

Legislative Journal

MONDAY, APRIL 14, 1997

SESSION OF 1997

181ST OF THE GENERAL ASSEMBLY

No. 22

SENATE

MONDAY, April 14, 1997

The Senate met at 2 p.m., Eastern Daylight Saving Time.

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

PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

Heavenly Father, we pause at this time of silent reflection and prayer to ask that You direct all our actions this day by Your divine inspiration, that every good work of ours may begin always from You and by You and be happily ended to the greater ennoblement and glory of You and Your people. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of April 9, 1997.

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.

COMMUNICATION 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:

JUDGE, COURT OF COMMON PLEAS,
WASHINGTON COUNTY

April 9, 1997

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, Kenneth Bowman, Esquire, 122 West Edgewood Drive, McMurray 15317, Washington County, Thirty-seventh Senatorial District, for appointment as Judge of the Court of Common Pleas of Washington County, to serve until the first Mon-

day of January 1998, vice The Honorable Thomas J. Terputac, mandatory retirement.

THOMAS J. RIDGE
Governor

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 149**.

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

April 10, 1997

HB 8 -- Committee on Education.

April 14, 1997

HB 41 and **87** -- Committee on Judiciary.

HB 80 -- Committee on Transportation.

HOUSE RESOLUTION FOR CONCURRENCE

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

April 14, 1997

HR 108 -- Committee on State Government.

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:

April 10, 1997

Senators ULIANA, LAVALLE, O'PAKE, STOUT, KUKOVICH, COSTA, AFFLERBACH, HELFRICK, SCHWARTZ, KITCHEN, BODACK, WILLIAMS, TOMLINSON, SALVATORE, HUGHES, TARTAGLIONE, WHITE, MURPHY, MELLOW, RHOADES, THOMPSON, MUSTO, HECKLER and BELL presented to the Chair **SB 887**, entitled:

An Act prohibiting health insurance discrimination on the basis of mental illness; and conferring powers upon the Department of Health and the Insurance Department.

Which was committed to the Committee on BANKING AND INSURANCE, April 10, 1997.

Senator ARMSTRONG presented to the Chair **SB 888**, entitled:

An Act regulating the construction, equipment, maintenance, operation and inspection of boilers and unfired pressure vessels; granting certain authority to and imposing certain duties upon the Department of Labor and Industry; providing for penalties; and making a repeal.

Which was committed to the Committee on LABOR AND INDUSTRY, April 10, 1997.

Senators ARMSTRONG, HELFRICK, ROBBINS, PUNT, MADIGAN, HART and WENGER presented to the Chair **SB 889**, entitled:

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), entitled Unemployment Compensation Law, relieving certain sole proprietors from liability for contributions.

Which was committed to the Committee on LABOR AND INDUSTRY, April 10, 1997.

Senator ARMSTRONG presented to the Chair **SB 890**, entitled:

An Act amending the act of December 19, 1990 (P.L.805, No.194), entitled Asbestos Occupations Accreditation and Certification Act, requiring certain contractors to obtain a license.

Which was committed to the Committee on LABOR AND INDUSTRY, April 10, 1997.

Senators HELFRICK, MELLOW, BRIGHTBILL, STOUT, DELP, WOZNAK, ULIANA, O'PAKE, WENGER, MUSTO, ARMSTRONG, STAPLETON, RHOADES, COSTA, HART, PUNT, TOMLINSON, SALVATORE, MURPHY, MADIGAN and KASUNIC presented to the Chair **SB 891**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for crimes against the unborn.

Which was committed to the Committee on JUDICIARY, April 10, 1997.

Senators O'PAKE, BRIGHTBILL and GERLACH presented to the Chair **SB 892**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a special registration plate for Pogoda, Tower and Skyline Drive; and creating the Pogoda-Skyline Restoration and Awareness Fund.

Which was committed to the Committee on TRANSPORTATION, April 10, 1997.

April 14, 1997

Senators CORMAN, ROBBINS, THOMPSON, STOUT and AFFLERBACH presented to the Chair **SB 893**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for just and reasonable rates.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, April 14, 1997.

Senators CORMAN, ROBBINS, THOMPSON, STOUT and AFFLERBACH presented to the Chair **SB 894**, entitled:

An Act amending the act of May 2, 1945 (P.L.382, No.164), entitled Municipality Authorities Act of 1945, further providing for the purposes of an authority.

Which was committed to the Committee on LOCAL GOVERNMENT, April 14, 1997.

Senators HUGHES, MELLOW, BODACK, O'PAKE, MUSTO, KASUNIC, STAPLETON, FUMO, AFFLERBACH, KITCHEN, BELAN, COSTA, SCHWARTZ, WOZNAK, KUKOVICH, WILLIAMS, LAVALLE, STOUT, TARTAGLIONE and BELL presented to the Chair **SB 895**, entitled:

An Act establishing the Job Opportunities in Basic Services (JOBS) Program; and making an appropriation.

Which was committed to the Committee on LABOR AND INDUSTRY, April 14, 1997.

Senators RHOADES, AFFLERBACH, O'PAKE, WILLIAMS, GERLACH, TOMLINSON and KASUNIC presented to the Chair **SB 896**, entitled:

An Act making an appropriation to the Department of Education for the purchase of equipment for vocational education secondary programs and community colleges.

Which was committed to the Committee on APPROPRIATIONS, April 14, 1997.

Senators WOZNAK, BELAN, COSTA, STOUT, FUMO, AFFLERBACH, MELLOW and HART presented to the Chair **SB 897**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), entitled Public School Code of 1949, further providing for reimbursement for certain community colleges.

Which was committed to the Committee on EDUCATION, April 14, 1997.

Senator GREENLEAF presented to the Chair **SB 898**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for retirement funds and accounts exempt from attachment or execution on a judgment.

Which was committed to the Committee on JUDICIARY, April 14, 1997.

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:

April 10, 1997

Senators STOUT, BELAN, BODACK, COSTA, WILLIAMS, FUMO, O'PAKE, SCHWARTZ, STAPLETON,

KITCHEN, MUSTO, PUNT, HUGHES and EARLL presented to the Chair **SR 35**, entitled:

A Resolution declaring April 29, 1997, as "Federally Qualified Health Centers' Legislative Day" in Pennsylvania.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, April 10, 1997.

Senators PUNT, CORMAN, RHOADES, BELAN, ROB-BINS, AFFLERBACH, O'PAKE, COSTA, HOLL, HELFRICK, JUBELIRER, SALVATORE, TOMLINSON, THOMPSON, LAVALLE, GERLACH, SCHWARTZ, MOWERY, LEMMOND, SLOCUM, MUSTO, KASUNIC, MELLOW, HART and WOZNIAK presented to the Chair **SR 36**, entitled:

A Resolution recognizing the week of May 4 through 10, 1997, as "Tourism Promotion Week" in Pennsylvania.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, April 10, 1997.

GENERAL COMMUNICATION

RESOLUTION OF THE STATE OF NEVADA

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

STATE OF NEVADA
SENATE
Legislative Building
401 S. Carson Street
Carson City, Nevada 89701-4747

March 21, 1997

The Honorable Mark S. Schweiker
President of the Senate
Pennsylvania General Assembly
Capitol Building, Senate Post Office
Harrisburg, PA 17120

Dear Lt. Governor Schweiker:

Pursuant to legislative direction, enclosed is a copy of Senate Concurrent Resolution No. 16, adopted by the Senate and Assembly of the Nevada State Legislature on March 12, 1997.

Sincerely,

JANICE L. THOMAS
Secretary of the Senate

Senate Concurrent Resolution No. 16 - Senators James, Adler, Augustine, Coffin, Jacobsen, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rawson, Regan, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener

FILE NUMBER 17

SENATE CONCURRENT RESOLUTION -- Honoring Stan and Jan Berenstain, authors of books for children.

WHEREAS, Jan Grant and Stanley Berenstain both spent their years of childhood in Philadelphia, Pennsylvania, absorbed in drawing and illustrating at every opportunity; and

WHEREAS, Jan Grant and Stan Berenstain entered the Philadelphia College of Art in 1941, where they met on the very first day of classes; and

WHEREAS, The couple were married on April 13, 1946, immediately after Stan's discharge from the army at the end of World War II; and

WHEREAS, Stan and Jan Berenstain supported themselves in the early years of their marriage by jointly creating humorous, family-oriented cartoons for magazines such as the *Saturday Evening Post*, *Collier's* and *McCall's*; and

WHEREAS, Stan and Jan Berenstain entered the children's book market in 1962 with the publication of *The Big Honey Hunt*, an instantly popular book written in rhyme about the comical adventures of a family of bears; and

WHEREAS, That first book and the series that it inspired, edited by Dr. Seuss and known as the Berenstain Bear books, achieved tremendous success and established Stan and Jan Berenstain as preeminent figures in the field of creating books for children; and

WHEREAS, In response to numerous requests for books appropriate for older children, Stan and Jan Berenstain added their sons Leo and Michael to their highly successful team and now also produce Berenstain Bears Big Chapter Books; and

WHEREAS, The educational messages in the Berenstain Bear books are currently disseminated via coloring books, audiocassettes, filmstrips, videocassettes, television specials and CD-ROMS; and

WHEREAS, There are over 100 Berenstain Bear books in print and the Berenstains consistently create relevant stories which are upbeat, colorful, instructional and funny and which offer a positive picture of family life; and

WHEREAS, The creative illustrations and entertaining text of the Berenstain Bears books have delighted children for many decades and continue to attain ever greater popularity and success; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 69th session of the Nevada Legislature wish to honor and praise Stan and Jan Berenstain for their many achievements in the area of illustration and literature for children, especially for their creation of the delightfully charismatic, educational and entertaining Berenstain Bear family loved by countless children through the years; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit copies of this resolution to Stan and Jan Berenstain and the Governor and Legislature of the State of Pennsylvania, the home state of the Berenstains.

APPOINTMENTS BY MINORITY LEADER

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

Ms. Barbara Tiffany to serve on the Small Business Advocacy Council.

Mr. John A. Chaya to serve on the Small Business Advocacy Council.

BILL SIGNED

The PRESIDENT (Lieutenant Governor Mark S. Schweiker) in the presence of the Senate signed the following bill:

HB 149.

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 Resolutions No. 35 and 36, and certain nominations.

SENATE CONCURRENT RESOLUTION

RECESS ADJOURNMENT

Senator LOEPER offered the following resolution, which was read, considered and adopted:

In the Senate, April 14, 1997

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, April 28, 1997, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, April 28, 1997, unless sooner recalled by the Speaker of the House of Representatives.

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

LEGISLATIVE LEAVES

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

Senator MELLOW. Mr. President, I request legislative leaves for Senator Belan and Senator Stapleton, and temporary Capitol leaves for Senator Wagner and Senator Williams.

The PRESIDENT. Senator Mellow requests temporary Capitol leaves for Senator Wagner and Senator Williams, and legislative leaves for Senator Belan and Senator Stapleton. Without objection, those leaves are granted.

CALENDAR

SENATE RESOLUTION No. 34, ADOPTED

Senator LOEPER, without objection, called up out of order from page 12 of the Calendar, as a Special Order of Business, Senate Resolution No. 34, entitled:

A Resolution designating April 20 through 26, 1997, as "Community Banking Week" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

YEA-50

Afflerbach	Hart	Mellow	Stout
Armstrong	Heckler	Mowery	Tartaglione
Belan	Helfrick	Murphy	Thompson
Bell	Holl	Musto	Tilghman
Bodack	Hughes	O'Pake	Tomlinson
Brightbill	Jubelirer	Piccola	Uliana
Corman	Kasunic	Punt	Wagner
Costa	Kitchen	Rhoades	Wenger
Delp	Kukovich	Robbins	White
Earll	LaValle	Salvatore	Williams
Fumo	Lemmond	Schwartz	Wozniak
Gerlach	Loeper	Slocum	
Greenleaf	Madigan	Stapleton	

NAY-0

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

SPECIAL ORDER OF BUSINESS
1996 PIAA CLASS AA FOOTBALL CHAMPIONS
PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Northumberland, Senator Helfrick.

Senator HELFRICK. Mr. President, I am honored today to present to the Senate the 1996 PIAA Class AA football champions, the Mount Carmel Red Tornadoes. As a graduate of Mount Carmel, I am proud to introduce these fine young men and their coaches who continue the tradition of the State's all-time winningest football team. Coach Whitey Williams guided the 1996 Red Tornadoes to a perfect 15 to 0 record and their second State championship in the past 3 years.

Mount Carmel has 654 high school football victories, more than any other Pennsylvania school. As you can imagine, there is tremendous pressure playing and coaching for a program with that kind of tradition. The 1996 team and coaches met that challenge. Coach Whitey Williams was named the Associated Press Small School Coach of the Year for Pennsylvania. He was also named the Pennsylvania State Coaches Association Coach of the Year for the second time. Tailback Brett Veach was named the Associated Press Small School Player of the Year. He rushed for 165 yards in the championship victory against Tyrone High School. His senior season was a record breaker. He gained 2,166 rushing yards and scored 32 touchdowns. In his 4-year career, he gained 7,292 all-purpose yards, and even more important than his achievements on the football field are his scholastic achievements. He is an A student and plans to play football in college.

Mr. President, Whitey Williams and Brett Veach will tell you that it takes more than a good coach and a standout running back to win a State championship, and that is why I am asking the Senate of Pennsylvania to welcome all the players and coaches of the 1996 PIAA Class AA football champions, the Mount Carmel Red Tornadoes.

On a personal note, Mr. President, I would like to personally thank the gentleman from Blair, Senator Jubelirer, who supplied me with 5 pounds of excellent chocolates for a bet that he lost when his team did not become the State champions. He would have been much better off if he had won because he would have been proud to have his team be the State champions, but he also would have gotten 5 pounds of Mount Carmel's best Polish kielbasy.

Thank you, Mr. President.

The PRESIDENT. The Chair thanks Senator Helfrick, and would politely point out that Whitey Williams, the coach of the Mount Carmel Red Tornadoes, is a longtime friend of mine.

Thank you so much, Senator Helfrick. I think you quite appropriately pointed out the strengths of the team and the contribution that a good head coach makes.

With that, I think it is time to hear from I believe their rivals, the gentleman who represents the area, the President pro tempore, Senator Jubelirer.

The PRESIDENT pro tempore. Mr. President, to the gentleman from Northumberland, Senator Helfrick, I had hoped to be eating kielbasy and I am now eating crow. Nevertheless, I want to congratulate a fine Mount Carmel team for an outstanding victory in the city of Altoona, the finest football facility anywhere in Pennsylvania, where the State championships are held.

The Tyrone Golden Eagles had a great season, a great last year under Coach John Franco, and they just came up short this time, and frankly, they were able to hold their heads up high. But without question, Senator Helfrick won the bet. The Mount Carmel team won the State championship. I salute them, congratulate them, and will look forward to perhaps a rematch next year when maybe I might be able to get that kielbasy instead. I do not want to see Senator Helfrick break out in pimples from Gardners Candies of Tyrone, but, nevertheless, congratulations to all of you for a great season.

Thank you, Mr. President.

The PRESIDENT. At this time, the Chair would ask our special guests, the members of the Mount Carmel Class AA Championship Football Team, to stand so the Senate may give you its usual warm welcome.

(Applause.)

The PRESIDENT. The Chair thanks Senator Jubelirer and Senator Helfrick, and also gives Senator Helfrick thanks for the special mention of someone I count as a personal friend, the Small School High School Football Coach of the Year, Whitey Williams. I congratulate Coach Williams and the Mount Carmel Football Team for all they have accomplished this past football season.

GUESTS OF SENATOR ROGER A. MADIGAN PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Bradford, Senator Madigan.

Senator MADIGAN. Mr. President, visiting us in the gallery today we have a group of young ladies from the Hemlock Girl Scout Council, along with some of their leaders. I would especially like to recognize Ashley Sims, Amber Snyder, and Katherine Wagner, who will be accompanying me on my legislative duties tomorrow. I would like these individuals to stand while the Senate gives them its usual warm welcome.

The PRESIDENT. Would our guests please rise so that the Senate may acknowledge you.

(Applause.)

