

Legislative Journal

WEDNESDAY, OCTOBER 1, 1997

SESSION OF 1997

181ST OF THE GENERAL ASSEMBLY

No. 47

SENATE

WEDNESDAY, October 1, 1997

The Senate met at 11 a.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, Reverend CRAIG S. STALLER, of the Lutheran Advocacy Ministry in PA, Harrisburg, offered the following prayer:

Let us pray.

Almighty Lord, Heavenly God, bless those who hold office in the Senate of Pennsylvania. We pray that Your grace would especially be on the leaders of this legislative body, that they may contribute to the wise decisions of the citizens of our Commonwealth and serve You in our generation to the honor of Your holy name.

We commend all gathered here, all who hold office, all elected officials in Pennsylvania to Your merciful care, that under their guidance we may live securely in peace and may be guided by Your providence. Give them the ability to work for what is necessary to keep the peace, and let them exercise care and wisdom, lest the laws of our Commonwealth become impossible burdens.

Inspire them with the wisdom to write and enact laws that will guarantee safety, protection, and integrity. Cause them to encourage goodwill among the people of Pennsylvania, that all citizens may grow in their appreciation of justice. For Your mercy's sake, we pray. Amen.

The PRESIDENT. The Chair thanks Reverend Staller, who is the guest today of Senator Piccola.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of September 30, 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

RECALL COMMUNICATION LAID ON THE TABLE

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

MEMBER OF THE BOARD OF TRUSTEES OF NORRISTOWN STATE HOSPITAL

September 30, 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 April 23, 1997 for the appointment of Rachelle B. Weiss, 1100 West Chester Pike, Apartment J-17, West Chester 19382, Chester County, Nineteenth Senatorial District, as a member of the Board of Trustees of Norristown State Hospital, to serve until the third Tuesday of January 1999, and until her successor is appointed and qualified, vice Ross P. Skillern, Ardmore, whose term expired.

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

THOMAS J. RIDGE
Governor

HOUSE MESSAGE

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 755**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

GENERAL COMMUNICATION

RESIGNATION OF VICE CHAIRMAN FROM STANDING COMMITTEE OF THE SENATE

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

SENATE OF PENNSYLVANIA

To: Senator Robert C. Jubelirer
President Pro Tempore

From: Senator TERRY PUNT

Subject: Committee on State Government

Date: September 30, 1997

I hereby resign my designation as Vice Chairman of the Committee on State Government, effective upon my designation as Vice Chairman of the Committee on Military and Veterans Affairs. I will remain a member of the Committee on State Government.

DESIGNATION OF INTERIM VICE CHAIRMAN OF STANDING COMMITTEE

The PRESIDENT. The Chair wishes to announce the President pro tempore has made the following designation:

Senator Robert J. Thompson as interim vice chairman of the Committee on State Government.

APPOINTMENT OF MEMBERS TO STANDING COMMITTEES OF THE SENATE

The PRESIDENT. The Chair wishes to announce that the President pro tempore has made the following appointments:

Senator Richard A. Tilghman as an interim member of the Committee on State Government to fill the vacancy caused by the resignation of Senator David Heckler.

Senator David J. Brightbill as an interim member of the Committee on Local Government to fill the vacancy caused by the resignation of Senator David Heckler.

Senator Noah Wenger as an interim member of the Committee on Finance to fill the vacancy caused by the resignation of Senator David Heckler.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session to consider Senate Bill No. 755 and certain nominations.

REPORTS FROM COMMITTEE

Senator PICCOLA, from the Committee on Aging and Youth, reported the following bills:

SB 438 (Pr. No. 1349) (Amended)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for missing children; providing for a clearinghouse for missing children; and imposing powers and duties on the Pennsylvania State Police, local school districts and parents.

SB 950 (Pr. No. 1350) (Amended)

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for protection from abuse.

HB 89 (Pr. No. 2332) (Amended)

An Act providing for supervision of child-care facilities; conferring powers and duties on the Department of Public Welfare; and making a repeal.

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:

October 1, 1997

Senators MUSTO, STAPLETON, SALVATORE, COSTA, AFFLERBACH, BRIGHTBILL, BODACK, BELAN, KASUNIC, WOZNIAK, O'PAKE, LEMMOND, KITCHEN, STOUT, RHOADES, HART and TOMLINSON presented to the Chair **SB 1142**, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for the Pennsylvania Veterans' Memorial Trust Fund; and making an appropriation.

