

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

MONDAY, MARCH 30, 1998

SESSION OF 1998

182ND OF THE GENERAL ASSEMBLY

No. 22

SENATE

MONDAY, March 30, 1998

The Senate met at 2 p.m., Eastern Standard Time.

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

PRAYER

The Chaplain, Pastor JOY KAUFFMAN, of Market Square Presbyterian Church, Harrisburg, offered the following prayer:

Let us pray.

Almighty God, we thank You for this day and for the gifts of life and health with which to enjoy it. We thank You for these persons who are willing to serve our Commonwealth in many and various ways, and we recognize that You have blessed us with a State full of natural and human resources. For these we are grateful and give You thanks.

We offer up our sorrow today with the families and friends of the 11 young persons who recently died in the cabin fire in Centre County. We ask that you would comfort all those who mourn and help them to continue their lives with hope for the future.

As decisions come before this Senate, we ask that You would grant these legislators wisdom beyond all human wisdom, clarity of vision as they look to the future, and the continued patience, courage, and good humor it takes to serve their constituents wisely and well. We pray that You would use their similarities to make our State stronger, their differences to clarify positions adopted into law, and their mutual conviction to serve this Commonwealth and its citizens to good purpose.

This we pray with gratitude for the freedoms we have. Amen.

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

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of March 25, 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.

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS REFERRED TO COMMITTEE

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

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

March 26, 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, William L. Hollen (Republican), 591 Main Street, Coalport 16627, Clearfield County, Thirty-fifth Senatorial District, for appointment as a member of the Clearfield County Board of Assistance, to serve until December 31, 2000, and until his successor is appointed and qualified, to add to complement.

THOMAS J. RIDGE
Governor

**MEMBER OF THE LYCOMING COUNTY
BOARD OF ASSISTANCE**

March 26, 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, John F. Aderhold (Independent), R. R. #2, Box 235, Williamsport 17701, Lycoming County, Twenty-third Senatorial District, for appointment as a member of the Lycoming County Board of Assistance, to serve until December 31, 1998, and until his successor is appointed and qualified, vice Evelyn Hand, Williamsport, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE
TRANSPORTATION COMMISSION**

March 30, 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, Frederic M. Wentz, Esquire, 1639 Monk Road, Gladwyne 19035, Montgomery County, Seven-

teenth Senatorial District, for reappointment as a member of the State Transportation Commission, to serve for a term of six years and until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

DISTRICT JUSTICE

March 30, 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, Timothy M. Dougherty, 904 North Seventh Street, Wyomissing 19610, Berks County, Forty-eighth Senatorial District, for appointment as District Justice, in and for the County of Berks, Magisterial District 23-2-02, to serve until the first Monday of January 2000, vice John Dougherty, mandatory retirement.

THOMAS J. RIDGE
Governor

RECALL COMMUNICATIONS LAID ON THE TABLE

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

JUDGE, COURT OF COMMON PLEAS, SEVENTEENTH JUDICIAL DISTRICT

March 30, 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 November 26, 1997 for the appointment of Louise O. Knight, Esquire, R. D. #3, Box 316, Mifflinburg 17844, Union County, Twenty-third Senatorial District, as Judge of the Court of Common Pleas of the Seventeenth Judicial District, to serve until the first Monday of January 2000, vice The Honorable Wayne A. Bromfield, resigned.

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

THOMAS J. RIDGE
Governor

SHERIFF, WESTMORELAND COUNTY

March 30, 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 December 10, 1997 for the appointment of Gary L. Thistlethwaite, R. D. #2, Box 285F, Ligonier 15658, Westmoreland County, Thirty-second Senatorial District, as Sheriff, in and for the County of Westmoreland, to serve until the first Monday of January 2000, vice Gary Uhrin, resigned.

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

THOMAS J. RIDGE
Governor

BILLS INTRODUCED AND REFERRED

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

March 27, 1998

Senators MELLOW, MUSTO, O'PAKE, KASUNIC, STAPLETON, BELAN, COSTA, WAGNER, STOUT, WOZNIAK and RHOADES presented to the Chair **SB 1394**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the registration of dangerous drug offenders.

Which was committed to the Committee on JUDICIARY, March 27, 1998.

Senators AFFLERBACH, KASUNIC, MUSTO, COSTA, BELAN, THOMPSON, BELL, KUKOVICH and BODACK presented to the Chair **SB 1395**, entitled:

An Act requiring insurers to disclose medical conditions on which a denial of insurance coverage is based; and providing for civil actions.

Which was committed to the Committee on BANKING AND INSURANCE, March 27, 1998.

Senators ROBBINS, THOMPSON, STOUT and AFFLERBACH presented to the Chair **SB 1396**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further regulating confidentiality of Social Security information; and making a repeal.

Which was committed to the Committee on JUDICIARY, March 27, 1998.

Senators BELAN, BODACK, COSTA and TARTAGLIONE presented to the Chair **SB 1397**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for provisions relating to the electric utility industry.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, March 27, 1998.

RESOLUTION INTRODUCED AND REFERRED

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

March 27, 1998

Senators THOMPSON, HELFRICK, CORMAN, SALVATORE, BRIGHTBILL, WOZNIAK, KUKOVICH, WILLIAMS, CONTI, ROBBINS, LAVALLE, STOUT, COSTA,

O'PAKE, STAPLETON, LEMMOND, TILGHMAN, MADIGAN, SCHWARTZ, WAGNER, BELAN, RHOADES, WHITE, MELLOW, AFFLERBACH, GERLACH, BELL, EARLL, TOMLINSON, WENGER and HART presented to the Chair **SR 161**, entitled:

A Resolution designating April 1998 as "Pennsylvania Volunteer Appreciation Month."

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, March 27, 1998.

APPOINTMENT BY PRESIDENT PRO TEMPORE

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

Mr. Ronald A. Reidell, Sr., as a member of the Tuition Account Program Advisory Board.

REPORTS FROM COMMITTEE

Senator TILGHMAN, from the Committee on Appropriations, reported the following bills:

SB 1203 (Pr. No. 1794) (Rereported)

An Act amending the act of November 20, 1968 (P.L.1075, No.329), entitled Public Television Network System Law, providing for the Pennsylvania Public Television Network Commission's composition and members' terms.

SB 1311 (Pr. No. 1684) (Rereported)

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

SB 1312 (Pr. No. 1685) (Rereported)

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

SB 1313 (Pr. No. 1686) (Rereported)

A Supplement to the act of November 30, 1965 (P.L.843, No.355), entitled Temple University—Commonwealth Act, making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

SB 1314 (Pr. No. 1687) (Rereported)

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

SB 1315 (Pr. No. 1688) (Rereported)

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

SB 1316 (Pr. No. 1689) (Rereported)

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

SB 1317 (Pr. No. 1690) (Rereported)

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

SB 1318 (Pr. No. 1691) (Rereported)

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

SB 1319 (Pr. No. 1692) (Rereported)

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

SB 1320 (Pr. No. 1693) (Rereported)

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

SB 1321 (Pr. No. 1694) (Rereported)

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

SB 1322 (Pr. No. 1695) (Rereported)

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

SB 1323 (Pr. No. 1696) (Rereported)

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

SB 1324 (Pr. No. 1697) (Rereported)

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

SB 1325 (Pr. No. 1698) (Rereported)

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

SB 1326 (Pr. No. 1699) (Rereported)

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

SB 1327 (Pr. No. 1700) (Rereported)

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

SB 1328 (Pr. No. 1701) (Rereported)

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

SB 1329 (Pr. No. 1702) (Rereported)

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

SB 1330 (Pr. No. 1703) (Rereported)

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

SB 1331 (Pr. No. 1704) (Rereported)

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

SB 1332 (Pr. No. 1705) (Rereported)

An Act making an appropriation to the Lancaster Cleft Palate.

SB 1333 (Pr. No. 1706) (Rereported)

An Act making an appropriation to the Pittsburgh Cleft Palate.

SB 1334 (Pr. No. 1707) (Rereported)

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

SB 1335 (Pr. No. 1708) (Rereported)

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

SB 1336 (Pr. No. 1709) (Rereported)

An Act making an appropriation to The Children's Institute, Pittsburgh.

SB 1337 (Pr. No. 1710) (Rereported)

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

SB 1338 (Pr. No. 1711) (Rereported)

An Act making an appropriation to the Beacon Lodge Camp.

SB 1339 (Pr. No. 1712) (Rereported)

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

SB 1340 (Pr. No. 1713) (Rereported)

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

SB 1341 (Pr. No. 1714) (Rereported)

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

SB 1342 (Pr. No. 1715) (Rereported)

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

SB 1343 (Pr. No. 1716) (Rereported)

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

SB 1344 (Pr. No. 1717) (Rereported)

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

SB 1345 (Pr. No. 1718) (Rereported)

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

SB 1346 (Pr. No. 1719) (Rereported)

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

HB 162 (Pr. No. 3299) (Rereported)

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, providing for eligibility for special early retirement; and further providing for standards of compensation for employees of the Public School Employees' Retirement Board and the State Employees' Retirement Board.

HB 2358 (Pr. No. 3081)

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

HB 2359 (Pr. No. 3082)

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

HB 2360 (Pr. No. 3083)

A Supplement to the act of November 30, 1965 (PL.843, No.355), entitled "An act providing for the establishment and operation of Temple University as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; providing for preference to Pennsylvania residents in tuition; providing for public support and capital improvements; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the President to make an annual report of the operations of Temple University," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

HB 2361 (Pr. No. 3084)

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

HB 2366 (Pr. No. 3089)

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

HB 2367 (Pr. No. 3090)

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

HB 2368 (Pr. No. 3091)

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

HB 2369 (Pr. No. 3092)

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

HB 2370 (Pr. No. 3093)

An Act making an appropriation to the Lancaster Cleft Palate.

HB 2371 (Pr. No. 3094)

An Act making an appropriation to the Pittsburgh Cleft Palate.

HB 2372 (Pr. No. 3095)

An Act making an appropriation to The Children's Institute, Pittsburgh.

HB 2373 (Pr. No. 3096)

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

HB 2374 (Pr. No. 3097)

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

HB 2375 (Pr. No. 3098)

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

HB 2376 (Pr. No. 3099)

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

HB 2377 (Pr. No. 3100)

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

HB 2378 (Pr. No. 3101)

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

HB 2379 (Pr. No. 3102)

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

HB 2380 (Pr. No. 3103)

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

HB 2381 (Pr. No. 3104)

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

HB 2382 (Pr. No. 3105)

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

HB 2383 (Pr. No. 3106)

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

HB 2384 (Pr. No. 3107)

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

HB 2385 (Pr. No. 3108)

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

HB 2386 (Pr. No. 3109)

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

HB 2387 (Pr. No. 3110)

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

HB 2388 (Pr. No. 3111)

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

HB 2389 (Pr. No. 3112)

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

HB 2390 (Pr. No. 3113)

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

HB 2391 (Pr. No. 3114)

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

HB 2392 (Pr. No. 3115)

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

HB 2393 (Pr. No. 3116)

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

HB 2394 (Pr. No. 3117)

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

HB 2395 (Pr. No. 3317) (Amended)

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

HB 2396 (Pr. No. 3119)

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

HB 2397 (Pr. No. 3120)

An Act making an appropriation to the Beacon Lodge Camp.

LEGISLATIVE LEAVES

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

Senator MELLOW. Mr. President, I request a temporary Capitol leave for Senator Hughes, and a legislative leave for Senator Williams.

The PRESIDENT. Senator Mellow requests a temporary Capitol leave for Senator Hughes, and a legislative leave for Senator Williams. Without objection, those leaves are granted.

LEAVES OF ABSENCE

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

Senator MELLOW asked and obtained leaves of absence for Senator STOUT and Senator WAGNER, for today's Session, for personal reasons.

CALENDAR

**SENATE RESOLUTION No. 159
CALLED UP OUT OF ORDER, ADOPTED**

Senator LOEPER, without objection, called up from page 8 of the Calendar, as a Special Order of Business, **Senate Resolution No. 159**, entitled:

A Resolution designating the month of April 1998 as "Child Abuse Prevention Month" 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-46

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

NAY-0

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

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR ROBERT C. JUBELIRER
PRESENTED TO THE SENATE**

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

The PRESIDENT pro tempore. Mr. President, with us today in the Senate gallery is the Central Pennsylvania, known as Cen-Penn, Soccer Team. This is the first central Pennsylvania sports team to ever compete in Europe. Sixteen members and their coaches leave for Manchester, England, on July 24 and return on August 2.

Mr. President, this is a remarkable group of young people, coaches, and dedicated parents who have made this possible. The preparations by the team members, their parents, and their coaches began last fall and are presently in full swing. There are two types of work that are occupying these people, and that is training and fundraising. Training is going well. The team practices twice a week, works with a professional trainer, and has been playing in tournaments on weekends. Recently they played in a tournament at Bridgeport, West Virginia, and in the finals they defeated a premier cup team from the Pittsburgh area that had been playing together for a long while. On March 6 the team went to Norfolk, Virginia, to participate in the Chesapeake Cup Tournament. In the spring the team will play in Division I of the Pennsylvania West League for about a 10-week session.

I want to acknowledge the commitment and the dedication of Mrs. J. B. Holland, the organizer of the team, and the coaches, Mr. Stu Nolan and Mr. Faber Moyer, and certainly extend my best wishes, as I know all the Members of the Senate will want to do, to these outstanding athletes and wonderful young people and their coaches and parents for a successful trip to Manchester, England.

Thank you, Mr. President, and I certainly hope that the Senate would extend its best wishes as well.

The PRESIDENT. Would our guests please rise so the Senate may give you its usual warm welcome.

(Applause.)

The PRESIDENT. On behalf of the Senate, we wish you only the best in your competition abroad.

GUEST OF SENATOR ROGER A. MADIGAN PRESENTED TO THE SENATE

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

Senator MADIGAN. Mr. President, I am pleased today to have a young man as a guest Page, Mr. Jonathan Schaeffer. Jonathan, who is from my district, lives with his parents, two brothers, and two sisters in Cogan Station, Lycoming County. He is currently part of a home schooling program and is in the eighth grade. Jonathan plays soccer on the Memorial Baptist School Team and enjoys mountain biking. He still finds time to work at two part-time jobs, one at the Emelauren's Soap Company and on Paul Katzmeir's dairy farm. And for your information, Mr. President, Jonathan plans to be a member of the Supreme Court.

I would ask the Senate to give Jonathan Schaeffer its usual warm welcome.

The PRESIDENT. Would Jonathan please rise so the Senate may acknowledge you.

(Applause.)

The PRESIDENT. We acknowledge your industrious behavior, and only wish you the best as a member of that bench.

GUESTS OF SENATOR ROBERT D. ROBBINS PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Mercer, Senator Robbins.

Senator ROBBINS. Mr. President, today I am pleased to introduce three students who are serving as guest Pages.

Kim McEntire, a resident of Greenville, is a sophomore attending Reynolds High School. Also serving are Jennifer and Cathy Woods of Transfer. Jennifer is a senior, and Cathy is a freshman, and they both attend Reynolds High School, which I might mention won the team title in the Class AA State Wrestling Tournament this year and also received a State Coach of the Year award.

These young ladies are accompanied here today by Mr. James Woods, who is the father of Jennifer and Cathy. Please join me in welcoming my guests to the Senate of Pennsylvania.

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

(Applause.)

SENATE RESOLUTION ADOPTED

Senators PICCOLA, LOEPER and JUBELIRER, by unanimous consent, offered Senate Resolution No. 162 entitled:

A Resolution honoring the memory of Judge Robert E. Woodside, a Pennsylvania public servant extraordinaire.

On the question,

Will the Senate adopt the resolution?

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

Senator PICCOLA. Mr. President, on March 19 of this year, just a few weeks ago, Pennsylvania lost one of its most out-

standing public servants in its entire history. Judge Robert E. Woodside died at the age of 93 while residing temporarily in Sun City, Arizona. He had served the Commonwealth for 32 years, and he was one of the few Pennsylvanians who actually served Pennsylvania with distinction in all three branches of government. Judge Woodside once said, "Our government action is never quite good and never quite bad, but it keeps the people free."