GUEST OF SENATOR NOAH W. WENGER PRESENTED TO THE SENATE

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

Senator WENGER. Mr. President, it is my pleasure today to introduce a fine young man to the Senate of Pennsylvania. His name is Joshua Pittinger, from Sterling Way in Columbia, Lancaster County. He is a seventh grader at Centerville Middle School, and he tells me that his favorite subject is math. Well, that kind of quality person we are pleased to have as a guest

Page here on the floor of this Senate, and, Mr. President, I would appreciate the Senate welcoming Joshua today.

The PRESIDENT. Would Joshua please stand so the Senate may acknowledge you.

(Applause.)

SPECIAL ORDER OF BUSINESS 1997 PENNSYLVANIA'S JUNIOR MISS PRESENTED TO THE SENATE

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

Senator O'PAKE. Mr. President, we have another State champion here today in the Senate. For the second year in a row, Pennsylvania's Junior Miss is from the 11th Senatorial District in Berks County, and she is here today to briefly address the Senate. We are very proud of Ms. Christianne Knauer, who is a senior at Kutztown Area High School in Berks County. She is first in her class. She won the Berks County Junior Miss title. She also won the presence and composure award in that contest. She went on to win the Pennsylvania Junior Miss title, also winning the presence and composure award in the State competition.

In addition to her academic ability, first in her class, she is very, very active in the community and in pursuing her excellence in music. She serves to help with the Cancer Society, Cystic Fibrosis, The Community Theater, Multiple Sclerosis, and her church. In addition, she recently performed as a soloist at Carnegie Hall in New York as a member of the District 10 Chorus. She has taken the lead in school plays for the last 3 years. She is a tremendously talented individual and was going to sing "If I Loved You" for us today. However, she instead will present a few moments of her reflections on serving as the Pennsylvania Junior Miss.

She will be entering the NYU Tisch School for the Performing Arts in New York City in September. She is here with her proud parents, Mr. Davis Knauer and Mrs. Lucinda Knauer, her younger brother, Preston Knauer, and the State chaperone for the Pennsylvania Junior Miss, Brenda Bayliss.

Mr. President, it is my honor to introduce to the Senate, with our sincere best wishes for good luck in Mobile, Alabama, in June at the national competition, Pennsylvania's Junior Miss from Berks County, Christianne Knauer.

The PRESIDENT. Would Pennsylvania's Junior Miss come to the floor and step to the microphone, and I ask the Members of the Senate to provide their usual warm welcome to Pennsylvania's Junior Miss.

(Applause.)

Ms. KNAUER. Thank you, Lieutenant Governor Schweiker and Members of the Senate. I would like to start off by saying how excited I am to be here today. When I found out that I could talk about any subject that I wished, well, the possibilities seemed endless. But I decided that I would talk about a subject that at this point in my life I know pretty much about, and that is the Pennsylvania public school system. And I have some very good news. I know a lot more now than when I started.

I feel I have been very academically prepared to head off to college, the bridge to adulthood. However, I do not know how well prepared I am to face the social issues that come along with that adulthood. On both the Federal and State level, I know that school districts are being urged to include more advanced courses at a younger age so that children, American children, can be up to par with the rest of the world. Spanish is being taught in elementary schools, fourth graders have to write long creative writing stories, and ninth graders can gain college credit from AP classes before they even decide what their major will be in college. Academically, the classrooms are really moving.

But I often wonder what classes are being discarded to give teachers the time to teach these more intellectually stimulating classes. From my own personal experiences, the subjects that are getting the boot are not subjects at all. Instead, they are social graces. There seems to be no time for the teaching of the most simple, common courtesies, such as manners and respect for one another. I know that kindness was never part of the first grade curriculum, but just as the warrant of habitability is never found in the lease but always enforced in the courtroom, kindness was always taught in the classroom. However, just from instances that my 9-year-old brother tells me about, I am not so sure anymore.

In order to keep American education at the top of the charts, a great juggling act must occur in the classroom in order to have time for these new classes but also have time for another very important type of education, learning how to treat one another. This requirement creates a challenge for teachers. They not only need to meet the mandates of school boards but also the needs of the children. Teachers are so important and they can play such a pivotal role in a person's life. I have completed almost 13 years of school, and in that time I have had some excellent teachers. But to be completely honest, no one stands out in my memory as much as my kindergarten teacher. She made the most impact on me in so many ways. The hiring of a teacher cannot come down to his or her monetary value but instead their educational value. Classrooms are in such need of exciting, well-educated teachers who make learning algebra seem like fun and reading Hamlet seem more interesting than watching Hamlet.

I know that a school budget must be kept, but I also feel that the best qualified teacher for every position should always be hired. Education, as you know, is so important, and I appreciate the work that you have done during the past 13 years to give me an excellent education, and I urge you to keep the improvement of the Pennsylvania public school system always in your debates. Although learning never stops, the education that children receive within their primary education will be the foundation for the rest of their lives. From my education, a firm foundation has been formed and I am ready to begin building my future.

Thank you.

(Applause.)

The PRESIDENT. Mr. and Mrs. Knauer, thank you so much for sharing your daughter with this Senate for a few

moments, and Christianne, we wish you only the best in the upcoming competition.

RECESS

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

Senator LOEPER. Mr. President, at this time I request a recess of the Senate for the purpose of a Republican caucus to begin immediately in the first floor caucus room, with an expectation of returning to the floor at approximately 4:15.

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

Senator MELLOW. Mr. President, I request that the Democratic Members report to our caucus room upon the recess.

The PRESIDENT. For purposes of Republican and Democratic caucuses, with an expectation of returning to the floor at approximately 4:15 p.m., the Senate stands in recess.

AFTER RECESS

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

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 12 (Pr. No. 168) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentencing for murder of the first degree.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-49

Afflerbach	Hart	Mowery	Tartaglione
Armstrong	Heckler	Murphy	Thompson
Belan	Holl	Musto	Tilghman
Bell	Hughes	O'Pake	Tomlinson
Bodack	Jubelirer	Piccola	Uliana
Brightbill	Kasunic	Punt	Wagner
Corman	Kitchen	Rhoades	Wenger
Costa	Kukovich	Robbins	White
Delp	LaValle	Salvatore	Williams
Earll	Lemmond	Schwartz	Wozniak
Fumo	Loeper	Slocum	
Gerlach	Madigan	Stapleton	
Greenleaf	Mellow	Stout	

NAY-1

Helfrick

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator Wagner and Senator Williams have returned, and their temporary Capitol leaves are cancelled.

THIRD CONSIDERATION CALENDAR RESUMED

BILLS OVER IN ORDER

HB 86 and SB 131 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL AMENDED

SB 147 (Pr. No. 794) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), entitled, as reenacted, Liquor Code, further providing for the disposition of forfeited property.

On the question,

Will the Senate agree to the bill on third consideration?

Senator SALVATORE offered the following amendment No. A1126:

Amend Sec. 1 (Sec. 602), page 3, line 28, by striking out "AN" and inserting: any nonprofit

Amend Sec. 1 (Sec. 603), page 4, line 29, by striking out "AN" and inserting: any nonprofit

Amend Sec. 1 (Sec. 603), page 5, line 13, by striking out "AN" and inserting: any nonprofit

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 BRIGHTBILL.

RECESS

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

Senator BRIGHTBILL. Mr. President, I request a brief recess of the Senate for a meeting of the Committee on Rules and Executive Nominations to be held in the Rules room at the rear of the Senate.

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

AFTER RECESS

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

COMMUNICATIONS FROM THE GOVERNOR REPORTED FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator SALVATORE, from the Committee on Rules and Executive Nominations, reported communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

MEMBER OF THE CORONERS' EDUCATION BOARD

April 7, 1997

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 December 5, 1996 for the reappointment of William R. Fatora, 66-3 Azalea Way, Reading 19606, Berks County, Eleventh Senatorial District, as a member of the Coroners' Education Board, to serve for a term of four years and until his successor is appointed and qualified.

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

THOMAS J. RIDGE
Governor

JUSTICE, SUPREME COURT OF PENNSYLVANIA

April 7, 1997

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 February 26, 1997 for the appointment of Stephanie Middleton, Esquire, 115 Vernon Lane, Media 19063, Delaware County, Ninth Senatorial District, as Justice of the Supreme Court of Pennsylvania, to serve until the first Monday of January 1998, vice The Honorable Robert N. C. Nix, Jr., resigned.

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

THOMAS J. RIDGE
Governor

NOMINATIONS RETURNED TO THE GOVERNOR

Senator SALVATORE. Mr. President, I move that the nominations just read by the Clerk be returned to His Excellency, the Governor.

The motion was agreed to.

The PRESIDENT. The nominations will be returned to the Governor.

REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

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

MEMBER OF THE ARCHITECTS
LICENSURE BOARD

January 28, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James Canova (Public Member), 9 Hawthorne Lane, Irwin 15642, Westmoreland County, Thirty-ninth Senatorial District, for appointment as a member of the Architects Licensure Board, 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 Ellen Q. Bush, Lake Harmony, resigned.

THOMAS J. RIDGE
Governor

CORONER, CENTRE COUNTY

February 11, 1997

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, Richard A. Kelley, 636 Jacksonville Road, Bellefonte 16823-7904, Centre County, Thirty-fourth Senatorial District, for appointment as Coroner, in and for the County of Centre, to serve until the first Monday of January 1998, vice Kerry A. Benninghoff, resigned.

THOMAS J. RIDGE
Governor

CORONER, GREENE COUNTY

March 20, 1997

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, Gregory P. Rohanna, P. O. Box 440, Jefferson 15344, Greene County, Forty-sixth Senatorial District, for appointment as Coroner, in and for the County of Greene, to serve until the first Monday of January 1998, vice Frank J. Behm, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA
FISH AND BOAT COMMISSION

January 30, 1997

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, Ted R. Keir (District 5), 601 North Main Street, Athens 18810, Bradford County, Twenty-third Senatorial District, for appointment as a member of the Pennsylvania Fish and Boat Commission, to serve for a term of eight years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice J. Wayne Yorks, Benton, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF FUNERAL DIRECTORS

February 25, 1997

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, Gary L. Morrison, 825 Stockbridge Drive, Erie 16505, Erie County, Forty-ninth Senatorial District, for appointment as a member of the State Board of Funeral Directors, to serve for a term of five years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice The Reverend Dr. Horace S. Sills, Harrisburg, whose term expired.

THOMAS J. RIDGE
Governor

JUDGE, COURT OF COMMON PLEAS,
WESTMORELAND COUNTY

February 12, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William J. Ober, Esquire, R. D. #5, Box 331, Greensburg 15601, Westmoreland County, Thirty-ninth Senatorial District, for appointment as Judge of the Court of Common Pleas of Westmoreland County, to serve until the first Monday of January 1998, vice The Honorable Gilfert M. Mihalich, mandatory retirement.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF TRUSTEES OF
NORRISTOWN STATE HOSPITAL

March 17, 1997

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, Bruce L. Castor, Jr., Esquire, 548 Mininger Road, Soudertown 18964, Montgomery County, Twenty-fourth Senatorial District, for appointment as a member of the Board of Trustees of Norristown State Hospital, to serve until the third Tuesday of January 2001, and until his successor is appointed and qualified, vice Marianne D. Szauer-Mehler, Bethlehem, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD OF EXAMINERS
OF NURSING HOME ADMINISTRATORS

March 25, 1997

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, Barry S. Ramper, II, 3001 Rose Hill Road, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Examiners of Nursing Home Administrators, to serve until November 21,

1999 or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Robert A. Smith, resigned.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD
OF OPTOMETRY**

December 23, 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, Benson Y. Olenick, O.D., 65 North Third Street, Easton 18042, Northampton County, Eighteenth Senatorial District, for appointment as a member of the State Board of Optometry, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice George J. Falcone, O.D., Plains, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD
OF PODIATRY**

February 26, 1997

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, Michael A. Cibik, Esquire (Public Member), 230 South Broad Street, Eighth Floor, Philadelphia 19102, Philadelphia County, First Senatorial District, for reappointment 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.

THOMAS J. RIDGE
Governor

**MEMBER OF THE ADVISORY COMMITTEE
ON PROBATION**

January 6, 1997

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, Gary R. Cenna, 7146 Bingham Street, Philadelphia 19111, Philadelphia County, Second Senatorial District, for appointment as a member of the Advisory Committee on Probation, to serve for a term of four years and until his successor is appointed and qualified, but not longer than ninety days beyond that period, vice Richard J. Restivo, Pittsburgh, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE REGISTRATION
BOARD FOR PROFESSIONAL ENGINEERS,
LAND SURVEYORS AND GEOLOGISTS**

February 26, 1997

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, Edward P. Becker, 1242 Seidersville Road, Bethlehem 18015, Northampton County, Eighteenth Senatorial District, for reappointment as a member of the State Registration Board for Professional Engineers, Land Surveyors and Geologists, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

**MEMBER OF THE PROFESSIONAL STANDARDS
AND PRACTICES COMMISSION**

January 28, 1997

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 E. Dull, Ph.D., 1716 Fox Chapel Road, Pittsburgh 15238, Allegheny County, Fortieth Senatorial District, for appointment as a member of the Professional Standards and Practices Commission, to serve until the third Tuesday of January 1999 and until his successor is appointed and qualified, vice Mina H. Shuman, Philadelphia, whose term expired.

THOMAS J. RIDGE
Governor

**REGISTER OF WILLS, RECORDER OF
DEEDS, BLAIR COUNTY**

March 7, 1997

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, Shirley A. Burket, 412 Allegheny Street, Hollidaysburg 16648, Blair County, Thirtieth Senatorial District, for appointment as Register of Wills and Recorder of Deeds, in and for the County of Blair, to serve until the first Monday of January 1998, vice Wilfred L. Carey, resigned.

THOMAS J. RIDGE
Governor

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

March 17, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas A. Blaskiewicz, 926 William Street, Avoca 18641, Luzerne County, Twenty-second Senatorial District, for reappointment as a member of the Board of Trustees of Scranton State School for the Deaf, to serve until the third Tuesday of January 2003, and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF
SELINGSGROVE CENTER**

March 12, 1997

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, Stanley R. Saylor, P. O. Box 161, Beaver Springs 17812, Snyder County, Twenty-seventh Senatorial District, for reappointment as a member of the Board of Trustees of Selingsgrove Center, to serve until the third Tuesday of January 2003, and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF
SELINGSGROVE CENTER**

March 12, 1997

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, Irvin A. Sigafos, 117 Tenth Avenue, Shamokin Dam 17876, Snyder County, Twenty-seventh Senatorial District, for appointment as a member of the Board of Trustees of Selingsgrove Center, to serve until the third Tuesday of January 2003, and until his successor is appointed and qualified, vice Douglas M. Garrison, Beaver Springs, whose term expired.

THOMAS J. RIDGE
Governor

SHERIFF, BEDFORD COUNTY

January 31, 1997

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, Jim D. Wright, R. D. 1, Box 220, Everett 15537, Bedford County, Thirtieth Senatorial District, for appointment as Sheriff, in and for the County of Bedford, to serve until the first Monday of January 1998, vice Max H. Norris, Sr., deceased.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE TAX
EQUALIZATION BOARD**

February 13, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James E. Bach, Sr., R. D. #3, Shickshinny 18655, Luzerne County, Twentieth Senatorial District, for reappointment as a member of the State Tax Equalization Board, to serve until November 14, 1999, or until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE TAX
EQUALIZATION BOARD**

February 13, 1997

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, Trevor Edwards, Esquire, P. O. Box 1204, Harrisburg 17108, Dauphin County, Fifteenth Senatorial District, for reappointment as a member of the State Tax Equalization Board, to serve until November 14, 1999, or until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE TAX
EQUALIZATION BOARD**

February 13, 1997

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, Martha Bell Schoeninger, 245 Valley Stream Lane, Wayne 19087, Chester County, Nineteenth Senatorial District, for reappointment as a member of the State Tax Equalization Board, to serve until November 14, 1999, or until her successor is appointed and qualified.