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, October 1, 1997.

Senators HART, GREENLEAF, DELP and FUMO presented to the Chair **SB 1143**, entitled:

A Joint Resolution proposing amendments to the Constitution of the Commonwealth of Pennsylvania, further providing for Commonwealth indebtedness; and providing for tax and license fee increase limitations.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, October 1, 1997.

Senator O'PAKE presented to the Chair **SB 1144**, entitled:

An Act amending the act of May 26, 1947 (P.L.318, No.140), entitled, as amended, CPA Law, regulating continuing education requirements.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, October 1, 1997.

LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, I request legislative leaves for today's Session on behalf of Senator Earll, Senator Helfrick, and Senator Mowery.

The PRESIDENT. Senator Loeper requests legislative leaves for Senator Mowery, Senator Helfrick, and Senator Earll. Without objection, those leaves are granted.

The Chair recognizes the gentleman from Indiana, Senator Stapleton.

Senator STAPLETON. Mr. President, I request legislative leaves for Senator Bodack and Senator Williams.

The PRESIDENT. Senator Stapleton requests legislative leaves for Senator Bodack and Senator Williams. Without objection, those leaves are granted.

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL OVER IN ORDER

SB 769 (Pr. No. 825) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 11, 1995 (1st Sp.Sess., P.L.1066, No.23), entitled Model Expedited Eviction of Drug Traffickers Act, adding the definition of "court"; and making an editorial change.

On the question,

Will the Senate agree to the bill on third consideration?

Senator LOEPER. Mr. President, I move that Senate Bill No. 769 go over in its order.

On the question,

Will the Senate agree to the motion?

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

YEA-49

Afflerbach	Hart	Mowery	Tartaglione
Armstrong	Helfrick	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
Earl	Lemmond	Schwartz	Wozniak
Fumo	Loeper	Slocum	
Gerlach	Madigan	Stapleton	
Greenleaf	Mellow	Stout	

NAY-0

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

The PRESIDENT. Senate Bill No. 769 will go over in its order.

BILL AMENDED

SB 1136 (Pr. No. 1332) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 1, 1971 (P.L.495, No.113), entitled, as amended, "An act providing for the compensation of county officers in counties of the second through eighth classes, for compensation of district attorneys in cities and counties of the first class, for the disposition of fees, for filing of bonds in certain cases and for duties of certain officers," providing for the compensation of district election officers; and making repeals.

On the question,

Will the Senate agree to the bill on third consideration?

Senator FUMO offered the following amendment No. A3816:

Amend Sec. 1 (Title), page 2, line 3, by inserting after "officers":
in all counties

Amend Sec. 2 (Sec. 10.2), page 2, line 7, by inserting after "counties": , regardless of class

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 O'PAKE offered the following amendment No. A3863:

Amend Sec. 2 (Sec. 10.2), page 3, by inserting between lines 18 and 19

(h) Compensation and other payments received by election officials pursuant to this section shall not be deemed income classified and categorized under section 303 of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971."

Amend Sec. 2 (Sec. 10.2), page 3, line 19, by striking out "(h)" and inserting: (i)

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE
AS AMENDED OVER IN ORDER

SB 981 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS OVER IN ORDER

SB 97, HB 679, SB 771, SB 799 and SB 959 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILLS ON SECOND CONSIDERATION

SB 1061 (Pr. No. 1334) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 11, 1984 (P.L.876, No.171), entitled Second Class City Treasurer's Sale and Collection Act, further providing for the sale of property in cities of the second class.

Considered the second time and agreed to,

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

SB 1062 (Pr. No. 1335) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing cities of the second class to impose property maintenance ordinances; and providing penalties.

Considered the second time and agreed to,

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

SB 1137 (Pr. No. 1333) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), entitled The Borough Code, providing for fines and penalties for violation of building, housing, property maintenance and plumbing ordinances and other regulations.

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

BILL OVER IN ORDER

HB 1475 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

HB 1476 (Pr. No. 2285) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 6, 1989 (P.L.169, No.32), entitled Storage Tank and Spill Prevention Act, further providing for Underground Storage Tank Indemnification Board and its powers and duties, for the Underground Storage Tank Indemnification Fund, for eligibility of claimants including certified tank installers and for audit, sunset and performance reviews; and providing for Underground Storage Tank Environmental Cleanup Program and the Upgrade Loan Program.

