

# Legislative Journal

TUESDAY, FEBRUARY 3, 1998

SESSION OF 1998

182ND OF THE GENERAL ASSEMBLY

No. 8

## SENATE

TUESDAY, February 3, 1998

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

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

### PRAYER

The Chaplain, Reverend THOMAS TOMLINSON, of Trinity Evangelical Lutheran Church, Philadelphia, offered the following prayer:

Before we begin to pray, I need to explain who I am. I am the real Tommy Tomlinson. That is my name. As you well know, Senator Tomlinson is Robert "Tommy" Tomlinson.

Just a quick story. One day I was racing through Bensalem, where he has his funeral home, and I was dressed in secular clothes and was not in my black Mercedes. The police pulled me to the side, may I see your license? I handed him my license. Oh, you are Tommy Tomlinson. Thank you for the Christmas trees you give us each year. Well, at my church we do give out free Christmas trees to the needy. Now here, be on your way. So if Senator Tomlinson were here, I would like to thank him.

Let us pray.

Gracious God, we reflect on our journey here today. Whether it was a short drive or a long haul, all of us have traveled through this beautiful State of Pennsylvania. And as we journeyed, we noticed the well-planned highways, deer feeding safely, power plants giving safe energy, fields like handmade quilts, majestic rock formations, noble valleys, frozen streams, quiet streets in little towns. As we journeyed here perhaps we even pondered what we will do when we arrive at our destinations. Maybe we told ourselves we would take the time to give thanks for all that passed by our window. Maybe we even promised ourselves, the next time I pass this way I am going to stop and enjoy some of this. Or maybe we said to ourselves, I am lucky to live in a beautiful State.

As we arrived in our State Capitol, maybe we felt energized by the rush of traffic and we heard the church bells above the noise, but we looked at our watch to see if we were running late. Or maybe we even heard the train whistle and did not let it bring back any childhood memories. The fact is, we completed our commute here, and with just a minute to spare, quickly dismissed our good intentions and did not take time to thank anyone.

Dear God, each of us has been called by You and we have been called by Your people to be good stewards of this place. You have entrusted us with so much. You want us to take the time to give thanks for this great bounty and give thanks for this great opportunity to serve, but most of all You want us to take time to appreciate it and enjoy it.

All of us have come here from a different direction, but we are all on the same journey, we are all simply passing through. One day this journey will be completed and a new journey will be before us. Until that time may we realize one of the greatest joys of life is in the trip. Let us take time to ski more of Pennsylvania's wonderful slopes, enjoy locally made treats, even if they are not fat-free, sail on one of these beautiful lakes, watch a Pennsylvania sunset, be still and find peace in Penn's Woods. The journey has much to offer us. The journey has much to be thankful for. Let us give thanks, for one day our journey will come to an end. Amen.

The PRESIDENT. The Chair thanks Reverend Tomlinson, who is the guest today of Senator Salvatore. I am sure Senator Tomlinson appreciates you making clear about your trip through his district.

### JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of February 2, 1998.

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 STATE BOARD OF COSMETOLOGY

February 3, 1998

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated October 3, 1997 for the appointment of Sandra Evans, 5416 Wyndale Avenue, Philadelphia 19193, Philadelphia County, Seventh Senatorial District, as a member of the State Board of Cosmetology, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Malcolm W. Bonawits, Pocono Manor, 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

#### 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:

#### Senate Concurrent Resolution No. 94.

#### BILLS REREFERRED

Senator HOLL, from the Committee on Banking and Insurance, returned to the Senate SB 39 and HB 656, which were referred to the Committee on Rules and Executive Nominations.

#### REPORTS FROM COMMITTEE

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

#### SB 636 (Pr. No. 668)

An Act amending the act of December 19, 1990 (P.L.799, No.193), entitled County Intermediate Punishment Act, changing definitions; further providing for county intermediate punishment programs; providing for advice to county prison boards; further providing for county intermediate punishment plans and for regulations of the Pennsylvania Commission on Crime and Delinquency; and further providing for use of funds, for application of the act to certain grants and for construction of the act.

#### SB 1259 (Pr. No. 1600)

An Act amending the act of December 27, 1994 (P.L.1354, No.158), entitled County Probation and Parole Officers' Firearm Education and Training Law, extending the applicability of the act to intermediate punishment department officers in counties of the fifth and sixth classes.

#### SB 1261 (Pr. No. 1602)

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

#### LEAVE OF ABSENCE

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

### CALENDAR

#### SENATE RESOLUTION No. 118 CALLED UP OUT OF ORDER, ADOPTED

Senator LOEPER, without objection, called up from page 7 of the Calendar, as a Special Order of Business, Senate Resolution No. 118, entitled:

A Resolution designating February 1998 as "Pennsylvania Elks Month."

On the question,  
Will the Senate adopt the resolution?

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

#### YEA-49

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

#### NAY-0

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

#### LEGISLATIVE LEAVE

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

Senator LOEPER. Mr. President, when we had originally requested leaves I had had a request from Senator Armstrong to be on legislative leave, and I request a legislative leave on behalf of Senator Armstrong.

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

#### ANNOUNCEMENT BY MAJORITY LEADER

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

Senator LOEPER. Mr. President, it is the Majority's intention that upon completion of the Governor's Budget Message to the Joint Session today to return here to the Senate floor at approximately 1 p.m. or 1:15 in order that we can respond accordingly to our views on the Governor's Budget Message, then recess for the purpose of lunch and a caucus, and then following that, return to the floor to complete our business of the day.

Thank you.

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

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

### HOUSE NOTIFIES SENATE IT IS READY TO CONVENE IN JOINT SESSION

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

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

The PRESIDENT. Will you bring the committee forth.

The SERGEANT-AT-ARMS. Mr. President, I have the honor to present the chairman of the committee, the Honorable Mark McNaughton.

Mr. McNAUGHTON. Mr. President, we are a committee of the House appointed to inform the Senate that the House is ready to receive the Members of the Senate in Joint Session and to escort the Senate to the Hall of the House.

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

### SENATE PROCEEDS TO HOUSE TO HEAR GOVERNOR'S MESSAGE

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

### RECESS

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

### AFTER RECESS

The PRESIDING OFFICER (Noah W. Wenger) in the Chair.

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

### CONSIDERATION OF CALENDAR RESUMED

#### SENATE RESOLUTION No. 98 CALLED UP OUT OF ORDER, ADOPTED

Senator LOEPER, without objection, called up from page 7 of the Calendar, as a Special Order of Business, Senate Resolution No. 98, entitled:

A Resolution designating July 7 through 11, 1998, as "National Veterans Wheelchair Games Days" 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-49

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

#### NAY-0

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

### LEGISLATIVE LEAVES

The PRESIDING OFFICER. The Chair recognizes the gentleman from Delaware, Senator Loeper.

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

The PRESIDING OFFICER. Senator Loeper requests a temporary Capitol leave for Senator Delp. Without objection, that leave is granted.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Afflerbach, Senator Belan, and Senator Williams.

The PRESIDING OFFICER. Senator Mellow requests temporary Capitol leaves for Senator Afflerbach, Senator Belan, and Senator Williams. Without objection, those leaves will be granted.

### SPECIAL ORDER OF BUSINESS GUEST OF SENATOR MICHAEL A. O'PAKE PRESENTED TO THE SENATE

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

Senator O'PAKE. Mr. President, I appreciate the opportunity to pause to recognize a very special person in the gallery from Berks County. Vivian Stephenson is the executive assistant to Mr. Al Boscov, one of our premier merchandisers and outstanding businesspeople in Pennsylvania. Vivian is here shadowing me as a result of an auction, and I would appreciate it if the Senate would extend its usual warm welcome to her.

The PRESIDING OFFICER. We are pleased to recognize the guest of Senator O'Pake, and would the Senate please give her its usual warm welcome.

(Applause.)

### PETITIONS AND REMONSTRANCES

The PRESIDING OFFICER. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, the Governor's Budget Address is perhaps one of the most important events of the year in Harrisburg for one simple reason: It sets the agenda and priorities for the coming months and has an impact on our State, not only for the current year but for many years to follow. I believe this morning, Mr. President, we heard a very simple and powerful theme in the Governor's Budget Message, and that is one that Senate Republicans strongly support: Let us build on the progress we have worked so hard to achieve for Pennsylvanians.

And, Mr. President, I believe that the programs and strategies that we have tried to debate on this floor in the last 3 years to change Pennsylvania around have really become the topic of this year's budget and are reflected in the budget priorities that the Governor set this morning. I think we have come a long way, Mr. President, in the past 3 years in creating jobs, in reining in spending, and moving our economy forward. And now it is our charge and responsibility to build on that solid foundation and to ensure that the momentum that we have begun over the last 3 years continues forward.

In past budgets, Mr. President, Senate Republicans have been steadfast in our support of targeted tax cuts and spending controls that have turned Pennsylvania's economy around. Now we want to ensure that these hard-fought advances continue through the long term. Our commitment to fiscal responsibility and a strong economy has brought us to this point, where we have a healthy job market, a strong consumer confidence, and the ability to spend wisely, and most importantly, to save for the future.