THOMAS J. RIDGE
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF
WARREN STATE HOSPITAL**

March 12, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert Sokolski, 204 Pamela Drive, Warren 16365, Warren County, Twenty-fifth Senatorial District, for appointment as a member of the Board of Trustees of Warren State Hospital, to serve until the third Tuesday of January 2003, and until his successor is appointed and qualified, vice Raymond F. Feroz, Ph.D., Seneca, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF
WHITE HAVEN CENTER**

February 24, 1997

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, Dorothy Lashock, 348 Winters Avenue, West Hazleton 18201, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the Board of Trustees of White Haven Center, to serve until the third Tuesday of January

2003, and until her successor is appointed and qualified, vice Cheryl Bubrowski, Lattimer, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE CLEARFIELD COUNTY
BOARD OF ASSISTANCE**

January 28, 1997

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, Jane E. Elling (Republican), Box 22, R. R. 2, Mahaffey 15757, Clearfield County, Twenty-fifth Senatorial District, for appointment as a member of the Clearfield County Board of Assistance, to serve until December 31, 1999, and until her successor is appointed and qualified, vice David M. George, Houtzdale, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE BRADFORD COUNTY
BOARD OF ASSISTANCE**

March 19, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John E. Brenchley (Republican), 121 West South Avenue, Canton 17724, Bradford County, Twenty-third Senatorial District, for appointment as a member of the Bradford County Board of Assistance, to serve until December 31, 1998, and until his successor is appointed and qualified, vice Frederick R. Gerrity, Towanda, whose term expired.

THOMAS J. RIDGE
Governor

NOMINATIONS LAID ON THE TABLE

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

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

THIRD CONSIDERATION CALENDAR RESUMED

BILL OVER IN ORDER

SB 176 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

BILL AMENDED

SB 200 (Pr. No. 771) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the compensation of election officers; and making repeals.

On the question,

Will the Senate agree to the bill on third consideration?

Senator MELLOW, on behalf of Senator BODACK, offered the following amendment No. A0845:

Amend Title, page 1, line 1, by inserting after "officers": and constables

Amend Sec. 4, page 3, by inserting between lines 12 and 13:

(d) Constable or deputy constable.—A constable or deputy constable performing duties under section 1207 of the act of June 3, 1937 (P.L. 1333, No. 320), known as the Pennsylvania Election Code, shall receive compensation at the same rate payable to an inspector or a clerk under section 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 AFFLERBACH offered the following amendment No. A1087:

Amend Sec. 3, page 2, lines 12 through 16, by striking out all of said lines and inserting:

Election Officers	Minimum Compensation
Judges of elections	\$45.00
Inspectors of Election, clerks and machine operators	\$40.00

Amend Sec. 3, page 2, line 19, by striking out "within" and inserting: above

Amend Sec. 3, page 2, line 19, by striking out "and maxima"

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, this amendment simply removes the maximum cap which the bill places upon the amount of money which a county may allocate to pay its judges of elections, inspectors of elections, clerks, and machine operators. It retains the minimum compensation stated in the bill, but would permit the counties to determine at their own discretion what the maximum compensation should be.

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

Senator BRIGHTBILL. Mr. President, I ask for a negative vote.

LEGISLATIVE LEAVES

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

Senator BRIGHTBILL. Mr. President, I ask for temporary Capitol leaves for Senator Madigan, Senator Slocum, and Senator Salvatore.

The PRESIDENT. Without objection, those leaves are 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:

YEA-23

Afflerbach	Fumo	La Valle	Stout
Belan	Holl	Mellow	Tartaglione
Bell	Hughes	Musto	Wagner
Bodack	Kasunic	O'Pake	Williams
Costa	Kitchen	Schwartz	Wozniak
Earll	Kukovich	Stapleton	

NAY-27

Armstrong	Heckler	Murphy	Thompson
Brightbill	Helfrick	Piccola	Tilghman
Corman	Jubelirer	Punt	Tomlinson
Delp	Lemmond	Rhoades	Uliana
Gerlach	Loeper	Robbins	Wenger
Greenleaf	Madigan	Salvatore	White
Hart	Mowery	Slocum	

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

Senator BRIGHTBILL. Mr. President, I ask that Senate Bill No. 200 go over in its order, as amended.

The PRESIDENT. Senate Bill No. 200 will go over in its order, as amended.

BILLS OVER IN ORDER

SB 212 and SB 251 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 585 (Pr. No. 614) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 22, 1978 (P.L.1166, No.274), entitled Pennsylvania Commission on Crime and Delinquency Law, further providing for composition of the commission.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-50

Afflerbach	Hart	Mellow	Stout
Armstrong	Heckler	Mowery	Tartaglione
Belan	Helfrick	Murphy	Thompson
Bell	Holl	Musto	Tilghman
Bodack	Hughes	O'Pake	Tomlinson
Brightbill	Jubelirer	Piccola	Uliana
Corman	Kasunic	Punt	Wagner
Costa	Kitchen	Rhoades	Wenger
Delp	Kukovich	Robbins	White
Earll	La Valle	Salvatore	Williams
Fumo	Lemmond	Schwartz	Wozniak
Gerlach	Loeper	Slocum	
Greenleaf	Madigan	Stapleton	

NAY-0

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

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

BILLS OVER IN ORDER

SB 635 and SB 640 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL REREFERRED

SB 641 (Pr. No. 674) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for law enforcement records concerning juveniles.

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

SECOND CONSIDERATION CALENDAR

PREFERRED APPROPRIATION BILLS
ON SECOND CONSIDERATION

HB 850 (Pr. No. 952) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Small Business Advocate in the Department of Community and Economic Development.

Considered the second time and agreed to,

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

HB 851 (Pr. No. 953) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 1997, to June 30, 1998, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1997.

Considered the second time and agreed to,

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

HB 852 (Pr. No. 954) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 1997, to June 30, 1998, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1997.

Considered the second time and agreed to,

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

HB 853 (Pr. No. 955) -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto.

Considered the second time and agreed to,

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

HB 855 (Pr. No. 957) -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry and the Department of Community and Economic Development to provide for the expenses of administering the Workers' Compensation Act, The Pennsylvania Occupational Disease Act and the Office of Small Business Advocate for the fiscal year July 1, 1997, to June 30, 1998, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1997.

Considered the second time and agreed to,

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

NONPREFERRED APPROPRIATION BILLS ON SECOND CONSIDERATION AND RECOMMITTED

HB 856 (Pr. No. 958) -- The Senate proceeded to consideration of the bill entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania for the general maintenance and operation of the University of Pennsylvania Museum.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

Upon motion of Senator BRIGHTBILL, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

HB 857 (Pr. No. 959) -- The Senate proceeded to consideration of the bill entitled:

An Act making an appropriation to The Carnegie for the Carnegie Museum of Natural History and the Carnegie Science Center.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

Upon motion of Senator BRIGHTBILL, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

HB 858 (Pr. No. 960) -- The Senate proceeded to consideration of the bill entitled:

An Act making an appropriation to the Franklin Institute Science Museum.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

Upon motion of Senator BRIGHTBILL, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

HB 859 (Pr. No. 961) -- The Senate proceeded to consideration of the bill entitled:

An Act making an appropriation to the Academy of Natural Sciences.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

Upon motion of Senator BRIGHTBILL, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

HB 860 (Pr. No. 962) -- The Senate proceeded to consideration of the bill entitled:

An Act making an appropriation to the Afro-American Historical and Cultural Museum for operating expenses.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

Upon motion of Senator BRIGHTBILL, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

HB 861 (Pr. No. 963) -- The Senate proceeded to consideration of the bill entitled:

An Act making an appropriation to the Everhart Museum in Scranton.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

Upon motion of Senator BRIGHTBILL, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

HB 862 (Pr. No. 964) -- The Senate proceeded to consideration of the bill entitled:

An Act making an appropriation to the Mercer Museum in Doylestown, Pennsylvania.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

Upon motion of Senator BRIGHTBILL, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

HB 863 (Pr. No. 965) -- The Senate proceeded to consideration of the bill entitled:

An Act making an appropriation to the Museum of Scientific Discovery in Harrisburg, Pennsylvania.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

Upon motion of Senator BRIGHTBILL, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

HB 864 (Pr. No. 966) -- The Senate proceeded to consideration of the bill entitled:

An Act making an appropriation to the Arsenal Family and Children's Center.

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

Upon motion of Senator BRIGHTBILL, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

HB 865 (Pr. No. 967) -- The Senate proceeded to consideration of the bill entitled:

An Act making an appropriation to the Beacon Lodge Camp.

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

Upon motion of Senator BRIGHTBILL, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

HB 866 (Pr. No. 968) -- The Senate proceeded to consideration of the bill entitled:

An Act making appropriations to the Wistar Institute-Research, Philadelphia.

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

Upon motion of Senator BRIGHTBILL, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

HB 867 (Pr. No. 969) -- The Senate proceeded to consideration of the bill entitled:

An Act making an appropriation to St. Francis Hospital, Pittsburgh.

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

Upon motion of Senator BRIGHTBILL, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

HB 868 (Pr. No. 970) -- The Senate proceeded to consideration of the bill entitled:

An Act making an appropriation to the Trustees of Jefferson Medical College and Hospital of Philadelphia for a comprehensive program relating to Tay-Sachs disease.

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

Upon motion of Senator BRIGHTBILL, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

HB 869 (Pr. No. 971) -- The Senate proceeded to consideration of the bill entitled:

An Act making an appropriation to the Burn Foundation, Philadelphia.

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

Upon motion of Senator BRIGHTBILL, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

HB 870 (Pr. No. 972) -- The Senate proceeded to consideration of the bill entitled:

An Act making an appropriation to the Rehabilitation Institute of Pittsburgh.

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

Upon motion of Senator BRIGHTBILL, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

HB 871 (Pr. No. 973) -- The Senate proceeded to consideration of the bill entitled:

An Act making an appropriation to the Lancaster Cleft Palate.

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

Upon motion of Senator BRIGHTBILL, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

HB 872 (Pr. No. 974) -- The Senate proceeded to consideration of the bill entitled:

An Act making appropriations to St. Christopher's Hospital, Philadelphia.

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

Upon motion of Senator BRIGHTBILL, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

HB 873 (Pr. No. 975) -- The Senate proceeded to consideration of the bill entitled:

An Act making an appropriation to the Trustees of the University of Pennsylvania for cardiovascular studies.

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

Upon motion of Senator BRIGHTBILL, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

HB 874 (Pr. No. 976) -- The Senate proceeded to consideration of the bill entitled:

An Act making an appropriation to the Fox Chase Institute for Cancer Research, Philadelphia, for the operation and maintenance of the cancer research program.

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

Upon motion of Senator BRIGHTBILL, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

HB 875 (Pr. No. 977) -- The Senate proceeded to consideration of the bill entitled:

An Act making an appropriation to the Pittsburgh Cleft Palate.

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

Upon motion of Senator BRIGHTBILL, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

HB 876 (Pr. No. 978) -- The Senate proceeded to consideration of the bill entitled:

An Act making an appropriation to the Central Penn Oncology Group.

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

Upon motion of Senator BRIGHTBILL, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

HB 877 (Pr. No. 979) -- The Senate proceeded to consideration of the bill entitled:

An Act making an appropriation to the Johnson Technical Institute of Scranton.

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

Upon motion of Senator BRIGHTBILL, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

HB 878 (Pr. No. 980) -- The Senate proceeded to consideration of the bill entitled:

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

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

Upon motion of Senator BRIGHTBILL, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

HB 879 (Pr. No. 981) -- The Senate proceeded to consideration of the bill entitled:

An Act making appropriations to the Trustees of the Berean Training and Industrial School at Philadelphia.

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

Upon motion of Senator BRIGHTBILL, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

HB 880 (Pr. No. 982) -- The Senate proceeded to consideration of the bill entitled:

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

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

Upon motion of Senator BRIGHTBILL, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

HB 881 (Pr. No. 983) -- The Senate proceeded to consideration of the bill entitled:

An Act making an appropriation to the Williamson Free School of Mechanical Trades in Delaware County.

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

Upon motion of Senator BRIGHTBILL, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

HB 882 (Pr. No. 984) -- The Senate proceeded to consideration of the bill entitled:

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

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

Upon motion of Senator BRIGHTBILL, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

HB 883 (Pr. No. 985) -- The Senate proceeded to consideration of the bill entitled:

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

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

Upon motion of Senator BRIGHTBILL, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

HB 884 (Pr. No. 986) -- The Senate proceeded to consideration of the bill entitled:

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

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

Upon motion of Senator BRIGHTBILL, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

HB 885 (Pr. No. 987) -- The Senate proceeded to consideration of the bill entitled:

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

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

Upon motion of Senator BRIGHTBILL, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

HB 886 (Pr. No. 988) -- The Senate proceeded to consideration of the bill entitled:

An Act making appropriations to the Allegheny University of the Health Sciences.

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

Upon motion of Senator BRIGHTBILL, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

HB 887 (Pr. No. 989) -- The Senate proceeded to consideration of the bill entitled:

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

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

Upon motion of Senator BRIGHTBILL, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

HB 888 (Pr. No. 1294) -- The Senate proceeded to consideration of the bill entitled:

A Supplement to the act of July 7, 1972 (P.L. 743, No. 176), known as the Lincoln University-Commonwealth Act, making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

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

Upon motion of Senator BRIGHTBILL, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

HB 889 (Pr. No. 1295) -- The Senate proceeded to consideration of the bill entitled:

A Supplement to the act of July 28, 1966 (3rd Sp.Sess., P.L. 87, No. 3), known as the University of Pittsburgh-Commonwealth Act, making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

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

Upon motion of Senator BRIGHTBILL, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

HB 890 (Pr. No. 1296) -- The Senate proceeded to consideration of the bill entitled:

A Supplement to the act of November 30, 1965 (P.L. 843, No. 355), known as the Temple University-Commonwealth Act, mak-

ing appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

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

Upon motion of Senator BRIGHTBILL, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

HB 891 (Pr. No. 1297) -- The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of April 1, 1863 (P.L. 213, No. 227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect; and providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure.

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

Upon motion of Senator BRIGHTBILL, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

LEGISLATIVE LEAVE CANCELLED

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

SECOND CONSIDERATION CALENDAR RESUMED

BILLS OVER IN ORDER

SB 7 and SB 23 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION

HB 148 (Pr. No. 158) -- 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 credit card fraud; defining the offense of unlawful device-making equipment; and providing penalties.

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

BILL REREFERRED

SB 182 (Pr. No. 948) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 17, 1968 (P.L. 1224, No. 387), entitled Unfair Trade Practices and Consumer Protection Law, providing protection for dog purchaser; imposing duties on the Attorney General; and providing for records and for penalties.

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

BILLS OVER IN ORDER

SB 211 and SB 219 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL REREFERRED

SB 283 (Pr. No. 580) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, adding provisions relating to aquacultural development; imposing powers and duties on the Department of Agriculture; and making repeals.

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

BILLS OVER IN ORDER

SB 301, SB 307, SB 419, SB 427, SB 529 and SB 770 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION
AND RECOMMITTED

HB 854 (Pr. No. 1201) -- The Senate proceeded to consideration of the bill entitled:

An Act providing for the capital budget for the fiscal year 1997-1998.

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

Upon motion of Senator BRIGHTBILL, and agreed to, the bill just considered was recommitted to the Committee on Appropriations.

THIRD CONSIDERATION CALENDAR RESUMED

PREFERRED APPROPRIATION BILL ON THIRD
CONSIDERATION AND FINAL PASSAGE

HB 847 (Pr. No. 1414) -- The Senate proceeded to consideration of the bill, entitled:

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 1997, to June 30, 1998, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1997; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Ben Franklin/IRC Partnership Fund, the Tuition Payment Fund, the Banking Department Fund and the Firearm Ownership Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department; to provide appropriations from the Motor License Fund for the fiscal year July 1, 1997, to June 30, 1998, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive and Judicial Depart-

ments of the Commonwealth and for the establishment of restricted receipt accounts for the fiscal year July 1, 1997, to June 30, 1998, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 1997; and to provide for the additional appropriation of State and Federal funds for the Executive and Judicial Departments of the Commonwealth for the fiscal year July 1, 1996, to June 30, 1997, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1996.

On the question,

Will the Senate agree to the bill on third consideration?

