senator Mellow, and I have been at this before, and the gentleman from Delaware, Senator Loeper, the gentleman from Philadelphia, Senator Fumo, and others have done that and perhaps this is the day to air those things. Maybe, Mr. President, as we vent, we will perhaps come to some conclusions. I do not know that finger pointing, and I have been in the Minority, fortunately not very much, but I do not know that finger pointing is very successful.

Mr. President, I think that we need to set the record straight on things, and as Senator Mellow began his second round of comments, he talked about the \$7.5 million that was cut from customized job training. I am sure he did not realize, because I know he would not make an intentional misstatement, that there is \$16.5 million in the budget for customized job training, not \$1.5 million, and if he will turn to E13.12 and E13.13,

I am sure he will find that the Governor significantly added customized job training funds, and I am sure he would not want to intentionally misrepresent that.

I would like to also tell Senator Mellow and through you, Mr. President, I was involved in the Frito-Lay discussions myself because that same Congressman was making available to Blair County the opportunity to bring Frito-Lay to Blair County. There was never any intent of Frito-Lay to go to York County, and I had some discussions with them. That was never mentioned. It was always Virginia, frankly, and we were competing against Virginia. I would suggest there is no better person than Senator Mellow to travel around this State meeting with small businesses, and I am sure they are not giving us a different answer than they are giving him. I am sure he would find that workers' compensation is a huge problem in competing with other States, with not only our sister States surrounding us but we compete nationally and internationally for businesses, and there is no business person in this State who will not sit down, look you in the eye and say, we have to have some help on workers' compensation in addition to that which was done in the past.

Mr. President, Senator Mellow and the Senate Democratic Caucus have indeed held a news conference and introduced a program, a program cutting the personal income tax and increasing the minimum wage, and as we have analyzed, it provides new spending in the amount of close to a billion dollars. That is our analysis. I am sure he would take issue with it. But nevertheless, I think it is incumbent on Senator Mellow and the Democratic Caucus, and I challenge them to do this, that if they want to provide a budget, a budget document which they talk about as he goes through all these wonderful programs that State government is supposed to fund, that the Federal government cannot fund and now State government is supposed to fund, the cost of those will continue to increase and multiply year by year. Perhaps they can provide their budget or as we negotiate this budget provide such a document, because I frankly believe, Mr. President, without a major tax increase that I do not think Senator Mellow is ready to introduce—I am sure we are not; I know Governor Ridge is not—we could not possibly do such a thing.

I think we are very limited in our resources, and I suggest, Mr. President, if they are going to propose significant spending programs and significant personal income tax cuts in a State that has one of the lowest personal income taxes in the nation, a personal income tax that certainly we would all love to have, it would be great if we did not have any taxes, but which will not certainly provide any means by which we can afford it, it is easy to do that, I suppose, and again, being in the Minority, I understand those things, but I do not think that is just the way we can go.

Mr. President, the opening salvo has been sounded. The challenge is there for both the Majority and the Minority. One thing is for sure, Mr. President: the people of this Commonwealth expect their legislators, Republican and Democrat, House and Senate, to pass a balanced budget without new taxes before July 1, 1996. That is the challenge this Governor has provided us. I believe he has made that challenge clear. I

believe he has provided the leadership to do it. I believe he has been very sensitive, very compassionate in the manner in which he has tried to recognize in an austere year that we have to be creative and use the resources available to Pennsylvanians in the most efficient way possible. That challenge is before us. I look forward, and I am sure Senator Loeper joins me and the Senate Republican Caucus, to working with the Senate Democrats and the House of Representatives in fashioning a budget that is in the best interest of all Pennsylvanians with the resources we have.

With that, Mr. President, perhaps we can move on, and I thank you for not being too upset with me for speaking the second time. Thank you.

COMMUNICATIONS FROM THE GOVERNOR

NOMINATION REFERRED TO COMMITTEE

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

MEMBER OF THE PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION

February 6, 1996

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, George A. Nichols, 101 Elm Street, Dalton 18414, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Pennsylvania Historical and Museum Commission, to serve until the third Tuesday of January 1999 and until his successor is appointed and qualified, vice Anna O. Rotz, Fort Loudon, whose term expired.