The budget proposal which the Governor presented to us today, with its emphasis on economic improvements, fiscal responsibility, and help for those of our citizens most in need, is the culmination of 3 years of work to turn our State around and chart a course for future growth. It is built on the same Republican themes that have brought our economy around: cutting taxes, controlling spending, creating jobs, and reforming our welfare system here in the Commonwealth. The Governor's budget proposal provides that we do not spend away our surplus, but instead, Mr. President, put money aside to ensure that our State is ready to handle any emergency or economic downturns that we may encounter. This will help guarantee that we do not have to raise taxes or face financial hardships in the event that the national economy should falter, as it has in the past.

For the fifth straight year, there have been included tax cuts for businesses for one fundamental reason: Without job creators, we cannot continue to generate good paying jobs for workers in Pennsylvania. The Governor's plan to reduce the capital stock and franchise tax, expand on the net operating loss provision exemption, and provide job creation tax credits will make us even more business friendly to help us compete with our other States. I think, Mr. President, as the Governor

indicated in his remarks this morning, 3 years ago when we embarked on the course of action to change Pennsylvania around to make Pennsylvania more job friendly, we ranked 45 out of 50. Today, Mr. President, with the changes that we have been able to effect over the last 3 years, we see where Pennsylvania has moved forward and upward, and we now rank number 17 out of 50 in the economic generator of jobs and good paying jobs. I think that these tax cuts have helped working people by providing them with the thing they need most: good, high paying, family sustaining jobs.

For the second straight year, Mr. President, the budget message we heard this morning reflects tax cuts for low-income working families. Roughly \$54 million is included to exempt more than 350,000 parents and children from the State's personal income tax.

As in previous years, the Governor is proposing holding spending in the range of 3 percent, demonstrating our intention to try to keep a tight lid on State government rather than expanding programs and costs simply because in this year the money seems to be available. There are some, however, who would propose, given our strong economy, that we should increase our spending. But to those people who would advocate such a position, I would say, remember 1991, with record tax and spending increases. We do not want to put Pennsylvania back in that position once again.

Building on our commitment to reform welfare and breaking the cycle of dependency, we strongly support the Governor's plan to provide approximately \$22 million in new money and State assistance to help welfare recipients not only find jobs but also to keep those jobs once they are in position. This investment, Mr. President, will leverage almost two times that amount in Federal dollars, enabling more recipients to exchange a welfare check for a paycheck.

And in the area of crime prevention, a top Republican priority, and it has been for the last 3 years, particularly initiated with the Special Session on crime, in order that we could provide more tools to the law enforcement community to try to keep our streets safer and our residents and homes safer as well, the Governor this year, Mr. President, is proposing an additional \$7 million in new initiatives to fight juvenile crime and help communities enhance safety efforts. On top of the more than two dozen laws passed in the 1995 Special Session on crime which have contributed to the falling crime rate, this continued anti-crime funding will give communities and police the resources they need in order to make our local neighborhoods safer.

In closing, Mr. President, I would say that this budget is a sound, conservative, and realistic spending plan for our State. I believe that it provides a budget that provides for targeted tax cuts, help for working families, and important new initiatives while holding spending in check. I think it is important to note that we are in a position to do all of this because of the work that we have done over the past 3 years in order to put Pennsylvania's financial house in order and pare back taxes that were making us uncompetitive with our neighbors in surrounding States.

In the next few months, our Committee on Appropriations will be holding hearings on the proposed budget to take a closer look at each line item and expenditure. Our goal is to pass this budget well before the constitutional deadline of June 30, just as we did last year when we approved the budget on May 6, 2 months early. This ensures that many people and organizations who rely on State funding will not face an interruption of services and can plan their budgets accordingly. It also demonstrates, Mr. President, our commitment to putting the needs of Pennsylvania ahead of political games and partisan politics.

This is a good, conservative, well-thought-out budget, one that builds on the progress that we have worked hard to gain. The Governor's spending plan invests in our future while setting aside moneys for tomorrow. It will help us as we continue to create jobs, encourage economic development, and provide assistance to children and families. I applaud the Governor for his commitment to these priorities and pledge for our Caucus to work with him in the months ahead to move this budget forward expeditiously.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Allegheny, Senator Wagner.

Senator WAGNER. Mr. President, thank you for the opportunity to speak briefly in regard to the budget proposal just put forth in the last couple of hours by Governor Ridge. Mr. President, I have not had enough time to analyze that budget. I intend to do so over the next several weeks prior to final passage, and I am sure that is the case with most people in this Chamber.

I rise to talk about one aspect of the budget proposal that I think needs a whole lot more attention and hopefully support from this Senate, the General Assembly, and also the Governor. Mr. President, Governor Ridge said taxpayers do not send us their credit cards in his budget address, and he further said they send us their hard-earned dollars. The Governor is right, and we are collecting those hard-earned dollars. As a matter of fact, we are collecting more hard-earned dollars than are necessary to run State government.

As part of that budget proposal, all of us heard the Governor talk about the poverty tax exemption for a family of four, a husband and wife and two children making less than \$25,000 would not be required to pay the personal income tax of 2.8 percent to the Commonwealth of Pennsylvania. Mr. President, I stand to clarify really who qualifies for that and to throw an idea out on the floor that hopefully will be considered in this budget process, because truly everyone who thinks they qualify does not qualify for the PIT exemption.

Mr. President, the point I want to make is to identify some of those who do not qualify. A mother with one child making \$15,000 does not qualify for the poverty tax exemption under the PIT. As a matter of fact, you must make less than \$13,901 to qualify with that exemption as proposed in the budget, and that is a declining scale, Mr. President. So if you make \$13,900, you qualify for a 10-percent exemption. Some other examples: A couple making \$15,000, Mr. President, gets zero, the same as the mother making \$15,000, the single mother

with a child gets zero under the exemption as proposed in the 1998-99 budget.

Mr. President, let me give you another example. The single person making \$10,000—and we all know that the single person making \$10,000 is probably working at minimum wage. As a matter of fact, minimum wage employed full-time will give you more than \$10,000 a year—gets zero in terms of the poverty tax exemption as proposed in this budget. As a matter of fact, you must make less than \$7,401 to begin to qualify for a reduction in the PIT, and again it is a declining scale.

Mr. President, I bring all of this to the attention of the General Assembly today because based on what we heard, we would think it was otherwise. And the three examples that I have given are all three genuine examples of people, in essence, living in poverty. So if we are going to be true to ourselves in this budget and talk about a poverty tax exemption on the PIT, Mr. President, I firmly believe that we have to go much further than is proposed. And that is the reason why I am standing up here today to put that on the record, and hopefully, not only the General Assembly but the Governor will pay more attention to this issue, because the public is confused, and that is the point I want to make here. The public thinks that if you make less than \$25,000, you qualify for an exemption under the PIT. That is not true, based on the examples that I have put forth here today.

Mr. President, I, along with my colleagues, have put forth a proposal to reduce the PIT, and that proposal obviously is a proposal of reducing it one-tenth of 1 percent, from 2.8 percent to 2.7 percent, so that everyone paying the personal income tax would benefit this coming year under the budget that is suggested today. I think that is a good idea, and the reason why I think it is a good idea is that this Commonwealth has collected too much money for 4 consecutive years. Our budget surpluses during those 4 consecutive years are \$1.8 billion, and it is about time that we give some of those dollars back across the board to working families in the Commonwealth of Pennsylvania.

And, Mr. President, I would like to add, if we reduce the PIT, as suggested or to some other number, not only does every working person in Pennsylvania benefit, but also 80,000-plus subchapter S corporations benefit. Small businesses, generally speaking, sole proprietorships, and partnerships would benefit, so it would be a boost to the economy for small business in Pennsylvania if we address the issue of reducing the PIT in this budget. But if we do not do it across the board evenly, I would be in support of addressing just those who are truly living in poverty who are not included, many examples in the proposed budget that has been put forth to us today.

So, Mr. President, I ask that we address that issue and be true to the people of Pennsylvania. If we are going to have a poverty tax exemption, let us have a true poverty tax exemption.

Thank you.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Blair, Senator Jubelirer.

The PRESIDENT pro tempore. Mr. President, before I make some remarks, I would like to say that I believe that the Governor gave one of the finest speeches I have ever heard. Certainly I believe it was his best budget message ever, well done, well thought out, and certainly with the use of the technology and the distance learning feature, he was able to communicate with the people of Pennsylvania better than I have ever seen, and I would like to congratulate him on a job well done.

Mr. President, a State budget is proposed and written with a lot of considerations in mind: how the State's job picture is shaping up, what challenges are facing urban, suburban, and rural communities, and, yes, what opportunities are available for families. The budget presented by Governor Ridge is designed for progress, for performance, for a better Pennsylvania future. Pennsylvania is doing well economically. We can look at the reemergence of manufacturing in many areas and the explosive growth of technology industries. I have seen it in my own district as we have had more and more requests from businesses to come in when just a few short years ago we had to do everything we could to keep businesses from exiting the Commonwealth and going to another State. We can look at low levels of unemployment some counties have not seen for decades.

Mr. President, it was not too long ago, in the 1980s, when one out of every five people in my district was unemployed, 20 percent. I will never forget that, Mr. President. A combination of things makes it happen, but you never forget that, and to note that the unemployment rate today is less than 5 percent is something that I think all of us can take pride in, whether it be on a Federal level or what we have done on a State level. We can look at the tens of thousands of people who have made the move from welfare to work.