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

Senator LOEPER. Mr. President, before us today is House Bill No. 847, which represents part of a process that we adopt here in the General Assembly on an annual basis in adopting a general appropriations spending bill for the next fiscal year. The document that is before us has been considered in the House of Representatives, has been to the Senate Committee on Appropriations, has received amendment in the Senate Committee on Appropriations, and is now on the Senate floor for consideration. It has been read for the second time and is now before us for the third time, and hopefully sometime this evening it will get to final passage and return to the House of Representatives.

I would indicate, Mr. President, as I began my remarks today that what we are talking about here today in the Senate is a procedural action, that is to move forward the process of adopting a budget for the new fiscal year in order that not only the Senate can consider it but that it goes back to the House of Representatives once again, who will most likely nonconcur in the amendments placed in it by the Senate.

However, Mr. President, I think it is important to reflect a little bit on the document that we have before us here today. Primarily, this budget reflects the Governor's spending plan as outlined in his Budget Message to the General Assembly. It includes increases in virtually every major area of concern both in human services as well as education. I believe it reflects a responsible approach to try to adopt a new spending plan for the Commonwealth and particularly addresses many of the needs of the Members as well as all Pennsylvanians.

Mr. President, I believe that the document before us is not the finished product because there is certainly ample opportunity yet to reconcile our differences and priorities with those of the House and the administration. And I think that while there will be significant discussions over the next several weeks that may eventually result in changes to this document, our vote here today is a signal that we intend to do this budget early, that we want to get a budget done not on June 30 this year but hopefully very early, maybe as soon as the next 3 weeks or so.

I think, Mr. President, we intend to do this budget right and with the long-term interests of Pennsylvania and particularly Pennsylvania's taxpayers in mind, an early budget, a shrewdly balanced budget, and a budget that responds to key individual and community needs. That is our goal, and today's action in adopting House Bill No. 847 is a major step toward achieving that goal.

Thank you, Mr. President.

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

KUKOVICH AMENDMENT A1212

Senator KUKOVICH offered the following amendment No. A1212:

Amend Sec. 215, page 233, by inserting between lines 3 and 4:
For a State supplement to the Federal Special Supplemental Food Service Program for Women, Infants and Children.

State appropriation.. 3,000,000

Amend Sec. 220, page 268, line 4, by striking out all of said line and inserting:

State appropriation.. 104,866,000

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

The PRESIDENT. The Chair recognizes the gentleman from Westmoreland, Senator Kukovich.

Senator KUKOVICH. Mr. President, I might not have conveyed this entirely to the gentleman from Delaware, Senator Loeper, but I do intend to withdraw a large amount of my amendments. There are only a few that I will offer, and I am offering these simply because I do think that there is an important need in these issue areas.

This amendment deals with the WIC program, which is the basic program for providing adequate nutrition for poor pregnant women. I am doing the increase not only because there is a tremendous need and only about 55 percent of the eligible women can get into the program, but also because the program has clearly shown that it goes a long way in preventing infant mortality and babies that are born with low birth weight and small head circumference and it is a tremendous investment in the people of this Commonwealth. I ask for an affirmative vote.

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

Senator LOEPER. Mr. President, as the gentleman indicated, apparently he feels compelled to offer certain amendments, and I am sure that we may see others today. I want it clearly understood, Mr. President, that I am going to ask for a negative vote for this amendment as well as any other amendments that are offered today based on the fact, as I mentioned earlier, that we are trying to move the budget process along.

Mr. President, I think every one of us in this room can stand here and offer amendments for 2 days, some 300 amendments maybe like the House of Representatives did, and it is going to be very difficult to try to keep a budget in balance for every program that comes before us. I am sure that every program is very meritorious. Every one of us would like to vote "yes" on every program that comes here. However, I ask, Mr. President, because we are trying to move the process forward, for a negative vote on the amendment.

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

Senator BELL. Mr. President, last week the Chair did not even see me when I stood here. I thank the Chair for seeing me today.

I am going to vote "no" on this. I am going to vote "no" on all these amendments, because as I stated during the hearings of the Committee on Appropriations, and we had them for 2 weeks last month, we have a different fiscal year than the Federal government. Their fiscal year does not start until October 1, yet our budget will contain expected money from the Federal government. Our budget starts July 1. So we are spending money in our budget that reflects that maybe, maybe this money will be appropriated by Congress, but maybe it will not.

Now, I listened to Newt Gingrich the other night and I do not agree with him on an awful lot of things, but the way he talked, there is not going to be a Christmas tree coming to the States from the Congress of the United States on October 1. And whether we have a \$350 million or a \$500 million surplus, if the stuff hits the fan October 1 and we do not have those Federal moneys, we are going to have to go out and scratch. And although I thoroughly agree on the purpose of this money - WIC, LIHEAP, other good things - I feel that I am not ready to vote for taxes in October, so I should not spend all the surplus today.

Thank you, Mr. President.

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

Senator FUMO. Mr. President, my responsibility as the chairman of the Committee on Appropriations for this Caucus is to try to move this vehicle along, so because of that, I will reluctantly vote "no" on this amendment. But I do not want people to misunderstand what is really going on here. I take issue with the statement that we do not want to have a budget that is unbalanced. Mr. President, our revenue projections clearly indicate to us that we will have a minimum, a minimum of \$408 million in surplus by the end of June this year.

In addition, Mr. President, there is no one I know of on the face of the earth who understands the issues in the U.S. Congress who believes that the United States Congress is going to send us more money to solve the problems of WIC and all the other programs. Mr. President, that is simply not going to happen, and I believe the gentleman who last spoke knows that in his heart. I think what is going on today is a philosophical debate among people who feel there should be more money in, and I guess they feel if they get a lot of votes for this from the Republican Caucus, some of these things will be in the final draft. But I do not want anyone to think that we on this side of the aisle want to put together a budget that is not balanced. This year I happen to think that will be almost impossible to do, although I will admit I have been here when budgets have come to us from the House with a half-billion dollars overspent, but from the fiscal restraint I have seen from the House, that will not even happen.

So, Mr. President, I reluctantly will vote "no," but that does not mean that I will not fight for this during negotiations. But I do not want people to think that I am voting "no" because the surplus is not there, because it is, and I do not want people to think I am voting "no" because I think Congress is going to send us money. That is not going to happen either, especially when we show the kind of surplus that we are showing. In

fact, Mr. President, by the end of this fiscal year, if you add up the budget surplus of over \$400 million, the surplus in the Motor License Fund in excess today of \$135 million, a Rainy Day Fund in excess of \$200 million, \$250 million, House accounts in excess of \$100 million, we are holding onto in this Commonwealth almost a billion dollars.

Mr. President, there are conservatives who believe that government should give money back to the taxpayers, there are liberals who believe that government should spend money on programs and save humanity. But there is no political philosophy that I know of that believes that government should hoard money, and to take a billion dollars out of Pennsylvania's economy is a mistake for its economy. Mr. President, that is what occurred in California. If you recall, there was an historic day one time in California when taxpayers revolted and put on the ballot Proposition 13, and they did that because California was sitting on a billion-dollar surplus and refused to spend it. Taxpayers were so enraged that they changed the history of this country when it came to tax issues. We are now approaching the same point where California was, except we do not have a referendum process in this Commonwealth.

That having been said, Mr. President, I feel obligated in my role to vote against this amendment, but that does not reflect my view on its merits.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Westmoreland, Senator Kukovich, on the amendment.

Senator KUKOVICH. Mr. President, I agree with the gentleman from Delaware, Senator Bell, on a lot of things, and I agree with his philosophical statement. I would just like to remind the Members that this amendment and all the amendments I drafted are pursuant to the temporary rule which we adopted in January and it is revenue-neutral, so it does not add any money or put us in any kind of deficit situation. I did not want to get into the dialogue about any budget surplus because I do not want to politicize the debate here on the Senate floor.

The PRESIDENT. If I may interject, Senator Kukovich, that is worth it being underscored. There is an amendment on the floor, and let us debate the merits of the amendment.

Senator KUKOVICH. Mr. President, it is pursuant to the rules and it is revenue-neutral, so it would not inflict the damage that the gentleman from Delaware, Senator Bell, may correctly be concerned about.

The PRESIDENT. The Chair recognizes the gentlewoman from Philadelphia, Senator Schwartz.

Senator SCHWARTZ. Mr. President, on the amendment, I, too, just want to point out that this amendment in particular and a number of other amendments that we are going to be reviewing today are consistent with the rules of the Senate, consistent with the Constitution of the Commonwealth that says we have to have a balanced budget. We will certainly have a balanced budget.

This amendment, as well as the other amendments, is really a question, Mr. President, of priorities. It is a question not as the previous speaker suggested of people who just love to spend money versus people who like to hoard it. I really think, Mr. President, what this debate is, and it will not be that long

a debate, I have a feeling, and not a terribly successful debate, but what it will be is presenting a difference in investments. And there are those of us who believe that there are ways to make investments such as in good health care for pregnant women so they have healthy babies, so that you save money later on by not having to spend hundreds of thousands of dollars to take care of sick newborns, or potentially for the rest of their lives if there is some disability involved. These are in fact good, sound financial investments. They are not necessarily programs, they are different priorities in the way we spend our dollars. This still ends up with the same bottom line. It is a balanced budget. We will keep to the rules of the Senate in that.

I do think, Mr. President, it is appropriate to point out, however, that we are fortunate this year to be in a fairly healthy financial situation in this Commonwealth. We are not debating whom to cut off of what kind of need, what kind of program. We are fortunate to be able to have the ability to spend some dollars, and I hope, Mr. President, we have the opportunity at some point in this budget debate to discuss how much money does get saved and how much money does get hoarded and how much we return in tax dollars to the people of Pennsylvania.

Thank you, Mr. President.

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

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

YEA-19

Afflerbach	Kasunic	O'Pake	Uliana
Belan	Kitchen	Schwartz	Wagner
Bodack	Kukovich	Stapleton	Williams
Costa	LaValle	Stout	Wozniak
Hughes	Musto	Tartaglione	

NAY-31

Armstrong	Greenleaf	Madigan	Salvatore
Bell	Hart	Mellow	Slocum
Brightbill	Heckler	Mowery	Thompson
Corman	Helfrick	Murphy	Tilghman
Delp	Holl	Piccola	Tomlinson
Earl	Jubelirer	Punt	Wenger
Fumo	Lemmond	Rhoades	White
Gerlach	Loeper	Robbins	

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?

KUKOVICH AMENDMENT A1215

Senator KUKOVICH offered the following amendment No. A1215:

Amend Sec. 220, page 268, line 4, by striking out all of said line and inserting:

State appropriation.. 102,866,000

Amend Sec. 225, page 274, by inserting between lines 11 and 12:

For grants to volunteer fire companies.
State appropriation.. 5,000,000

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

The PRESIDENT. The Chair recognizes the gentleman from Westmoreland, Senator Kukovich.

Senator KUKOVICH. Mr. President, I do not offer these amendments lightly, and as a matter of fact, one that I will not offer, A1214, had to do with mortgage foreclosure assistance. I will not offer that because it appears that the Senate Committee on Appropriations has acted honorably in trying to raise some necessary amounts and I feel good about that, but there are other areas and this amendment talks to that one area where it is rather new.

For many years the legislature in the form of legislative initiatives would sometimes give small amounts of money to local volunteer fire departments. Those funds, for the most part, are now gone, but the burden on volunteer companies is greater than ever financially in terms of training and other problems. I think it would be helpful to create for the first time a fund, albeit rather small, where the volunteer fire companies, on the basis of merit and need, could apply for small grants on an annual basis. This fund would be handled in that way. There is implementation legislation which has been introduced in both Chambers that spells out the details of that. I think this is a rather modest approach to help our volunteer fire companies, and I would once again ask for an affirmative vote.

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

Senator LOEPER. Mr. President, once again, I would just reiterate what I said with the last amendment, and that is today what we are trying to do is to move the budget process along. Every one of us in this Chamber, including myself, support our volunteer firemen to the fullest extent we can. In fact, the gentleman from Bradford, Senator Madigan, serves as chairman of the fire caucus here in the Senate for us and has done a yeoman's job with the emergency services. Again, I think that this cause is very meritorious, as well as the others. However, we are moving the budget process along today, and therefore I ask for a negative vote on the amendment.

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

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

YEA-15

Afflerbach	Kasunic	Musto	Stout
Belan	Kitchen	O'Pake	Wagner
Bodack	Kukovich	Schwartz	Wozniak
Costa	LaValle	Stapleton	

NAY-35

Armstrong	Hart	Mellow	Tartaglione
Bell	Heckler	Mowery	Thompson
Brightbill	Helfrick	Murphy	Tilghman

Corman	Holl	Piccola	Tomlinson
Delp	Hughes	Punt	Uliana
Earll	Jubelirer	Rhoades	Wenger
Fumo	Lemmond	Robbins	White
Gerlach	Loeper	Salvatore	Williams
Greenleaf	Madigan	Slocum	

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?

KUKOVICH AMENDMENT A1216

Senator KUKOVICH offered the following amendment No. A1216:

Amend Sec. 208, page 194, line 9, by striking out all of said line and inserting:

State appropriation.. 15,650,000

Amend Sec. 220, page 268, line 4, by striking out all of said line and inserting:

State appropriation.. 105,866,000

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

The PRESIDENT. The Chair recognizes the gentleman from Westmoreland, Senator Kukovich.

Senator KUKOVICH. Mr. President, this amendment is very simple. It simply adds another \$2 million--again, it is revenue-neutral--for the administration of the emergency food program or food banks here in Pennsylvania. Pursuant to a number of studies that have been done, the need for these packages of food and help for the soup kitchens, et cetera, for hungry people in Pennsylvania is growing, and I would ask for support.

I would also say that I know the gentleman from Delaware, Senator Loeper, is going to say we need to move the process along. I think it does not take any more time to say "aye" than it does to say "nay" and still move the process along, and I would once again ask for an "aye" vote.

LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, Senator Jubelirer and Senator Brightbill 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 Jubelirer and Senator Brightbill. Without objection, those leaves are granted.

LEGISLATIVE LEAVE CANCELLED

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

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

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

Senator LOEPER. Mr. President, once again, as the gentleman anticipated, I am sure that this program also is very meritorious, and as he indicated, he has made it revenue-neutral by essentially taking cuts in the Revenue Department general government operations. However, in doing that, bringing the monies to pay for this initiative from there, I believe it would have a negative impact on operations and particularly many taxpayer-friendly initiatives would suffer.

However, Mr. President, I am not speaking to the merits of the issue before us other than just trying to move the process along, and therefore I ask for a negative vote on the amendment.

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

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

YEA-17

Afflerbach	Kasunic	O'Pake	Wagner
Belan	Kitchen	Schwartz	Williams
Costa	Kukovich	Stout	
Earll	LaValle	Tartaglione	
Hughes	Musto	Uliana	

NAY-33

Armstrong	Hart	Mowery	Thompson
Bell	Heckler	Murphy	Tilghman
Bodack	Helfrick	Piccola	Tomlinson
Brightbill	Holl	Punt	Wenger
Corman	Jubelirer	Rhoades	White
Delp	Lemmond	Robbins	Wozniak
Fumo	Loeper	Salvatore	
Gerlach	Madigan	Slocum	
Greenleaf	Mellow	Stapleton	

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

LEGISLATIVE LEAVE

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

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

The PRESIDENT. Without objection, that leave is granted.

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

KUKOVICH AMENDMENT A1218

Senator KUKOVICH offered the following amendment No. A1218:

Amend Sec. 220, page 268, line 4, by striking out all of said line and inserting:

State appropriation.. 102,866,000

Amend Sec. 222, page 269, by inserting between lines 21 and 22:
For magnetic levitation development.

State appropriation.. 5,000,000

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

The PRESIDENT. The Chair recognizes the gentleman from Westmoreland, Senator Kukovich.

Senator KUKOVICH. Mr. President, this amendment differs from the others in that all the others had primarily statewide impact. This could have regional impact, because what we are talking about is again a revenue-neutral amendment of \$5 million for a specific type of high-speed rail system. Obviously, the language does not say where in the State it would go, although in the southwestern part of the State there is a movement for a magnetic levitation type of train. Patents have been applied for. This is a type of precision technology that could have widespread impact and be tremendously job-creative for the region. Also this small amount of State money could be used to leverage private sector dollars, especially in the specialty steel industry, and could have ramifications statewide in the near future. I think it would be an excellent economic development tool at a price that is very nominal indeed, and I ask for an affirmative vote.