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

RECESS

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

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

The PRESIDENT. For the purpose of a brief meeting of the Committee on Rules and Executive Nominations to be held in the Rules room at the rear of the Senate, the Senate stands in recess.

AFTER RECESS

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

SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR JEFFREY E. PICCOLA PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Dauphin, Senator Piccola.

Senator PICCOLA. Mr. President, I am very pleased today to have two young men as my guests in the Senate gallery. Eli Shutt and Jameson Troutman are both seniors at Halifax Area High School. These young men are shadowing me today to

learn a little bit about our State government, and I think thus far today they have learned quite a bit. I would be most grateful if the Senate would give them a warm welcome.

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

(Applause.)

REPORT FROM COMMITTEE

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

SB 755 (Pr. No. 1345) (Rereported) (*Concurrence*)

An Act amending the act of April 9, 1929 (P.L.343, No.176), entitled, as amended, The Fiscal Code, further providing for redevelopment assistance capital projects; providing for the Local Government Capital Project Loan Fund and for limitations on redevelopment assistance capital projects; making a repeal; and making editorial changes.

SENATE AT EASE

Senator LOEPER. Mr. President, at this point if we could be at ease for a moment and I would ask the Republican Members just to gather up front around the rostrum for a moment.

The PRESIDENT. At the request of Senator Loeper, the Senate will be at ease.

(The Senate was at ease.)

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 1

SENATE CONCURS IN HOUSE AMENDMENTS

SB 755 (Pr. No. 1345) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), entitled, as amended, The Fiscal Code, further providing for redevelopment assistance capital projects; providing for the Local Government Capital Project Loan Fund and for limitations on redevelopment assistance capital projects; making a repeal; and making editorial changes.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 755?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 755.

On the question,

Will the Senate agree to the motion?

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

Senator FUMO. Mr. President, we support the legislation. It does increase the cap, but at the risk of being characterized as big spenders, we sincerely believe that the cap is still too low. I believe Senator Jubelirer at one point in time was quoted as having asked for a \$300 million increase and I think he was right. And we are disappointed that the cap has not been

increased by \$300 million. There are many, many projects throughout the Commonwealth that absolutely have to be funded, and with the kinds of surpluses that we are talking about in today's government, we could easily afford to do this. This is capital money. It is money that we can take care of very easily, and it is truly unfortunate that the Governor did not agree to increase this cap by \$300 million.

We are probably today going to pass a capital budget bill that I think is somewhere in the neighborhood of \$6 billion or more, and one of the problems we have with these capital bills is that everybody goes home and says what a great thing they did for their constituents by getting something into the capital bill. The only problem is that a year or two later people are waiting to see the project, and these capital budgets are not negotiated, so they really are authorizations. We are saying that we want \$6.7 billion, I think it is, yet we are only going to be able to spend \$150 million of that. So all those projects in there are simply not going to be funded.

I think that we should really increase this cap to \$300 million. I truly regret that the Governor did not agree to that, and I regret that my colleagues here on the Republican side of the aisle and in the House did not stand up to the Governor and demand that. So we will support this, but we do think that it should have been much larger.

Thank you, Mr. President.

And the question recurring,

Will the Senate agree to the motion?

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

YEA-49

Afflerbach	Hart	Mowery	Tartaglione
Armstrong	Helfrick	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
Earl	Lemmond	Schwartz	Wozniak
Fumo	Loeper	Slocum	
Gerlach	Madigan	Stapleton	
Greenleaf	Mellow	Stout	

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 inform the House of Representatives accordingly.

LEGISLATIVE LEAVES

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

Senator FUMO. Mr. President, I request temporary Capitol leaves for Senator Belan, Senator Mellow, and Senator Musto,

and legislative leaves for Senator LaValle and Senator Stapleton.

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 3

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1136 (Pr. No. 1352) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 1, 1971 (P.L.495, No.113), entitled, as amended, "An act providing for the compensation of county officers in counties of the second through eighth classes, for compensation of district attorneys in cities and counties of the first class, for the disposition of fees, for filing of bonds in certain cases and for duties of certain officers," providing for the compensation of district election officers; and making repeals.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

Senator KUKOVICH. Mr. President, I am a cosponsor of this bill and I am in favor of it. It is time that we increase some of the compensation for the judges of elections and the other clerks and machine operators, inspectors, et cetera. My one concern, which I want to put in the record, is that this probably more appropriately and in the past has been to an Election Code bill. This is a County Code bill and, again, I have no particular problem with that, and I will support it.