There are many promising signs, many reasons for optimism. Our responsibility is to adopt a budget that continues the momentum, that continues the progress that is making Pennsylvania a leader again. A significant budget surplus represents opportunity. It can be the opportunity to do things right, such as targeting tax cuts, increasing spending in some key areas, and putting some money aside to prevent deficits and tax hikes in the future, much as Senator Loeper mentioned in his opening remarks about what happened just a few short years ago with the largest tax increase in Pennsylvania's history. A tax cut for families, the investments in education, job training, and, yes, libraries. All of us who have been screaming that libraries were very, very much underfunded, I believe we can point to as evidence of reasonable and responsible commitments.

A surplus also opens the door to doing things wrong, going on a spending spree, building up expectations for higher spending, and overcommitting to new programs. And with due respect to the previous speaker, who I believe was very sincere in his belief that if we cut one-tenth of 1 percent off the personal income tax, that this is going to be a great break for all Pennsylvanians, Mr. President, I believe that that would provide, on the average, about \$30 a family, less than, I guess, 75 or 80 cents a week. It would cost the Commonwealth \$220 million, and I do not believe that is the most effective use of

the tax cut. Pennsylvania enjoys, or at least has, one of the lowest personal income taxes in the nation.

The last time Pennsylvania had several years of sustained growth, spending jumped dramatically, taxes were cut as deeply as possible, new programs and State requirements were piled on. When trouble hit, there was no cushion against the huge deficit and the State plunged into a monumental crisis. Many of us vowed never to create such a situation again. The budget presented today avoids the trap of too much spending. Governor Ridge undoubtedly disappoints those who thought he was going to whip out the State checkbook and start writing checks. But the majority of Pennsylvanians want to see responsibility, where we avoid deficits, avoid gimmicks, and avoid crises where instead people can see results and accountability.

Pennsylvania did not just wake up one day and find itself in good fiscal shape. The budget reflects the responsibility and restraint on spending of previous Ridge budgets. It keeps faith with the accomplishments of recent years. We have worked to enact reforms and cut the costs of doing business in Pennsylvania with more jobs and better jobs as a result. We have moved away from the view that Harrisburg writes the mandates and pulls all the strings, because that approach was costing a lot of money and wiping out jobs in the process.

Mr. President, the budget is in good shape because the economy is healthy, and the economy is healthy because of the many reform steps and wise budget choices taken in recent years. The tax cuts proposed are good ones, aimed at job creation, at job creation and families who need tax relief the most. It is a budget balanced, not just in the numbers on paper but in balance with the challenges our great Commonwealth faces and the opportunities we want our communities, our workers, and our families to enjoy.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Philadelphia, Senator Fumo.

Senator FUMO. Mr. President, as expected, I have a different view than my Republican colleagues. I did not think that today's speech was the best speech I have ever heard, not only in content but also in delivery. In fact, if I want to point to a good speech in recent days, I guess I would have to point to President Clinton's State of the Union Address, which was given under tremendous pressure, in which his numbers rose to a 73-percent approval rating around the country, despite harassment and everything else.

Mr. President, today's speech on the budget was nothing new, but quite frankly, it was disheartening and disappointing. We have in Pennsylvania an economy that is lagging behind the rest of the nation and has been lagging behind the rest of the nation. This administration has succeeded despite itself, mainly because of the economic pull from Washington on the national economy. Mr. President, in this budget we have done nothing for middle class Pennsylvanians. We have ignored them. I watch in Washington as there is a projected surplus, Republicans there are climbing all over themselves to reduce taxes. Here, I do not see that. I see Republicans running away from the idea of reducing taxes. I cannot understand that philosophy.

Mr. President, in Pennsylvania, during Governor Ridge's term in office, taxes have gone up for middle class Pennsylvanians over \$850 million. Mr. President, last year a gas tax was increased at the request of a Republican Governor that hit the middle class very hard, and \$196 million of money was taken out of their pockets and put into the State Treasury, and that is a conservative number. We will not know the truth until after June 30. In addition, Mr. President, \$208 million last year alone was taken out of the pockets of working class Pennsylvanians in increased vehicle registration fees, again a conservative number.

And also, Mr. President, saddest of all, last year local real estate taxes were increased around this Commonwealth a minimum of \$450 million, and that is because this Governor and this General Assembly under Republican leadership failed to meet its responsibilities to educate our children as they deserve and need. And as a result, in order to cope with the lack of aid from Harrisburg, local taxes have gone up enormously. Mr. President, in 1994-95, that fiscal year, we were contributing as a State 42 percent of local educational budgets. Under the leadership of Tom Ridge, in 1995-96 we went to 40 percent, a decrease of 2 percent. In 1996-97, we slipped to 39 percent. And this year, Mr. President, although the Governor touts \$200 million in education, we will slip to 38 percent. We are not living up to our responsibilities to the children of Pennsylvania.

Mr. President, I heard a lot in the Governor's speech about crime. We lived through the Special Session on crime here. It was a big buzzword. It was a big campaign promise on behalf of Tom Ridge, and from this side of the aisle we begged for at least one crime prevention measure. We could not get it. The Republican Majority in here and in the House and the Governor saw fit to be tough on crime, but not one ounce of crime prevention, not one infinitesimal amount of being smart on crime rather than just being tough on crime.

And as a result, Mr. President, we see today that the Corrections budget will grow to over a billion dollars a year to house the criminals in Pennsylvania. But yet, Mr. President, according to FBI statistics for 1994-96, and they are the latest available, all that tough-on-crime did not benefit Pennsylvanians. The national index on crime went down 5.48 percent; the Pennsylvania crime index went up 3.69 percent. Violent crime nationwide went down 11.14 percent; violent crime in Pennsylvania went up 1.36 percent. Property crimes throughout the nation decreased 4.62 percent; in Pennsylvania, where we are tough on crime, those crimes increased 4.04 percent.

Mr. President, this administration is long on rhetoric, long on buzzwords, long on gimmicks, but very short on results. Yes, Mr. President, we think there should be a different dream for Pennsylvania. If we were writing this budget, we would do things that would affect middle class Pennsylvanians. We would emphasize crime prevention by trying to put more police officers on the streets. The Governor touts, for the first time since he has been elected Governor, a massive crime protection program of \$7 million, while we put a billion dollars a year to house criminals. And of that \$7 million, not one new police officer will be hired anywhere in Pennsylvania. Five million of it goes for intensive juvenile probation. So that

means again after the juvenile commits the crime and we have a victim, now we will intensify the probation. Mr. President, I submit to you that is not the way to fight crime in Pennsylvania. And we do all this, Mr. President, not in a tight budget year but in a year when we will have at least a surplus again of \$380 million.

Mr. President, this administration has not been honest with us, and we understand that. They have not been honest with the people of Pennsylvania. We understand that, too. When the Governor's mid-year briefing came up, he projected that the surplus for Pennsylvania would be \$190 million. That was only a few short months ago. Today we are already at \$220 million. Back then I said that it would be \$380 million, and we continue to believe that. He has now just upped his revenue surplus estimate to \$231 million. That means that he believes only \$11 million in surplus will be collected from now until the end of the year. We all know that is a lie. We all know that is folly, but yet we continue to bury our heads in the sand and pretend it does not happen.

Our Rainy Day Fund will soon hit over a half-billion dollars. Mr. President, in California, when their Rainy Day Fund got to a billion dollars, the citizens of that State started a tax revolt and demanded that their taxes be lowered. The same thing is going to happen here, but because we are not a general referendum State, the only way that is going to happen is that the citizens of this Commonwealth will change the makeup of this General Assembly and throw out those people who want to tax and hoard.

As the Governor always says, and he said it again today, the State has no money, this money belongs to the citizens of Pennsylvania. I agree with him. And if we are not going to spend that money in a proper fashion, then let us give it back. Senator Wagner's proposal comes within the budget and it is zero balanced, to reduce the personal income tax as well as business taxes. If you do not like that, Mr. President, then let us put money into education where it belongs, so that we can educate our children for the next generation and the next century and keep our property taxes lower.

Mr. President, I watched the Governor talk about \$10 million to create a Silicon Valley in Pennsylvania. As I have said before, \$10 million will not create a silicon ditch in Pennsylvania. But, Mr. President, even there again political manipulations are afoot. PSERS was about to do this program last August, but the administration stopped them and would not let them do it until now so that the Governor could take credit for it in a reelection year. That is almost a whole year we lost where we could have tried to create some small hope for people in high tech industries.

But as usual, all we get is rhetoric. We get high-tech TV presentations. I am glad that in those TV presentations the teacher from west Philadelphia said that he was part of the Link-to-Learn program for the last 8 years. That is true, Mr. President. It started in a Democratic administration, and Jeanette Reibman, our Senator here who for many, many years was the champion of education, pushed hard for Link-to-Learn education and distance learning. They were Democratic programs.



We are happy to see that the Governor finally, finally has listened to our pleas and our demands and decided to fund CHIP so that 140,000 kids can finally get health care. That could have happened last year and the year before, Mr. President. And while it might be nice in the future, he has to go back and explain to those same 140,000 kids why they could not have had health care for the last 2 years when we amassed enormous surpluses, and all we get is rhetoric.