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

Senator LOEPER. Mr. President, once again, I am sure that this is a very meritorious project. However, I believe that we are trying to move the budget process along. It may be an item that is considered by the conferees. However, I would ask for a negative vote at this time.

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

Senator WAGNER. Mr. President, I rise in support of this amendment, and I would ask my colleagues to give it serious consideration. It is a very innovative amendment to this year's budget. It is something that could put Pennsylvania as a separate and forward-thinking State in regard to transportation technology.

A magnetic levitation system has been talked about in the Congress of the United States and various States around this country, but as of this date no State has really come forward with any dollars to move forward with the technology. The technology is proven at both low speed and high speed, and the amendment put in front of us would put Pennsylvania in the forefront in this technology, not just for the transportation itself but also for the creation of jobs, something that we certainly need in Pennsylvania.

Thank you.

The PRESIDENT. The Chair recognizes the gentlewoman from Philadelphia, Senator Schwartz.

Senator SCHWARTZ. Mr. President, I, too, want to add my support for this amendment. It was suggested, Mr. President, that this is actually only affecting a particular region of the State and suggesting that maybe only those who represent that region of the State would be interested. I would actually suggest that all of us should be interested. One, because all of us should be concerned and interested in advancing new technologies, particularly new technologies for public transportation,

that we all should be concerned about enhancing the economic opportunities in every region of this Commonwealth.

And, Mr. President, just to say that we are, quote, "moving ahead," moving this process along and therefore we should vote "no" on each of these amendments and that somehow they are in their way sort of nice amendments but not terribly meaningful is, I think, somewhat offensive to those of us who think that these are the kinds of statements that we have to make, the kinds of directions and priorities that we have to be making and that we hope that leadership takes this seriously. This is not just an exercise. This is intended to suggest to the leadership and to the Majority and to the Governor that in fact to move forward on public transportation, to move forward on some of this kind of advanced technology, even if it is not in your part of the State, is important to all of us. It is certainly important to the people who will find jobs. It is important to putting Pennsylvania on the map. It is important to all of us in assuring a healthy economy for the Commonwealth of Pennsylvania, and that is why, Mr. President, we should take these amendments seriously and not just, quote, "move the process forward" by voting "no" on them.

Thank you, Mr. President.

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

Senator LOEPER. Mr. President, after listening to the gentlewoman from Philadelphia and her interest and commitment to public transportation, I could not help but say that she may have an opportunity yet this week to demonstrate her commitment to it with a positive vote on a gas tax that is going to fund Pennsylvania's highways as well as its public transportation.

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

Senator FUMO. Mr. President, if I may comment on the remarks of the gentleman from Delaware, Senator Loeper, I think the proof is in the pudding, and we have not heard that there is anything really meaningful in there for mass transit in Pennsylvania, so that is why I think we will be voting "no" on a gas tax as well. Plus, we also do not think we should be raising taxes when we have surpluses. But that is philosophical, we being the conservatives in this Chamber these days.

The PRESIDENT. Well, the Chair would just remind each one of us of the topic at hand, which is the MAGLEV system.

The Chair recognizes the gentlewoman from Philadelphia, Senator Schwartz.

Senator SCHWARTZ. Mr. President, I understand that the gas tax is not able to be dedicated to public transportation. If in fact that is going to be a constitutional change, that would be a very interesting thing indeed to suggest, but my understanding is that the gas tax, unless the good Senator is going to inform us otherwise, cannot be used for public transportation in this Commonwealth. So I am not sure I will have that opportunity in quite the way the gentleman suggested.

Thank you, Mr. President.

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

Senator FUMO. Mr. President, maybe in the rest of the debate we will stick to the topic.

The PRESIDENT. How right you are.

And the question recurring,

Will the Senate agree to the amendment?

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

YEA-17

Afflerbach	Kasunic	Schwartz	Williams
Belan	Kitchen	Stapleton	Wozniak
Bodack	Kukovich	Stout	
Costa	La Valle	Tartaglione	
Hughes	Musto	Wagner	

NAY-33

Armstrong	Hart	Mowery	Thompson
Bell	Heckler	Murphy	Tilghman
Brightbill	Helfrick	O'Pake	Tomlinson
Corman	Holl	Piccola	Uliana
Delp	Jubelirer	Punt	Wenger
Earl	Lemmond	Rhoades	White
Fumo	Loeper	Robbins	
Gerlach	Madigan	Salvatore	
Greenleaf	Mellow	Slocum	

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

LEGISLATIVE LEAVES

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

Senator FUMO. Mr. President, I request temporary Capitol leaves for Senator Hughes and Senator Williams, who have been called to their offices.

The PRESIDENT. Without objection, those leaves are granted.

The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, Senator Delp has also been called to his office, and I request a temporary Capitol leave on his behalf.

The PRESIDENT. Without objection, that leave is granted.

And the question recurring,

Will the Senate agree to the bill on third consideration?

KUKOVICH AMENDMENT A1221

Senator KUKOVICH offered the following amendment No. A1221:

Amend Sec. 220, page 268, line 4, by striking out all of said line and inserting:

State appropriation. 105,866,000

Amend Sec. 222, page 270, by inserting between lines 18 and 19:

For grants to all counties, except those of the first class or second class, or to entities designated by the counties, to provide reduced fare, shared-ride transportation services on a nonfixed route basis for individuals with disabilities to be distributed according to the formula established by the Department of Transportation for reduced fare, shared-ride transportation services for the elderly pursuant to section

4.1 of the act of February 11, 1976 (P.L.14, No.10), known as the Pennsylvania Rural and Intercity Common Carrier Surface Transportation Assistance Act.

State appropriation.. 2,000,000

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

The PRESIDENT. The Chair recognizes the gentleman from Westmoreland, Senator Kukovich.

Senator KUKOVICH. Mr. President, this, too, is a revenue-neutral amendment. It takes \$2 million from general government operations and puts it into the Shared Ride Program. A lot of people view that as a program that helps transportation for senior citizens. However, this money is put in for the portion of the Shared Ride Program that will help individuals with disabilities. As we continue to try to build programs that help create independence among people with disabilities, the problem we are having is actually getting our constituents to those programs. This in some small way would begin to help to do that. I should add, however, for those individuals from counties of the first and second class - Philadelphia and Allegheny Counties - they would not be included in this language. That money would be for the other 65 counties. I would ask for an affirmative vote.

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

Senator LOEPER. Mr. President, once again, not on the merits of the program, which I am sure 50 of us in this Chamber support to its fullest extent, but once again to move the process forward, I would ask for a negative vote on the amendment.

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

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

YEA-19

Afflerbach	Hughes	Musto	Tartaglione
Belan	Kasunic	O'Pake	Wagner
Bodack	Kitchen	Schwartz	Williams
Costa	Kukovich	Stapleton	Wozniak
Earl	La Valle	Stout	

NAY-31

Armstrong	Hart	Mellow	Slocum
Bell	Heckler	Mowery	Thompson
Brightbill	Helfrick	Murphy	Tilghman
Corman	Holl	Piccola	Tomlinson
Delp	Jubelirer	Punt	Uliana
Fumo	Lemmond	Rhoades	Wenger
Gerlach	Loeper	Robbins	White
Greenleaf	Madigan	Salvatore	

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

LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, Senator Bell, Senator Helfrick, and Senator Robbins 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 Philadelphia, Senator Fumo.

Senator FUMO. Mr. President, I request temporary Capitol leaves for Senator Musto and Senator Stout, who have been called to their offices.

The PRESIDENT. Without objection, those leaves are granted.

LEGISLATIVE LEAVE CANCELLED

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

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

SCHWARTZ AMENDMENT A1363

Senator SCHWARTZ offered the following amendment No. A1363:

Amend Sec. 209, page 196, lines 27 and 28, by striking out all of said lines

Amend Sec. 209, page 198, lines 1 and 2, by striking out all of said lines

Amend Sec. 212, page 211, by inserting between lines 6 and 7:

For poverty supplement for payment to school districts to be distributed proportionately, based on the 1995-1996 aid to families with dependent children (AFDC) as a percentage of the 1996-1997 average daily membership (ADM), in accordance with the following formulas:

(i) To school districts with greater than 10% but less than 20% of children from AFDC families, \$125 for each child from an AFDC family.

(ii) To school districts with greater than 20% of children from AFDC families, \$250 for each child from an AFDC family.

State appropriation.. 41,450,000

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

The PRESIDENT. The Chair recognizes the gentlewoman from Philadelphia, Senator Schwartz.

Senator SCHWARTZ. Mr. President, just to briefly explain, what I am doing here is offering an additional \$42 million for basic education in this Commonwealth, and I would just point out that the Governor did agree this year in his proposed budget that there needed to be some additional subsidies for basic education. He flat-funded it last year. This year he has added about \$90 million in additional money for basic education and he has used that in a formula that acknowledges some growth in enrollment, it acknowledges that no school district would get less than 2 percent. I am suggesting that the formula needs to take into account that there needs to be some additional dollars for the very poorest students in the Commonwealth and those school districts that serve the very poorest students in this Commonwealth.

So fairly simply what this does, Mr. President, is it sets forward an additional part of the formula that would actually say that any school district that has between 10 and 20 percent of its students eligible for AFDC would receive \$125 per poor student, and if their poverty rate was above 20 percent for those students, they would receive \$250 per student in that school district. And let me just point out, Mr. President, that this affects many, many school districts across the Commonwealth, and I could name some of them just because they may sound familiar to some of my colleagues who may be interested in the fact that it would help them.

The Bristol Township School District would, instead of seeing a 2.5-percent increase, see a 3.5-percent increase. It would help them certainly significantly. Harrisburg City School District would move from a 4-percent increase to a 7.2-percent increase because of the high number of students who are extremely poor in the Harrisburg City School District. Chester-Upland School District would move from 4 percent to 7.6 percent; Southeast Delco School District, that may sound familiar to the gentleman from Delaware, Senator Loeper, would move from 3.2 percent to a 4.48-percent increase; and the Erie City School District would move from a 2-percent increase to a 5.63-percent increase, just to name a few.

You may be aware, Mr. President, that there is a lawsuit of over 200 rural school districts and, in addition, the Philadelphia School District has sued because there is recognition that as a low wealth school district unable to continue to tax their local residents by increases in property taxes, and even a move that has been suggested that would be the remedy to taxing income would not really help these school districts because they have extremely poor students who would benefit from additional help, maybe smaller class size, maybe full-day kindergarten, maybe some other kinds of reading tutorials. As the Governor suggested, there are particular ways that we might help to improve student achievement, and particularly, Mr. President, since the Governor has suggested that we are going to hold our school districts accountable for those students' achievements, I would suggest that we help our poorer students, the school districts that are struggling to educate our poorer students, and that we expect them to achieve at high levels as well, and that we provide a bit more of a carrot and not just a stick.

Again, this is not adding on to the budget, it is still a balanced budget, but it is \$40 million more to help our poorer students.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Northampton, Senator Uliana.

Senator ULIANA. Mr. President, I rise to urge all of my colleagues to oppose this amendment. I would like to do so by examining exactly where the money is coming from for this amendment. The gentlewoman from Philadelphia, Senator Schwartz, would take \$27 million out of our Opportunity Grant Program and would take \$15 million out of the Community Development Bank Program. These are two programs that provide opportunity and incentive for industrial development through business and commercial growth in our inner city areas, and I think we need to get more jobs and more develop-

ment in our inner city neighborhoods. As somebody who lives in Bethlehem, Pennsylvania, a third class city, and is chairman of the Committee on Urban Affairs and Housing, our top priority must be in our cities to provide economic growth, because if we can provide economic growth we can allow for opportunity to be out there for many of our school districts.

Of course we are working with the courts. The PARS lawsuit is working its way through the courts. We do not know what the outcome of that will be. We do not know if we are going to have to add additional money for equity settlement, but for people in my district who are looking for economic growth and more jobs, we need these economic development programs. I would urge all my colleagues to support jobs and support economic development not only in the suburban industrial parks but in the cities of this great Commonwealth who need that type of entrepreneurial activity. So I would appreciate a "no" vote on this amendment, Mr. President.

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

Senator LOEPER. Mr. President, once again, as I have requested with all other amendments that have been offered here tonight to the bill, I would not debate the merits of the amendment, but in order to move the process forward, I would also ask for a negative vote.

The PRESIDENT. The Chair recognizes the gentlewoman from Philadelphia, Senator Schwartz.

Senator SCHWARTZ. Mr. President, I would just wholeheartedly support, at least in part, what my colleague suggested about jobs and suggested about the economic development grants. I want him to know that I wholeheartedly support the two programs that I actually cut in order to fund education, and I did it specifically for the reason that I feel so strongly about jobs, and I know that this Governor feels strongly about those two programs since he added them, that I am sure in the effort to move this process forward that I could add the kind of investment we ought to make in our young people, the kind of investment we ought to make in education, and that the Governor in the process, as the gentleman from Delaware, Senator Loeper, has suggested, as we move this process forward, I am sure in that process those two programs would be added back in.

So I have no fear at all, as we move this process forward, that this amendment could be adopted and that somewhere along the way in the negotiations we would see the job development programs that need to be added back in done so in the process. So in an effort to move the process forward, I would suggest we adopt this amendment and be assured that the interests of the two programs I eliminated would somehow get added back in before a final vote on the budget.

Thank you, Mr. President.

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

Senator TOMLINSON. Mr. President, I am very encouraged by the proposal of the gentlewoman from Philadelphia, Senator Schwartz, to put \$42 million in the Department of Education. I would like to remind Senator Schwartz that when she voted against my amendment last Session, it would have put \$40

million into the city of Philadelphia for education alone and \$229 million into education for the entire State of Pennsylvania, and that amendment was to save my racetrack which provides 4,000 jobs and has a payroll of \$23 million. So I look forward to talking to the gentlewoman about my proposal because I have \$40 million for her city alone and \$229 million for the entire State for education, which would be funded through the basic ESBE formula. I stand to oppose this amendment, but look forward to working with Senator Schwartz on my proposal.

And the question recurring,

Will the Senate agree to the amendment?

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

YEA-16

Afflerbach	Hughes	Musto	Stout
Belan	Kasunic	O'Pake	Tartaglione
Bodack	Kitchen	Schwartz	Wagner
Costa	Kukovich	Stapleton	Williams

NAY-34

Armstrong	Hart	Mellow	Thompson
Bell	Heckler	Mowery	Tilghman
Brightbill	Helfrick	Murphy	Tomlinson
Corman	Holl	Piccola	Uliana
Delp	Jubelirer	Punt	Wenger
Earl	La Valle	Rhoades	White
Fumo	Lemmond	Robbins	Wozniak
Gerlach	Loeper	Salvatore	
Greenleaf	Madigan	Slocum	

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?

SCHWARTZ AMENDMENT A1258 OFFERED

Senator SCHWARTZ offered the following amendment No. A1258:

Amend Sec. 209, page 196, lines 27 and 28, by striking out all of said lines

Amend Sec. 209, page 198, lines 1 and 2, by striking out all of said lines

Amend Sec. 216, page 235, by inserting between lines 7 and 8:

For payment to the Children's Health Fund to provide services for eligible children pursuant to the act of December 2, 1992 (P.L. 741, No. 113), known as the Children's Health Care Act.

State appropriation.. 42,000,000

On the question,

Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentlewoman from Philadelphia, Senator Schwartz.

Senator SCHWARTZ. Mr. President, I will try to be brief, for I realize you want to move us forward as quickly as possible. I will ask for your indulgence, since I think the Children's Health Insurance Program is actually quite important to many

of us on both sides of the aisle. Some of us are very proud that we offer to use cigarette tax dollars and other general revenue, I will say at this point, to help working families pay for health insurance, private health insurance for their children.