What I want to place on the record, however, is that I would hope that at some point in this Session we will have an Election Code bill, especially for the purpose of dealing with the issue of campaign finance reform, at least in somewhat of a limited way in this Chamber. And I just want to put the Members on notice that anything they can do to begin to address the issue of campaign finance reform would not only be important to this Chamber, but it is probably one of the most imperative issues that we need to address in this legislative Session, and I hope that we have that opportunity.

Thank you, Mr. President.

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

Senator FUMO. Mr. President, I just want to add one thing to this, the fact that it is becoming increasingly more difficult to get people to participate in the election process, not only as voters but also as workers at the polls for these various jobs. This bill, even though it increases the amounts, still does not even meet the Federal Minimum Wage Law for these workers, and I would urge us at some point in time in the future to

seriously take a look at what we are going to do with our election process in Pennsylvania.

We cannot always just blame the voters for their lack of participation. We do have a responsibility, and the very crux of democracy is based on an election system that is functional. In many areas we have outdated voting machines that do not work properly and in some areas of Pennsylvania we are still using paper ballots. Perhaps it is time for us to maybe even set up a task force to look into the electronic voting machines that they have in Montgomery County. And I think it is time for the Commonwealth to get involved to ensure that the elections are run properly, fairly, and efficiently. We have kind of let the counties worry about this over the years, and we have seen problems.

Recently in Philadelphia, because of flash returns, it appeared as if one traffic court judge won. When the final returns were done and the actual tally was certified, another person won by only 12 votes, and that caused a large degree of consternation. It is about time we start to address these issues so that we do not have these problems. If not, they are only going to continue to grow.

But it is important for the people of Pennsylvania to know that even with these increases we are still not even paying these people what they would get for flipping hamburgers at McDonald's, which is the Federal minimum wage.

Thank you, Mr. President.

And the question recurring,
Shall the bill pass finally?

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

YEA-49

Afflerbach	Hart	Mowery	Tartaglione
Armstrong	Helfrick	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	La Valle	Salvatore	Williams
Earl	Lemmond	Schwartz	Wozniak
Fumo	Loeper	Slocum	
Gerlach	Madigan	Stapleton	
Greenleaf	Mellow	Stout	

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.

UNFINISHED BUSINESS SENATE RESOLUTIONS ADOPTED

Senators COSTA, HART, BODACK, BELAN, WAGNER, MURPHY, LAVALLE, KUKOVICH, WHITE, KASUNIC, STOUT, PICCOLA, AFFLERBACH, STAPLETON, PUNT,

SCHWARTZ, MUSTO and GERLACH, by unanimous consent, offered **Senate Resolution No. 65**, entitled:

A Resolution designating the week of October 6 through 10, 1997, as "Southwestern Pennsylvania Manufacturers Week" in Pennsylvania.

Which was read, considered and adopted.

Senators SCHWARTZ, HUGHES, KITCHEN, FUMO, TARTAGLIONE, LAVALLE, BELAN, COSTA, STOUT, WAGNER, AFFLERBACH, KASUNIC, O'PAKE, HART, WENGER, WHITE, ARMSTRONG, PICCOLA, JUBELIRER, BELL, LEMMOND, MELLOW, WOZNIAC, STAPLETON, PUNT, CORMAN, MURPHY, GERLACH, GREENLEAF, HOLL, THOMPSON, RHOADES, SLOCUM, KUKOVICH and TOMLINSON, by unanimous consent, offered **Senate Resolution No. 66**, entitled:

A Resolution declaring October 1, 1997, as "Work to End Domestic Violence Day" in Pennsylvania; and recognizing the efforts of the Philadelphia Mobilization Project to Reduce Domestic Violence.

Which was read, considered and adopted.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to John Andzelik and to the McKeesport Lions Club by Senator Belan.

Congratulations of the Senate were extended to Jedidiah Landis by Senator Corman.

Congratulations of the Senate were extended to Henrietta Butler, Edward Johnson, Helen Lee Johnson, National Association for the Advancement of Colored People of Willow Grove, Moore Products Company of Spring House and to Bell Atlantic of Montgomeryville by Senator Greenleaf.