Mr. President, it is truly a shame in this State that we do not have public financing of campaigns because with the enormous amount of money that this Governor has accumulated in his campaign fund, he will be able to attack any candidate. In New Jersey, where they do have public financing of campaigns, there was a legitimate battle drawn over there and the issues were brought to the fore. Local property tax was a big issue in New Jersey when Christie Whitman did the same thing that Governor Ridge did here. She cut back State spending for education, property taxes went up and people were upset, and they almost voted her out of office.

Unfortunately in Pennsylvania, Mr. President, because of our lax campaign finance laws and our inability to allow public financing of campaigns, there will probably be no debate on these issues this year. This government is for sale and it has been sold and we understand that, but someday the people of Pennsylvania will rise up in revolt when they recognize how they have been had. This may be the year, Mr. President, I do not know, but it will happen.

So, Mr. President, I was not impressed with the Governor's speech today, nor have I been impressed with his performance in office thus far. I think it is a shame that while the country has bounded back enormously during these periods of great economic growth that we in Pennsylvania have lagged behind because of a conservative Governor who thinks that he can be a vice president and that has a greater priority to him than does governing this State and the citizens of Pennsylvania.

It is a shame, Mr. President, because we might have been able to reduce crime in Pennsylvania rather than see it increase. We might have been able to educate our kids and see higher SAT scores, and that would have given us job creation because we would have had an educated work force and people would want to come here. But, no, all we have seen is rhetoric and nonsense, props, gimmicks, tricks, shell games, whatever, but we have seen no growth in Pennsylvania, we have seen no compassion in Pennsylvania, we have seen no caring in Pennsylvania for the middle class, and we certainly have not seen any degree of excellence or intelligence when it comes to fighting crime.

So, Mr. President, this is another sad day in Pennsylvania. I guess we will go forth and have to live with it. Someday, hopefully, the day will come when we will have truly a great Pennsylvania, but certainly this budget will not get us there.

Thank you, Mr. President.

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

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

**Senator BRIGHTBILL.** Mr. President, I listened to the gentleman's remarks and his focus seemed to be on the rhetoric, and I guess that as I listened to his rhetoric and looked at my notes here and looked over what the facts are, I began to realize what the very different philosophies and points of view are in this Chamber.

Let me note at the outset that a rising tide does lift all boats, so a strong national economy is good for Pennsylvania and improves Pennsylvania's economic climate, and there is no question about that. We are fortunate. And as I looked at the statistics, I realized that this is the best year that we have had here in Pennsylvania in terms of economic growth since 1988. I was in this General Assembly and I was aware of the gubernatorial leadership that existed in 1988, and I was here in 1989 and 1990 as we did budgets that increased not 2 percent or 3 percent, as we have seen with the Ridge administration, but I have watched 5.5- and 6-percent increases in the budget. And then I was here in 1991 when the bottom fell out and we had to pay the piper. From 1988 to 1991 were 3 short years. I am going to say this: I do not want to be here in 3 years and have to look at raising taxes in order to finance spending programs from the other side of the aisle.

And I do not want to stand here and listen to someone tell me, you are not spending enough money on this and you are not spending enough money on that, because we are looking at the long haul. Between 1990 and 1994, 4 years of great leadership according to what I have just heard, Pennsylvania lost 115,000 jobs. Last year Pennsylvania got back 100,000 of those 115,000 jobs that were lost under that philosophical point of view. There is a difference, Mr. President, and the difference is we are looking at the long haul and we are looking at the needs for today, and in trying to balance that, we cannot raise every appropriation.

Let us look at what we have accomplished here. This is a great State and it is a rising tide, but this State's economy has risen more than just what the national economy would dictate. Over the last 3 years we have seen a 2-percent increase in spending; it is 3 percent this year. We have seen targeted tax cuts, we have seen support for job training and education, we have seen less red tape, we have seen welfare reform, and we have seen growth.

And let us see what the world that judges us, that objectively judges us, says about Pennsylvania. Well, on Wall Street there are some very smart people who rate States and their ability to pay their debts, and two of these agencies that do the rating have moved Pennsylvania to AA rating, that is a AA rating, and it is the first time in almost 30 years. What does that say? That says that the hard-headed businesspeople who advise investors are saying that Pennsylvania is a better investment than it has been in almost 30 years.

Moody's Investor Service improved the Commonwealth general obligation rating from A-1 to AA-3, the first time that we have earned such a rating since 1968. Fitch's Investor's Service raised the State's GO rating from AA- to AA, pointing to the State's, and I quote, "successful operating trend of recent years, including a more conservative budgeting practice and the gradual accumulation of results," unquote. What are they



saying? They are saying we are doing a good job. And how does that impact on the middle class? Very simply, the middle class pays the taxes that pay the budget's bond issues, and the interest is lower when the rating is higher.

I have heard the proposal come from the other side of the aisle that we are going to reduce everybody's taxes one-tenth of 1 percent. To a Member of this body, that is 57 bucks a year. To the average working family, maybe that is 40 bucks a year. And we should do that, they say, we should do that before we give tax cuts to the working poor. We should decrease everybody's taxes a dollar a week or less before we give breaks to high-tech companies that want to start up and create new jobs, the \$40,000 a year kind of jobs that Tom Ridge talked about in his address today. That is what they are asking for. Now, does that make sense? Is that going to raise our rating? I do not think so.

Well, if you do not trust Wall Street, how about the man on the street, the businessman on the street? The seventh annual Pennsylvania Economic Survey was released just recently and showed a marked return in optimism among business owners over the previous year. Sixty percent of the respondents reported sales growth over the past 12 months, up from 48 percent. The percentage of businesses rating Pennsylvania's business climate as fair to good jumped from 77 to 87 percent. Now, remember, it just started at fair. And who presided over the government that took us to fair? The same people now who want to reduce taxes a dollar a week for the working family, the same people who think that the programs that create economic growth that targeted tax cuts where they are going to have some impact are not worth doing.

Almost 40 percent of the respondents were planning to add workers, up 30 percent from the previous year. Now listen to that, almost 40 percent of the businesspeople who responded, Pennsylvania businesspeople, said they were planning to add workers, working people, and that number was up 30 percent from the previous year.

Mr. President, what we are doing is working. And the question is, do we want to continue to let it work? Or do we want to cut taxes a dollar a week for everybody?

Business owners cited several reasons for this new-found optimism. Chief among them was our commitment to further reduce business taxes, reduce workers' compensation costs, and easing off of many unnecessary regulations and mandates that had hurt many companies.

Tom Ridge gave a great speech today, Mr. President, and the reason that I said it was great is that he gave a targeted speech, he is focused, he knows what the game is, and he is in the game to win the game. He is here to talk about jobs and economic growth in Pennsylvania, and that is what that speech was about. It was not all over the place. I have sat through many of those speeches by many people. I have heard some excellent speeches. I heard Governor Casey give excellent speeches, and this speech was very focused.

On the sports page we talk about someone who is in there to play the game and knows how to score points and wants to score those points, and those points are jobs and economic growth. It sounds good on paper. It is even better for the 450

people added to the payrolls at the General Instruments plant in Northampton County in 1996, the 500 people who benefitted from new openings at Lockheed Martin in Montgomery County, and the 250 people being put to work at Haddon Craftsmen in Columbia County. We saw that small computer firm in Mansfield, Pennsylvania, beginning to get on that playing field with the Gateways and the other large competitors, and we see them growing and creating jobs, and, Mr. President, that is terrific and that says we are doing something right.

Expansion Management, a business publication, says, "Whereas once Pennsylvania was regarded as a difficult state in which to do business, today it is more economically vital than ever before." Plant Sites and Parks, another magazine, notes the turnabout. The publication ranked Pennsylvania as one of the country's top five "hot spots" to do business, stating, "Lawmakers have been chipping away at taxes...recently approved a \$15 million Job Creation Tax Credit and additional workers comp reforms...companies are also encountering fewer regulatory snafus." What we do here, Mr. President, matters back home.

And then there is the opinion of the Federal Reserve Bank. It reported last month that Pennsylvania's leading economic index remained on the positive side for the fourth month in a row, and that is great.

We are not standing here to pat ourselves on the back, Mr. President. There is a lot to do and there is more to do, and I, for one, would like to see some additional kinds of focused tax cuts, and in any given year we can do so much. But we are here to say simply this: We have the boat going the right direction in the rising tide of the national economy, and we are getting to deeper water, and as we get to deeper water in this rising tide, by lifting the weight out of our boat, we also reduce the risk of running aground as the tide declines, because it will come back. We saw it in 1991 - 1988, banner year; 1991, a tax year. I do not want to see that again, Mr. President.

I applaud the Governor, I applaud his focus, and as every year we have some hard bargaining to do as we review the budget, but I think that the overall direction is the correct direction.

Thank you.