He started his public service career in 1933 as a Member of the House of Representatives representing one of the multi-Member districts in Dauphin County. He served under Governor Gifford Pinchot, and finished his House service in 1941 under Governor Arthur James. During that period of time he served for 3 years as the Republican floor leader and as Majority Leader for 2 years. After his legislative career, Governor James appointed him as a judge of the Court of Common Pleas of Dauphin County, where he served from 1942 until 1951, and in 1951 he became the Attorney General of the Commonwealth and served there with distinction for 3 years. In 1953, he became a member of Pennsylvania's Superior Court.

For approximately two decades, Judge Woodside was also an adjunct professor at his alma mater, the Dickinson School of Law. While teaching there, he completed his 630-page text, "Pennsylvania Constitutional Law," which he had published in 1985. It is the standard text for this subject, and it is properly judicious, but there are a number of footnotes contained in the text that demonstrate the wit and wisdom of Judge Woodside. One of them, particularly appropriate today, is, as I quote, "Over the years, I have observed that those judges who had previously served in the Legislature are most likely to firmly reject the use of legislative debates in construing statutes."

Judge Woodside also served as a member of the Constitutional Convention in 1967 and 1968, and he fulfilled many of the expectations that he raised in his prior service as a member of the Commission of Constitutional Revision, which was held in 1959, where he and others assembled 123 recommended amendments to modernize the 1874 frame of government. As a member of the Constitutional Convention, one of the minor reforms that he was able to instigate, which I think is appropriate for me to bring to the attention of the Members of the Senate, is that he renamed the members of the Supreme Court from the name "associate judges," which they were technically known as for 246 years, to fullfledged justices of the Supreme Court. He used to like to joke that he never expected any thanks, but he always reminded the justices who it was who upgraded their status.

Judge Woodside is survived by his wife, Anna, his son and Federal bankruptcy judge, Robert J. Woodside, his daughter, Jane Woodside, and stepdaughter, Ruth McCarty. His son, William, who like Miss Woodside was a counsel to the Senate Republican Caucus, is deceased.

Judge Woodside died a resident of Millersburg, the town that he loved, and we in Dauphin County have always been proud of our Judge Woodside. I know that the people across this Commonwealth share that pride. He was a giant, and he will be missed.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the President pro tempore, Senator Jubelirer.

The PRESIDENT pro tempore. Mr. President, I want to join with my colleague, Senator Piccola, in not only recognizing the accomplishments of an icon, a giant in Pennsylvania history, but certainly mourn that he is no longer with us. I was fortunate enough to know Judge Woodside through my late father, who was a colleague of Judge Woodside's, and certainly as any student of Pennsylvania history will know, Judge Robert Woodside contributed as much, if not more, than any other elected official in Pennsylvania history to the good and welfare of the Commonwealth of Pennsylvania.

I could not sit still and not comment on not only the wonderful work ethic and the outstanding attitude and tremendous contribution that this giant in Pennsylvania history has made, but I certainly want to acknowledge the times, the few times I was ever able to meet him and be with him. As a boy, I basically looked up to him and respected him greatly, and certainly when my father introduced him to me I was in awe of Bob Woodside. He was someone who was always being considered not only for the three positions that he held in the three branches of government, but for the office of Governor and U.S. Senator. You always would see his name, and he certainly would have served with distinction in any office he ever held.

Mr. President, it is with great pride and yet sadness that I pay my respects to the Woodside family, to Jane and Bob, with whom I went to law school at Dickinson, and remember Bill, who served as general counsel to the Senate Republican Caucus.

Thank you, Mr. President.

The PRESIDENT. The Chair would ask all to stand in silent reflection in order to pay our respects to the memory and contributions of Judge Woodside.

(Whereupon, the Senate en bloc stood in a moment of silence in solemn respect to the memory of Judge Robert E. Woodside.)

The PRESIDENT. The Chair, on behalf of the full Senate, would declare unanimously adopted the resolution as proposed by Senator Piccola of Dauphin County.

DISCHARGE PETITIONS

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

In the Senate, March 30, 1998

A PETITION

To place before the Senate the nomination of Rev. Raymond D. Forsythe, as a member of the Potter County Board of Assistance.

TO: The President Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Rev. Raymond D. Forsythe, as a member of the Potter County Board of Assistance, before the

entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

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

In the Senate, March 30, 1998

A PETITION

To place before the Senate the nomination of Anthony J. Gallagher, as a member of the Unemployment Compensation Board of Review.

TO: The President Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Anthony J. Gallagher, as a member of the Unemployment Compensation Board of Review, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

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

In the Senate, March 30, 1998

A PETITION

To place before the Senate the nomination of Stanley W. Reinhard, Jr., as a member of the Board of Trustees of Scotland School for Veterans' Children.

TO: The President Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Stanley W. Reinhard, Jr., as a member of the Board of Trustees of Scotland School for Veterans' Children, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

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

In the Senate, March 30, 1998

A PETITION

To place before the Senate the nomination of Nancy B. Erway, as a member of the Potter County Board of Assistance.

TO: The President Officer of the Senate:

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

request that you place the nomination of Nancy B. Erway, as a member of the Potter County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

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

In the Senate, March 30, 1998

A PETITION

To place before the Senate the nomination of Mark Navarro, as a member of the Industrial Board.

TO: The President Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Mark Navarro, as a member of the Industrial Board, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

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

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 1

BILL ON SECOND CONSIDERATION

HB 162 (Pr. No. 3299) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, providing for eligibility for special early retirement; and further providing for standards of compensation for employees of the Public School Employees' Retirement Board and the State Employees' Retirement Board.

Considered the second time and agreed to,

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

RECESS

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

Senator LOEPER. Mr. President, at this time I request a 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 3:30 p.m.

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

Senator MELLOW. Mr. President, I ask that the Democratic Members report immediately to our caucus room at the rear of the Chamber.

The PRESIDENT. For purposes of Republican and Democratic caucuses, with the intention of returning at approximately 3:30 p.m., this Senate stands in recess.

AFTER RECESS

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

CONSIDERATION OF CALENDAR RESUMED

SENATE RESOLUTION No. 146 CALLED UP OUT OF ORDER, ADOPTED

Senator LOEPER, without objection, called up from page 8 of the Calendar, as a Special Order of Business, **Senate Resolution No. 146**, entitled:

A Resolution recognizing the week of May 3 through 9, 1998, as "Tourism Promotion Week" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

YEA-46

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

NAY-0

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

LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, Senator Delp has been called from the floor, and I request a temporary Capitol leave on his behalf, and for Senator Corman as well.

The PRESIDENT. Without objection, those leaves are granted.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator LaValle, Senator Musto, and Senator O'Pake.

The PRESIDENT. Without objection, those leaves are granted.

LEAVE CHANGED

Senator MELLOW. Mr. President, I would like to change Senator Wagner's personal leave to a legislative leave.

SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR NOAH W. WENGER PRESENTED TO THE SENATE

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

Senator WENGER. Mr. President, today is the day that the Pennsylvania Farm Bureau makes their journey to the State Capitol in Harrisburg and brings their farmer members from all across Pennsylvania from most of the counties to visit with their legislators. It is an annual event, and I think that many of the legislators have come to look forward to that, just as the farmers themselves do, to promote good communications between us and those people who do so much for us out in the rural parts of Pennsylvania.

It is my pleasure at this time to introduce to the Senate three people from the Pennsylvania Farm Bureau, and they are the president of the Farm Bureau, Mr. Guy Donaldson; the vice president, Mr. Carl Shaffer; and the administrative secretary, Mr. Lou Sallie. They are seated in the gallery, and I would like to recognize them at this time.

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

(Applause.)

The PRESIDENT. Thank you for your commitment and leadership.

SENATE RESOLUTION ADOPTED

Senators WENGER, STAPLETON, MADIGAN, LOEPER, CONTI, THOMPSON, AFFLERBACH, BRIGHTBILL, BELAN, MOWERY, WAGNER, JUBELIRER, O'PAKE, RHOADES, TOMLINSON, ARMSTRONG, PUNT, HELFRICK, KUKOVICH, GERLACH, SLOCUM, STOUT, SCHWARTZ, MELLOW, WHITE, PICCOLA, MUSTO, GREENLEAF, LEMMOND, COSTA, HART, ROBBINS, and EARLL, by unanimous consent, offered **Senate Resolution No. 164**, entitled:

A Resolution proclaiming March 30, 1998, as "Pennsylvania Farm Bureau Day" and congratulating the Pennsylvania Farm Bureau for its contribution to this Commonwealth and to this Commonwealth's agricultural industry.

On the question,

Will the Senate adopt the resolution?

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

Senator STAPLETON. Mr. President, my remarks will be few, but I also want to let our guests in the gallery know that I had a number of Pennsylvania Farm Bureau members from Indiana, Jefferson, and Armstrong Counties visit me today in

my office, and I want all of the Senators to know that I think their number one priority within the next few months is local tax reform. So it is indeed a pleasure to be with all of them here today, and we wish them well.

Thank you.

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

Senator WENGER. Mr. President, I do want to be respectful of the time constraints, but it is a very short resolution. I would like to read it into the record while the gentlemen are here with us at this time. (*Reading:*)

Whereas, The Pennsylvania Farm Bureau, formerly the Pennsylvania Farmers' Association, was created November 24, 1950, to provide Pennsylvania farmers and rural citizens with a strong voice in government; and

Whereas, The Pennsylvania Farm Bureau represents over 25,200 farm and rural families and has 54 county farm bureau organizations that are active in 61 counties in this Commonwealth; and

Whereas, The Pennsylvania Farm Bureau has played an integral role in development and implementation of legislation and governmental programs that have had lasting and positive effects upon the economic welfare of agriculture and agribusiness in this Commonwealth; and

Whereas, The Pennsylvania Farm Bureau has been and continues to be a strong voice for agriculture at the National, State and local levels; therefore be it

Resolved, That the Senate proclaim March 30, 1998, as "Pennsylvania Farm Bureau Day"; and be it further

Resolved, That the Senate extend congratulations and appreciation to the Pennsylvania Farm Bureau for the contribution that it has provided to this Commonwealth and to the economic welfare of this Commonwealth's agricultural industry.

Mr. President, I urge approval and adoption of this resolution.

Thank you.

And the question recurring,

Will the Senate adopt the resolution?

A voice vote having been taken, the question was determined in the affirmative.

CONSIDERATION OF CALENDAR RESUMED

SB 1192 CALLED UP OUT OF ORDER

SB 1192 (Pr. No. 1460) -- Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator LOEPER.

BILL AMENDED

SB 1192 (Pr. No. 1460) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for victims' rights; imposing penalties; establishing remedies; establishing the Office of Victim Advocate, the Bureau of Victims' Services, the Victims' Services Advisory Committee, the State Offender Supervision Fund and other funds; and making repeals.

On the question,

Will the Senate agree to the bill on third consideration?

Senator MELLOW offered the following amendment No. A1285:

Amend Sec. 103, page 5, line 8, by striking out "or" and inserting a comma

Amend Sec. 103, page 5, line 10, by inserting after "influence)": or 3735.1 (relating to aggravated assault while driving under the influence)

Amend Sec. 103, page 5, line 20, by inserting after "committed": or attempted

Amend Sec. 103, page 5, line 20, by striking out "crime" and inserting: criminal act or attempt

Amend Sec. 103, page 5, line 24, by inserting after "committed": or attempted

Amend Sec. 103, page 8, by inserting between lines 29 and 30: 30 Pa.C.S. § 5502.1 (relating to boating under the influence).

Amend Sec. 103, page 9, by inserting between lines 1 and 2: 75 Pa.C.S. § 3735.1 (relating to aggravated assault while driving under the influence).

Amend Sec. 103, page 9, lines 7 and 8, by striking out all of said lines and inserting: (1) A direct victim.

Amend Sec. 103, page 9, line 9, by striking out "so victimized" and inserting: who is a direct victim

Amend Sec. 312, page 20, line 18, by striking out "promulgate" and inserting: adopt, promulgate, amend and rescind suitable rules and

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.

HB 2281 CALLED UP OUT OF ORDER

HB 2281 (Pr. No. 3301) -- Without objection, the bill was called up out of order, from page 4 of the Second Consideration Calendar, by Senator LOEPER.

PREFERRED APPROPRIATION BILL AMENDED

HB 2281 (Pr. No. 3301) -- The Senate proceeded to consideration of the bill, entitled:

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 1998, to June 30, 1999, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1998; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Ben Franklin/IRC Partnership Fund, the Tuition Payment Fund, the Banking Department Fund and the Firearm Ownership Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department; to provide for the appropriation of Federal funds to the Executive and Judicial Departments of the Commonwealth and for the establishment of restricted receipt accounts for the fiscal year July 1, 1998, to June 30, 1999, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 1998.

On the question,

Will the Senate agree to the bill on second consideration?

MELLOW AMENDMENT A1685

Senator MELLOW offered the following amendment No. A1685:

Amend Sec. 211, page 189, line 17, by striking out all of said line and inserting:

State appropriation.. 741,082,000

Amend Sec. 212, page 195, lines 12 and 13, by striking out all of said lines and inserting: open. This appropriation shall include \$118,252,000 to be distributed to local school districts for the purpose of providing real property tax reductions for local tax payers.

State appropriation.. 3,688,440,000

On the question,

Will the Senate agree to the amendment?

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

Senator MELLOW. Mr. President, first I would like to offer my apologies to Senator Loeper and my Republican colleagues. I was under the assumption that this amendment had been given to the Majority party so that when they caucused they would have had an opportunity to review the amendment. I just found out upon submitting the amendment that in fact that was not the case. I do realize that is a breach of the way we would like to do business here, that each Caucus would like to have copies of the amendment before that takes place, and if Senator Loeper wants, I would move that we put the amendment over temporarily, deal with other amendments, and then come back to this, if he would so choose.

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

Senator LOEPER. I do not believe that is necessary, Mr. President. It would be fine to deal with the amendment that is before us.

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

Senator MELLOW. Mr. President, this is an extremely important amendment dealing with property taxes in Pennsylvania. I would like to, if I can, explain first what the amendment does and then go from there.

Mr. President, the amendment will reduce the appropriation of the Department of Corrections by \$118 million. The \$118 million then will be put into school subsidies for the purpose of property tax reduction. Mr. President, I realize fully that when we reduce the money of the Department of Corrections by \$118 million that the critics will say that we have reduced the amount of money that will be spent on prisoner incarceration from approximately \$24,600 a year to somewhere in the vicinity of \$21,250 a year. Mr. President, on the surface, that might seem like it is a substantial reduction, but we on this side of the aisle who would like to carve and draft amendments to the general appropriations bill have been limited as to where we can come up with the money. We have been instructed, by Senate resolution, that there are only several areas in which we can hopefully reduce the budget for the purpose of a reallocation of the expenditure of money.

And I know, Mr. President, that I am going to be hit with criticism from the other side of the aisle that we are being soft

on criminals and that we are basically being soft on Corrections, but the point that must be made is that right now as we stand in front of the people of Pennsylvania, we are spending more new money on the incarceration of prisoners in Pennsylvania than on the education of our students, our greatest natural resource. Would it not be tremendous if in Pennsylvania we could say instead of us spending \$24,000 to incarcerate an individual who has done society wrong that we are spending \$24,000 to educate a student in Pennsylvania who may in the future be able to do something right for society? But unfortunately, the mindset in Pennsylvania today and in this General Assembly is not to do that.

Mr. President, if I may, I would like to briefly mention a few things. First of all, the \$118 million that we are spending in this particular budget in this particular amendment is money that would go to school districts for the purpose of reducing property taxes. A lot has been said--

The PRESIDENT. Would the gentleman yield.

Senator MELLOW. I thank you, Mr. President. It is very difficult trying to speak and trying to present an amendment with the type of noise that is in the Chamber, and I appreciate the fact that you have asked for some quiet in the Chamber.

Mr. President, the \$118 million that we are asking to go to public education in Pennsylvania is to be used for one reason. It is not to be used to further educate the children of Pennsylvania. It is to be used to reduce property taxes in Pennsylvania. We have talked to a number of residents, not only in the district I represent but throughout this great Commonwealth, and they have told us over and over and over that the major concern that they have in Pennsylvania in dealing with taxation is the tremendous increase that has taken place in this State of ours over the last 4 years in property taxes.