Congratulations of the Senate were extended to Mildred Good, Marty Adams, Laura Loss and to Josephine Herrold by Senator Helfrick.

Congratulations of the Senate were extended to Ralph Rozzi, Sr., Reverend David Clark and to Bernice Windom by Senator Kasunic.

Congratulations of the Senate were extended to Corey Thomas Hughes, Sean Stavisky and to Dorothy S. Scott by Senator Mellow.

Congratulations of the Senate were extended to Arthur A. Bartolai by Senator Musto.

Congratulations of the Senate were extended to Jason A. Reese by Senator Slocum.

Congratulations of the Senate were extended to Mr. and Mrs. Harry B. Fulton by Senator Stout.

Congratulations of the Senate were extended to Justin Arnold, Andrew D. Roberts, Scott Paris and to Helen Grubb by Senator Thompson.

Congratulations of the Senate were extended to David B. Mains and to Brian W. Mains by Senator Uliana.

Congratulations of the Senate were extended to the Historical Society of Western Pennsylvania by Senator Wagner.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

SB 438, SB 950 and HB 89.

And said bills having been considered for the first time,

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

BILL SIGNED

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

SB 755.

PETITIONS AND REMONSTRANCES

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

Senator SCHWARTZ. Mr. President, since we have a few moments here, I did just want to comment about two items today that I think are significant to the Commonwealth. One is that I appreciate the opportunity to offer the resolution which was just unanimously passed recognizing the "Work to End Domestic Violence Day," domestic violence prevention day in Philadelphia. There are a number of activities going on, particularly in corporations and in neighborhoods. There is a real effort to increase awareness of both the problem and the resources available to women and families in the area of domestic violence. So I appreciate the Senate of Pennsylvania recognizing the effort that is going on in Philadelphia, and I hope that it leads to the end of domestic violence not just in Philadelphia but of course across the Commonwealth.

Secondly, if I may, Mr. President, I just wanted to briefly recognize something I hope my colleagues noticed in the papers. They may have received some press releases yesterday. About 10 days ago I spoke on the floor of the Senate about the Children's Health Insurance Program that we have in Pennsylvania and the fact that there are going to be significant dollars, about \$120 million, available to the Commonwealth as of today. I was very pleased to see that the Governor did respond to a number of my concerns, and many of us I think voiced our concerns about this, that we should begin today to expand availability of health insurance to the children of working parents who do not qualify for Medical Assistance because they are earning just a little bit too much by expanding the CHIP program as of today, and the Governor did announce yesterday that he would do that, he would deal with the waiting list and begin to open it up in anticipation of the Federal dollars.

Secondly, he said he would be moving ahead aggressively to apply for those dollars from the Federal government, and he said that he would be sure to draw down all of the Federal dollars available to Pennsylvania. Mr. President, that was very significant, and I hope and I would suspect that a number of

my colleagues, both Democrat and Republican, did really push the Governor to do this, and I thank them on behalf of not just myself, obviously, and Senator Kukovich, who worked on this bill as well, but on behalf of the children of Pennsylvania. That is very significant. It may mean that we will have to add some State dollars, potentially \$20 million of State dollars next year in order to draw down all of the Federal dollars available to us. How significant it will be, Mr. President, when we will potentially be able to insure about half of Pennsylvania's uninsured children.

Mr. President, I would go further as well and call on all of us to take this opportunity to do even more for Pennsylvania's working families, and that is to work with the private sector, to work with market reforms, to push our insurers who have already been extending health insurance on an at-cost basis and providing some of their own subsidies, to push them even further to assure that all of our families have access to health insurance for their children by providing health insurance for children at cost. I will be introducing legislation to that effect shortly.

So I say this is actually a good day for Pennsylvania, that we have actually encouraged the Governor and he has stepped forward to embrace the idea of children's health insurance for uninsured children in Pennsylvania. I hope that we can work together over the next weeks and months to expand the Children's Health Insurance Program, to expand potentially some of the benefits that are available to those children and to help reach out to the almost 300,000 children who do not have health insurance in Pennsylvania who could.

So we will have significant dollars available from the Federal government. I am glad that we will be drawing them down. I look forward to working with the Republican leadership in making sure that we add State dollars so that we can draw it all down and then going even further, because the goal of reaching every child and giving them access to health insurance is achievable in Pennsylvania and I hope we get it done.