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

Senator MELLOW. Mr. President, I had no intention whatsoever to rise to speak on the floor of this Senate with regard to the Governor's budget presentation. I had the opportunity to participate in a news conference about 2 hours ago and tried to the best of my ability to present our position. Last evening I had the opportunity of also doing a rebuttal to what we believed to be the Governor's budget, based on fact and based on principle of what we thought the Governor might say. So I had no intent whatsoever, Mr. President, to rise this afternoon to talk either in favor of or to critique the 1998-99 spending plan that was given to us by Governor Ridge earlier today.

One of the areas that I did feel a bit uncomfortable with was the way Governor Ridge opened up his statement, and his first paragraph in the statement talks about how Pennsylvania,

once the beacon, now has become a fading light: "Worn by weather, tarnished by time -- our 'Commonwealth' had lost her luster." Well, Mr. President, that was very hard for me to take as I sat in the well of the House, and I looked across, not at Governor Ridge but at Auditor General Bob Casey, Jr., because as I looked across at Auditor General Bob Casey, Jr., I can only reflect upon the many things that did take place over the 8 years that Governor Casey was Governor.

And I can then reflect back as to what took place in the fiscal year of 1995 when in February of 1995 Governor Ridge delivered a budget address to the people of Pennsylvania, the same way he did today, and in that address by the Governor he substantially reduced corporate taxes. He inherited a surplus, Mr. President, of some \$500-plus million, acknowledged by the Casey administration when Governor Casey left office in January of 1995. It was not acknowledged today, Mr. President, by anyone in this Chamber, nor was it acknowledged by Governor Ridge as he made his presentation.

And the reason why I had to take to the microphone was because of some of the things that were said by the previous speaker. I think the discussion and the debate by Senator Loeper and Senator Jubelirer were to the point. They got their point across about what they feel to be their philosophical beliefs and what the budget represents. I think Senator Wagner talked about what our philosophical beliefs are and what we represent about how we think it is equally as important to cut business taxes as it is to cut personal income taxes.

But then when I heard the last speaker, his ideology and philosophy was mind-boggling because he talked about the rising tide raises all boats. The thing he did not say was that a falling tide drops those boats, and the falling tide took place during the administration of President Bush. And I do not have any argument nor do I mean to discredit President Bush, and the rising tide is taking place because of the policies that have been initiated by President Clinton. But that is Washington, Mr. President, and this is Pennsylvania, and I think we should separate the two to the best of our ability.

The Senator also talked at length about the number of jobs that were lost during that Casey administration. I have to question whether he was trying to impugn the motives and the abilities and the policies of the Casey administration, because if memory serves me properly, the 1989 budget that was referred to by the previous speaker, the 1990 budget that was referred to by the previous speaker when he talked about increasing and spending more money on new programs, if I am not mistaken, they were all passed on a bipartisan basis, and I do not know exactly how the previous speaker voted, but I would have to believe that since he was a member of the Republican leadership at the time, he probably also voted for those proposals.

Mr. President, the truth is that since this administration has taken office, and I did not want to talk about these things, but it is important that now we do since it has been opened, 105 companies in Pennsylvania have gone out of business. I can share them with the Members, if they would like. I do not know if it is all that important for me to read them because we have talked about this over and over. Those 105 companies,

Mr. President, have brought about a job loss in Pennsylvania, in most cases good jobs, of 46,144. The last facility that closed in Pennsylvania that we have the record of was December 5, 1997. As we talk here today, just about 2 months ago, Mr. President, that is when we have the records of the update of when the last business closed in Pennsylvania, and that business happened to be in Westmoreland County. And I am sure that if we would look over the last 2 months, this figure of 46,144 has now probably increased.

The thing that we should be talking about today, Mr. President, is what is taking place in the budget. It is quite obvious that part of the budget presentation today was meant for the electronic media. Those people who will watch the budget on PCN tonight or possibly even this afternoon are those who will watch the presentation on public television, or why would we have had a video of individuals of a corporation in Tioga County that has employed 150-some-odd people, I believe, over the last 8 or 9 years? Why would we have selected one particular area in rural Pennsylvania at the expense of some other area, perhaps in Erie, Pennsylvania, where the Governor comes from?

And is it not just incredible how we would take a public school in west Philadelphia, where the Governor then would have a teacher and two young students talk about Link-to-Learn and about computerization, and we all support those programs. The Link-to-Learn program was initiated when Tom Ridge was not in Harrisburg. Should he take credit for that? He should take credit only for the additional amount of funding that he has made available for the project. Should he take credit for that project? The answer there is no.

Governor Ridge then went on further with, I am sure, the Madison Avenue type of discussion that probably took place all with the view on what is going to happen in November of this year in a gubernatorial election, and I think the previous speaker kind of hinted to that, and he also put the speech on the Internet. And that is also great, because if you have aspirations beyond the boundaries of Pennsylvania, you should be advertising outside of Pennsylvania. I have seen over and over in publications and on television where I live, in northeastern Pennsylvania, not on cable but on network television, the ads that are paid for by tax dollars promoting the programs in Pennsylvania to attract business. And I have asked myself many times, well, why are Governor Ridge and the taxpayers of Pennsylvania paying to have these ads shown in Pennsylvania? Are we trying to get a business to move from Lackawanna County to Luzerne County, or from Mercer County to Erie County, or from Bucks County to Montgomery County, or are we trying to entice businesses that are not in Pennsylvania and tell them how good it is to do business in Pennsylvania and relocate here? Or is the reason for the advertising basically the type of advertising that you would use during a political campaign? Is it to sell Governor Ridge in Pennsylvania, or is it to sell the policies of the Ridge administration outside of Pennsylvania?

And, Mr. President, there are some positive things, I believe, that the Governor addressed in the budget, things that we have been working on for many years. The Children's Health

Insurance Program. For those of you who have only been in the Senate for a few years, you would not have the institutional memory of recalling what took place on that November night in 1992 when the Democratic Party had the opportunity of taking control of this Senate and the Republican Party in Pennsylvania had stymied a proposal that was introduced by Governor Casey in his budget message, and the budget message was, let us institute a program to guarantee that every child at that point from the day of birth to the age of 6 would have coverage if in fact that child needed health benefits and their family did not qualify for health benefits at the place of employment. And it languished in here for 18 months. We could not get the bill considered until that evening when the Democrats took control. We took control, and that bill was passed before we adjourned the Session that particular evening.

Governor Ridge talks today about the CHIP program and how much more money is being made available for the children of Pennsylvania. I think he is to be congratulated for that because if we are going to do one thing to protect the integrity of our Commonwealth and one thing to improve and continue to build on our greatest natural resource - our children - then we have to provide the proper type of health care for them.

But we also have to provide for the proper type of education for those children. I heard the Governor trumpet his \$200 million today, and I heard him talk about the Link-to-Learn in that school in west Philadelphia, but I did not hear the Governor talk about the reduction of class sizes. Every educator in this Commonwealth, whether a private educator or a public educator or an individual who is working in higher education, will tell you that if you reduce the size of the classroom in the Commonwealth at an early age, you will drastically improve the quality of education. So the Governor talked about 35,000 teachers who would have the opportunity to advance some of his programs, but not once did he talk about the fact that the important part of reducing or increasing the quality of education would be to reduce the class size.

And finally, Mr. President, when we are in a position where we are spending a percentage of more new money on incarceration than we are on education, then there is something blatantly wrong with what is happening in Pennsylvania. And okay, Senator Brightbill talked about and he pointed his finger, and remember, anytime you point your finger at someone, you are pointing three fingers back at you. He pointed his finger and said, your side of the aisle wants to reduce taxes by one-tenth of 1 percent, and I believe he said for Members of this General Assembly that will mean a \$57 tax reduction per year, and I think he also said that for the average family it would mean about \$40 savings of taxes per year.

But the thing that he did not tell you, Mr. President, is that because of failed policies and those failed policies of this administration, local taxes for the individual taxpayer have risen dramatically. They have risen dramatically at the municipal level, they have risen dramatically in the cities in Pennsylvania, and Lord knows, what has taken place to continue the proper type of education for our children.

So do I share the same beliefs that Senator Brightbill shares? Probably not. I do share some of the beliefs that Sena-

tor Loeper and Senator Jubelirer talked about, and I completely share in the belief that was suggested to us by Senator Wagner. We have a lot of work to do in Pennsylvania. We have forgotten about a lot of people. We have taken the senior citizen population in Pennsylvania and we have ignored them. The Governor did not address the problem with the PACE program. We are sitting on a \$77 million surplus in PACE. We have thousands of senior citizens today who qualified for PACE several years ago, but because of a cost-of-living increase in Social Security, they no longer qualify for PACE, and we have not addressed the issue. We are not doing our job to address those issues.

We have not addressed the issue about what is happening with managed care. Talk to people outside of this building in your constituency groups. Ask them what one of their greatest fears may be, and one of their greatest fears is losing their job. Their second greatest fear is not having the proper type of medical coverage to take care of any medical emergency that might in fact affect their family.

So, Mr. President, there is a lot of work that we must do. There is a lot of time that we should have for discussion, but as it was reported just a few moments ago by the previous speaker that the Republicans in this Senate are opposed to reduction in personal income tax, is it not ironic that today is the 85th anniversary of the Federal income tax, or the 16th amendment to the Constitution. That was in 1913. And the only reduction in income tax that middle class Pennsylvania taxpayers have received is that which was given to them under the Casey administration. Under the Ridge administration, Mr. President, each one of these individuals over the past 3 years has had to pay more in taxes, more in gas tax, more in increasing the registration of motor vehicles, and more in local taxes. This is not what we are here to do. We are here to represent the 12 million people, all the 12 million people, Mr. President, who live in Pennsylvania, and the important thing for us is to meet the needs of the family and not the greed of corporations.