Mr. President, from 1994 through 1997, school districts have suffered a tremendous increase in property taxes. If you will, Bangor School District, which I believe is located in the Lehigh Valley, has had an increase of 42.4 percent during a 3-year period of time in local property taxes to fund education. Pleasant Valley School District, which is also located in the Greater Lehigh Valley area, has had a 41.27-percent increase in additional money to tax the local taxpayer to be able to fund education. The reason why that has all taken place, Mr. President, is because we in Harrisburg and the current administration are responsible for a substantial reduction in the kinds of moneys that are going into public education for the purpose of trying to hold back and hold down local property taxes.

Statewide, Mr. President, in a lot of discussions we have had and in some informal polling that has taken place, all voters have indicated to us that if they have the opportunity of having any kind of reduction in taxes, almost 40 percent of those people have said they would like to have a reduction in their property taxes. So what we basically are doing is offering an amendment today of an additional expenditure of \$118 million, and this additional expenditure of \$118 million must be used solely for the reduction of property taxes for the purpose of funding education.

Now, Mr. President, last week in this body we passed a tax reduction, if you will, dealing with people who are not as for-

tunate as we are, those who have been able to benefit from the minimum tax in Pennsylvania through the poverty exemption, but by and large we have reduced taxes for the wealthiest of the wealthy corporations. Last week we did that by \$128 million. Mr. President, this particular amendment will further reduce taxes in Pennsylvania, but at the property tax level of \$118 million.

Now, Mr. President, if you combine both figures together you will find that we then will have a tax reduction in Pennsylvania of \$246 million. We view the surplus that the State will have June 30 of 1998 to be in excess of \$400 million, Mr. President, and had the Majority party in the Senate allowed us to be able to totally justify the expenditure of this \$118 million by taking it away from the surplus that we have of \$400 million, we still would have an additional surplus in this State of \$154 million.

The point I am trying to make, Mr. President, is that although we have been limited as to where the money can come from, we have had to take the money from Corrections. Nobody in this Chamber, certainly nobody on this side of the aisle, wanted to touch the Department of Corrections, but because a resolution was put upon us that gave us little choice but to take money from the Department of Corrections, we had to do that. We believe that the money should come out of the surplus, Mr. President, and the money should not come from the Department of Corrections.

Mr. President, over and over people are telling us that they would like to have their property taxes cut. They would like to have their property taxes cut with regard not only to local government, but most importantly to the cost of education. People today in this great State of ours no longer can continue to afford the increasing costs of education at the local level because the Commonwealth continues year in and year out to give major tax breaks to the wealthiest of the wealthy corporations, and at the same time continues to increase the burden on local districts to increase local property taxes for the purpose of financing education. Mr. President, this would be the first meaningful reduction of property tax during the Ridge administration, and I do not think the Governor could even argue the fact that we have a substantial surplus. I do not think the Governor could argue the fact that people in Pennsylvania need a reduction of their property taxes.

Back in February of 1997, this Chamber, by a vote of 37 to 10, passed the local tax reform legislation. Mr. President, that is almost 14 months that the bill has been sitting in the House of Representatives Committee on Finance with basically little or no action, no action to give the local taxpayer a modest break in what their school taxes will be because of tremendous surpluses that we have here in Harrisburg. And so that we make no mistake, Mr. President, in offering this amendment, if this amendment in fact is accepted, we then will have to change the School Code so that it will show that this money must go directly back to the school districts in Pennsylvania.

Now, Mr. President, I believe that if you look, and I do not really have the figures right in front of me, although I am looking for them as we talk, we picked out five school districts that would benefit tremendously from this proposal, including

one in my senatorial district, the school district of Scranton, and as I said I am leafing through papers, it is hard for me at this point in time to try to find them, but I do realize that one of the groups that would benefit the most, and I have it right here, is in the 18th Senatorial District, the school district of Easton and the school district of Bangor.

If you look at the way the school districts that I am talking about have been increased dramatically in the 3-year period of time, Bangor's obligation for school taxes has increased during the Ridge administration by 42.41 percent. And that has happened, Mr. President, again because we are not making the kind of money available to fund education in Pennsylvania here in Harrisburg. The Easton School District, Mr. President, whose increase in that same period of time is 26.3 percent, also is in the 18th Senatorial District. Both of those school districts would be able to reduce their millage by approaching 1 mill just by the adoption of this amendment.

Further, Mr. President, we looked at another school district in the 6th Senatorial District, Bensalem Township School District. They have increased their local millage to run school taxes over the last 3 years, local property tax increases, Mr. President. They have not received a dime's worth of reduction of taxes in Harrisburg, even though we have had surpluses that have approached, over the same period of time, and have exceeded \$1 billion. Yet with the exception of the last year of the Casey administration when we reduced both personal income tax and corporate taxes, these people have not received a reduction in their personal income taxes in that period of time. Bensalem Township School District, in the Sixth Senatorial District, has increased their taxes under the Ridge administration by 20.73 percent. Mr. President, it is a staggering millage that they have in that district. Under this particular proposal, they would be able to have substantial reductions to their taxpayers, in addition, Mr. President, almost approaching a 2-mill reduction.

New Kensington-Arnold School District in the 40th Senatorial District, in the same 3-year period of time, they have increased their millage by 17.90 percent, or if you round it off, they have had an 18-percent increase in their millage, Mr. President. By the adoption of this proposal, which will not cost the taxpayers a dime because ultimately it should come from the surplus, the New Kensington Arnold School District would be able to reduce the millage that their taxpayers are paying by 2 mills with the adoption of this proposal.

And, Mr. President, the Scranton School District, where I live, over that same 3-year period of time, with having no reduction of local property taxes because of the type of money that has been taken away from school districts here in Harrisburg, they would be able to reduce taxes to the people of the city of Scranton by 2 mills. That is because under this proposal, the 18.65-percent increase that they have had to bring upon the people of the city of Scranton to fund education over the last 3 years would be reduced because of being able to put together, Mr. President, \$118 million of new money that would go directly go back to the school district.

As I said before, Mr. President, I realize full well that I am going to be criticized by the other side of the aisle. They are

going to say that by enacting this proposal, the Democrats who vote for it or anyone who votes for it, our people are being soft on crime because you want to reduce the amount of money that we are spending to incarcerate an inmate. And what I am saying, Mr. President, is that nobody in this Chamber wants to be soft on crime, but what we want to do, we want to be proactive to be able to give our greatest natural resource, our children, the proper type of education they deserve, and also by giving the taxpayer of Pennsylvania the opportunity to benefit from the tremendous surpluses here in Harrisburg and give them a modest reduction in their property taxes that they pay to fund education.

Mr. President, you can go through the list. I have a list of every school district and how well they do. Some of them benefit by as much as 24.61 percent. Fairfield School District in Adams County, they would receive an additional 24 percent, Mr. President. And you can go on and on. Allegheny County does extremely well, Mr. President. Beaver County does very well. Bedford County does well. Carbon County. It goes on and on. Washington, Greene, Fayette Counties. Every county and every school district in Pennsylvania is going to be able to bring about a substantial reduction of their property taxes, the tax that people are telling us they want to be reduced, based on the fact that we have had no action of local tax reform, based on the fact that we are sitting on a surplus in Harrisburg, which we believe is going to exceed \$400 million come June 30 of 1998, based on the fact, Mr. President, that we can offer tonight an additional \$118 million to go to school districts with the specific purpose earmarked through amending the School Code to reduce property taxes.

This is a win-win proposal for everyone, Mr. President. I cannot understand for the life of me how anyone would want to consider in their wildest imagination voting against such a proposal, especially those individuals who live in districts that have had substantial increases over the past 3 years under the Ridge administration, and I believe out of the 501 school districts, and I have listed every one here because we surveyed them, I believe out of the 501 school districts, over 400 school districts have had double-digit increases in their property taxes to fund education over the past 3 years under the Ridge administration.

I request an affirmative vote, Mr. President, on an amendment that will not only benefit the children of Pennsylvania through hopefully helping in their educational process, but more importantly, will benefit the working people in Pennsylvania because for the first time in 4 years, the working-class people, the property owner, the individual, the senior citizen, and that person who gets paid with a W-2 and is now filing their tax return, for the first time, Mr. President, with the Ridge administration, they will have an opportunity to have some meaningful savings and have a reduction of property taxes as mandated by this amendment.

Thank you very much, Mr. President. I ask for an affirmative vote.

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

Senator LOEPER. Mr. President, before speaking to the specifics of the amendment that is before us, I would like to refer back to the bill that is before us, House Bill No. 2281. What we are in the process of is putting together a general appropriations bill and moving a bill into position to become a vehicle for the final adoption of a fiscal 1998-99 spending plan. The process today, Mr. President, is to move this bill along in order that this bill may find itself in a conference committee so it will be an eventual vehicle for the general appropriations bill.

Mr. President, if you followed the history of this bill when it was in the House of Representatives, there were several amendments offered which created \$132 million of new spending over and above what the Governor's proposal had been, and yet when the bill arrived here, last week in our Committee on Appropriations we scaled back those numbers to the original bill that the Governor had proposed to the General Assembly in February. And I think for anyone to assume that because an amendment is offered and adopted in this process that it is going to end up in the final document is certainly misleading in many cases.

Mr. President, we are going to hear on the floor today many well-intentioned people with many good things. In fact, one thing, Mr. President, I have often said, one thing that we have found, all of us I am sure, for all the folks who contact us back home and here in Harrisburg, we would like just a little more money for this program and that program. I have never found a bad cause yet, Mr. President. They are all very worthwhile and meritorious. However, I think what has to be recognized is today what we are doing is a process and moving along a process of adopting a General Fund budget. We are not talking about the merits of each one of the amendments that may or may not be offered today, but I think it is important that we recognize what we are doing is moving forward a process in the budget process and consideration.

However, I would like to just take a moment to respond briefly to some of the remarks made by the gentleman from Lackawanna, and that is that if we were to take a look at what this amendment does, according to what the gentleman has stated, there is no formula allocated here for how money is going to be distributed to districts. I do not think that any of us dispute the fact that the increasing local property taxes for school purposes is a problem in all our districts, and certainly I think Senator Jubelirer and Senator Hart and Senator Gerlach, who have taken the lead as far as local property tax reform, have moved that discussion in the right direction and particularly accomplished it in Senate Bill No. 2, which as you correctly stated, Senator, is over in the House of Representatives. This may not be the cure-all for it, but it certainly is an important first step to try to bring about local property tax relief.

I think that looking at the amendment when we talk about \$118 million out of the Corrections budget, I think the gentleman made his own argument. We talked about that last week as far as where we were going to get money from in order to try to fund various well-meaning amendments that were offered on this floor last week. And yet, Mr. President, I think

if we were to take a look at what the total amount of local property tax effort is in order to fund our school systems, we would probably come up with a figure somewhere in the neighborhood of \$5.4 billion in order to fund our local school districts, our 501 districts. And the \$118 million out of Corrections to return for local property tax relief, as I stated before, has no formula to it. Is it all going to the city of Philadelphia? It does not say that here. Yet I just met with the superintendent in my office this morning who would welcome all of that right in his own district in order to avoid what he perceives is a crisis.

I think also, Mr. President, that it was mischaracterized that last week this Senate unanimously, I might add, in a bipartisan fashion voted for tax reductions in the amount of \$129 million to big business. Well, Mr. President, I do not consider a needy working family of four a big business. I believe that is significant tax relief for those people who are working, trying to make ends meet, and trying to raise a family. Over \$45 million of those tax reductions that we all voted on last week were targeted to that particular group, and to characterize them as big business, I do not believe is in its proper form.

I do think if we take a look also when we talk about when the last personal income tax reduction was, Mr. President, I do not believe it was the last year of the Casey administration. In fact, Mr. President, if my memory serves me correctly, I believe it was simply a business tax reduction that had been proposed and adopted in the last year of that administration, and that the last year that there was a personal income tax reduction was in 1992, which was after a record increase to 3.1 percent of the personal income tax in 1991. It was reduced to 2.8 percent in 1992, the current level that we seem to have at this point, and again, one that we discussed last week when we were dealing with the tax bill.

I think, Mr. President, in addition, that we have to take into context that this budget reflects over a \$300 million increase, as recommended by the Governor, to our 501 school districts across this State, not only in basic subsidy money but also in areas of special education, pupil transportation, and auxiliary services, a \$300 million increase over last year to our local districts. And I think, Mr. President, if we really take a look at some of the figures that the gentleman has put forth here, what we find is that spending has outrun inflation in our schools across this Commonwealth. The rate of spending by our schools is significantly more than the rate of inflation or even workers' wage increases, which translates into the burden placed upon the local taxpayer.

Mr. President, once again, as far as this amendment is concerned, we are all interested in trying to provide some property tax relief at the local level. We do not believe that this is the way to do it. We believe, however, that the program as proposed in Senate Bill No. 2 can bring much more effective relief on the local level, has had much more thought put into it, and really leaves the decision how best to fund the schools on the local level to the local districts.

Mr. President, again, I would just finally reiterate that what we are doing today is to move this process forward in order to

get this bill in a conference committee, and therefore, Mr. President, I ask for a negative vote on the amendment.

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

Senator MELLOW. Mr. President, just a couple of points of clarification. The budget, if this amendment is accepted, will show an expenditure for public education through the school subsidy of about \$3.7 billion, or rounded off into that figure. Nothing in the budget, Mr. President—I am kind of sorry that Senator Loeper tried to point it out to the contrary—nothing in this budget states where that \$3.7 billion must be spent. For that matter, he said it could all be spent in Philadelphia. Well, for that matter, it could all be spent in Delaware County or in Montgomery County.

But the thing that Senator Loeper has not said to you and to the Members of this body is that we must amend the School Code to establish what the formula will be. The formula in our amendment, Mr. President, is that every school will get a minimum of 3 percent. We have to offer another amendment to the School Code to properly draft a formula, something that is always done in every budgetary process when we change the formula for education funding.

Now, Mr. President, also it was stated that spending is running ahead of inflation in school districts. I have not seen one proposal from the Republican Majority of the Senate or, for that matter, in the House of Representatives that would in our public schools say, well, let us reduce the mandates on public education for the purpose of allowing the 501 public school districts to reduce the money that they are spending and the money that they must tax the local taxpayer to reduce their budgetary process or their budget money that is being spent.

Furthermore, Mr. President, when Governor Ridge was elected Governor several years ago, we were spending about 42 percent or we were sending back, we were reimbursing, subsidizing school districts about 42 percent of their budget. We were doing that here in Harrisburg. With the enactment of this budget, that has fallen an additional 5 percent down to 37 percent, so 63 percent of a local budget under the Ridge administration currently must come from the local taxpayer. When Governor Ridge was elected, approximately 58 percent of that budget was coming from the local taxpayer. And what has happened because of the policies, the education and the fiscal policies of the Ridge administration to at least 400 school districts, which are shown on our survey, is that more than 400 school districts had to increase their taxes, their millage, over the last 3 years sometimes double-digits.

What we are saying in our proposal here is let us take some of the \$400 million surplus that we in this room all know we are going to have, that the Ridge administration knows we are going to have, let us get away from that cockamamie logic of Senate Resolution No. 126 that limits what we can do if we want to spend additional money or if we want to change an allocation, that we must take money from one department and spend it in another department. Let us take what the true financial condition is of the Commonwealth this year with the tremendous surplus that we are having and let us give it back to the property tax owner. That is what this amendment will do.

And furthermore, Senator Loeper talked about the money that was given for the poverty tax exemption this year of about \$55 million, and he said needy families of four will be able to take advantage of that. Well, what about the needy family of two, the single mother with one or two dependent children? How do they take advantage of this if this woman is making \$18,000 or \$19,000? They have to pay their 2.8 percent income tax on every dollar that is taxable, Mr. President. This is not a true poverty exemption. If you wanted to give those people who are making less than \$25,000 in Pennsylvania a true poverty exemption in the Commonwealth, you would exclude the first \$25,000 of income for people under certain categories, but we in fact have not done that, but conveniently, Mr. President, the administration continues to say how they have brought about an decrease in personal income tax for our poor people in Pennsylvania. The tax rate for poor people for personal income tax is 2.8 percent. The tax rate for rich people in Pennsylvania, Mr. President, who are making millions and millions of dollars is 2.8 percent.

So I ask the Governor of the Commonwealth, tell me, please, where have you reduced the taxes for the poor working people of Pennsylvania? You, in fact, have not done that. What you have done very carefully is you have reduced the taxes for the major and the largest of large corporations. You have increased the taxes significantly for the local property taxpayer by having tremendous increases in our local school taxes as shown by Bangor School District, a 42-percent increase over a 3-year period of time, and you have given the wealthiest of the wealthy corporations major reductions in property taxes.