Thank you, Mr. President.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

THURSDAY, OCTOBER 2, 1997

9:00 A.M.	FINANCE (public hearing on Senate Bill No. 287)	Upper Uwchlan Twp. Municipal Building, Chester County
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WEDNESDAY, OCTOBER 8, 1997

9:00 A.M.	FINANCE (public hearing on Senate Bill No. 287)	Gold Room Allegheny Cty Building
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LEGISLATIVE LEAVES

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

Senator FUMO. Mr. President, I request legislative leaves for Senator Stout, Senator Wagner, and Senator Kasunic.

The PRESIDENT. Senator Fumo requests legislative leaves for Senator Stout, Senator Wagner, and Senator Kasunic. Without objection, those leaves are granted.

PETITIONS AND REMONSTRANCES
(Continued)

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

Senator SCHWARTZ. Mr. President, one additional comment, if I may. On the eve of Rosh Hashanah, and I hope that I get home in time to feed my family and guests, I wish to extend to the Jewish community in Pennsylvania L'Shana Tova.

RECESS

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

Senator LOEPER. Mr. President, we are still awaiting final action on a capital budget bill in the House of Representatives. Therefore, while we are awaiting completion of deliberation in that body, I request a recess of the Senate to the call of the Chair.

The PRESIDENT. We will await liberation. We will move to recess and gather at the call of the Chair. By that announcement, the Senate stands in recess.

AFTER RECESS

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

HOUSE MESSAGE**SENATE BILL RETURNED WITH AMENDMENTS**

The Clerk of the House of Representatives returned to the Senate **SB 188**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

RULE XIV SUSPENDED

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

Senator LOEPER. Mr. President, I move that we suspend Rule XIV, which would allow Senate Bill No. 188 to come directly before the body.

The PRESIDENT. Senator Loeper moves to suspend Rule XIV, that this bill come directly before the body today.

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

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

YEA-49

Afflerbach	Hart	Mowery	Tartaglione
Armstrong	Helfrick	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
Earl	Lemmond	Schwartz	Wozniak
Fumo	Loeper	Slocum	
Gerlach	Madigan	Stapleton	
Greenleaf	Mellow	Stout	

NAY-0

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

SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 2

SENATE CONCURS IN HOUSE AMENDMENTS

SB 188 (Pr. No. 1351) -- The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of July 11, 1996 (P.L. 595, No. 101), entitled Capital Budget Project Itemization Act for 1996-1997, itemizing public improvement projects, furniture and equipment projects, transportation assistance projects, redevelopment assistance and redevelopment assistance capital projects, flood control projects, Keystone Recreation, Park and Conservation projects and forestry bridge projects to be constructed or acquired or assisted by the Department of General Services, the Department of Conservation and Natural Resources, the Department of Environmental Protection, the Department of Community and Economic Development, the Department of Transportation, the Pennsylvania Fish and Boat Commission or the Pennsylvania Game Commission, together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed or acquired or assisted by the Department of General Services, the Department of Conservation and Natural Resources, the Department of Environmental Protection, the Department of Community and Economic Development or the Department of Transportation; stating the estimated useful life of the projects; authorizing certain waivers; making appropriations; and making repeals.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 188?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 188.

On the question,

Will the Senate agree to the motion?

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

Senator KUKOVICH. Mr. President, I am strongly in favor of this legislation. I think it is good for the Commonwealth. There are some projects in Westmoreland County that are embodied in this bill that are very timely and it is very important. I do have one concern, and it has to do with the Philadelphia Naval Shipyard, especially the press that I have been reading the last day or two.

My concerns, I suppose, are twofold. One is the process, the so-called fast-track process that is being used. My concern is that too often when we have rushed legislation through, mistakes are made. I have a concern about that. Secondly, I think that the total amount embodied in this bill is around a \$6 billion figure. Obviously, those are not projects that will be signed off on in the near future, or ever. Probably the most money that would be spent out of this, and I am just offering some conjecture, is maybe in the \$300 million, \$330 million, \$350 million range when we look at total capital spending typically and redevelopment assistance spending.

From newspaper accounts, the Kvaerner deal—if I pronounced that correctly—is about \$182 million, so I begin to worry as to how many projects that we are going to vote on today will actually be funded in reality. What I am saying is, although we all want to create jobs, as I look at some of the newspaper accounts about the amount of money spent for jobs, when I take a look at the original Meyer Werft deal, where they talked about roughly \$108,500 per job, the Sony deal, which is working well in Westmoreland County, where we spent only \$15,700 per job, and there are several other examples. This one I am seeing up to as high as \$340,000 per job.