Mr. President, there are about 50,000 children currently in that program. There are as many as that again who are eligible. There are inadequate funds to pay for those eligible children. My amendment does not expand eligibility at all. All it does is add enough revenue to cover those who are presently eligible, so I am asking that there be an additional \$42 million. Again, we are in a healthy situation in this Commonwealth right now. Fortunately, we should be able to return some of those taxpayer dollars to the taxpayers. These are working families who cannot afford the high cost of health insurance for their children, and I suggest, Mr. President, that this would be a good investment for the Commonwealth to help those working families pay for health insurance for their children. It is \$42 million. It would cover the other 60,000 or almost 70,000 children who are eligible for the program who potentially could be on a waiting list.

Thank you very much, and I hope that I will have some support from the other side of the aisle on this issue.

The PRESIDENT. The Chair recognizes the gentlewoman from Allegheny, Senator Hart.

Senator HART. Mr. President, I rise in opposition to the amendment. Actually, I ask the maker of the amendment to withdraw the amendment. Scheduled for the Committee on Finance tomorrow, we have a bill, Senate Bill No. 493, which is sponsored by the gentleman from Westmoreland, Senator Kukovich, which actually dedicates 1 cent of the current cigarette tax, the receipts of that, to the Children's Health Insurance Program.

Mr. President, currently 2 cents of each pack of cigarettes goes to that program. The Governor's plan and Senator Kukovich's plan dedicates an additional penny to that program, and, Mr. President, I think this is going to go a long way to achieving the goals of the Senator by her amendment, and this is actually better because it gives an annual funding that will be targeted toward that program instead of a one-time funding shot which this amendment gives to the program, which obviously we would have to address again next year.

I would ask the maker to withdraw her amendment, and if she would not wish to do so, I ask for a negative vote.

Thank you, Mr. President.

AMENDMENT WITHDRAWN

The PRESIDENT. The Chair recognizes the gentlewoman from Philadelphia, Senator Schwartz.

Senator SCHWARTZ. Mr. President, I was hoping for a somewhat more positive endorsement of the program than the previous speaker gave, but certainly the Senator is correct, that it is a wonderful idea to dedicate additional funds from the cigarette tax, to dedicate another penny from the cigarette tax to the Children's Health Insurance Program, to add that 1 cent to the 2 cents already dedicated. I wholeheartedly support that.

Mr. President, I will withdraw my amendment, but I want to make absolutely clear that that 1 cent that we will be adding

hopefully in the Committee on Finance, and I hope that will be voted on by the whole General Assembly, in fact only keeps those children currently enrolled in the program in the program. It really does not expand the program to really make sure that we begin to tackle the eligible children, and, Mr. President, let me say I am not being too grandiose in this. There are almost 300,000 children in this Commonwealth who do not now have health insurance. If I truly wanted to address those needs, I would be looking at much bigger dollars. I would be looking here, Mr. President, if we really wanted to be a little more generous, if we wanted to dedicate the funding for this program, tomorrow morning I would love to see the Committee on Finance dedicate 10 cents of the cigarette tax so we could address all the children eligible for the Children's Health Insurance Program. I will certainly support that one extra penny, but it is not going far enough.

I will now withdraw my amendment in the hopes that we will see greater support for this program not in a token way but in a really serious way.

The PRESIDENT. The Chair repeats that Senator Schwartz has withdrawn her amendment.

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

SCHWARTZ AMENDMENT A1264

Senator SCHWARTZ offered the following amendment No. A1264:

Amend Sec. 202, page 182, by inserting between lines 16 and 17:

For the Pennsylvania Commission on Crime and Delinquency to award grants to new or existing crime prevention programs targeted to individuals at risk of criminal behavior. Crime prevention programs awarded funding should include at least one, but shall not be limited to, providing assistance for the following purposes:

- (1) School dropouts and truants.
- (2) Children of incarcerated parents.
- (3) Children living in communities with high incidence of crime and other youth at risk.
- (4) Family reunification efforts, including education in parenting skills.
- (5) Job placement through training and literacy.
- (6) Prevention of substance abuse.

State appropriation.. 9,600,000

Amend Sec. 211, page 205, line 11, by striking out all of said line and inserting:

State appropriation.. 959,058,000

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

The PRESIDENT. The Chair recognizes the gentlewoman from Philadelphia, Senator Schwartz.

Senator SCHWARTZ. Mr. President, this is an amendment that I actually also introduced last year at about this time. It suggests that we spend and apply 1 percent of the Department of Corrections budget for crime prevention. There was actually interesting debate on this amendment last year. I do not see the gentleman from Bucks, Senator Heckler, on the floor right now. Last year he actually suggested that it was a good idea to prevent crime and not just spend dollars on criminals after the

fact. He in fact suggested and agreed that although we had done a Special Session on crime in this General Assembly, we had not gotten to crime prevention, so we are now spending almost a billion dollars. We are spending \$900 million in this budget on corrections and probation and parole.

I am suggesting that just 1 percent be dedicated for crime prevention, and I recommend, and it would be in the budget, that this 1 percent would be \$9.6 million and would be given to the Pennsylvania Commission on Crime and Delinquency to award grants for those at risk. I will just indicate some of the suggestions that I would have for the assistance to school dropouts and truants, to children of incarcerated parents, to children living in communities with high incidents of crime, and other youths at risk, to family unification efforts, including parenting education, to job placement through training and literacy, and to prevention of substance abuse.

Mr. President, if we do not want to be standing here in a few years spending \$1.1 billion and \$1.2 billion and \$1.5 billion, I suggest that prevention and assuring that these young people have economic and educational opportunity and do not turn to delinquency and a life of crime would save us quite a bit of money in the future and would be a healthy investment. I am sorry to have to be standing here one year later, having not seen it pass last year and seeing no effort, zero dollars. I wish this would be an increase on top of some other effort that was made. There was no effort made by the Majority or the administration on crime prevention in this budget. I think it is about time for us to start spending a few dollars now to save possibly billions in the future.

Thank you, Mr. President.

LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, Senator Heckler, Senator Wenger, and Senator Rhoades have been called to their offices, and I request temporary Capitol leaves for them.

The PRESIDENT. Senator Loeper requests temporary Capitol leaves for Senator Heckler, Senator Wenger, and Senator Rhoades. Without objection, those leaves are granted.

The Chair recognizes the gentleman from Philadelphia, Senator Fumo.

Senator FUMO. Mr. President, it must be one heck of a meeting because Senator O'Pake has been called to his office, and I request a temporary Capitol leave for him as well.

The PRESIDENT. Senator Fumo requests a temporary Capitol leave for Senator O'Pake. Without objection, that leave is granted.

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. Senator Brightbill, Senator Hughes, and Senator Williams have returned, so their temporary Capitol leaves are cancelled.

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

The PRESIDENT. The Chair recognizes the gentleman from Northampton, Senator Uliana.

Senator ULIANA. Mr. President, I wonder where that meeting is occurring, a very good point by the Minority chair of the Committee on Appropriations.

I would just like everybody to know that if you support this amendment, you are probably supporting the potential release of about 350 prisoners in our State prison system. We were at the hearing of the Committee on Appropriations, both the gentlewoman from Philadelphia, Senator Schwartz, and myself, in which the Department of Corrections told us that they are already stretched to the hilt, they are already over capacity, and if we reduce by \$9,600,000, that is the cost of roughly 350 prisoners.

The goals which Senator Schwartz talked about are laudable, but let us remember that in our basic education system we will spend \$13 billion this year in our Commonwealth, the main program in which we work for crime prevention, \$13 billion, so what we are going to say now is we are going to possibly let 350 criminals out on the street because of overcrowding--and that is what the cost per inmate is--by this amendment to fund some community action programs which I do not think are going to do much in the long run except to help out a couple of small agencies across the State. We already spend, Mr. President, over \$13 billion in our basic education system. We spend hundreds of millions of dollars in drug treatment, we spend millions and millions of dollars in other programs. I urge, Mr. President, that our commitment is strong in the area of prevention and that what we need to do is make sure that there are enough slots in our prisons so that criminals are in prison.

Statistics just came out today, Mr. President, about the drop in crime in this country. What is one of the top and most important factors in dropping that crime? That more and more repeat criminals, those of the criminal class, are being locked up and kept there for longer times, therefore they cannot prey on innocent people in their community. Let us keep that trend going, let us keep crime going down, let us keep criminals getting locked up, and let us ensure that there are enough jail slots. We can do that by opposing this amendment.

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

Senator LOEPER. Mr. President, once again, this amendment like many of the others that were offered here today are all very meritorious. However, what we are trying to do is to move the process along today, and therefore I ask for a negative vote on the amendment.

LEGISLATIVE LEAVE

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

Senator LOEPER. Mr. President, Senator Armstrong has been called from the floor, and I request a temporary Capitol leave for him.

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

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

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

Senator COSTA. Mr. President, I rise in support of this amendment. As someone who had the opportunity to work in the law enforcement area, I can attest firsthand to the benefits of crime prevention programs throughout this Commonwealth. I strongly believe in particular the two provisions that the gentlewoman from Philadelphia, Senator Schwartz, has outlined, provisions which would direct funding to programs which would allow for children living in communities with high incidents of crime and other children and youth at risk, as well as prevention of substance abuse, I think those are both very important issues. I think when you look at the cost benefit ratio, clearly the amount of money that we are talking about in this particular case strongly warrants this Chamber to support this amendment. I rise to do so.

Thank you.

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

Senator WOZNIAK. Mr. President, I was not going to get up today and talk, and I understand what the good Senator has to say about this going to conference committee, but the truth of the matter is I have toured a few of these prisons and not with the Senator from Allegheny but on my own, and I just recently visited Somerset Correctional Institution, and some of these new ones are pretty darn nice. Unfortunately, people did not get to see the cells, but they got to see the woodworking shop and the library and all the other accommodations that the prisoners have.

I was talking to the superintendent, and he said we can continue to build these, the recidivism rate is 95 percent, and we could build a prison in every county in this Commonwealth and we could fill it up and there would still be people waiting to go in. "If it ain't broke, don't fix it," is an old motto, but it is broken and maybe we can spend a small portion of this money to try something different. And mark my words, in 10 years we are going to be putting money in the front end instead of the back end because it is great for the people who have opportunities and jobs in my district, but it is not the solution to a problem in society. I did not want to get up, but this is one issue that I feel very strongly about.

Thank you, Mr. President.

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

Senator WAGNER. Mr. President, I rise also without the intent to rise, but hearing the comment from my colleague from the Lehigh Valley on the other side of the aisle, I felt compelled to rise.

The amendment in front of us to spend \$9.5 million, whether it is from the Department of Corrections or any other department in State government, is probably the best amendment we are going to see here today. And when you talk about saving taxpayer dollars in releasing 350 prisoners, they just do not jive. I have been in the prison system, and I know many of

you have been also, and the cost per prisoner is \$25,000 per year. The cost does not increased dramatically if the prison holds 1,000 prisoners or it ends up being overpopulated with 2,000 prisoners. The hard cost is still there.

But where the real savings to the taxpayers is is keeping people out of prison. So when you look at \$9 million and you look at what we would invest in crime prevention, the real issue is how much would we save not this year but next year and 10 years from now and 20 years from now and 30 years from now by keeping young people out of prison? Literally, we can save millions of dollars with each person we keep out of prison who could end up in prison for life.

So, Mr. President, I rise in support of this amendment, even though I understand the Department of Corrections needs every penny it can get to do a quality job within that department. But the real issue is crime prevention, and we in this Commonwealth are not doing enough to keep people out of prison, and that is really where our money should be invested.

Thank you.

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

Senator HUGHES. Mr. President, and I, too, will be brief. Also like the gentleman from Allegheny, Senator Wagner, and the gentleman from Cambria, Senator Wozniak, I had not intended on standing up and speaking, but I cannot let go of the issue, and just try to put this in some context.

Mr. President, in 1980 the Commonwealth of Pennsylvania spent annually in its corrections budget \$90 million. In 1997 we are due to spend approximately \$983 million in our corrections budget. In addition to that annual expenditure, we spent almost a billion dollars in the last 10 years constructing new prisons. That is a ton of money. It is the largest growing segment in Pennsylvania's budget. Since 1990 we have almost more than doubled our annual expenditure on our corrections system, and let us be clear: none of us in this room and none of our constituents feel any safer than they did in 1990 or in 1980.

In fact, the talk is a lack of security, both personal and community security, across this Commonwealth. Everyone knows it, everyone is clear about the issue. It has been polled up one side, down the other. People are not feeling safe and secure in their communities, and we are just continuing to lock up more and more individuals and it does not work. What the gentlewoman from Philadelphia, Senator Schwartz, is talking about doing is being smart on crime by investing in the front end in community and town watch and things of that nature so we can deal with the issues that make us safer in our neighborhoods and safer in our communities.

I support the gentlewoman from Philadelphia, Senator Schwartz's amendment, and I hope we learn from this proposal how to be smart on the crime problem in our community.

Thank you, Mr. President.

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

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

YEA-20

Afflerbach	Hughes	Mellow	Stout
Belan	Kasunic	Musto	Tartaglione
Bodack	Kitchen	O'Pake	Wagner
Costa	Kukovich	Schwartz	Williams
Fumo	LaValle	Stapleton	Wozniak

NAY-30

Armstrong	Hart	Mowery	Thompson
Bell	Heckler	Murphy	Tilghman
Brightbill	Helfrick	Piccola	Tomlinson
Corman	Holl	Punt	Uliana
Delp	Jubelirer	Rhoades	Wenger
Earll	Lemmond	Robbins	White
Gerlach	Loeper	Salvatore	
Greenleaf	Madigan	Slocum	

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?

WILLIAMS AMENDMENT A1259

Senator WILLIAMS offered the following amendment No. A1259:

Amend Sec. 204, page 186, by inserting between lines 17 and 18:
For the State Board of Organized Anticrime Community Network Assistance.

State appropriation.. 2,000,000

Amend Sec. 209, page 196, line 3, by striking out all of said line and inserting:

State appropriation.. 8,450,000

On the question,

Will the Senate agree to the amendment?

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

Senator WILLIAMS. Mr. President, we just heard a discussion about the most riveting issue and problem of our time. What with all the things that we have been proud of as State programs, our greatest failure is to protect our people from the onslaught of continuous crime, and the previous amendment offered some hope in that direction, because this budget needs some juice. It needs something that relates to the problems and the greatest pain at stake that our citizens have.

This amendment, Mr. President, is different from the last amendment in that I submit to you that it offers some hope, it offers some focus. We do not believe we can stop crime, therefore we always say put them in jail, build more jails, and apologize for not being effective in preventing crime. Our people want protection. Therefore, it is obvious that we ought to be somewhat of experts on protecting them, reducing, and eliminating crime, and especially youth crime, because it goes on.

Now, this amendment creates a system of organized anticrime. It establishes an organized effort by government whereby the government can lock hands with its greatest re-

source, that is its people, its organized people. Yes, it is like going to war. And it says we the government will not get in the way, we will facilitate and expand what you are already doing, as are the millions of Pennsylvanians and Americans organizing with no direction, no hand, or no hand-up from government. We went to the moon. We have the Internet. We have also had success in defeating communism, and what happened? Some of those same communists came to this country and got into the business of crime. How silly.

Why can we not organize our technology, our communications skills, our skills that people have as volunteers already? Two weeks from now we are having volunteerism in Pennsylvania. We will have a Republican President, a Democratic President, all the hoopla about what? About volunteerism. Well, I do not know any program that we have that we do not expect it to be organized and to give us every bit of bang for the buck. And so we have a bunch of volunteers in this country who our government does not respect, does not tap into the system.

I submit to you, Mr. President, if we do that one time, if we make a \$2-million investment this time, give the budget some juice, give the budget some personality whereby it is reaching out to its people with the highest technology, the greatest of will, and an invitation for us to monitor each other as we move along, I do not believe that if we go 20 or 30 or 40 or 50 more years that there will ever be an approach to addressing crime that is not combining our greatest resources such as I suggest here. I do not pretend that this is the greatest idea, but it darn sure makes a lot more sense sitting there waiting than for us to give big speeches every year about the budget process. I submit that rather than just moving a budget process along, why can we not move a crime busting process along? Why cannot the service to our people be hot on the griddle, something that they can tie into and they will say, thanks, Pennsylvania. We have a friend in each other, because each and every one of us is tied into that.