Thank you very much.

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

Senator HART. Mr. President, I rise to commend the Governor, and I agree with what the gentleman from Lebanon described as an excellent, very focused speech regarding the budget for the Commonwealth of Pennsylvania. As we all know, Mr. President, the budget is the time of year that we just put into place the things that we see as priorities, which we believe that the people in our districts think we ought to spend the money on that they give us, that they entrust to us.

Mr. President, I rise to commend the Governor on a lot of issues, but mostly the way he has tied together the importance of a strong economy in rebuilding strong families in the Commonwealth. In one issue that he specifically referred to, Mr. President, he said, and I quote, "Send me a Parental Bill of Rights -- one that respects parents and their decisions to on how to raise their children."

Mr. President, I am the prime sponsor in the Senate of a Parental Bill of Rights, Senate Bill No. 1217. That message that the Governor sent to me and to my colleagues here in the

Senate today leads me to believe that that is an issue we ought to pursue. Mr. President, we have seen, unfortunately, too many instances in this Commonwealth where students have had their privacy rights violated, families have had their privacy rights violated, and it is high time that we put into law rules as to what the schools can do, what school administrators, counselors, and physicians can and cannot do without the permission or notification of families. Mr. President, the legislation would require informed consent of a parent or guardian before any student records can be released. It prohibits questionnaires that delve into the private information of a family. It entitles parents to inspect all of the instructional materials and several other things that are very important and should remain in the realm of family and parental decisions. It should not get into the public sector and not into our schools.

Mr. President, the Governor outlined many things that were very important: the importance of a focus on education and training for both our young people and our adults to make sure that people in the Commonwealth who are educated here as young people will be able to find work here as adults, will be able to stay here, raise their families here.

And I disagree with the gentleman from Lackawanna, the example he brought forward of a startup company in Tioga County, with family-sustaining high-tech jobs, something that people never would have expected to see there, is important. It goes to show us here in the Commonwealth that we do have the strength, whether we are in Philadelphia or Tioga, whether we are in Warren or Fayette Counties. We have the strength and the abilities here, and we should have the opportunity to do what we want to do, to be entrepreneurs, as those people are in Tioga County.

Mr. President, I believe that strengthening our families with the parental rights legislation, giving more money to education, working toward job training for people who are on welfare are all parts of the puzzle, and I think the Governor articulated them all very well today to show a bright vision for opportunity for the future in Pennsylvania so everyone, no matter where you live, can accomplish what you should be able to do to reach your potential, and part of that is strengthening our families.

Thank you, Mr. President.

### RECESS

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

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

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

Senator MELLOW. Mr. President, I would likewise request the Democratic Members to report to our caucus room immediately.

The PRESIDENT. For purposes of Republican and Democratic caucuses, as specified by the respective leaders, with the

intention of returning at approximately 4 p.m., this Senate stands in recess.

### AFTER RECESS

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

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

### CONSIDERATION OF CALENDAR RESUMED

#### BILL ON CONCURRENCE IN HOUSE AMENDMENTS

#### BILL OVER IN ORDER

SB 492 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

### THIRD CONSIDERATION CALENDAR

#### BILL REREPORTED FROM COMMITTEE AS AMENDED ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 14 (Pr. No. 2851) — The Senate proceeded to consideration of the bill, entitled:

An Act regulating the check-cashing industry; providing for the licensing of check cashers, for additional duties of the Department of Banking and for certain terms and conditions of the business of check cashing; and providing penalties for money-laundering activities and violations of the act.

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?

### LEGISLATIVE LEAVE

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Indiana, Senator Stapleton.

Senator STAPLETON. Mr. President, I request a temporary Capitol leave for Senator O'Pake.

The PRESIDENT pro tempore. Senator Stapleton requests a temporary Capitol leave for Senator O'Pake. 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-49

Afflerbach	Greenleaf	Mowery	Tartaglione
Armstrong	Hart	Murphy	Thompson
Belan	Holl	Musto	Tilghman
Bell	Hughes	O'Pake	Tomlinson
Bodack	Jubelirer	Piccola	Uliana

Brightbill	Kasunic	Punt	Wagner
Conti	Kitchen	Rhoades	Wenger
Corman	Kukovich	Robbins	White
Costa	LaValle	Salvatore	Williams
Delp	Lemmond	Schwartz	Wozniak
Earl	Loeper	Slocum	
Fumo	Madigan	Stapleton	
Gerlach	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 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.

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

**SB 926** -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL OVER IN ORDER

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

BILL LAID ON THE TABLE

**HB 80 (Pr. No. 2620)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of unauthorized school bus entry.

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

**HB 109 (Pr. No. 2852)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further defining "permanent resident"; and authorizing counties to make appropriations to municipal corporations for disaster or emergency aid.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEA-49

Afflerbach	Greenleaf	Mowery	Tartaglione
Armstrong	Hart	Murphy	Thompson
Belan	Holl	Musto	Tilghman

Bell	Hughes	O'Pake	Tomlinson
Bodack	Jubelirer	Piccola	Uliana
Brightbill	Kasunic	Punt	Wagner
Conti	Kitchen	Rhoades	Wenger
Corman	Kukovich	Robbins	White
Costa	LaValle	Salvatore	Williams
Delp	Lemmond	Schwartz	Wozniak
Earl	Loeper	Slocum	
Fumo	Madigan	Stapleton	
Gerlach	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 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.

BILLS LAID ON THE TABLE

**SB 157 (Pr. No. 152)** -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for administration of oaths of office to legislators.

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

**SB 212 (Pr. No. 1473)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing immunity for employers who disclose certain information regarding current or former employees.

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

BILL AMENDED

**HB 911 (Pr. No. 2562)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 9, 1990 (P.L.340, No.78), known as the Public Safety Emergency Telephone Act, further providing for definitions, for the powers and duties of the Pennsylvania Emergency Management Agency and the Pennsylvania Public Utility Commission, for county plans, for training, for telephone records, for rules and regulations and for expenditures for mobile communications equipment; and providing for immunity.

On the question,

Will the Senate agree to the bill on third consideration?

Senator LOEPER offered the following amendment No. A0236:

Amend Sec. 2 (Sec. 3), page 4, lines 20 and 22, by inserting a bracket before "for" where it appears the second time in line 20 and after "regulations" in line 22

Amend Sec. 2 (Sec. 3), page 4, line 23, by inserting after "Guidelines": and rules and regulations

Amend Sec. 2 (Sec. 3), page 5, by inserting after line 30:

(11) To prescribe, in cooperation with the council and the commission, such applications and forms as may be necessary to carry out the provisions of this act.

(12) To take all actions necessary to implement, administer and enforce the provisions of this act.

Amend Sec. 2 (Sec. 11), page 13, line 11, by inserting a bracket before "Section"

Amend Sec. 2 (Sec. 11), page 13, line 12, by striking out the bracket before "department"

Amend Sec. 2 (Sec. 11), page 13, line 12, by striking out "]" agency"

Amend Sec. 2 (Sec. 11), page 13, line 15, by inserting a bracket after "act."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

Senator MELLOW offered the following amendment No. A0467:

Amend Sec. 2 (Sec. 5), page 9, line 27, by inserting brackets before and after "60" and inserting immediately thereafter: 90

Amend Sec. 3 (Sec. 11.1), page 13, lines 20 and 21, by striking out "(relating to judiciary and judicial procedure)." and inserting: Ch. 85 Subch. C (relating to actions against local parties).

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.

#### BILL OVER IN ORDER

**SB 950** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### BILL LAID ON THE TABLE

**SB 962 (Pr. No. 1609)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of November 17, 1982 (P.L.676, No.192), entitled Manufactured Housing Construction and Safety Standards Authorization Act, adding definitions; providing for installation of manufactured homes; establishing additional fees; and establishing the Industrialized Housing Account.

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

#### BILL OVER IN ORDER

**SB 1013** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

#### BILL AMENDED

**HB 1048 (Pr. No. 2766)** — 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 subpoe-

na of medical records; providing for a limit on charges for reproducing medical charts or records; and further providing for rights of patients, for obtaining personal appearance of custodian of original charts, for obtaining production of original medical records and for exemption from attachment of retirement funds and accounts.

On the question,

Will the Senate agree to the bill on third consideration?

Senator WENGER offered the following amendment No. A0221:

Amend Sec. 3, page 5, line 14, by striking out ", 6159 AND 8124(B)(1)(IX)" and inserting: and 6159

Amend Bill, page 7, by inserting between lines 3 and 4:

Section 4. Title 42 is amended by adding a section to read:

#### § 6160. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Insurer." A foreign or domestic insurance company, association or exchange holding a certificate of authority under the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, a health maintenance organization holding a certificate of authority under the act of December 29, 1972 (P.L.1701, No.364), known as the Health Maintenance Organization Act, a hospital plan organization holding a certificate of authority under 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations), a professional health services plan corporation holding a certificate of authority under 40 Pa.C.S. Ch. 63 (relating to professional health services plan corporations), a fraternal benefit society holding a certificate of authority under the act of December 14, 1992 (P.L.835, No.134), known as the Fraternal Benefit Societies Code, or a risk-assuming preferred provider organization operating pursuant to section 630 of The Insurance Company Law of 1921.