All we are saying with this amendment is let us take part of that huge surplus that we have. Let us reduce the rhetoric that we have back home to our constituents and tell them how interested we are, how important it is to reduce their property taxes because every Member in this body tonight has that opportunity to do that. You have the opportunity to put the same rhetoric in action here in Harrisburg that you have in motion back in your district by reducing property taxes. It would be foolhardy for anyone in this Chamber to go back and campaign or talk to their constituents and say to them I am in favor of tax reform and I am in favor of reducing your property taxes when you have the opportunity today to vote to do that and if you vote against it.

Once again, Mr. President, I ask for an affirmative vote, and I cannot understand how this is an issue that should cross party lines. This is a Democrat issue, this is a Republican issue, this is an Independent issue, this is a people issue, Mr. President. This immediately would enable you to reduce property taxes in Pennsylvania to fund education. We do not have to go through the rigmarole and the charade of trying to come up with some type of local tax reform legislation that the House of Representatives does not want to pass. We can do it right here with an affirmative vote, and if you do not vote for it, it would be very hypocritical for anyone to go back into their districts and say I am in favor of voting to reduce your property taxes when tonight you are going to have that opportunity and you potentially may vote "no."

Thank you very much, Mr. President.

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

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

YEA-19

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

NAY-28

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

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

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

SCHWARTZ AMENDMENT A1615

Senator SCHWARTZ offered the following amendment No. A1615:

Amend Sec. 209, page 180, line 23, by striking out all of said line and inserting:

State appropriation.. 5,000,000

Amend Sec. 212, page 205, by inserting between lines 3 and 4:

For the purpose of providing an incentive for class size reduction in grades kindergarten through third. No incentives shall be awarded by the Department of Education until the enactment of legislation authorizing the expenditure.

State appropriation.. 30,000,000

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

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

Senator SCHWARTZ. Mr. President, to briefly explain this amendment, what this does is adds \$30 million for education to reduce class size in kindergarten through third grade. There has been much discussion about class size and the effect of class size in terms of achievement, a lot of discussion on the floor in this Senate and actually most recently in the House where they did include this \$30 million as an appropriation for reduction in class size.

It was suggested when the previous amendment went down that this somehow was just a process, it was not one to be taken very seriously by any of us here on the floor, that this was a way to move the budget along, that the additions that were made, the amendments that were made in the House were removed in the Committee on Appropriations and this after all was not to be taken, I almost think the implication was, terribly

ly seriously, that after all it was going to go to conference committee and that is where, quote, "the real budget" might be done.

Let me say I think this is a process to be taken quite seriously. This is our opportunity to offer amendments, it is a way for us to declare our position on serious issues before us, and it is also importantly a way to communicate to our leadership those different areas of the budget that we think need attention by those in the conference committee. The House did add the \$30 million. It is the amount that was estimated by the House Republicans as to what we would need in the first year in a 4-year plan that would reduce class size in kindergarten through third grade across the Commonwealth. This would reduce class size in the first grade and kindergarten to 20.

There is not specific language here because, as was pointed out in the previous amendment, specific language as to how that would be done is and necessarily has to be done in a School Code bill, but we want to state our clear intention to the way it would be done. There has been a rejection just in the last amendment that we do not want to reduce property taxes by adding additional State dollars to education funding. It has been suggested by the other side of the aisle that we should leave that totally to a local responsibility, that what the State has been doing is enough, that the fact that we would be moving down from 50-percent State share to about 37-percent State share on the average across the Commonwealth is just fine with the other side of the aisle, that Senate Bill No. 2 is the answer to education funding, that as long as we allow local communities to switch from property taxes to local income taxes or other kinds of earned income taxes, that that is fine.

But that neglects even Senate Bill No. 2 in its best form, and it is not there yet. What it does is leaves the State out of it. It says we have done enough for education. Well, there are many of us, Mr. President, who do not think that the State has done enough to make sure that our children are not just educated but educated to the best degree that we can, that we bring up standards, that we assure achievement of all of our children.

It has been suggested that all of this money might go to one school district of the 501. I would suggest that is not very likely, given that there are 253 legislators who all look out for the school districts in their own area, although I certainly know that Philadelphia could use all \$30 million of this money to help improve children's achievement. I do not think that I could get away with that, which is why I would not suggest it right here as a way to do that. And yet I know that Philadelphia, as other school districts across the Commonwealth, is concerned about class size, that they recognize a class size of 33, even 28 in the lower grades, is not the right class size, that the experts tell us that class size needs to be reduced to at least 20. In fact, they can do better with 15.

But being reasonable, being modest here, this is modest, Mr. President. This is \$30 million. The State has this money. We are not talking about new taxes, we are not talking about an increase in the overall size of the budget here. We have been required in the course of the way we do these amendments to take it out of another part of the budget, but we also know that there are extra dollars out there. If there ever was a

year when we could say we want to add extra money to education, we have the money to do it this year.

Other States are doing it across the country. In magazine after magazine talking about governing issues, about State policy, they are saying that in a time of good economy, those States that want to move forward, to prepare their work force for the 21st century, they are making investments in education, and if we do not trust our local school districts to make the right judgments, and I would not be one of those, if we do not want any kind of broad or across-the-board investment in State funding of education, let us target our money toward those issues that we know work. Class size is at the top of the list, for we know a target that can make a difference in children's achievement.

So if we are concerned about our school districts not spending money properly, if we are concerned that actually reducing property taxes and using State dollars to do so is not a good idea, as the Republicans said a few minutes ago with the rejection of the last amendment, then let us pick and choose and let us help our schools, all 501 schools, do a better job of educating our children. We know we have to if we want Pennsylvania to be economically strong. We know we have to if we want our individual children to be able to compete in the future. If we believe that education makes a difference, and many of us do, Mr. President, then we ought to take advantage of this year being the year when we can increase funding for education not 1 percent, not 2 percent, not 3 percent, but seriously and truthfully, \$30 million is just a beginning, a very, very modest beginning. If we should at least do this, it is one that has broad support by many of us, it is one that could help many of our school districts.

Mr. President, we should support the \$30 million for reducing class size for our youngest children to give them the best possible beginning so that we know that they can achieve in first and second grade because early achievement helps there be later achievement, and as we know early failure does not bode well for future success. So I ask that both sides of the aisle take this seriously, that we treat this process as though we are a part of this process, that we do not pretend that it should just be left behind the scenes, it should be left to a conference committee.

We should give a message to our leadership, to those who are going to be in the conference committee, that we want more funding for education and we certainly want to reduce class size for our very youngest children in this Commonwealth.

Thank you, Mr. President.

LEGISLATIVE LEAVE CANCELLED

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

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

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

Senator RHOADES. Mr. President, I would like very much to be able to agree with my colleague, but \$30 million today starts spelling \$60 million next year, \$90 million the year after, so on and so forth. The first \$30 million we put in this year, we then say we are going to reduce class size. We have not said to what size, and I can point out that there really is not a definition of what is the optimum actual best class size. So if I put \$30 million in and I double my classrooms, I double my teachers, I double my textbooks, and I do everything else and it does not have a bottom line, but I am into it, so figure that \$30 million is definitely going to require \$60 million, and then the \$60 million will continue, another \$30 million, and so on and so forth.

Now, let that vary because some of the districts that spend more are going to spend a heck of a lot more. Poor districts are going to be forced to spread out money even less than what they are able to do right now. I think one of the things we have to look at is the fiscal impact. The second thing is an administrator, how do you schedule? If I say 15 is the number and I have 16, do I then shut it down to 8 apiece and hire a staff person for each one?

That brings another issue, the infrastructure. Look to California. See what California has to say, and you will find out that they do not have the flexibility but they do have the confusion right now. They do have the problem of not being able to attain enough teachers who are certified and qualified to fill the classrooms.

I think I will point to an article: "Glen Robinson and James Wittebols of ERS analyzed 100 class size studies that were done from 1950 to 1985. In 'Class Size Research: A Related Cluster Analysis for Decision Making,' they found that there is no optimum class size that covers all types of students, in all subject areas, at all grade levels. They suggested that policy makers look at the research that relates to their specific area of concern and target class-size decisions to meet their goals."

I think we have to remember that class size is a function of many factors, from grade level to subject area, to instructional methods, to the skills of the teachers and the aides, to the nature of the pupils, and the availability of materials and facilities. So at this particular point until I think we have more concrete research that is voluminous and accurate, our best is to oppose the amendment.

Thank you, Mr. President.

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

Senator PICCOLA. Mr. President, I agree wholeheartedly with my colleague from Schuylkill County, the chairman of the Senate Committee on Education. I think there is precious little evidence at the present time as to whether or not a lower class size really results in any improvement in the education on the part of the children. In fact, there are some studies out there that indicate that lower class size sometimes results in a lower or reduced learning output if the teachers, the new teachers who are hired, are mediocre. So it would appear to me that the better way to proceed is the way the administration is attempt-

ing to, to make sure that we have the highest qualified teachers possible in the classes we presently have in Pennsylvania.

In addition, some of the experiences of other countries would indicate that lower class size is not necessarily a major factor. Some of our Asian neighbors who trounce us academically have larger class sizes, often 40 or 50 youngsters per teacher. I think that there is very little evidence at the present time to indicate that lower class size means any kind of demonstrable increase in learning, and that we should not run headlong into appropriating large sums of money for a questionable outcome at best. So I urge defeat of the amendment.

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

Senator MURPHY. Mr. President, I want to add my opposition to this amendment with regard to the issue of appropriating money for the class size changes. Certainly one could bring up points on both sides as to whether or not smaller class sizes would make a significant difference in educational quality.

What I am also concerned about, however, is the cost of doing this. The 14 school districts which overlap with my Senate district, when I have done surveys with the superintendents of those districts, across the board they say things that would shrink the class sizes for K through 3 would mean that each school would have to add one or two classrooms for each grade, meaning each school will have to have an individual expenditure of \$25 million to \$30 million within a district. Those numbers in my district alone are \$200 million or \$300 million. As you multiply that times the 50 senatorial districts across the State, now those numbers add up to real money.

We cannot deal with this in a piecemeal fashion, we cannot deal with this much like coming up with the remedy of the day from the Senate of how we are going to take care of education. It is extremely important what we do with our children. It is extremely important what we do with quality of teaching and quality of standards and quality of neighborhoods, and I recommend that we deal with this more in a thoughtful and thorough approach in a way that does not put a tremendous financial burden on the constituents of Pennsylvania.

Let me add this: In the previous discussion we were hearing ad nauseam the importance of reducing property taxes for citizens and how important that was, and how we were going to stand up for the citizens of Pennsylvania and reduce property taxes, and now within just an eye blink later we are about to increase property taxes by far more than the previous amendment. I think we ought to use a more thoughtful approach and defeat this amendment.

Thank you, Mr. President.

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

Senator BODACK. Mr. President, I rise to support this amendment. I think that the implementation of this amendment has already been passed by our counterparts in the House, and this proposal does, as I understand, provide for a \$30 million investment in Pennsylvania's youngest school children. Mr. President, that would be used as an incentive to reduce class sizes in kindergarten through third grade.

As Pennsylvania's parents know, there already has been extensive research done and it proves that smaller class size in early developmental years for our school children promotes greater student achievement. It lays the foundation for academic excellence and it also provides for educational success that lasts a lifetime. It allows our children the opportunity for more one-on-one instruction time with their teachers so that during these early years the children can learn how to learn.

This amendment responds to our President's speech on January 27 in the State of the Union call to action to make the public elementary and secondary schools the world's best. It gives Pennsylvania school districts the tools that they need to become a full partner in the President's national effort to reduce class sizes in the early grades and at the same time raise expectations and also raise accountability.

It is my understanding that last September the 200 Members of the Pennsylvania House of Representatives, both Republicans and Democrats alike, voted in favor of a bill to reduce the class sizes to a maximum of 20 students, 20 pupils in kindergarten through grades 1, 2, and 3. Last week the House again voted 121 to 79, once again both Republicans and Democrats alike, to put the money up by supporting the amendment that is before the Senate now. Mr. President, I think it is time for us, for the sake of our kids, to vote affirmatively. Let us give them the kind of enhanced learning environment that they deserve.

Thank you, Mr. President.

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

Senator SCHWARTZ. Mr. President, I want to just rise to make a couple of comments about some of the criticism of reducing class size. First, let me say that it is absolutely correct that class size alone is not the answer to improving children's achievement. It is a piece of what we must do to move forward to make sure that we are improving the quality of education.

In fact, Mr. President, some of my colleagues may remember that a number of years ago on a bipartisan basis the education chairs, the two Republicans and two Democrats in the House and the Senate, stood up and outlined the reform agenda for the Commonwealth and that included standards, high academic standards set by the State, mandatory standards. We are about to do that. The State Board of Education is going to meet next week and hopefully approve a set of standards for the State. It is a beginning process.

We talked about accountability and assessment and making sure that we hold our school districts accountable for children's achievement. We talked about and I firmly believe in and support assuring the high quality of our teachers. A re-certification bill has been worked on for quite some time and is still in the House, requiring teachers to have ongoing professional development. I support that, Mr. President, as a part of improving the quality of education.

We talked about charter schools, which we have done, and I supported that in this Chamber, one of just two Democrats who did support the establishment of charter schools as part of the public school system in this Commonwealth. We talked

about alternative programs for disruptive students and we have done some of that, not enough, but we have done some of that as well to provide a modest amount of funding for alternative programs for disruptive students.

And, Mr. President, we talked about early childhood initiatives, and part of early childhood initiatives were full-day kindergarten, smaller class size, and professional training for early child development, for early childhood teachers. It may cost some money. It requires the State to step up to the plate and embrace it, but we should not do everything but that which requires money. How disingenuous of us to say we support this reform agenda unless it costs us money. Let it all go to local taxpayers. Let it all go to local property taxpayers, or let our students not get the whole package so that we in fact do not do what we should do to improve the quality of education for our children. I embrace all of those reform pieces to make sure that we do improve the quality of education. It is part of a much broader package and has been thought through by many educators across this nation as well as across this Commonwealth. So we should be willing to stand up for this as we are willing to stand up for other reform issues.

And let me say that it was suggested that in some other countries, including in Asia, and I know at least in Japan there are some schools that do have very large classes, but what the gentleman forgot to say, or maybe did not know, was that, yes, there are large classes in some of those schools in Japan, but did he know that those teachers teach 1 or 2 hours a day and the rest of the day, 5 to 6 hours are spent in individual instruction and attention to each of those students?

Small classes are not the only answer. There may be other ways of doing this, and many of our schools are in fact trying lots of innovative ways to break down classes into small work groups and teams to be able to provide more individual attention. There is no single answer, but we do know, and in fact if the gentleman wants to suggest that we change it around so that the teachers have a larger class to teach and they would only teach for an hour or an hour and a half in the morning and then provide individual instruction for the rest of the day, maybe we should consider that, but I have never heard that suggestion being made in the Commonwealth of Pennsylvania.

I am open to a lot of suggestions about the ways we want to allow flexibility for our local school districts to decide, but what we are faced with right now is that many of our school districts, many of our parents are saying this is what we know works, this is what we would like some help with. We can no longer keep raising local taxes to produce the kinds of dollars we need for this. We need some help from the State. This is a modest beginning and we should not be afraid to begin, Mr. President, because the future may demand more of us, but we should not be afraid to begin today because of that future.

Thank you.

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

Senator RHOADES. Mr. President, I would like to share with the body the Education Commission of States. It is a nonpartisan educational commission which looks at this, and

here is from March 1998, their "Hot topics" under "Class Size." And I agree, and it says: (*Reading*)

The research about whether small classes improve student achievement has produced mixed results, including in the following:

An extensive study of the Tennessee STAR program by Frederick Mosteller of Harvard University shows a significant correlation between smaller classes and student achievement. --**There we are, that is one.**

A recent Educational Testing Service study shows the largest gains from reducing class size occurred among poor students living in high-cost areas. According to the research, 4th graders in smaller-than-average classes are about six months ahead of their counterparts in larger-than-average classes. --**So I will give that one to you.**

A study by William Sander of DePaul University concludes a 10% decrease in pupil-teacher ratio is associated with a 1.5% increase in graduation rates. --**Okay, good. That is three.**

Program evaluations of Indiana's Prime Time initiative indicate a weak relationship between lower class size and student achievement, but significant improvement in teacher morale and attitudes. --**Not what we are looking to do. We are looking for academic achievement.**

The payoff of smaller class sizes in terms of student achievement gains does not translate into a cost-effective investment. Tutoring and direct instruction appear to be more cost-effective.