Mr. President, I have offered this idea for at least six terms, 6 years, maybe six terms. I will say to you that the only national anticrime-fighting program came from Pennsylvania, went to Los Angeles, Detroit, Miami, because it was successful and did just this. Right this moment with the issues in southwest Philadelphia, Penn, and even beyond, we already have organized businessmen, presidents of the colleges, significant community leaders, we are moving, because we know that this kind of model works, and we are going to need your help and just for that community, one of the greatest communities in this country, in the world, we are working on all levels.

And I submit, Mr. President, with all due respect to moving the budget process along, we ought to take a few minutes to be concerned about our inabilities to solve this problem, to debate on whether or not we would get 350 people released from jail. Well, we do not want them to go there in the first place, and we can do something about that. And so I submit, the same as the other amendment, that this is the greatest need. This is the greatest impact on the quality of life in this Commonwealth. We do have an answer, and we should make some provision,

some small provision to build on that, and I urge the adoption of this amendment.

LEGISLATIVE LEAVES

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

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

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I request a temporary Capitol leave for Senator Fumo.

The PRESIDENT. Without objection, that leave is granted.

And the question recurring,

Will the Senate agree to the amendment?

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

YEA-10

Afflerbach	Kitchen	Schwartz	Williams
Costa	Kukovich	Tartaglione	
Hughes	Musto	Wagner	

NAY-40

Armstrong	Greenleaf	Madigan	Slocum
Belan	Hart	Mellow	Stapleton
Bell	Heckler	Mowery	Stout
Bodack	Helfrick	Murphy	Thompson
Brightbill	Holl	O'Pake	Tilghman
Corman	Jubelirer	Piccola	Tomlinson
Delp	Kasunic	Punt	Uliana
Earl	LaValle	Rhoades	Wenger
Fumo	Lemmond	Robbins	White
Gerlach	Loeper	Salvatore	Wozniak

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?

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

Senator WILLIAMS. Mr. President, I have a card here which says, "Have a wonderful day. May the year be filled with happiness and success." And it is signed, Joe Loeper. Does the gentleman really mean that, Mr. President?

The PRESIDENT. Well, if that is an amendment.

Senator WILLIAMS. That is on the next amendment, Mr. President, amendment A1243.

The PRESIDENT. Do you want Senator Loeper to amend that?

Senator WILLIAMS. Mr. President, if he could roll back the vote and take it over again, I would be very grateful.

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

Senator LOEPER. Mr. President, I always wish the gentleman from Philadelphia, my good colleague, Senator Williams, success. However, I would ask for a negative vote on his amendment.

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

WILLIAMS AMENDMENT A1243

Senator WILLIAMS offered the following amendment No. A1243:

Amend Sec. 209, page 198, by inserting between lines 2 and 3:
For the Safekids Afterschool Antiviolence and Anticrime Program.
State appropriation.. 10,000,000

Amend Sec. 211, page 205, line 11, by striking out all of said line and inserting:
State appropriation.. 958,658,000

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

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

Senator WILLIAMS. Mr. President, the next amendment, A1243, is very simple. The most frequent crimes committed by youth in this country are between the hours of 2:30 p.m. and 6 p.m. That being a fact, our policies are to follow that, but they do not. This appropriation seeks \$10 million for a Safekids Afterschool Antiviolence and Anticrime Program. There are at least 50,000 youngsters home alone after school. Many of these kids are at risk of getting into trouble and need programs designed to thwart that area, which is the most frequent area of crime by youth in this Commonwealth and in this country, and I urge adoption of the amendment.

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

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

YEA-10

Afflerbach	Kitchen	Schwartz	Williams
Costa	Kukovich	Tartaglione	
Hughes	Musto	Wagner	

NAY-40

Armstrong	Greenleaf	Madigan	Slocum
Belan	Hart	Mellow	Stapleton
Bell	Heckler	Mowery	Stout
Bodack	Helfrick	Murphy	Thompson
Brightbill	Holl	O'Pake	Tilghman
Corman	Jubelirer	Piccola	Tomlinson
Delp	Kasunic	Punt	Uliana
Earll	LaValle	Rhoades	Wenger
Fumo	Lemmond	Robbins	White
Gerlach	Loeper	Salvatore	Wozniak

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?

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

Senator WILLIAMS. Mr. President, A1244 is very simple. It appropriates \$75,000 for an advisory council on the needs of children of incarcerated parents.

Now, of all the debate tonight on this issue, everyone agrees we do not want to put more people in jail, or at least we do not want to have more criminal acts against our citizens.

The PRESIDENT. Senator Williams, could we read the amendment?

Senator WILLIAMS. Mr. President, I was trying to move the budget process along and I just forgot.

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

WILLIAMS AMENDMENT A1244

Senator WILLIAMS offered the following amendment No. A1244:

Amend Sec. 208, page 194, line 12, by striking out all of said line and inserting:

State appropriation.. 275,000

Amend Sec. 211, page 205, by inserting between lines 11 and 12:
For the Advisory Council on the Needs of Children of Incarcerated Parents.

State appropriation.. 75,000

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

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

Senator WILLIAMS. Mr. President, this amendment seeks \$75,000 for an advisory council to study the needs of the children of incarcerated parents. It strikes right at the heart of the problem we have been debating, that is to say these children are in life now, and somehow or another they have to navigate the path to adulthood. It seems to me it is just plain smart to know what the needs of these youngsters are long before the fact of their adulthood, and it seems to me that would have a very positive effect on increased crime and increased criminals, and I would urge its adoption as well.

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

Senator LOEPER. Mr. President, as I have said about every well-intentioned amendment that has been offered here on the floor today to the general appropriations bill, what we are trying to do is to move the process along for final budget consideration, and I would request a negative vote on the amendment, not necessarily on the merits but so we can move the process.

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

Senator WILLIAMS. Mr. President, I appreciate the good intentions of the Majority Leader. I submit, however, that we do have to stop in all of our processes to identify why we are

doing the process in the first place. I do not know of anything more urgent and more important and more fundamental than the issue of crime, and it seems to me along the way to the end result what we do in the end ought to reflect doing something, and in that this problem has been with us for so long and we made so many excuses and so much rhetoric, it just seems to me it is the American thing to do, it is the democratic thing to do to participate in that result prior to it becoming a fait accompli. In that small spirit, Mr. President, I have offered these amendments, not to slow up the process but to increase and accelerate the quality of the result.

And the question recurring,

Will the Senate agree to the amendment?

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

YEA-10

Afflerbach	Kitchen	Schwartz	Williams
Costa	Kukovich	Tartaglione	
Hughes	Musto	Wagner	

NAY-40

Armstrong	Greenleaf	Madigan	Slocum
Belan	Hart	Mellow	Stapleton
Bell	Heckler	Mowery	Stout
Bodack	Helfrick	Murphy	Thompson
Brightbill	Holl	O'Pake	Tilghman
Corman	Jubelirer	Piccola	Tomlinson
Delp	Kasunic	Punt	Uliana
Earl	LaValle	Rhoades	Wenger
Fumo	Lemmond	Robbins	White
Gerlach	Loeper	Salvatore	Wozniak

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?

HUGHES AMENDMENT A1377

Senator HUGHES offered the following amendment No. A1377:

Amend Sec. 219, page 251, lines 6 and 7, by striking out all of said lines and inserting:

(1) "TANFBG - Cash Grants." Of that amount \$20,000,000 shall be used for public service job creation programs.

State appropriation.. 544,786,000

On the question,

Will the Senate agree to the amendment?

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

Senator HUGHES. Mr. President, I will also attempt to be brief here in this matter. However, I cannot understate the importance of the issue. As we are all aware, the new welfare program that this Senate and this State has undertaken, driven by our own laws and driven by the laws of the Federal government, requires jobs for individuals who were former welfare

recipients who are in the current State TANFBG program. For them to receive benefits, they must have jobs.

Unfortunately, Mr. President, we are in a circumstance where the private sector is not creating employment opportunities for individuals on this rung of the economic ladder. And consequently it is, especially in this circumstance, the State's responsibility to step up to the plate and create real meaningful work opportunities, real meaningful jobs for individuals who need those jobs in order for them to receive the benefits that they deserve.

Consequently, Mr. President, we are asking for an appropriation of \$20 million to go to the Department of Public Welfare for the creation of a community service jobs program. Again, the private sector is not doing all that it can do for this initiative or not doing all that it needs to do to create the opportunity for real work for individuals at this level. It is the State's responsibility, especially since the State created the new reality that jobs are relevant, are directly relevant to benefits, that the State assist in this process by the creation of a community service employment program run by the Department of Public Welfare. We are asking, Mr. President, as I said previously, for an appropriation of \$20 million for the creation of this program.

Thank you very much.

And the question recurring,

Will the Senate agree to the amendment?

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

YEA-10

Afflerbach	Kitchen	Schwartz	Williams
Costa	Kukovich	Tartaglione	
Hughes	Musto	Wagner	

NAY-40

Armstrong	Greenleaf	Madigan	Slocum
Belan	Hart	Mellow	Stapleton
Bell	Heckler	Mowery	Stout
Bodack	Helfrick	Murphy	Thompson
Brightbill	Holl	O'Pake	Tilghman
Corman	Jubelirer	Piccola	Tomlinson
Delp	Kasunic	Punt	Uliana
Earl	LaValle	Rhoades	Wenger
Fumo	Lemmond	Robbins	White
Gerlach	Loeper	Salvatore	Wozniak

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

And the question recurring,

Will the Senate agree to the bill on third consideration?

It was agreed to.

And the 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 Lehigh, Senator Afflerbach.

Senator AFFLERBACH. Mr. President, at the beginning of the debate this evening I was heartened to hear the Majority Leader say that he is certain that the bill that leaves this Chamber tonight would not be the final version and that indeed there will be adjustments made if in fact the bill goes to a Senate-House conference committee, which we anticipate that it will.

I am somewhat disappointed, however, by the fact that this body as a whole has not accepted a single amendment by way of guiding our Members of that Senate-House conference committee toward placing in the budget the kinds of things that we as a body would like to see there. And in fact the amendments which I had intended to offer were very modest and would have simply restored, in almost every case, only those cuts made by the Senate Committee on Appropriations to amendments placed in the bill and passed by the House of Representatives. And I would hope that when our conferees go into conference that they consider some of these extremely important programs which the House has already demonstrated its willingness to fund at levels higher than that which are presently in this bill, which will no doubt leave the Senate tonight.

I would suggest, for example, that the conferees look at pages 235 and 236 of the bill and focus on the Centers for Independent Living. The House increased that appropriation from \$1 million to \$1.6 million. Yes, that is a 60-percent increase over the prior year's funding. But I think most people who are familiar with the services provided by the CILs recognize that they have in fact been underfunded in past years and that they indeed are providing the opportunity for many citizens with disabilities to become productive members of our society and of our workforce.

And I would suggest that the conferees may in fact take that additional \$600,000 from the general government operations line item for Labor and Industry, and if they do that they will still leave \$13,647,000 in general government operations for Labor and Industry, which is an 86-percent increase over the current fiscal year. Now I know that the Department of Labor and Industry intends to initiate certain new programs that justify a good part of that 86-percent increase, but it seems to me that when we take any department and give them an 86-percent increase over the last year, we can certainly ask them to put some of that money into a function as important as the Centers for Independent Living.

I would suggest that the conferees also take a look at page 216 of the budget dealing with community colleges and specifically insert back into the budget the amount of \$2,107,000 that was approved by the House specifically for community college workforce development. That particular line item would be applied, I think, in a very cost-effective manner to allow our community colleges to move forward and to provide the kinds of noncredit workforce development that are essential if we are to move welfare recipients off the welfare rolls into employment, which we all have decided we want to do, if we are to take displaced homemakers and move them into employment. And as I have indicated, the House has already demonstrated its willingness to accept that amount of money. In fact, that was placed in the budget bill by the House Majority Whip.

I would suggest that the conferees look at pages 275 and 276 for the State System of Higher Education, and I would suggest that the conferees move above the Governor's 2-percent increase to a 4.9-percent increase, which will provide \$416,400,000 to the State System of Higher Education appropriation. Furthermore, I would suggest that that money can in fact be taken from the 7-percent increase which the Governor has recommended for the Pennsylvania Higher Education Assistance Agency.

I stated on this floor before, I have no objection to adequately funding PHEAA. I have no objection to adequately funding individual students to enable them to choose the college or university of their choice, but I do have an objection when we do that at a loss to our State System of Higher Education. Instead of providing 2 percent to the State system and 7 percent to PHEAA, we should reverse it. But I am not even asking that we do that. I am asking that we simply provide a 4.9-percent increase to the State System of Higher Education and hold PHEAA to a 2-percent increase.

Bear in mind, Mr. President, that the money from PHEAA does not necessarily stay within the Commonwealth. It follows the student, who may in fact decide to leave the Commonwealth and attend any university which qualifies for PHEAA grants in any State of the union. The money provided to our State System of Higher Education stays in this Commonwealth and is recycled through this Commonwealth. And furthermore, because private institutions generally charge significantly higher tuition, the student who receives a PHEAA grant to a private institution in all probability is in line for a greater grant than a student who receives a PHEAA grant to our State System of Higher Education. I recommend very strongly that we give greater support to our State system and if necessary, if necessary, take it from the 7-percent increase proposed for PHEAA.

I would recommend that the conferees look at pages 180 and 198. This again was an amendment originally approved by the House of Representatives. It creates a new line item in the Department of Community and Economic Development for \$1 million for engineering equipment and does not in fact take the money from any other place. It simply takes money already destined for the technology investment appropriation and targets, targets very specifically for the purpose of this new line item. The House approved that amendment 200 to 0. I would suggest that the Senate conferees also get on board with that.

I would suggest that the Senate conferees go back again to page 216 with our community colleges and again reinsert what the House placed into the budget bill in that Chamber when they increased from \$1,210 to \$1,310 the amount of the State appropriation in the formula for full-time equivalency units in our community colleges. This essentially increases the community college appropriation from \$155 million to \$164 million, already approved by the House of Representatives, essential in our community college programs, in my opinion.

I would suggest the conferees further look at pages 217 and 225 of the budget bill before us and reinsert an additional \$3 million for our vocational technical schools. The House inserted this funding. Again our Senate Committee on Appropriations

removed it. The vocational technical schools came before the Committee on Education, and I suspect before the Committee on Appropriations also, and asked for an additional \$12 million, a 38-percent increase. Mr. President, I agree that is entirely too much to provide in any single budget year, but I do not believe that it is impossible for us to provide a more limited 10-percent increase, and I believe that in fact we should most seriously consider doing that and I would hope that our conferees will join with the House to do that.

I would suggest that the conferees look at page 218, which would reinsert additional funding in the amount of \$2,450,000 for higher education equipment grants. And furthermore, that the conferees reinstate the language inserted by the House that will allow those grants to be distributed not only to private colleges and universities but also to public colleges and universities. This is how we have operated the program in the past. I see no reason to deviate from that. I hope that the conferees will again join with our colleagues in the House and reinsert not only that funding but that most essential language.

I would ask that the conferees go to page 196 and reinsert an additional \$8 million for the Pennsylvania Industrial Development Authority. The House increased that appropriation above the Governor's request by \$10 million. Our Senate Committee on Appropriations retained \$2 million of that increase but took out the other \$8 million. Mr. President, I think that is, as the cliché goes, pound foolish and penny wise. Clearly PIDA has served a very valid purpose in this Commonwealth. Clearly it continues to do so, and just as clearly our conferees, in my opinion, should again join with my colleagues in the House to increase that appropriation from \$15 million to \$23 million.

I would suggest that the conferees, also on page 196, reinstate the additional \$1 million for the Ben Franklin Partnership, which the House had placed in the budget bill and which the Senate Committee on Appropriations removed.

I would suggest going to page 197 and reinstate the \$4 million for the technology alliance which will replace Federal funds that are utilized by Carnegie-Mellon University and Lehigh University and which have been federally approved in the past but are now expiring. The House, in its wisdom, saw the very valid purpose of replacing those Federal funds with State funds, and I would ask our conferees to explore that possibility as well.