THOMAS J. RIDGE
Governor

RECALL COMMUNICATION REFERRED TO COMMITTEE

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

MEMBER OF THE STATE BOARD OF PODIATRY

February 6, 1996

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated January 23, 1996 for the appointment of Fritz Bittenbender, 264 Boas Street, Harrisburg 17102, Dauphin County, Fifteenth Senatorial District, as a member of the State Board of Podiatry, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Thomas Coleman, M.D., Carbondale, whose term expired.

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

THOMAS J. RIDGE
Governor

RECALL COMMUNICATION LAID ON THE TABLE

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 laid on the table:

MEMBER OF THE BOARD OF TRUSTEES OF SCRANTON STATE SCHOOL FOR THE DEAF

February 6, 1996

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated October 18, 1995 for the appointment of Thomas L. Shaffer, 56 Govier Street, Wilkes-Barre 18705, Luzerne County, Fourteenth Senatorial District, as a member of the Board of Trustees of Scranton State School for the Deaf, to serve until the third Tuesday of January 1997, and until his successor is appointed and qualified, vice Harry W. Wilson, Jr., Tunkhannock, resigned.

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

THOMAS J. RIDGE
Governor

APPOINTMENT OF MEMBER TO STANDING COMMITTEE OF THE SENATE

The PRESIDENT. The Chair wishes to announce that the President pro tempore has made the following appointment to a Standing Committee of the Senate:

Senator Robert J. Mellow as a member of the Committee on Finance, to fill the vacancy caused by the resignation of Senator Dawida.

APPOINTMENT BY MINORITY LEADER

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

Senator William J. Stewart as Minority chairman of the Standing Committee on Finance.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY FEBRUARY 7, 1996

9:00 A.M.

LAW AND JUSTICE (to consider Senate Room 461 Bills No. 1038 and 1349; and House Bill Main Capitol No. 1431)