Class size reduction cannot be isolated as the sole factor for increased student achievement.

So here I have three that say yes and three that say no. It is not me, this is what the research people who do this every day look at it and say.

And maybe the best way I can put it here is this is from Kathy Christie, Education Commission of the States, Chicago Tribune, January 29, 1998, "If you make the class size smaller and the teacher isn't doing a good job in the first place, it won't make a difference."

I think that is the bottom line, and I am not dumping it all on the teachers in this case, but I think until we find out what is the optimum, what is the best, and how it will direct as a sound investment, I think we should continue on with what we are doing and move from there and not spend \$30 million that we cannot afford to spend.

Thank you.

LEGISLATIVE LEAVES

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

Senator BODACK. Mr. President, I request temporary Capitol leaves for Senator Afflerbach and Senator Kasunic, who have been called back to their offices.

The PRESIDENT. Senator Bodack requests temporary Capitol leaves for Senator Afflerbach and Senator Kasunic. Without objection, those leaves are granted.

And the question recurring,

Will the Senate agree to the amendment?

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

Senator LOEPER. Mr. President, for the same reasons that were outlined with the other amendment, we are moving a

process along here with the budget, and I would ask for a negative vote.

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

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

YEA-19

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

NAY-28

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

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

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

BODACK AMENDMENT A1651

Senator BODACK offered the following amendment No. A1651:

Amend Sec. 211, page 189, line 17, by striking out all of said line and inserting:

State appropriation.. 846,534,000

Amend Sec. 219, page 242, line 28, by inserting after "DISABLED": This appropriation contains sufficient funds to eliminate all administrative fees charged to recipients beginning in January 1999.

Amend Sec. 219, page 242, line 29, by striking out all of said line and inserting:

State appropriation.. 133,457,000

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

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

Senator BODACK. Mr. President, this amendment seeks to eliminate what can be described as a hidden tax on an estimated 279,000 blind, disabled, and elderly poor people throughout Pennsylvania. It seeks to correct a situation whereby Supplemental Social Security Income beneficiaries, more commonly referred to as SSI recipients, are about to lose \$7.60 per month for the processing of a modest \$32.40 of their monthly State supplement which they receive along with their Federal Social Security check.

I would like to point out that on October 1, 1993, there was a charge in the Federal government of \$1.67 for the processing fees. On October 1, 1994, it went to \$3.33. On October 1,

1995, it went to \$5. On October 1, 1997, it went to \$6.20, and on October 1, 1998, it is going to be \$7.60. Now what is interesting about these numbers, Mr. President, is the fact that not until January 1 of 1996 was there any money received from a Social Security supplemental check until January 1 of 1996 when it went to \$5. What is going to happen now is that out of the meager \$32.40 a month that the recipients are getting there will be a \$7.60 charge.

Mr. President, I think that one of the reasons why my constituents sent me down here was to try to help, and I do not know what other people's feelings are, but I think I was sent here to try to help the poor and needy to get a fair shake in today's society as far as what would be coming out of Washington, D.C., and passed on through to our people back home. I think what we are doing here in this situation is we are dealing with a group of people who are among the most vulnerable people in Pennsylvania. They are the poorest of the poor. Most of them are disabled, but the rest of them, Mr. President, are elderly.

Now, in my home county of Allegheny, there are some 30,000 Social Security integration recipients. That is more than 10 percent of the total in our State. Last week I received a letter from one of those individuals who happens to be one of my constituents, and this individual, whom I prefer to remain nameless for the purpose of this discussion, described a real struggle, a struggle that he and a lot of other people like him face each and every day of the year. Mr. President, in his note to me he talked about how his small Social Security integration supplement from the State has already been reduced by \$5. He mentioned there will be another \$2.60 that will be taken away from him each month beginning in January. This gentleman also talked about the need for a supermarket in his neighborhood that will be closer to the home in which he lives. And then he confessed about how he now has to have both of his legs amputated.

Mr. President, that leads me to the question of where is anybody, any State budget lobbyist who is standing up and fighting for these folks? Unfortunately, Mr. President, as you and I well know, the answer is there is no one. That does not mean that we here in this great body cannot be that lobbyist who would stand up for people like the gentleman who wrote me the letter. It does not mean that we should not acknowledge the fact that we should not respect those people. It should not mean that they are not deserving of our concern. I certainly would hope, Mr. President, that in this great Chamber that is not the case. I realize that there is an administrative fee for the processing of the State SSI supplement along with the Federal SSI payment which is a result of Federal action, but I also recognize that there is no mandate that our State government must pass this hidden Federal tax on to the very people in our society who can least afford it.

Very simply, what this amendment would do is it would require the State to absorb this processing cost effective in January of 1999, if we have not succeeded by then in convincing the Federal government to eliminate this fee or have not come up with some other State alternative to curtail it. Now, Mr. President, I think that the action to charge these recipients

this additional \$7.40 out of a meager \$32.40 State payment that they receive, which represents 25 percent of that help that they receive from us, is outrageous. I think we need to fix it, Mr. President, and we need to fix it without any delay.

Thank you.

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

Senator LOEPER. Mr. President, first, on the amendment, again I think it is important to point out that once again this is a Federal mandate that is being imposed upon the Commonwealth and its SSI recipients. The State already has contributed \$1.20 for each one of those recipients when the fee went from \$5 to \$6.20. In fact, Pennsylvania was out front as one of the first States in order to subsidize that increase in the Federal fee for which there is no reimbursement from the Federal government.

Mr. President, there has been much discussion as far as whether the State should go further as far as trying to assist the SSI recipients, and I think that this is certainly a very valid matter for consideration in the final budget document. However, Mr. President, today what we are doing is moving forth a vehicle to try to get to that final budget document, and therefore I would ask for a negative vote on the amendment.

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

Senator FUMO. Mr. President, I rise to support the amendment, but more importantly for the benefit of the Members, as they say, hot off the presses, with one day remaining for month of May, tax collections for the month are \$83 million above the official estimate. Mr. President, for the fiscal year to date, the amount of collections over estimates is now \$297 million. We have already surpassed the Governor's last estimate of \$231 million, and we are very close to what the Senate Democratic Committee on Appropriations has said will be that surplus at the end of the year, and that is a minimum of \$380 million. In fact, there is a good chance we will hit that number before we come back to Session after tomorrow's recess.

Mr. President, with that kind of money, it is obscene for us to charge those among us who are the most needy this fee which represents almost one-fourth of their entire check of about \$32 per month on average. Mr. President, the gentleman, the Majority Leader, made a mistake. This is not a Federal mandate, it is a Federal charge, but it is not a Federal mandate. Nowhere in the law are we required to charge this fee to our most needy.

In fact, Mr. President, when this started back in the Casey administration, Governor Casey refused to pass this charge along to those recipients and we in the Commonwealth paid it for them with our State moneys. It was not until Governor Ridge came into office that these people began to be charged these huge fees for their checks. And now they continue to escalate, Mr. President, and this latest 50-percent increase when we are sitting and will be sitting on \$400 million in surplus is nothing less than cold, cruel, mean-spirited, and obscene.

Mr. President, I recognize--

The PRESIDENT. Senator Fumo, would you yield for a moment.

Senator FUMO. Mr. President, I recognize that what we are doing today is a process. It is not terribly meaningful, because in the end there will be a conference committee and there will be a different bill than what we see before us. But, Mr. President, today is the day that we set aside to let the Commonwealth of Pennsylvania and its citizens know of our priorities, to let them know what we think is important.

Mr. President, as the Majority Leader has already indicated, this is not going anywhere. If so, then why, except for a cold, callous attitude, would anyone vote against such an amendment, Mr. President? It would be the expression of this Senate to say to the blind, to the disabled, to the aged of this Commonwealth that we care, at least this little bit. Mr. President, we should be doing more but we are not. At least we should not be charging a person \$7.60 a month to process a \$32 check.

Mr. President, if this is just going nowhere, then I urge my colleagues on that side of the aisle to express some compassion for these people and vote the sentiment of the Senate that this is how we feel and that we should take care of these people.

Thank you, Mr. President.

And the question recurring,

Will the Senate agree to the amendment?

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

YEA-19

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

NAY-28

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

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

LEGISLATIVE LEAVES

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

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

The PRESIDENT. Senator Fumo requests temporary Capital leaves for Senator Bodack and Senator Tartaglione. Without objection, those leaves are granted.

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

KITCHEN AMENDMENT A1649

Senator KITCHEN offered the following amendment No. A1649:

Amend Sec. 211, page 189, line 17, by striking out all of said line and inserting:

State appropriation.. 854,966,000

Amend Sec. 219, page 242, lines 28 and 29, by striking out all of said lines and inserting: aged, blind and disabled. This appropriation contains sufficient funds to eliminate any increase in administrative fees charged to each recipient over that charged to each recipient in January of 1998.

State appropriation.. 125,025,000

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

LEGISLATIVE LEAVE CANCELLED

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

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

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

Senator KITCHEN. Mr. President, my amendment reduces the Corrections budget by \$4.3 million, which should be added to the SSI supplement budget. Mr. President, of 16 States where the Social Security Administration processes the State SSI supplement, Pennsylvania is one of the very few States that passes the charges on to the poor. Mr. President, the fee to process the checks is a Federal mandate, but who pays the fee is not mandated.

Mr. President, this amendment will take care of at least the current charge and will take away the additional \$2.60 that is taken out of the \$32.40 which the State supplies to the SSI supplement. Mr. President, it represents 24 percent of the amount that the State pays and amounts to \$100 a year, and that is a significant amount for poor, elderly, disabled, and blind citizens. I ask for a favorable vote on this amendment.

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

Senator LOEPER. Mr. President, I would simply point out that this amendment is somewhat similar to the last amendment that was offered dealing with the SSI Federal charge. And as I indicated at that time, Pennsylvania was already one of the first States to pay for the additional charge from \$5 to \$6.20. I think many of us are very cognizant of the increase that is being imposed by the Federal government in that charge to take effect in October of 1998.

I believe it is a very legitimate item that will be part of the budget discussions in the final document, but once again, Mr. President, I would simply reiterate that what we are doing today is moving forward the budget process, moving a vehicle into position for final consideration for a conference commit-

tee, and therefore I would ask for a negative vote on the amendment.

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

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

YEA-19

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

NAY-28

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

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

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

COSTA AMENDMENT A1709

Senator COSTA offered the following amendment No. A1709:

Amend Sec. 209, page 181, line 23, by striking out all of said line and inserting:

State appropriation.. 6,300,000

Amend Sec. 209, page 185, by inserting after line 30: For transfer to the Municipal Police Officers Training Commission to provide grants to distressed municipalities as defined in the act of July 10, 1987 (P.L.246, No.47), known as the Municipalities Financial Recovery Act, and municipalities having areas designated as enterprise zones.

State appropriation.. 2,500,000

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

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

Senator COSTA. Mr. President, the amendment I offer tonight deals with municipal police officers and providing funding for municipalities which have been declared distressed municipalities by Act 47. Mr. President, in my senatorial district, four municipalities have received such designation, and each of those municipalities is in very, very dire need of additional police officers. That is exactly what this amendment would accomplish. This amendment would allocate \$2,500,000 for a transfer to the Municipal Police Officers Training Commission to provide grants to distressed municipalities as defined under the Municipalities Financial Recovery Act. The amount of money would come from the Team Pennsylvania al-

location as related to the Governor's budget request on page 181, line 23.

Mr. President, several months ago in this Chamber we had the opportunity to discuss similar legislation I introduced which was titled Penn COPS. Essentially, under this program, Mr. President, it would have provided for a surcharge of \$25 to all criminals and a \$1 surcharge on all traffic and other motor vehicle violations to be placed into a fund which would establish a Crime Containment Officer Fund. And through that program, Mr. President, Act 47 communities or communities and areas designated as Enterprise Zone communities would have the opportunity to have working in those communities police officers, and the municipality would then receive the first year 100 percent of the amount of money that would be required for that police officer, the second year, 75 percent, and finally the third and final year, 50 percent.

Now, in that particular case, Mr. President, as it relates to municipalities, Act 47 communities, those communities, under very specific rules and regulations promulgated by the Municipal Police Officers Training Commission, would have the opportunity to have waived 25 percent the second year and 50 percent the third year, that amount of money, the local match, so to speak, would be waived.

Mr. President, we also in Pennsylvania have the opportunity to tie into another program called the Federal COPS Program, but for some reason Pennsylvania has decided not to participate in this Federal COPS Program, and that also would have provided a local match as it relates to local municipalities for this particular program. I say that, Mr. President, because this Chamber several months ago, as I indicated, had an opportunity to vote on that and this Chamber was evenly split on this particular issue, split on the fact that we needed new police officers in our communities, split on the fact in terms of how we should raise the revenue for this particular program. Twenty-four Members in this Chamber voted in favor of it and 24 voted against it.

So, Mr. President, what I have done is gone back to the drawing board, and I am trying to find a way in which local municipalities, particularly those Act 47 communities and Enterprise Zone communities which so desperately need additional police officers walking the streets in those communities, what we would do is provide a \$2.5 million funding mechanism for them so they will be able to meet demands in those respective communities. So I ask all my colleagues, particularly those 24 and the few others who voted with me last time, to again join me in voting for this particular amendment.

Thank you.

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

Senator LOEPER. Mr. President, I think that the gentleman has outlined a program that is not reflected in the amendment that he has offered, and essentially all he has done is appropriate some money in this amendment for this new program.

Once again, it is a new program without any guidelines or projections as to what the funding costs are going to be in the out years. Certainly, I think we are all interested in making our communities safer and putting more police officers on the

street, and any program along those lines would enjoy a broad base of support, but I think in order to be responsible, we would have to know exactly what communities are targeted, the specifics, much like the outline that was presented earlier with relation to several communities across this State. It sounds like a very meritorious program, like every other one that we have heard here today, Mr. President, but I think in the final consideration of the budget that it could be taken under consideration.

Once again, I simply reiterate the process that we are going through today, Mr. President, is moving forward a bill to put it in a position to deal with the General Fund budget, and I would ask for a negative vote on the amendment.

Thank you.

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

Senator COSTA. Mr. President, it is my understanding that because this is a budget bill, in terms of the specifics of the program it would not be appropriate to include them in there. However, I want to point out that the language is as specific as it can be in the sense that there are only a handful of municipalities that are designated Act 47 communities and there are a few more that are designated as communities within an Enterprise Zone.

With that being said, Mr. President, I am encouraged to hear from the Majority Leader that he feels that this is a meritorious program and one that hopefully we will be considering very soon, but given the nature of our constraints and of the budget process and as the Majority Leader has indicated the process we must follow, I think the language is appropriate and sufficient enough to address the needs in our communities.

And I want to point out that I think it is significant that while this is the part of the process that we may go through, I find it very difficult to go back into my district, Mr. President, and tell those individuals who are residing in the district that because of the process we are not able to implement very significant programs which apparently people think may be appropriate ones at this particular time. I am hopeful that we will have the opportunity to have language of this nature and this sort implemented into the conference report, whatever it may be called or titled, but nevertheless I think it is important that we need to send the message back home to the people in our districts, and particularly for those victims who have to deal with addressing the issue of crime in their communities, it is hard for me to go back and explain to them that the reason they do not have more police officers on their streets is because we have to go through a process here.

I think we do a lot of processes here, Mr. President, and I think it is time to start to act. We have the opportunity to do that tonight, and I hope that my colleagues would join me in voting favorably for this amendment.

Thank you, Mr. President.

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

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

YEA-19

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

NAY-28

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

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

And the question recurring,

Will the Senate agree to the bill on second consideration?

BELAN AMENDMENT A1824

Senator BELAN offered the following amendment No. A1824:

Amend Sec. 209, page 185, by inserting between lines 12 and 13:
For community flood assistance for southwestern Pennsylvania.
State appropriation.. 3,115,000

Amend Sec. 211, page 189, line 8, by striking out all of said line and inserting:
State appropriation.. 24,461,000

On the question,

Will the Senate agree to the amendment?