Finally, in terms of specifics in the budget bill, I think there are two things that we can do that have not been discussed. One of these would be to address the ever-burgeoning surplus that we all know is accumulating, and I understand why the Governor and why the Majority in both Chambers would like to pass this budget bill tonight and get it to the Governor's desk by the end of the month, because that surplus by anyone's prediction is simply going to continue to grow between now and June 30. Whether the budget is passed and signed on May 1 or May 15 or June 1 or whenever, on June 30 we are going to end the fiscal year with a surplus that by all intents and purposes will not be appropriated within this budget. And we will have the opportunity to come back in September or in

December or in January of next year to redistribute that surplus.

I would suggest that we need not wait that long for certain specific items. For years we have discussed freeing up money in the Motor License Fund by funding the State Police directly out of the General Fund. We now have an opportunity to begin that transfer. We do not have to take the entire \$250 million for the State Police out of the Motor License Fund at one time, but we can certainly begin that process with the surplus funds that are accumulating in this Commonwealth, and by so doing immediately free up additional funds for our highways without having to consider a gasoline tax increase. If we take only \$60 million and allocate it to fund the State Police out of the General Fund Budget and if we move forward with what the administration has proposed in asking municipalities to reimburse the Commonwealth for State Police protection, we will have immediately freed up \$60 million for State highway funding and we will be able to begin to decrease that drain on the General Fund by surcharging municipalities, if in fact that is what the administration wishes to do. It certainly is a step forward that we can take at this time.

In addition to that, the Governor recommended when he put forward his proposal to privatize the State Store system that at least \$200 million of the anticipated proceeds should be deposited in a community economic endowment fund to be administered by the Pennsylvania State Employees' Retirement System in the same way that it administers other investment funds. Mr. President, I suggest that we do not have to wait for the potential sale of the State Store system. We in fact know that there will be at least \$200 million in surplus which does not have to be spent to create a continuing program but could in fact immediately be applied to a community investment endowment fund with this very budget bill, and allow that money to be invested promptly and to begin earning interest promptly so that we can begin returning those proceeds on interest back to our communities in reinvestment projects. Those are the kinds of imaginative initiatives that can be taken if the Majority in the conference committee has the will to do so.

Mr. President, I intended to offer many of these suggestions in amendment form tonight, but it is obvious that there was no desire to deal with the amendments on their merits, as the Majority Leader mentioned many times, but simply to move the process. I hope that my suggestions will be dealt with on their merits when the conference committee gets together.

Thank you.

And the question recurring,
Shall the bill pass finally?

LEGISLATIVE LEAVE

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

Senator MELLOW. Mr. President, Senator Wozniak was called from the Senate Chamber and I would like to put him on temporary Capitol leave.

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

And the question recurring,
Shall the bill pass finally?

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

YEA-42

Armstrong	Greenleaf	Mellow	Stapleton
Belan	Hart	Mowery	Stout
Bell	Heckler	Murphy	Thompson
Bodack	Helfrick	Musto	Tilghman
Brightbill	Holl	O'Pake	Tomlinson
Corman	Jubelirer	Piccola	Uliana
Costa	Kasunic	Punt	Wagner
Delp	LaValle	Rhoades	Wenger
Earll	Lemmond	Robbins	White
Furno	Loeper	Salvatore	
Gerlach	Madigan	Slocum	

NAY-8

Afflerbach	Kitchen	Schwartz	Williams
Hughes	Kukovich	Tartaglione	Wozniak

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.

UNFINISHED BUSINESS RESOLUTIONS REPORTED FROM COMMITTEE

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

SR 35 (Pr. No. 964)

A Resolution declaring April 29, 1997, as "Federally Qualified Health Centers' Legislative Day" in Pennsylvania.

SR 36 (Pr. No. 965)

A Resolution recognizing the week of May 4 through 10, 1997, as "Tourism Promotion Week" in Pennsylvania.

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Adam Ryan Tracey by Senator Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. William Kiger by Senator Belan.

Congratulations of the Senate were extended to Ben Witter, Harry Matala and to Bob Jarosz by Senator Brightbill.

Congratulations of the Senate were extended to the Braddock Volunteer Fire Department Company No. 2 by Senator Costa.

Congratulations of the Senate were extended to the Woodland Hills High School Girls Basketball Team by Senators Costa, Belan, and Bodack.

Congratulations of the Senate were extended to Mr. and Mrs. Kurvin Goodwin by Senator Delp.

Congratulations of the Senate were extended to Mr. and Mrs. Albert Miley, Sr., Dan Hill, James S. Blowitski and to Carmen M. De Maria by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Guy Brown, Mr. and Mrs. Ray C. Smith, Josephine Zawisza and to Keli Smith by Senator Helfrick.

Congratulations of the Senate were extended to Mark L. Spector by Senator Hughes.

Congratulations of the Senate were extended to Roy Wise and to the Honorable Herman Mihalich by Senator Kukovich.

Congratulations of the Senate were extended to Mayme Martino Scruci and to Melissa Suzanne Wills by Senator LaValle.

Congratulations of the Senate were extended to Mr. and Mrs. Enrico B. Angeli by Senator Loeper.

Congratulations of the Senate were extended to Mr. and Mrs. Cloyd Burke, Mr. and Mrs. Lyle Gleason, Mr. and Mrs. Arnold Whipple, Mr. and Mrs. Llewellyn Shores, Mr. and Mrs. Richard F. Knecht and to Aaron Campbell by Senator Madigan.

Congratulations of the Senate were extended to John Gamble, Jim Bolinsky and to Clarks Summit Boy Scout Troop 160 by Senator Mellow.

Congratulations of the Senate were extended to Samuel E. Harvey and to Joseph N. Peters by Senator Mowery.

Congratulations of the Senate were extended to Sean Philip Thomas, John Joseph Metzler, Charles Jeffrey Dolish, Kevin Michael Bricker, Allegheny Chapter of the Association for Children and Adults with Learning Disabilities of Pittsburgh and to the Fort Couch Middle School of the Upper Saint Clair School District of Pittsburgh by Senator Murphy.

Congratulations of the Senate were extended to Derek Joseph DiGiovanni and to Dallas David DiGiovanni by Senators Murphy and Stout.

Congratulations of the Senate were extended to Thomas J. Vaxmonsky by Senator Musto.

Congratulations of the Senate were extended to Steven L. Mashack by Senator Piccola.

Congratulations of the Senate were extended to Mr. and Mrs. Willard Schade, Carmine Pepe, Port Carbon Rotary Club and to the Pennsylvania Department of Conservation and Natural Resources by Senator Rhoades.

Congratulations of the Senate were extended to John DeLong and to Jason W. Fleck by Senator Salvatore.

Congratulations of the Senate were extended to the Week of the Young Child Committee by Senator Schwartz.

Congratulations of the Senate were extended to the Calvary United Methodist Church of Brush Valley by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. Sam Passantino by Senator Stout.

Congratulations of the Senate were extended to Reverend Dr. Joshua Grove II and to the Honorable Dominic T. Marrone by Senator Thompson.

Congratulations of the Senate were extended to Dr. W. Clinton Pettus by Senators Thompson and Bell.

Congratulations of the Senate were extended to Immaculata College by Senators Thompson and Gerlach.

Congratulations of the Senate were extended to Jared Harnish by Senator Wenger.

Congratulations of the Senate were extended to David G. Miller, Jason Brannon, Jason Henricks and to Casey Glew by Senator White.

POSTHUMOUS CITATION

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

A posthumous citation honoring the late Fred Poorman was extended to the family by Senator Brightbill.

DISCHARGE PETITIONS

The PRESIDENT laid before the Senate the following communications, which were read by the Clerk as follows:

In the Senate, April 14, 1997

A PETITION

To place before the Senate the nomination of John M. Brinjac, as a member of the Professional Engineers, Land Surveyors and Geologists, State Registration Board.

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 John M. Brinjac, as a member of the Professional Engineers, Land Surveyors and Geologists, State Registration Board, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Raphael J. Musto
Robert J. Mellow
Michael A. O'Pake
Richard A. Kasunic
Vincent J. Fumo

In the Senate, April 14, 1997

A PETITION

To place before the Senate the nomination of William R. Fatora, as a member of the Coroners' Education Board.

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 William R. Fatora, as a member of the Coroners' Education Board, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Robert J. Mellow
Leonard J. Bodack
Michael A. O'Pake
Raphael J. Musto
Richard A. Kasunic
Patrick J. Stapleton
Vincent J. Fumo

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

PETITIONS AND REMONSTRANCES

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

Senator MELLOW. Mr. President, I do not think I can allow the day to pass without making a comment or two about some of the things that I was exposed to today, a few of the discussions that I have had with people who are my constituents who represent the agriculture community and some of the events that have taken place during the past several weeks with regard to Agriculture Secretary Charles Brosius.

Mr. President, as you are aware, last week the Governor asked for and received a resignation of the Agriculture Secretary for reasons which as of yet have not been stated. Since the request for his resignation was made public, Mr. President, there has been a great deal of speculation as to the reason why the Governor would fire an individual who was so well respected, so well received, so well regarded throughout the entire agriculture community. While the Governor's Office has remained silent as to the specific reasons, the consensus is, Mr. President, that at times Secretary Brosius failed to adhere to the wishes of the Ridge administration and the inner circle and was unwilling to offer carte blanche support for all the Governor's legislative initiatives. Reportedly, Mr. President, one of the legislative initiatives he questioned and refused to support was the proposal to privatize the State Store system.

In the last 3 weeks, Mr. President, it is quite incredible that members of the Ridge cabinet have been traveling throughout the State pushing the concept of privatization, pushing the concept to privatize the State Stores, and pushing the Governor's plan to every editorial board that they could get an appointment with and any public group that was interested in hearing the proposal. This public campaign has been devised by the administration in an attempt to garner support for his number one legislative priority.

Media reports to date indicate that the Secretary of Health, Secretary of Environmental Protection, and Secretary of Education have stumped on behalf of the administration and on behalf of the Governor's plan. To me, Mr. President, it is quite incredible that the Secretary of Health and the Secretary of Education, knowing what they have been charged with, would campaign on behalf of this particular plan. One would think, Mr. President, that the Secretary of Health would be more interested in issues dealing with the health of the people of Pennsylvania than in making whiskey and wine more prevalent and more available in the Commonwealth, which in its own right could be a detriment to the health of the people of Pennsylvania. One also, Mr. President, would think that the Secre-

tary of Education, whose charge it is and whose first priority it is to make sure that each and every child in Pennsylvania receives a good quality education, one would think that if he was going to travel to the editorial boards and attend public meetings, that he would be traveling with one concept in mind: to advance education. However, both the Secretary of Health and the Secretary of Education have been traveling throughout the State, Mr. President, trying to the best of their ability to generate as much support as they could for the Governor's plan to bring about divestiture in Pennsylvania.

Secretary Brosius reportedly refused to participate in such propaganda forums, Mr. President. The agricultural community insiders are stating that his refusal to support the Governor's number one legislative proposal may have been the determining factor in the Governor asking for his resignation. The farming community has praised the Secretary for his, quote, "hands on" approach and keen sense of determining good agricultural policy here in Pennsylvania. Because of this, it is not difficult to see why he would oppose such a proposal on the grounds of it being detrimental to certain environmental and agricultural concerns and producers in this State. Specifically, Mr. President, the one group that would be adversely impacted is the fruit producers and those individuals who operate limited wineries in Pennsylvania. Under the current system, such wineries must use 100 percent of Pennsylvania grown grapes and fruit in the wine that they produce.

In a letter dated February 4, 1997, the Pennsylvania Wine Association stated that privatization would hurt and possibly destroy the \$100 million wine and grape industry in Pennsylvania. I brought that letter to the floor of this Senate, Mr. President, on several occasions. The association further states that currently Pennsylvania wineries receive favorable treatment from the Pennsylvania Liquor Control Board by featuring their wines in various wine and spirit shops throughout the State. This was mutually beneficial, Mr. President, because the relationship came about through a cooperative effort of the Pennsylvania Liquor Control Board, the Wine Association, and the Pennsylvania Department of Agriculture.

According to the association, the Wine Association, Mr. President, the Pennsylvania wine industry has grown in size and prominence because of these advantages. The wine industry impacts employment, it impacts tourism, it impacts education, agriculture, and commerce. Privatization could create an enormous loss of jobs as well as important tax revenue losses in Pennsylvania, and the association realizes that.

During the confirmation of Secretary Brosius, he stated that his top priority was to expand the markets for Pennsylvania agricultural commodities and raise the level of income for the family farmer. Given these philosophical objectives for his administration of the Department of Agriculture, it is understandable why he would oppose the Governor's initiative, which would adversely impact on the farming community and the family farm. An individual of such caliber and dedication as Charles Brosius is an asset to the Pennsylvania agricultural community. Unfortunately, the Governor is willing to sacrifice such top individuals, such top public officials for his own selfish and misdirected priority of privatizing the State Store sys-

tem. More importantly, Mr. President, agriculture is the number one industry in Pennsylvania, and jeopardizing the livelihoods of those hardworking individuals who are responsible for maintaining that industry as a number one priority should not be impacted upon because of the petty differences that the administration may have with at least one of its cabinet members.

I thought it was very important today to bring this to the floor of the Senate because I do not believe that it is going to be discussed here. The day that Secretary Brosius was confirmed, March 21 of 1995, right here in this Senate, one of the individuals who at one time or another has chaired the Committee on Agriculture had this to say about him, Mr. President, and the individual who made the statement is a farmer right here, a Member of this Senate, a good friend of mine, a person whom I admire and trust for the work that he has done, and that is the gentleman from Bradford, Senator Madigan. He had this to say about the Secretary: "Mr. President, I rise to request an affirmative vote for the confirmation of Mr. Charles C. Brosius as Secretary of Agriculture. Mr. Brosius is a farmer operating a fresh mushroom growing and marketing operation in Chester County with his sons. He is a man of unquestioned honesty and integrity. I commend Governor Ridge in his selection of this individual to lead the Department of Agriculture and, indeed, production of agriculture and agribusiness into the 21st century."

It is hard for us, Mr. President, in view of the silence that the administration has attributed to this dismissal, this firing, to comprehend why the Governor would choose to fire such an individual of high quality, high integrity, and a person whose only interest is to expand the market of agriculture in Pennsylvania because he would not walk in lockstep with some of the things that the administration would want him to do. There is little that we can do about it except to say to the Secretary that we are sorry for what he has been subjected to, and that it is unfortunate that the agriculture community must suffer because of this.

Thank you very much.

The PRESIDING OFFICER (Mary Jo White) in the Chair.

HOUSE MESSAGE

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

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

Recess adjournment.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, APRIL 15, 1997

9:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider Senate Bill No. 415; House Bill No. 844; and Final Regs. No. 16A-438, 16A-453, 16A-466, 16A-474, 16A-524, 16A-545 and 57-167)	Room 8E-B East Wing
9:30 A.M.	FINANCE (to consider Senate Bill No. 493 and House Bill No. 134)	Room 461 Main Capitol
10:45 A.M.	URBAN AFFAIRS AND HOUSING (to consider Senate Bills No. 618 and 882)	Rules Cmte. Conf. Rm.

WEDNESDAY, APRIL 16, 1997

10:00 A.M.	LAW AND JUSTICE (to consider the Ridge Administration's proposal to privatize the State stores)	Room 8E-B East Wing
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TUESDAY, APRIL 22, 1997

1:00 P.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (public hearing to consider the nomination of Nora Mead Brownell to the Public Utility Commission)	Room 8E-B East Wing
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WEDNESDAY, APRIL 23, 1997

9:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (public hearing on Senate Bill No. 619)	Room 8E-B East Wing
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THURSDAY, MAY 1, 1997

9:00 A.M.	PUBLIC HEALTH AND WELFARE (public hearing on Senate Bill No. 100)	Erie City Council Chamber
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FRIDAY, MAY 2, 1997

9:00 A.M.	PUBLIC HEALTH AND WELFARE (public hearing on Senate Bill No. 100)	Greentree Municipal Building Greentree
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WEDNESDAY, MAY 28, 1997

9:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (public hearing on the retail deregulation of the natural gas industry)	Room 8E-B East Wing
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ADJOURNMENT

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Tuesday, April 15, 1997, at 11 a.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 7:37 p.m., Eastern Daylight Saving Time.