9:30 A.M.	FINANCE (to consider Senate Bill No. 1044; House Bills No. 260 and 1973; and any other business that shall come before the Committee)	Room 461 Main Capitol	1:00 P.M.	APPROPRIATIONS (Budget Hearing - Judiciary)	Majority Caucus Rm.
10:00 A.M.	TRANSPORTATION (to consider Senate Bills No. 489, 1082, 1220 and 1332; and House Bills No. 47 and 497)	Room 8E-A East Wing	2:30 P.M.	APPROPRIATIONS (Budget Hearing - Auditor General)	Majority Caucus Rm.
10:15 A.M.	APPROPRIATIONS (to consider Senate Bills No. 801 and 1352)	Rules Cmte. Conf. Rm.	3:30 P.M.	APPROPRIATIONS (Budget Hearing - Historical and Museum Commission)	Majority Caucus Rm.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Public Utility Commission)	Majority Caucus Rm.	<u>THURSDAY, FEBRUARY 29, 1996</u>		
2:30 P.M.	APPROPRIATIONS (Budget Hearing - Office of Consumer Advocate)	Majority Caucus Rm.	9:00 A.M.	APPROPRIATIONS (Budget Hearing - Department of Community Affairs)	Majority Caucus Rm.
3:30 P.M.	APPROPRIATIONS (Budget Hearing - Office of Small Business Advocate)	Majority Caucus Rm.	10:00 A.M.	APPROPRIATIONS (Budget Hearing - PA Emergency Management Agency)	Majority Caucus Rm.
<u>THURSDAY, FEBRUARY 8, 1996</u>			11:00 A.M.	APPROPRIATIONS (Budget Hearing - Department of Aging)	Majority Caucus Rm.
10:00 A.M.	AGING AND YOUTH (a work session on elder abuse bills: Senate Bills No. 1085, 1086 and 1087; and House Bills No. 304, 305, 306 and 367)	Room 40 East Wing	1:00 P.M.	APPROPRIATIONS (Budget Hearing - Department of Conservation and Natural Resources)	Majority Caucus Rm.
<u>WEDNESDAY, FEBRUARY 21, 1996</u>			2:30 P.M.	APPROPRIATIONS (Budget Hearing - Department of Labor and Industry)	Majority Caucus Rm.
<u>CANCELLED</u>			3:30 P.M.	APPROPRIATIONS (Budget Hearing - Department of Military Affairs)	Majority Caucus Rm.
10:00 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (public hearing on Telephone Deregulation: A progress report on the implementation of Chapter 30 of the PUC Code)	Majority Caucus Rm.	<u>MONDAY, MARCH 4, 1996</u>		
<u>MONDAY, FEBRUARY 26, 1996</u>			9:30 A.M.	APPROPRIATIONS (Budget Hearing - Secretary Bittenbender -- Overall Economic Outlook and Perspective)	Majority Caucus Rm.
9:30 A.M.	APPROPRIATIONS (Budget Hearing - Department of General Services)	Majority Caucus Rm.	1:00 P.M.	APPROPRIATIONS (Budget Hearing - Department of Public Welfare)	Majority Caucus Rm.
10:30 A.M.	APPROPRIATIONS (Budget Hearing - Department of Revenue)	Majority Caucus Rm.	<u>TUESDAY, MARCH 5, 1996</u>		
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Department of State)	Majority Caucus Rm.	9:00 A.M.	APPROPRIATIONS (Budget Hearing - Department of Transportation)	Majority Caucus Rm.
2:30 P.M.	APPROPRIATIONS (Budget Hearing - Department of Commerce)	Majority Caucus Rm.	1:00 P.M.	APPROPRIATIONS (Budget Hearing - Department of Environmental Protection)	Majority Caucus Rm.
<u>TUESDAY, FEBRUARY 27, 1996</u>			<u>WEDNESDAY, MARCH 6, 1996</u>		
9:00 A.M.	APPROPRIATIONS (Budget Hearing - State System of Higher Education)	Majority Caucus Rm.	9:00 A.M.	APPROPRIATIONS (Budget Hearing - Pennsylvania State Police)	Majority Caucus Rm.
10:30 A.M.	APPROPRIATIONS (Budget Hearing - Penn State University)	Majority Caucus Rm.	10:30 A.M.	APPROPRIATIONS (Budget Hearing - Governor's Office)	Majority Caucus Rm.
1:00 P.M.	APPROPRIATIONS (Budget Hearing - Temple University)	Majority Caucus Rm.	1:00 P.M.	APPROPRIATIONS (Budget Hearing - Department of Education)	Majority Caucus Rm.
2:00 P.M.	APPROPRIATIONS (Budget Hearing - Lincoln University)	Majority Caucus Rm.	<u>THURSDAY, MARCH 7, 1996</u>		
3:00 P.M.	APPROPRIATIONS (Budget Hearing - University of Pittsburgh)	Majority Caucus Rm.	9:00 A.M.	APPROPRIATIONS (Budget Hearing - Department of Agriculture)	Majority Caucus Rm.
<u>WEDNESDAY, FEBRUARY 28, 1996</u>			10:00 A.M.	APPROPRIATIONS (Budget Hearing - Liquor Control Board)	Majority Caucus Rm.
9:00 A.M.	APPROPRIATIONS (Budget Hearing - Department of Corrections)	Majority Caucus Rm.	11:00 A.M.	APPROPRIATIONS (Budget Hearing - Treasurer)	Majority Caucus Rm.
10:30 A.M.	APPROPRIATIONS (Budget Hearing - Department of Insurance)	Majority Caucus Rm.	1:00 P.M.	APPROPRIATIONS (Budget Hearing - Attorney General)	Majority Caucus Rm.
			2:00 P.M.	APPROPRIATIONS (Budget Hearing - Department of Health)	Majority Caucus Rm.

ADJOURNMENT

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Wednesday, February 7, 1996, at 11 a.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 6:50 p.m., Eastern Standard Time.