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

Senator BELAN. Mr. President, this amendment would reimburse four municipalities in one school district for the damages which resulted from a tragic flash flood that occurred in my district last year, in fact in July of 1997. The line item, Mr. President, would reimburse the Gateway School District for \$600,000, the municipality of Monroeville for \$1 million, Pitcairn Borough for \$1.5 million, Turtle Creek Borough for \$10,000, and Wilkins Township for \$5,000.

Mr. President, I ask for an affirmative vote on this amendment. You had to be there to really see what we incurred in my district. The Governor came down and said there were moneys available to reimburse the municipalities for the damages. In fact, there was no money. That was a very devastating comment to the victims of this flood. You had to see the homes flowing down the main street of Pitcairn, homes moved off their foundations, completely off their foundations. One school was flooded up to the second floor, furnaces were moving down the street in water, mobile homes, automobiles. You had to be there, Mr. President, to see this. We had the same occurrence in Elizabeth Township in January of 1996. West Elizabeth, Elizabeth Township, McKeesport, Duquesne, Export, Delmont, they had the same identical thing, but we cannot get any money to reimburse these people.

Mr. President, I ask for an affirmative vote from my colleagues because I know they have had damages in their districts, and I have another amendment to offer after this one. So I ask for an affirmative vote on this amendment.

Thank you, Mr. President.

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

Senator LOEPER. Mr. President, just by the gentleman's description of his amendment, certainly I think that many of us have experienced in our various districts across this State the devastation of quick and violent storms or floods or ice or snow, whatever the case may be. Every one of these cases is a great hardship to the families that have endured that hardship.

However, Mr. President, I believe that in many cases these areas are declared areas of emergency and they are eligible for some relief from the Federal Emergency Management Agency. To simply indicate four communities or a school district to receive aid is very meritorious; however, I think that it should also include some of those other communities that have been highly impacted by those types of situations.

Therefore, Mr. President, I ask for a negative vote on the amendment.

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

Senator BELAN. Mr. President, I will answer that in my next amendment, if you do not mind.

And the question recurring,

Will the Senate agree to the amendment?

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

YEA-19

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

NAY-28

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

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

And the question recurring,

Will the Senate agree to the bill on second consideration?

BELAN AMENDMENT A1711

Senator BELAN offered the following amendment No. A1711:

Amend Sec. 209, page 183, by inserting between lines 11 and 12:
For disaster loan assistance.

State appropriation.. 2,000,000

Amend Sec. 211, page 189, line 8, by striking out all of said line
and inserting:

State appropriation.. 25,576,000

On the question,

Will the Senate agree to the amendment?

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

Senator BELAN. Mr. President, this amendment provides funding for a program to help those who have been stricken by natural disasters. Last year in my district, as I just stated in my previous amendment, we lost the life of a young fireman trying to save another. We had over 600 homes and businesses damaged in Pitcairn, Monroeville, Turtle Creek, Wilkins Township, and surrounding areas, and due to the limited area and the number of homes involved, many individuals and businesses did not qualify for any Federal assistance program, as my good friend Senator Loeper stated. What we found in responding to the disaster was that there was no assistance program available to those who had experienced damage and yet were unable to pay for even the smallest repair to their homes or businesses. Working with Representative Joe Markosek, Senator Costa, and others, we have developed a disaster assistance loan program to help those who do not qualify under any Federal, State, local, or private sector programs, disaster relief programs as outlined in Senate Bill No. 1172.

Mr. President, this appropriation would help the loan program get started and provide the kind of assistance which homeowners and small businesses need. This also, Mr. President, would provide a way for the Governor to become involved and administer State disaster assistance through a disaster declaration upon a finding of sufficient damage by county emergency management personnel. Mr. President, under this program, you must have \$10,000 or more in damage. The program will then supply a 2-percent loan, which is much lower than a bank. In this case, in Pitcairn and Monroeville, they had to go to a bank, which these people in the valley cannot afford, and pay high rates. I understand they would pay 2.9. How many times can you go to a bank? How many times can you go to the well?

You had to be there, Mr. President. I am asking my colleagues, you have had floods in your districts, cars floating down the main road, homes off of their foundations, people losing all their personal items. You mean to tell me we cannot, in this Senate, help our constituents in the State of Pennsylvania? You are going to have to answer to this, not me. All of you, all of us here today, when your town gets hit by devastation, you are going to have to answer to your constituents when they say, please help me, Senator. And what are you going to say? I know what I am going to say, but what are you going to say?

Thank you, Mr. President.

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

Senator LOEPER. Mr. President, again, just to reiterate what I said on the last amendment, and just to add one additional caveat and suggestion to the gentleman, that very possibly the kind of program he is talking about could be accomplished through the Community Revitalization Grant Program, and I would suggest that the gentleman work with his Committee on Appropriations chairman and leadership in order to use that Community Revitalization Fund in order to fund such a meritorious program.

Thank you, Mr. President.

And the question recurring,

Will the Senate agree to the amendment?

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

YEA-19

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

NAY-28

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

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

And the question recurring,

Will the Senate agree to the bill on second consideration?

STAPLETON AMENDMENT A1627

Senator STAPLETON offered the following amendment No. A1627:

Amend Sec. 220, page 254, line 18, by striking out all of said line and inserting:

State appropriation.. 114,707,000

Amend Sec. 227, page 262, line 4, by striking out all of said line and inserting:

State appropriation.. 429,136,000

On the question,

Will the Senate agree to the amendment?

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

Senator STAPLETON. Mr. President, I rise today to offer amendment A1627, which would increase by 1 percent the education program line item for Pennsylvania's 14 State-owned universities, often referred to as the State System of Higher Education.

For the record, Mr. President, as per our rules, this increase totals \$4.2 million and is offset by a decrease of \$4.2 million

in the general government operations appropriation for the Department of Revenue. The decrease to the Department of Revenue reflects a difference between what the department requested and the Governor's request. Mr. President, some of us, as legislative Members on the board, certainly know and understand the need for an increase in funding over and above that being proposed by the Governor. Governor Ridge's proposal was a 3.25-percent increase. The Board of Governors of the State System is seeking 7.5. My amendment of a 1-percent increase I think is fair and modest. I am not asking for a 7.5-percent increase.

Mr. President, I want to hopefully see a freeze on tuition at our 14 State-owned universities. It has been 15 years now since we have had a zero increase. I think it is time to change that direction. With the increase of \$4.2 million, we should be able to keep tuition at this year's figure of \$3,468. I think it is important, Mr. President, to note that over 80 percent of the students at our universities come from working parents here in Pennsylvania. And with a heavy surplus, a healthy surplus, with no intentions of reducing the personal income tax, this is the year to give the parents and those 94,000 students a break in reducing the tuition for this next coming year.

I believe this is a good amendment, Mr. President, one that deserves a positive vote.

Thank you.

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

Senator LOEPER. Mr. President, it is not often that I disagree with the gentleman from Indiana, Senator Stapleton, as we both serve as members of the Board of Trustees of the State System of Higher Education in Pennsylvania.

But yet, Mr. President, I think we have to reflect a little bit on the record of what has happened with our State System of Higher Education and the four State-related universities in appropriations over the last couple of years. Last year, in fact, Mr. President, the Governor had proposed a 2-percent increase in the appropriation for those institutions. Following that, we met with the presidents of the four State-relateds, as well as the Chancellor of the State System, who had come to the various Caucuses indicating the need for an additional 1 percent last year, which in the final negotiation of the budget was granted to him.

I might indicate that when that appropriation was stipulated, one of the stipulations was that it was not to be a continuing, ongoing additional 1 percent to the base of their budget. And in fact, the base of the budget to begin this year's discussions would be 2 percent above where they were last year. However, this year when the Governor proposed his budget to the General Assembly, he not only added on the additional 1 percent that was granted last year in the negotiated process, but he also added another 2 percent on top.

Mr. President, since the Governor's presentation we have heard once again from the four State-related presidents and the Chancellor of the State System that this again is not enough, they need a little more. And I would simply point out an additional factor is that the employees of the State System of Higher Education, the State System receives additional moneys

because of a lower retirement rate that is granted to those because of the investments of the system, which creates more revenue for them in addition to what the increases are at the State level.

Mr. President, I think we would all like to see a zero tuition increase at our State institutions this year, but I think to grant those institutions a percentage higher than we have committed to basic education at this point would not be in order at this time, and I think that the 3.5- or 3-percent increase that was outlined in the Governor's budget is a very significant step forward in that regard. It is certainly an item for discussion during the final budget negotiations, but I would ask at this point for a negative vote in order that we may move the process forward.

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

Senator MELLOW. Mr. President, is it not incredible that in this amendment we ask for an appropriation of an additional 1 percent of revenues so that students in Pennsylvania who attend a State-owned or a State-affiliated school would not have to face an increase in tuition? The people of Pennsylvania over the last 3 years have faced an increase in their property taxes because we are not funding education to the level that school districts in our local senatorial districts need to be funded. We have not given local school districts the tools to cut the cost of education through mandates.

Mr. President, in higher education during the past 3 years there was an increase in the cost of tuition for an individual going to a State school of higher education in Pennsylvania, even though we have had surpluses that exceed a billion dollars, not including this year's surplus that we believe will exceed \$400 million. Is it not incredible, Mr. President, that for the individual taxpayer and homeowner and resident of Pennsylvania, this past year they received the largest increase in gas tax and automobile registration ever in the history of the Commonwealth? And yet, Mr. President, Senator Stapleton offers a very simple amendment in a year that we have a \$400 million surplus to appropriate less than \$5 million to our State System of Higher Education and our State-related schools so that our children and their families will not have to face another increase, and all we hear from the Republican Majority is "no." What a sad day in Pennsylvania, Mr. President.

And the question recurring,

Will the Senate agree to the amendment?

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

YEA-19

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

NAY-28

Armstrong	Greenleaf	Madigan	Slocum
Brightbill	Hart	Mowery	Thompson

Conti	Helfrick	Murphy	Tilghman
Corman	Holl	Piccola	Tomlinson
Delp	Jubelirer	Punt	Uliana
Earll	Lemmond	Rhoades	Wenger
Gerlach	Loeper	Robbins	White

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

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

SCHWARTZ AMENDMENT A1833

Senator SCHWARTZ offered the following amendment No. A1833:

Amend Sec. 202, page 163, line 3, by striking out all of said line and inserting:

State appropriation.. 25,243,000

Amend Sec. 209, page 180, line 23, by striking out all of said line and inserting:

State appropriation.. 5,000,000

Amend Sec. 211, page 189, line 8, by striking out all of said line and inserting:

State appropriation.. 24,576,000

Amend Sec. 211, page 189, line 17, by striking out all of said line and inserting:

State appropriation.. 839,334,000

Amend Sec. 212, page 196, line 23, by striking out all of said line and inserting:

State appropriation.. 716,843,000

Amend Sec. 214, page 212, line 2, by striking out all of said line and inserting:

State appropriation.. 55,236,000

Amend Sec. 219, page 231, line 4, by striking out all of said line and inserting:

State appropriation.. 35,982,000

Amend Sec. 220, page 254, line 18, by striking out all of said line and inserting:

State appropriation.. 114,956,000

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

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

Senator SCHWARTZ. Mr. President, this amendment adds \$63.3 million for special education. I say that it adds, but of course as we are obliged--

Senator LOEPER. Excuse me, Mr. President, I am sorry, could we be at ease for a moment? We have not seen a copy of this amendment.

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

Senator SCHWARTZ. Mr. President, just for your information, the amendment has been changed very suddenly in terms of where the money is taken from, but this amendment was distributed with an explanation to all of the Members on both sides of the aisle this morning, so everyone had ample opportunity to take a look at it. It has not changed that much.

Senator LOEPER. Mr. President, we have never received a copy of it.

The PRESIDENT. Senator Schwartz, would you object if the Senate would be at ease for a moment?

(The Senate was at ease.)

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

Senator SCHWARTZ. Mr. President, I hope we cleared that up. I apologize. Yes, it was actually a different amendment number previously.

Just to briefly explain what this is, it is additional funding for special education. I have traveled across the Commonwealth to visit with schools and school districts to meet with superintendents and school board members, and if there is one consistent message that I have heard from school district after school district, it is that they are struggling to provide education to children with special needs, and with the change in the formula several years ago in the State which many of us participated in, they are finding it increasingly difficult to do so with the funds they receive from the State. So what this does is recognize it, maybe not to the degree that some of the school districts would like. They would like to see us go back to full funding from the State, but this is a very reasonable approach to special education funding.

What it would do is slightly increase the amount paid for 15 percent of the children in a school district. We are assuming that is the right number, the right percentage for children with mild impairments. And then it also increases the amount of money slightly for children with more severe disabilities. In addition, for a school district that demonstrates to the State that more than 1 percent of their children have severe disabilities, the State will continue to pay a particular amount, \$14,500 per child with special severe disabilities.

What this recognizes is that while the original concern several years ago for children with special needs was that some of them may not be characterized particularly, I think there is very little disagreement that those children with particularly severe disabilities can in any way be fudged by a local school district. And yet we should not punish school districts that have, for some reason, an unusually high number of children with severe special needs.

So I think all of us want to be sure that children with special needs get taken care of. They recognize that the State has an obligation to help fulfill this mandate on local school districts, that we need to begin to step up to the plate more directly for school districts, so that we do not get into the situation of why are we providing those kinds of services for just a few children when really, truthfully, as we have been talking about it on the floor of the Senate this evening, we are finding school districts not having enough local resources to provide basic education to all of the children in their districts. So this is a way to make sure that all of the school districts are held harmless, and in almost every situation across the State it does help with the local school districts by the State picking up some of the additional dollars for these special needs children.

Again, Mr. President, this is an issue that has been raised by many, many of our school districts across the Commonwealth. Whether they are small school districts that find that they are hitting that 1 percent very quickly, or whether they are some medium-sized school districts that we are seeing across the board, if there is any mandate that they say back to us, we

need help. We want to do this job well, we can do this job well, we are doing as well as we can, but it is financially breaking the bank and it is very hard for local taxpayers to handle the entire burden.

So we are looking for the State to step up to the plate to transfer some of the funding from a variety of different line items into the special education line item so we can do this. I know there are many who presented other options, some greater numbers in some cases. I believe, as do many of us who care about special education and about helping our school districts be able to provide special education services without breaking the bank to local districts, that we should vote for this to demonstrate to our leadership that when they get to conference committee what is in this budget is not enough, that we want to see this issue taken care of.

A vote here to demonstrate that we care about this is something that is extremely important, and in the House where the rules were different, where they had \$128 million to work with to demonstrate their priorities to the leadership, if we had that to play with here, I think we would be seeing some additional money going into special education. I believe this is a bipartisan issue, that we would see real support for this. I hope we see some demonstration of that, and it is not put aside as let us just leave it to somebody else to decide. This is on all of us to speak up on behalf of our school districts, on behalf of all of our children and, in this case, not just the special needs children but all of our children who have a right to be educated by our local school districts with help from the State.

Thank you, Mr. President.

LEGISLATIVE LEAVE CANCELLED

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

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

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

Senator LOEPER. Mr. President, I apologize for the confusion when the amendment was offered, but it was not the amendment that we had seen earlier today, and I was just wondering if the gentlewoman would stand for brief interrogation.

The PRESIDENT. Senator Schwartz, would you stand for brief interrogation?

Senator SCHWARTZ. Yes, Mr. President.

The PRESIDENT. Senator Loeper, you may proceed.

Senator LOEPER. Mr. President, I noticed in the original amendment that the cost for the amendment was taken from the Community Revitalization Fund, and in the second amendment, which was exactly the same as the first, it was drawn to take that money instead of from the Community Revitalization Fund, from the Department of Corrections once again, which seems to be a favorite target in the last 2 weeks to take money from. I was just wondering if the gentlewoman could tell us why she felt it was more important to take that money from

the Department of Corrections than the Community Revitalization Fund.

Senator SCHWARTZ. Mr. President, it was pointed out to me when I shared this within my Caucus that because the Department of Corrections' budget is so large, approaching a billion dollars, that in fact that is an area that may actually have some cost savings that could be accomplished, and that in such a large budget where we are spending so much money in Corrections now, it has seen the largest increases every year that I have seen, that we are looking at spending about \$26,000, \$27,000 per inmate, maybe a few dollars less, in this case we are talking about \$20 million. I am not sure I can do the quick calculations in my head, but we are talking about cents per inmate here. Instead, we are talking about putting that money into education of our children.