Section 5. Section 8124(b)(1)(ix) of Title 42 is amended to read:

Amend Sec. 4, page 8, line 2, by striking out "4" and inserting:

6

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

#### BILLS OVER IN ORDER

**HB 1111, HB 1113 and HB 1114** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

#### BILL AMENDED

**HB 1116 (Pr. No. 1262)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 11, 1949 (P.L.1076, No.311), entitled "An act authorizing the recording, copying and recopying, of documents, plats, papers, written instruments, records and books on file or of record, and the replacement and certification of originals previously filed and of record, by officers of counties of the first class and of cities of the first class, by photostatic, photographic, microphotographic, microfilm, or other mechanical process; relating to the effect and use of such copies, records, reproductions, replacements and transcripts, or certified copies thereof, and providing for additional methods for revision of and entries to be made on originals and copies so produced or replaced," further providing for additional methods for the recording, copying and maintenance of records.

On the question,

Will the Senate agree to the bill on third consideration?

Senator MELLOW, on behalf of Senator FUMO, offered the following amendment No. A0341:

Amend Title, page 1, line 14, by removing the period after "records" and inserting: ; and providing for an additional fee.

Amend Bill, page 2, line 29, by striking out all of said line and inserting:

Section 2. The act is amended by adding a section to read:

Section 1.1. In addition to any other fee provided by law, including any fee set by local ordinance, a fee in the amount of \$2 shall be charged and collected for each document recorded by the recorder of deeds or equivalent officer of any city or county of the first class. Fees collected pursuant to this section shall be paid into the general fund of such city or county for appropriation solely to the office of the recorder of deeds or equivalent officer of any city or county of the first class to be used, in accordance with regular budgeting, contracting and procurement practices, to support development and improvement of office records management activities and systems in the office of the recorder of deeds or in its equivalent. Amounts so appropriated shall not be used to substitute any allocations of general fund revenues for the operation of the recorder's office.

Section 3. This act shall take effect April 1, 1998.

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.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1175 (Pr. No. 1638) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, further providing for planned communities.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEA-49

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

Fumo	Madigan	Stapleton
Gerlach	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.

BILL OVER IN ORDER

HB 1272 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1495 (Pr. No. 2829) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to sell and convey to James E. Hedglin and Cheryl Hedglin, husband and wife, certain surplus land situate in Sandy Creek Township, Venango County, Pennsylvania; authorizing and directing the Department of General Services, with the approval of the Department of Environmental Protection and the Governor, to sell and convey to Marc G. and Susan K. Springman, certain land situate in Old Lycoming Township, Lycoming County, Pennsylvania; and authorizing the Department of General Services, with the approval of the Governor and the Commissioner of the Pennsylvania State Police, to sell and convey to B.D. and D. Associates certain land situate in the City of Bethlehem.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEA-49

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

**HB 1764 (Pr. No. 2189)** — The Senate proceeded to consideration of the bill, entitled:

An Act repealing the act of May 8, 1889 (P.L.125, No.138), entitled "An act providing for the paving and curbing of such portions of Third street, Fourth street, Walnut street and North street in the City of Harrisburg, as the Public Grounds of the Commonwealth abut on, as is properly chargeable to the State, and making appropriation for the cost of the same."

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	Greenleaf	Mowery	Tartaglione
Armstrong	Hart	Murphy	Thompson
Belan	Holl	Musto	Tilghman
Bell	Hughes	O'Pake	Tomlinson
Bodack	Jubelirer	Piccola	Uliana
Brightbill	Kasunic	Punt	Wagner
Conti	Kitchen	Rhoades	Wenger
Corman	Kukovich	Robbins	White
Costa	LaValle	Salvatore	Williams
Delp	Lemmond	Schwartz	Wozniak
Earl	Loeper	Slocum	
Fumo	Madigan	Stapleton	
Gerlach	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 return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

**BILL OVER IN ORDER**

**HB 1765** — Without objection, the bill 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 1163** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

**BILLS OVER IN ORDER**

**SB 252, HB 1189, SB 1195 and SB 1202** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

**BILL ON SECOND CONSIDERATION**

**HB 1291 (Pr. No. 2407)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 14, 1982 (P.L.1227, No.281), known as the Architects Licensure Law, adding definitions; further providing for firm practice, for permitted practices and for unauthorized practice; and making editorial changes.

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

**BILL OVER IN ORDER**

**HB 1757** — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

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

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**HB 911 (Pr. No. 2877)** — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 9, 1990 (P.L.340, No.78), known as the Public Safety Emergency Telephone Act, further providing for definitions, for the powers and duties of the Pennsylvania Emergency Management Agency and the Pennsylvania Public Utility Commission, for county plans, for training, for telephone records, for rules and regulations and for expenditures for mobile communications equipment; and providing for immunity.

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 pro tempore. The Chair recognizes the gentleman from Bucks, Senator Conti.

Senator CONTI. Mr. President, I rise to submit the following remarks for the record on the final passage of House Bill No. 911.

The PRESIDENT pro tempore. The comments will be submitted for the record.

*(The following remarks were made a part of the record at the request of the gentleman from Bucks, Senator CONTI:)*

Recent FCC order requires wireless carriers to be able to identify the location of 911 callers. This technology needs to be in place no later than October 1, 2001.

This bill removes one of the roadblocks identified by the wireless carriers to improve public safety via implementation of the FCC order.

I support efforts to implement this public safety technology throughout the Commonwealth prior to the 2001 mandate.

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

Senator SCHWARTZ. Mr. President, I did want to just lend my support and appreciation for this legislation. There are a number of aspects of this legislation, but one part of the legislation in particular addresses the issue of quality and training for dispatchers of 911. Those of us who live in communities,

and many of us do, that have 911 systems rely on the fact that those dispatchers will not only be able to take our phone calls but will be able to make the right kinds of judgments to assure that in an emergency situation we will get the kind of response we need from 911.

There was a tragedy that occurred in my district in the Fox Chase area where a teenager was brutally killed. The Polecs, in response to that, not only had to deal with their own personal grief within their family, but they have taken on very much the mission of making sure that the 911 system in Philadelphia, and now across the Commonwealth, would really be able to assure other parents and other families that 911 would be more responsive in the future so that kind of tragedy would not happen again.

So on behalf of the Polec family that has really been devoted to this cause and continues to speak out for more community responsiveness and cooperation with the police department, as well as with town watches and a number of other situations that can take place, and in the memory of Eddie Polec, I thank you for passing this legislation.

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

**COMMUNICATION FROM THE GOVERNOR  
TAKEN FROM THE TABLE**

Senator SALVATORE, by unanimous consent, called from the table communication from His Excellency, the Governor of the Commonwealth, recalling the following nomination, which was read by the Clerk as follows:

**MEMBER OF THE STATE BOARD  
OF COSMETOLOGY**

February 3, 1998

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated October 3, 1997 for the appointment of Sandra Evans, 5416 Wyndale Avenue, Philadelphia 19193, Philadelphia County, Seventh Senatorial District, as a member of the State Board of Cosmetology, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Malcolm W. Bonawits, Pocono Manor, whose term expired.

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

THOMAS J. RIDGE  
Governor

**NOMINATION RETURNED TO THE GOVERNOR**

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

The motion was agreed to.

The PRESIDENT pro tempore. The nomination will be returned to the Governor.

**EXECUTIVE NOMINATIONS**

**EXECUTIVE SESSION**

Motion was made by Senator SALVATORE,

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

Which was agreed to.

**NOMINATIONS TAKEN FROM THE TABLE**

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

The Clerk read the nominations as follows:

**MEMBER OF THE STATE BOARD OF  
OCCUPATIONAL THERAPY EDUCATION  
AND LICENSURE**

November 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, John F. Yaninek, Esquire, 1700 Mountainview Road, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the State Board of Occupational Therapy Education and Licensure, to serve for a term of three years and until his successor is appointed and qualified, vice Helen Kauffman, Bernville, deceased.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE STATE BOARD  
OF PHARMACY**

December 8, 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, Paul J. Miller (Public Member), 49 Hearthsides Road, Aston 19014, Delaware County, Ninth Senatorial District, for appointment as a member of the State Board of Pharmacy, to serve until February 2, 1999 or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Ethel S. Walker, Williamsport, resigned.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE STATE BOARD  
OF VETERINARY MEDICINE**

October 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, Mary D. Evans (Public Member), 1078 Squire Cheyney Drive, West Chester 19382, Chester County, Ninth Senatorial District, for appointment as a member of the State Board of Veterinary Medicine, to serve for a term of four years or until her successor is appointed and qualified, but not longer than six months beyond that period, vice Dean C. Rishel, Spring Mills, whose term expired.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE LACKAWANNA COUNTY  
BOARD OF ASSISTANCE**

January 7, 1998

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, Frank C. Grecco (Republican), 59 Green Street, Carbondale 18407, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the Lackawanna County Board of Assistance, to serve until December 31, 2000, and until his successor is appointed and qualified.