I think it would behoove us to try to do an economic cost benefit analysis on the Philadelphia Naval Shipyard project, and I am mentioning that because what I would like to do is move to suspend the rules for the purpose of a specific amendment on the Philadelphia Naval Shipyard to remove that from the bill to deal with that separately.

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

The PRESIDENT. At the request of Senator Loeper, the Senate will be at ease.

(The Senate was at ease.)

MOTION WITHDRAWN

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

Senator KUKOVICH. Mr. President, this is a very serious issue, and seeing maybe a lack of individuals here for an affirmative vote, my intention is not to drag this out. What I would do is withdraw the motion with the caveat that Secretary Bittenbender and the Governor's Office try to provide us with a cost benefit analysis of this as quickly as possible so at least we are aware of this action we are taking before this project is actually signed off on and State money is released. I would just ask that as a courtesy, and I hope that my colleagues on both sides of the aisle would be supportive of that.

Thank you, Mr. President.

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

Senator FUMO. Mr. President, just in the same vein, although I do not want to belabor this either, but I think that had we been able to be part of this process in greater depth than what we are today, we would not have seen this problem. This has been run through here, we have the religious holiday tonight, and some Members are not here so we probably could not have a debate, but I would hope in the future that when we deal with things of this magnitude, that we would not do it in the rapid fashion in which the Majority is doing it here today. I think every Member here, regardless of whether he supports endeavors in this capital budget or not, should have the opportunity to make his feelings known. The House just went through an extensive debate on this bill. Unfortunately, we will not have the opportunity to do that, and it would always be my belief, being a Member of this body, that this institution would preserve the ability for us to debate and air out our issues rather than get into a situation in which we frustrate debate.

I have been advised by the Majority Leader of certain commitments made to him by the Minority Leader, so we will, of course, honor those commitments. But in the future I would hope we would not even have to get into this kind of problem, we would have the kind of debate, offer amendments to bills. We really have to stop the process of trying to run things through here. We have seen it happen on too many occasions by using the Committee on Rules and Executive Nominations and thereby frustrating other Members. So we have some deep institutional concerns about this process.

On the bill itself, Mr. President, as I said earlier in discussing the cap, this is a \$6 billion wish list. It has been Christmas-treed with every program that I think any Member in the General Assembly could possibly imagine. There have been no constraints placed on it, and I hope that the people who think that they have projects in this do not get their hopes up that those projects are going to be funded. Nowhere near one-hundredth of the projects are going to get funded, if we are lucky, and that is part of the problem with the capital budget. I say this year in and year out, and the only reason why I say it again this year is because I note that the more I say it the more support I start to get even on the other side of the aisle.

The capital budget should not be just a blanket authorization. We as an institution, along with the House of Representatives, should begin to negotiate the capital budget. Right now it is just a vehicle for Members to go home and say they did something when in fact they have not done a damn thing, and all we do is we give the Governor a \$6 billion potential WAM. It is about time that on both sides of the aisle we sit down and air out our differences with the House, the same way that we do the operating budget, and decide and make the tough choices that have to be made on what we think should be funded in our districts and what priority those projects should get. Otherwise, sooner or later somebody is going to actually expose this for the foolish effort that it really is. We should really start negotiating capital budgets, and I do not care what the percentages are, but they should be negotiated back and forth so that we have something meaningful rather than be able to go home

and say, I put a piece of paper out there somewhere but you will never see the bricks and mortar.

So with that, Mr. President, I ask for an affirmative vote, and I do not think there will be any negatives, so you may proceed.

Thank you.

LEGISLATIVE LEAVES

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

Senator FUMO. Mr. President, I request temporary Capitol leaves for Senator Costa, Senator Afflerbach, and Senator O'Pake.

The PRESIDENT. Senator Fumo requests temporary Capitol leaves for Senator Costa, Senator Afflerbach, and Senator O'Pake. Without objection, those leaves are granted.

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

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

YEA-48

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

NAY-1

Afflerbach

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

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

BILL SIGNED

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

SB 188.

ADJOURNMENT

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Monday, October 6, 1997, at 2 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 2:50 p.m., Eastern Daylight Saving Time.