It was pointed out to me that that was a very reasonable way to do this, that while we were all committed to making sure that those who need to be punished and incarcerated are, it is certainly possible, Mr. President, with that size budget to either be leaner about how we spend money on Corrections or that we would be willing to make that up at a later point. But certainly a few cents less per inmate to provide a few extra dollars for children's education is a trade-off that many of us are willing to make.

Senator LOEPER. Mr. President, I thank the lady.

It is not my intent to get into a debate on the Corrections issue once again, and that is if we are going to take money away, which institution are we going to close, which inmates are we going to let out into the community, we are not going to go through all that again.

But I do think it is important, very important to note that we all view that there is a problem in the area of special education to our local school districts and that we on this side of the aisle are certainly committed to try to, in the negotiation process, bring more money back for special education to all of our school districts. It has been very obvious since 1991 when the special education formula was changed from an excess cost base formula to the present reimbursement formula to our local districts that we had a problem in 1991 and costs were spiraling out of control for special education on the excess cost reimbursement basis. The administration at that time had proposed this change in special ed funding.

In some districts it has adequately met the needs, but in many of our districts it has not met the needs, and the burden is being shared by the local taxpayer in order to fund special education costs. I can indicate to the gentlewoman that we are committed to increase the amount of special ed funding as proposed by the Governor and fully intend in the final document that comes before the conference committee that that issue will be addressed.

However, once again, I reiterate that what we are doing here tonight is moving the process forward. Whether we are talking about \$20 million, \$100 million, whatever the number may be, depending on whom you talk to or whose commission or study may be cited as far as special ed, the important thing

is we are committed to drive more special education dollars back to our local school districts in this budget.

Thank you, Mr. President.

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

Senator TOMLINSON. Mr. President, I apologize. I did not get this earlier, I did not get to see it. I am sorry, I do not know why my office did not give it to me.

I want to thank the speaker for trying to address the special education problem. Unlike some of the other amendments I have seen tonight, I generally believe you are trying to do something with this, and I really believe you recognize the problem we have in special education, because I was on a school board in my district and I recognized in 1991 when the Casey administration took away the excess costs and did not fund the mandate, we have been trying for years to try to straighten that out. I had a press conference just a few weeks ago, and we tried to address some of that and we have had a lot of support.

Unfortunately, I do not think this amendment is going to make it. I do not think we are going to be able to get the funding from here. I have been working all week trying to figure out a way to get some funding out of the budget, as you have, Senator Schwartz. But I have spoken to my leadership and I have been assured that we are going to address the special education problem, and we are going to get more money into it. It is absolutely essential that we do. So I want to thank Senator Schwartz for attempting to do this.

Unfortunately, I have not been able to look at the way she distributes the money or where she gets all the money from. For that reason I am going to oppose this amendment, but I thank her for attempting to drive more money into special education since it was removed from excess costs to just the averaging. The Senator knows I have proposed funding 50 percent of all special education costs in a bill that I have introduced, and I am working very, very hard to get our leadership, as it goes through this process in the budget, to fund that.

Thank you, Mr. President.

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

Senator MELLOW. Mr. President, would Senator Schwartz permit himself to be interrogated?

The PRESIDENT. Senator Schwartz, do you wish to be interrogated?

Senator SCHWARTZ. Yes, Mr. President.

The PRESIDENT. Senator Mellow, you may proceed.

Senator MELLOW. Mr. President, can Senator Schwartz tell us where this money is coming from so that there is no question on the floor of the Senate here this evening what money is being made available and what we are trying to do for special education and exactly where the money is coming from?

Senator SCHWARTZ. Mr. President, I would be happy to. Thirty million dollars would come from Opportunity Grants and DCD, \$20 million would come from the Department of Corrections, \$4 million from the Department of Revenue general government operations, \$2 million from the Department of General Services general government operations, \$2 million

from the Department of Welfare general government operations, \$3 million from the Department of Corrections general government operations, and just over \$2 million from the Office of Budget, the executive offices. So what I tried to do, Mr. President, is have a small amount of money come from government operations where we can see leaner, tighter government operations, and at the same time be able to use these State dollars for a very vital and important service for educating our children in our communities.

Senator MELLOW. Mr. President, I thank Senator Schwartz.

Mr. President, I would just like to also reiterate what she said. This is an extremely important piece of legislation. It is important to our school districts, but more importantly, it is important to the students who need the services of special education. It has been totally pointed out right here exactly where the money is coming from. There are no mysteries involved in this thing.

We know what the problem is. Each and every one of us in this Chamber, I am sure, has heard from our school districts and intermediate units, and maybe, most importantly, from the parents of children with special needs, because this is meant to improve the quality of education in Pennsylvania. It is here to improve the quality of life of children who have a special need. It is something that is very, very important and something we should be doing tonight. We should not be waiting until we have a conference committee, nor should we be waiting until the House of Representatives decides what they may want to do with this important piece of legislation.

I do not think independently there is one Member of this body who would tell you we should not be doing this. So let us not delay, let us make our feelings known through a positive vote this evening, so we can take this very important amendment, Mr. President, and pass it. And let us not hide behind any type of gobbledygook and say we do not know what it is doing, we do not know how much money is needed, we do not know exactly where the money is coming from, however it is a good idea. It is a good idea whose time is here to benefit children who need it the most, and that is where we should be casting our vote this evening, in favor of children who need the benefit of special education.

Thank you, Mr. President.

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

Senator SCHWARTZ. Mr. President, I, too, think it is very important for those who care about this issue, who have spoken up for it, to vote for this amendment. Certainly, as has been pointed out every time we have an amendment, this has been part of the process. This is not exactly possibly the budget that we are going to end up voting on, but it is a chance to see an amendment and to voice our support publicly or to deny our support publicly for an issue that we all care about.

While I very much appreciate the commitments made on the other side of the aisle to deal with this issue of special education and to drive more State dollars to special education in this year's budget, and I appreciate that public commitment, I am tempted to repeat it lest it be forgotten that it is being made

here that there will be additional dollars driven out. Tonight I am recommending \$63 million, and voting for it would be a demonstration of support on this issue, and I appreciate the commitment to it, but the strongest way for us to express our commitment is to vote for this amendment. Otherwise, truly, it is unknown until some future date as to whether we are going to see that commitment or not.

Let me also point out that while we did make that change in the way special education was funded, I think it was done because there was a concern for cost efficiencies, to make sure that as has often been pointed out by the administration in the last few years, that we expect government to use our dollars wisely, that we expect government to be as careful with the use of public dollars as we possibly can.

I think we cannot leave that just said the way it was by one of the previous speakers. To suggest that the previous administration in some way neglected education would truly be inaccurate. We saw increases in education from the State of 8 percent, 9 percent, and 10 percent a year at a time that was much leaner, Mr. President, economic times that were difficult. And in spite of those economic times, we made a commitment to assure that our children got the best kind of education they could.

Here we are in much better economic times. We are talking about a surplus of estimates of \$300 million, \$400 million, \$500 million, and we are still saying to the local taxpayers, forget it. We may give you a 2-percent increase in basic education. We may give you some additional funding for special education, and then again we do not know. We are going to leave that to some few weeks coming up, we are going to leave it to the conference committee, we are going to leave it to our leaders. It is on all of us to speak up now, to say that these are times when we have a surplus, when the State should be making an investment in education. We should not leave it to what community you happen to live in if you have a special needs child as to whether they can get the attention they need, whether the property taxes are available or not, or whether they can be increased this year and next year or the year after to assure that those services are there.

To support special educational funding, we ought to have the State pick up more of the share of funding of education, all funding of education, and we should make that commitment to our children, both our special needs children and to all of our children.

Thank you, Mr. President.

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

Senator LOEPER. Mr. President, very briefly, and I did not intend to speak again on the issue, but I think that one of the gentlewoman's comments certainly needs some scrutiny, and that is as far as funding increases in education in the previous administration. I think if she reflects upon the record, she would see that in 1992 the administration abandoned, at that point in time, the ESBE formula that was in place. There were no 10-percent increases that I ever recall seeing in the area of education. In fact, there was a \$125 million increase that was negotiated as part of the 1991 budget, which evaporated in

1992, that was to go into the subsidy formula. So I suggest that she recheck the figures as far as those types of commitments.

Thank you, Mr. President.

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

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

YEA-19

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

NAY-28

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

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

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

KUKOVICH AMENDMENT A1644

Senator KUKOVICH offered the following amendment No. A1644:

Amend Sec. 209, page 180, line 23, by striking out all of said line and inserting:

State appropriation.. 34,835,000

Amend Sec. 238, page 267, lines 23 and 24, by striking out all of said lines and inserting:

Commission, including \$165,000 for the Lobbying Disclosure Fund.
State appropriation.. 1,413,000

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

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

Senator KUKOVICH. Mr. President, this is without a doubt probably the least expensive amendment to be offered this evening. It calls for \$165,000 to go to the Lobbying Disclosure Fund. That small amount of money would be taken from the Opportunity Grant Program, which can certainly afford that. I do that because lobbyist disclosure was a priority of this Chamber, certainly of the Republican leadership. It not only passed here overwhelmingly, but word has it, and I do think the House committee has scheduled Senate Bill No. 1 for a vote tomorrow. In order for it to be effective, for it to have the power to enforce what we have agreed to in this Chamber, we do need that modest amount of funding, and I ask for an affirmative vote.

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

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

YEA-19

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

NAY-28

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

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

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

KUKOVICH AMENDMENT A1643

Senator KUKOVICH offered the following amendment No. A1643:

Amend Sec. 209, page 180, line 23 by striking out all of said line and inserting:

State appropriation..	30,000,000
For volunteer fire companies grant program.	
State appropriation..	5,000,000

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

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

Senator KUKOVICH. Mr. President, roughly a year ago during the budget process I offered an identical amendment. It is also similar to legislation that has been introduced in both Chambers, trying to provide a small amount of money, \$5 million, that would be reduced from the Opportunity Grants Fund to keep the amendment revenue-neutral, to provide at least a small fund for volunteer fire departments, so that on an annual basis where necessary they can apply for small grants up to no more than \$10,000. It is a chance to try to help some volunteer fire departments that are struggling.

A year ago when I offered this amendment, I thought it was an important amendment. Now I realize it is even more important. In the past year I have talked to many volunteer fire departments, their chiefs, their presidents, their trustees who are struggling more and more, not only in the area of much needed revenue but also with the problems of recruitment. In the very near future, we are going to be facing a crisis in the volunteer fire department area unless the State begins to make a commit-

ment. This is just a very small effort to begin that commitment, and again I ask for an affirmative vote.

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

Senator LOEPER. Mr. President, once again, I would suggest to the gentleman that this seems to be an excellent use for the community revitalization program, and I am sure that through his support of applications of his local volunteer fire companies, that could be very helpful for them.

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

Senator KUKOVICH. Mr. President, I have heard the refrain about this community revitalization program. To me that is a program that for the most part, and I have no way of judging all of the grants that have been given out, but it is very similar to the old legislative WAM program, except now it is a gubernatorial WAM program worked in conjunction with certain legislative leaders. I do not think for the most part a lot of these grants have been given on the basis of need and merit, and I would only like to work for those programs that are given out on the basis of need and merit. So again, I ask for an affirmative vote.

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

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

YEA-19

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

NAY-28

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

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

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

O'PAKE AMENDMENT A1673

Senator KUKOVICH, on behalf of Senator O'Pake, offered the following amendment No. A1673:

Amend Sec. 202, page 167, by inserting between lines 26 and 27:

For community-oriented policing services. this appropriation shall be distributed to the various municipalities based on the following formula: 50% shall be based on population and 50% shall be based on the number of part I offenses under the Pennsylvania Uniform Crime Reporting (UCR) Program for the preceding calendar year.

State appropriation.. 20,000,000
 Amend Sec. 211, page 189, line 17, by striking out all of said
 line and inserting:
 State appropriation.. 839,334,000

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

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

Senator KUKOVICH. Mr. President, I am offering this amendment on behalf of Senator O'Pake. Based on some of the debate from the tax bill last week regarding the Corrections budget, this amendment directly tries to deal with this crime issue by trying to prevent crime at the front end rather than paying excessive tax dollars at the back end. What this amendment does is takes \$20 million from the Corrections institutional budget and puts it into a community-oriented policing program to try to permit more cops to be placed on the street to prevent crime.

The total amount of money, if it was budgeted per capita on inmates, would change their total amount from a spending of \$24,638 to \$24,065. That is a total decrease per inmate per year of only \$573. Now that is assuming that the preventive police program does not even reduce crime. That is saying it is a wash. Most penologists and criminologists agree that spending money in this way would not only save the Commonwealth money but do what I think we all want to do in the long run, and that is prevent crime and try to save as many Pennsylvanians as possible from even having a crime perpetrated upon them. I think this is a wise use of Corrections money, and I would ask for an affirmative vote.

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

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

YEA-19

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

NAY-28

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

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

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

O'PAKE AMENDMENT A1665

Senator KUKOVICH, on behalf of Senator O'Pake, offered the following amendment No. A1665:

Amend Sec. 107, page 167, by inserting between lines 18 and 19:
 For municipal police departments to purchase computer hardware and software for use in police vehicles.

State appropriation.. 3,000,000
 Amend Sec. 211, page 189, line 17, by striking out all of said
 line and inserting:
 State appropriation.. 856,334,000

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

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

Senator KUKOVICH. Mr. President, again, on behalf of Senator O'Pake, this is a much smaller amendment. It simply removes \$3 million from the Department of Corrections institution budget and places it in PCCD to fund the acquisition of portable computers for municipal police in their cruisers. Again, there has been a certain amount of research that has been done which shows that kind of expenditure at the local police level can be a deterrent to crime. Again, the amount is very small. Again, per inmate, it would only amount to about 15 cents less a day within the institutions, but if only 120 offenses a year were deterred, it would pay for itself.

Again, this is a very modest proposal and one which I think will prevent crime rather than continue to add to all of those individuals who are wearing down State revenue by increasing the need for more prisons. I think this is a much wiser course of action in the area of criminology, and I again ask for an "aye" vote.

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

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

YEA-19

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

NAY-28

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

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

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

KITCHEN AMENDMENT A1684

Senator KITCHEN offered the following amendment No. A1684:

Amend Sec. 211, page 189, line 17, by striking out all of said line and inserting:

State appropriation.. 849,334,000

Amend Sec. 239, page 268, by inserting between lines 4 and 5: Section 240. Pennsylvania Housing Finance Agency.—The following amounts are appropriated to the Pennsylvania Housing Finance Agency:

For transfer to the Pennsylvania Housing Finance Agency for the Homeowner's Emergency Mortgage Assistance Program.

State appropriation.. 10,000,000

On the question,

Will the Senate agree to the amendment?

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

Senator KITCHEN. Mr. President, the amendment would provide a \$10 million appropriation for the Homeowner's Emergency Mortgage Assistance Program, known as HEMAP. The Governor's budget provides no new HEMAP appropriations. Without additional funding, Mr. President, HEMAP would be forced to reduce the number of new loans disbursed next year by an estimated 500 loans.

The existing program already provides assistance to only about a third of those who apply for assistance. And, Mr. President, due to a high number, an unusual number of layoffs and downsizing compared to years ago, some working families are in need of temporary assistance to save their investment, their home, to keep a roof over their head for their children and for the family. So, Mr. President, I ask for a favorable vote on this amendment.

And the question recurring,

Will the Senate agree to the amendment?

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

YEA-19

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

NAY-28

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

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

And the question recurring,

Will the Senate agree to the bill on second consideration?

COSTA AMENDMENT A1835

Senator COSTA offered the following amendment No. A1835:

Amend Sec. 211, page 189, line 17, by striking out all of said line and inserting:

State appropriation.. 859,009,000

Amend Sec. 215, page 221, lines 16 and 17, by striking out all of said lines and inserting: centers, using \$325,000 to set up toll-free telephone numbers for the poison control centers and establishment of a system for the hearing impaired.

State appropriation.. 1,575,000

On the question,

Will the Senate agree to the amendment?