THOMAS J. RIDGE  
Governor

**MEMBER OF THE MONTOUR COUNTY  
BOARD OF ASSISTANCE**

January 5, 1998

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, Judith A. Fausey (Democrat), 85 Valley West Road, Danville 17821, Montour County, Twenty-seventh Senatorial District, for appointment as a member of the Montour County Board of Assistance, to serve until December 31, 2000,

and until her successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE  
Governor

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

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

**YEA-49**

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

**NAY-0**

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

Ordered, That the Governor be informed accordingly.

**EXECUTIVE SESSION RISES**

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

The motion was agreed to.

**RECONSIDERATION OF REREFERRAL OF HB 656**

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

Senator BODACK. Mr. President, I rise to request a reconsideration of the vote by which House Bill No. 656 was rereferred to the Senate Committee on Rules and Executive Nominations.

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

Senator LOEPER. Mr. President, did the gentleman just make a request or put it in the form of a motion for reconsideration?

The PRESIDENT pro tempore. Well, that is what I asked the Parliamentarian, whether it was a request or a motion, and we have a difference of opinion up here.

Senator Bodack, would you put it in the form of a motion?

Senator BODACK. Mr. President, I move to reconsider the vote by which House Bill No. 656 was sent to the Committee on Rules and Executive Nominations today.

The PRESIDENT pro tempore. Senator Bodack moves that the Senate reconsider the vote by which House Bill No. 656 was rereferred to committee today. I believe that was the motion. Am I correct?

On the question,

Will the Senate agree to the motion?

The PRESIDENT pro tempore. Senator Loeper, do you wish to be recognized?

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

The PRESIDENT pro tempore. The Senate will be at ease. (The Senate was at ease.)

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

Senator LOEPER. Mr. President, I do not oppose Senator Bodack's motion to reconsider the vote by which that bill was rereferred to the Committee on Rules and Executive Nominations.

The PRESIDENT pro tempore. The first vote, and there will be two votes, I gather, is the motion to reconsider, and that is the only vote before the Senate at this time. Senator Bodack's motion is to reconsider.

And the question recurring,

Will the Senate agree to the motion?

The motion was agreed to.

#### BILL REREFERRED

The PRESIDENT pro tempore. The body now has before it the motion to rerefer House Bill No. 656 to the Committee on Rules and Executive Nominations.

On the question,

Will the Senate agree to the motion to rerefer House Bill No. 656 to the Committee on Rules and Executive Nominations?

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

Senator BODACK. Mr. President, I rise to oppose the motion to rerefer.

To me, House Bill No. 656 is a very important piece of legislation, as I am sure it is to many people in this body if they are aware of what it contains. Earlier today that bill was reported from the Senate Committee on Banking and Insurance and then, very abruptly, and that is why I missed it earlier in the day, was rereferred to the Senate Committee on Rules and Executive Nominations. This legislation, I feel, should not have been sidetracked, because it provides comprehensive insurance coverage to help diabetics, and it has nothing to do with the Senate Rules and has nothing to do with executive nominations.

Mr. President, we have an estimated 1.1 million diabetics in Pennsylvania, and they control their disease by using various methods and devices. A real byproduct of this proposal is that--

#### POINT OF ORDER

Senator LOEPER. Point of order, Mr. President.

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

Senator LOEPER. Mr. President, I raise the point of order that I believe that the debate is limited as to the referral and not the merits of the issue before the body.

The PRESIDENT pro tempore. The gentleman is correct. Senator Bodack, stick to the referral and not the merits.

Senator BODACK. Mr. President, the point is well-taken, and I would respectfully request that this tradition of a motion to reconsider the vote by which something was approved or not approved be honored, and I would like to see that we do honor it in this case and do not rerefer the bill because of its importance.

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

Senator LOEPER. Mr. President, I was just going to simply indicate for the record that it was a unanimous bipartisan vote of the Committee on Banking and Insurance today that recommended the rereference of this bill to the Committee on Rules and Executive Nominations for the purpose of securing a note from the Health Care Cost Containment Council as to the impact of this proposal, along with an additional proposal. Therefore, Mr. President, I would request that the rereference stand as originally the action taken by this body.

The PRESIDENT pro tempore. The motion is to send the bill to the Committee on Rules and Executive Nominations. That is the motion that we have before the body. I want to make sure.

#### LEGISLATIVE LEAVES

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

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Fumo, Senator Stout, and Senator Hughes.

The PRESIDENT pro tempore. Senator Mellow requests temporary Capitol leaves for Senator Fumo, Senator Stout, and Senator Hughes. Without objection, those leaves are granted.

The Chair recognizes the gentleman from Delaware, Senator Loeper.

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

The PRESIDENT pro tempore. Senator Loeper requests a temporary Capitol leave for Senator Gerlach. There being no objection, that leave will be granted.

And the question recurring,

Will the Senate agree to the motion to rerefer House Bill No. 656 to the Committee on Rules and Executive Nominations?

The PRESIDENT pro tempore. On the motion, an "aye" vote sends the bill to committee; a "no" vote does not.

And the question recurring,

Will the Senate agree to the motion to rerefer House Bill No. 656 to the Committee on Rules and Executive Nominations?

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

## YEA-29

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

## NAY-20

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

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

The PRESIDENT pro tempore. The bill will be rereferred to the Committee on Rules and Executive Nominations.

### UNFINISHED BUSINESS SENATE RESOLUTION ADOPTED

Senators MADIGAN, O'PAKE, TILGHMAN, LEMMOND, HART, MURPHY, THOMPSON, SLOCUM, TOMLINSON, CONTI, MOWERY, WHITE, GERLACH, GREENLEAF, ROBBINS, BRIGHTBILL, LOEPER, WENGER, JUBELIRER, CORMAN, SALVATORE, BELL, EARLL, RHOADES, DELP, HELFRICK, HOLL, PICCOLA, PUNT, ULIANA, AFFLERBACH, BELAN, TARTAGLIONE, KUKOVICH, LAVALLE, COSTA, SCHWARTZ, STAPLETON, FUMO, KASUNIC, WILLIAMS, KITCHEN, STOUT, MELLOW, BODACK, MUSTO, WAGNER, WOZNIAK and HUGHES, by unanimous consent, offered **Senate Resolution No. 121**, entitled:

A Resolution declaring the week of March 15 through 21, 1998, as "Emergency Service Providers Week" in Pennsylvania.

Which was read, considered and adopted.

### CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. Ira Styer and to Mr. and Mrs. Karl Brubaker by Senator Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. William Pushkar, Brett Russell Geiger, Will D. Jones and to James E. Sillcox by Senator Bell.

Congratulations of the Senate were extended to Nicole Flego and to Irvin Sigler by Senator Conti.

Congratulations of the Senate were extended to David Armstrong and to Mike Pettine by Senators Conti and Greenleaf.

Congratulations of the Senate were extended to Robert D. Lynch by Senator Corman.

Congratulations of the Senate were extended to Mr. and Mrs. Jacob Kern, Mr. and Mrs. Joseph Tarankus, Matthew S. Beck, Matthew Joseph Stanton and to WISL Radio of Shamokin by Senator Helfrick.

Congratulations of the Senate were extended to James J. Mullaly, Jr., by Senator Holl.

Congratulations of the Senate were extended to Latrobe Hospital by Senator Kukovich.

Congratulations of the Senate were extended to Mary Snyder, Matthew T. Kasson and to the Westmoreland Club of Wilkes-Barre by Senator Lemmond.

Congratulations of the Senate were extended to Mr. and Mrs. Donald Deats, Jr., Mr. and Mrs. Harry Whipple and to the Greater Valley Emergency Medical Services, Inc., of Sayre by Senator Madigan.

Congratulations of the Senate were extended to Sister Mary Rep by Senator Mellow.

Congratulations of the Senate were extended to the Transfer Volunteer Fire Department by Senator Robbins.

Congratulations of the Senate were extended to Timothy C. Karabin and to Daniel Opila by Senator Thompson.

Congratulations of the Senate were extended to UGI Utilities, Inc., of Reading by Senator Uliana.

### CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Alexander J. Altieri and to the family of the late G. F. Kolb by Senator Afflerbach.

Condolences of the Senate were extended to the family of the late K. Paul Muench by Senator Piccola.

### BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

**SB 636, SB 1259 and SB 1261.**

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

### BILLS SIGNED

The PRESIDENT pro tempore (Robert C. Jubelirer) in the presence of the Senate signed the following bills:

**HB 440 and HB 909.**

**ANNOUNCEMENTS BY THE SECRETARY**

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

**SENATE OF PENNSYLVANIA****COMMITTEE MEETINGS****WEDNESDAY, FEBRUARY 4, 1998**

9:30 A.M.	LABOR AND INDUSTRY (to consider Senate Bills No. 568, 698, 963 and 1278) <b>CANCELLED</b>	Rules Cmte. Conf. Rm.
10:30 A.M.	LAW AND JUSTICE (to consider House Bill No. 985)	Room 8E-A East Wing

**ADJOURNMENT**

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Wednesday, February 4, 1998, at 11 a.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 4:50 p.m., Eastern Standard Time.