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

Senator COSTA. Mr. President, this amendment authorizes \$325,000 to establish lines, toll-free telephone numbers, for poison control centers across our Commonwealth and also to establish a system for the hearing impaired. Mr. President, many of us are very much aware of the significant and very fine and important work that our poison control centers do across our Commonwealth, and while we once had seven poison control centers across Pennsylvania, we are down to three - one in the Pittsburgh area, one in Philadelphia, and one in Harrisburg.

Mr. President, while these particular poison control centers are for the most part strategically located across our Commonwealth, we have to come to grips with the reality that a lot of folks who are calling in to the poison control centers for the most part are making toll calls. For example, about 90 percent of the calls that come into the Pittsburgh poison control center are referred to as toll calls. Therefore, Mr. President, while the individuals are calling about the poison exposure incident that they are dealing with, they are required to pay significant costs as it relates to the charges on their telephone bills.

What this amendment would establish would be a toll-free number across our Commonwealth for the poison control centers. It is a very nominal amount in the scope of things in the sense that it is only requesting a \$325,000 appropriation out of a budget that is fast approaching, or may have reached when the conferees come back, well over a billion dollars. So I think in the scope of things, a \$325,000 appropriation is very small so that we can make certain that the individuals who are making calls into our poison control centers do not have to worry about not making that call because of the fear that they may be on the telephone line for 10 or 15 minutes addressing a poisonous situation and have to worry about the exorbitant telephone costs they would have to deal with as it relates to that. I ask my colleagues for an affirmative vote.

Thank you, Mr. President.

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

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

YEA-19

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

NAY-28

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

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

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

HUGHES AMENDMENT A1798

Senator HUGHES offered the following amendment No. A1798:

Amend Sec. 211, page 189, line 17, by striking out all of said line and inserting:

State appropriation.. 857,334,000

Amend Sec. 215, page 221, line 14, by striking out all of said line and inserting:

State appropriation.. 3,203,000

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

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

Senator HUGHES. Mr. President, this amendment is an attempt to address a funding inequity that has existed for I guess maybe 10 or 12 years in the appropriation for programs to address the serious disease of sickle cell, which is a very painful disease.

In Pennsylvania, we are blessed with having a tremendous network to respond to the needs of young people across the Commonwealth in dealing with this particular disease. However, as the young people grow out of the teenage years and grow into adulthood, the network is kind of shallow and does not really address the needs. For young people in Pennsylvania who suffer from this disease, Mr. President, we have probably one of the leading physicians and medical institutions in all of the country situated in Pennsylvania, specifically in Philadelphia, responding to the needs of all across the Commonwealth.

The problem that we have with respect to the appropriation, Mr. President, is that the appropriation in this category has

remained basically the same for almost 10 or 12 years, no real increase and kind of fluctuating around the same number. We are offering up a significant increase, Mr. President, to try to respond to this lack of real serious attention in terms of State funding.

I offer this amendment for support, Mr. President.

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

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

YEA-19

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

NAY-28

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

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

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

HUGHES AMENDMENT A1797

Senator HUGHES offered the following amendment No. A1797:

Amend Sec. 209, page 185, by inserting after line 30

For Neighborhood Crime Watch and Prevention Program.

State appropriation.. 10,000,000

Amend Sec. 211, page 189, line 17, by striking out all of said line and inserting:

State appropriation.. 849,334,000

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

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

Senator HUGHES. Mr. President, this amendment attempts to get Pennsylvania to correct its direction, if you will, on how we address the issues of crime and punishment in this State and how we unfortunately have been addressing them for far too many years. Amendment A1797 calls for an appropriation of \$10 million to be spent across the Commonwealth in community crime prevention and town watch type programs.

Mr. President, just as a point of context, in this State probably in the next 6 weeks the budget for the Commonwealth of Pennsylvania will be voted and more than likely passed and signed into law. We will be spending \$1 billion in our Correc-

tions system, Mr. President. That is \$1 billion to incarcerate over 35,000 people across this Commonwealth in the numerous prisons that exist. Ten years ago, Mr. President, the State Corrections budget was \$269 million, and 10 years prior to that, in 1978, I guess we spent less than \$80 million in our Corrections budget. We have grown tremendously, drastically in the amount of dollars that are spent in our Corrections budget, and I do not believe any one of us in our neighborhoods feels any safer.

The problem that we have, Mr. President, is that there has not been any real significant appropriation to neighborhood organizations and community organizations to do town watch and crime prevention. There may be some pass-through dollars that come from the Federal government, but no significant amount of dollars to deal with the issues of prevention in our communities, to deal with the issues of effective town watch and education programs at the neighborhood level, at the community level so that folks in neighborhoods can do a lot better job with the appropriate support to make their communities safer, and then in the end, Mr. President, reducing the overall crime rate.

I think everyone in this body and everyone listening to this program knows in no uncertain terms that an active, aggressive community crime prevention program benefits all of us, keeps communities safer and in fact stops crime from going on in neighborhoods. With that, Mr. President, I believe a minor appropriation of \$10 million can in fact reduce the overall appropriation that we need to spend in the out years with respect to this tremendous growth in our Corrections system. We are growing at such a rate in our Corrections system that it is two, if not three or four times the amount of money in terms of growth that we are spending in our education system and, of course, in our higher education system.

I suggest, Mr. President, that this is an attempt not just to be tough on crime but Pennsylvania needs to be smart on crime and aggressive, and an investment of \$10 million would help us do that and help us go in the right direction with respect to our crime prevention programs.

Thank you very much, Mr. President.

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

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

YEA-19

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

NAY-28

Armstrong	Greenleaf	Madigan	Slocum
Brightbill	Hart	Mowery	Thompson
Conti	Helfrick	Murphy	Tilghman
Corman	Holl	Piccola	Tomlinson
Delp	Jubelirer	Punt	Uliana

Earl	Lemmond	Rhoades	Wenger
Gerlach	Loeper	Robbins	White

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

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

SCHWARTZ AMENDMENT A1831

Senator SCHWARTZ offered the following amendment No. A1831:

Amend Sec. 209, page 180, line 23, by striking out all of said line and inserting:

State appropriation.. 20,000,000

Amend Sec. 212, page 205, by inserting between lines 3 and 4:

For grants to school districts to provide temporary transitional funding due to the budgetary impact relating to any student attending a charter school. The Department of Education shall develop criteria for eligibility which shall include, but not be limited to, the overall fiscal impact on the budget of the school district resulting from students of a school district attending a charter school.

State appropriation.. 15,000,000

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

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

Senator SCHWARTZ. Mr. President, this, too, deals with the issue of education, and it speaks to a pretty important issue that we dealt with I guess about a year ago. We passed legislation that enabled the creation of charter schools to be part of our public school system to create innovation, create the opportunity for parents and teachers and different kinds of institutions in the community to create different kinds of schools within our public school system. We recognized when we did that legislation that there would probably be additional costs to local school districts in doing so, and we allocated \$7.5 million over a 2-year period to be used for extra costs to any school district where there were charter schools created.

We have seen the development of charter schools. I believe next year we will see 40 charter schools across the Commonwealth, with many, many more in the works. And as we predicted, there are some actual costs to schools. The reason is that while you could say that they already have the dollars for these children, what is the new cost here is the fact that children do not leave their home schools in neat little rows and classrooms. So that while you may have two first graders from one school and another first grader from another school and second graders from a different school, the opportunity for reductions in costs to the local school district in fact do not exist, particularly in the early years, so we see some direct costs.

I am not interested in discouraging school districts from approving charter schools. We were interested in seeing charter schools develop, responsible charter schools in particular of course that are accountable to our school system, but what this amendment would do would recognize the reality that as we see new charter schools there are actual costs. And while the

school districts would have to demonstrate that cost to the State, this amendment would put in \$15 million for the costs of charter schools across Pennsylvania so that there would not be the disincentive to any school district to say, you know, we like his charter school but we just cannot afford it. That possibility exists, Mr. President, if we do not recognize that there are some real costs involved with these new charter schools across Pennsylvania.

So, again, with all these amendments they are moving State dollars. They are not increases in the State budget. We have had to take these dollars from other parts of the budget, but if charter schools are a priority for this administration, which certainly the Secretary of Education has talked about many times, we should recognize the costs and help our local school districts with those costs.

Thank you, Mr. President.

And the question recurring,

Will the Senate agree to the amendment?

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

YEA-19

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

NAY-28

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

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

And the question recurring,

Will the Senate agree to the bill on second consideration?

SCHWARTZ AMENDMENT A1804

Senator SCHWARTZ offered the following amendment No. A1804:

Amend Sec. 209, page 180, line 23, by striking out all of said line and inserting:

State appropriation.. 34,000,000

Amend Sec. 228, page 263, by inserting between lines 18 and 19:

For State grants to students enrolled in less than two-year credit and noncredit technical and occupational programs at a community college or a technical institute.

State appropriation.. 1,000,000

On the question,

Will the Senate agree to the amendment?

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

Senator SCHWARTZ. Mr. President, just to explain briefly, this speaks to an education issue, but it is slightly different. What this would do is open up the PHEAA grant and loan program to a new category of students. Many of us are aware of the fact that our community colleges offer a variety of work force development programs. Some of these are not your typical academic programs, nor are the students either full-time or part-time students. So therefore, this would allocate \$1 million and to allow for State grants to students of any age enrolled in less than 2-year credit and noncredit technical and occupational programs at community colleges or technical institutions.

So what this would do would be to allocate some new dollars and open up the PHEAA grant and loan program to a new category of students. It would encourage those who are going back for additional training and education to enable them to get new jobs in the new workplaces of the future to be able to access our State program of grants and loans.

Thank you, Mr. President.

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

And the question recurring,

Will the Senate agree to the amendment?

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

YEA-19

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

NAY-28

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

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

And the question recurring,

Will the Senate agree to the bill on second consideration?

SCHWARTZ AMENDMENT A1642

Senator SCHWARTZ offered the following amendment No. A1642:

Amend Sec. 209, page 180, line 23, by striking out all of said line and inserting:

State appropriation.. 34,900,000

Amend Sec. 218, page 227, by inserting between lines 4 and 5:

For the completion of a Korean War historic and educational memorial.

State appropriation.. 100,000

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

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

Senator SCHWARTZ. Mr. President, this is actually a very small allocation of funds for something I believe is fairly important. This is money that was added in the House and was taken out by the Senate Committee on Appropriations. I would hope that it would go back in, and I would hope that instead of the routine of let us just reject all these amendments and leave it to our leadership to decide in a conference committee, this amendment would allocate \$100,000 to a Korean War Memorial in Philadelphia.

And while this may not be my usual amendment, I have been speaking mostly about education this evening, my father served in the Korean War and, as many Korean War veterans, never felt very much the recognition of his service to the country in Korea. I understand that there is a Korean War Memorial in Pittsburgh, and this is a memorial that is going to cost well over \$1 million and this is only asking the State for \$100,000. It is a very modest amount. They have already picked out a site and have a drawing and would like to move ahead on it, and are really waiting for the State to come forward and do our share.

So I hope that others would join me in supporting the Korean War Memorial that we hope will be built in Philadelphia.

Thank you, Mr. President.

I would appreciate any comments to commitment to consider this issue.

Senator LOEPER. I think the roll call is in order, Mr. President.

The PRESIDENT pro tempore. That is your comment, Senator.

Senator SCHWARTZ. Thank you, Mr. President.

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

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

YEA-19

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

NAY-28

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

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

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

SCHWARTZ AMENDMENT A1628

Senator SCHWARTZ offered the following amendment No. A1628:

Amend Sec. 209, page 180, line 23, by striking out all of said line and inserting:

State appropriation.. 33,500,000

Amend Sec. 228, page 263, by inserting between lines 18 and 19:
For child care loan forgiveness.

State appropriation.. 1,500,000

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

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

Senator SCHWARTZ. Mr. President, this amendment would allocate \$1.5 million to PHEAA for a loan forgiveness program that we enacted several years ago. It was one of my prime sponsored pieces of legislation. I was very proud of it. It offers loan forgiveness to child care workers who are working in approved licensed child care centers, many of whom find themselves unable to continue working in their chosen profession because child care pays so little that to be able to feed yourself, pay your rent, repay your college loans, and all those kinds of things, is very, very difficult.

This is a program that we have allocated small amounts to in the past, and this year during the appropriations process I received from PHEAA their own estimate, given the number of people who have applied for this program and the number who have had to be turned away and their own assessment of the number of child care workers who already have child care degrees who would like to see some part of their loan forgiven. They themselves estimate that we need over a million dollars.

So given that this is a year when we have seen an enormous commitment to child care, not just increasing numbers of child care slots available and subsidized child care but the attention to quality child care, that we want to make sure that the State reimbursed child care, the Federal dollars that will be available to us, and significant ones have been made available to us, that we pay attention to the issue of quality. One of the best ways to assure quality, and not the only way but certainly one of the best ways, was referred to earlier in the discussion about education, and that is that the quality of the teacher is very, very important, so we should encourage those with child care degrees to stay in the field of child care.

One of the ways we can do that is to encourage them by offering adequate funds for loan forgiveness. The Governor deleted all of the funds from the loan forgiveness program. Every year we have put back dollars for the loan forgiveness program. I hope we do that as well, and I offer this amendment in the genuine hope that it will be taken seriously by the

conference committee, and I hope that we will see additional dollars and increasing dollars in this particular category.

Thank you, Mr. President.

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

Senator LOEPER. Mr. President, just very briefly, I just think it is important to note that in budget deliberations in the House there was some \$132 million of new spending that was offered in the House of Representatives to the budget bill that came to the Senate. Tonight the gentlewoman from Philadelphia has already individually offered \$111 million of new spending to the budget, and I think that if we keep on going on that kind of a course, we are going to find ourselves in a deficit position once again.

Thank you, Mr. President.

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

Senator MELLOW. Mr. President, I do not think that I can allow that comment to go in the record without being rebutted. If the Majority party in the Senate had said to the Democrats, as the Majority party in the House said to the Democrats in the House, that we will offer you or we will allow you to spend \$130 million in additional spending in amendments that you would offer to the floor of the Senate and that we will give them the proper type of consideration up to \$130 million, we would have understood that, Mr. President, and we would have worked within the framework of that amount of money.

I offered the first amendment, Mr. President, that would have spent \$118 million. That was an amendment that was offered on behalf of our Caucus for the purpose of benefiting the individuals, the property owners in Pennsylvania, so they could have had a reduction in their property taxes. The Republicans, to a Member, voted that down on a very strong partisan basis, and I guess I can understand what they are trying to do.

Senator Schwartz has offered some excellent amendments dealing with special education, Pennsylvania higher education, and several others totalling \$111 million. Since the \$118 million amendment that I offered and many of those in between have all been turned down purely and simply on a partisan vote, there is no reason to believe that Senator Schwartz's \$111 million was not turned down on a partisan vote. But as we are talking about \$111 million that she has offered, all to improve the quality of education, from special education to higher education, there is more than a sufficient amount of money that we have in our budget surplus that would pay for it.

It was pointed out earlier that with one collection day remaining in the month of March, the tax collections for the month are \$83 million above official estimates. That is not an official estimate coming from Senator Fumo, who is the chairman of the Senate Committee on Appropriations for the Democrats, or from Senator Tilghman, who is the chairman of the Committee on Appropriations for the Republican Senators. That is coming from the Department of Revenue, Mr. President. When you add that to the amount of money that the Governor said we would have as a surplus come the end of the year, if you just take the figures alone, Mr. President, we are at \$297 million.

Mr. President, we very strongly believe that surplus is going to be far in excess of \$400 million. Therefore, the amendments that were offered by Senator Schwartz on the floor this evening and other Democrats that were all turned down on party lines, Mr. President, there is more than enough money to address those particular issues. She has offered some substantial amendments. The Republican Party has defeated every one of them on a partisan line regardless of merit. Tonight on this floor we have put procedure ahead of quality. We said it is more important to pass a bill to the next body for the purpose of having them nonconcur on amendments than it is to do the job that we have all been elected to do, and that is to stand up with quality amendments to try to make a bill before us, an appropriations bill, a better bill in dealing with the needs of the people of Pennsylvania.

So we cannot say that Senator Schwartz wants to spend \$111 million, and Senator Mellow wanted to spend \$118 million, and Senator Costa wanted to spend so much more money on his amendments, and Senator Kitchen and Senator Kukovich wanted to do the same, and Senator Stapleton wanted to spend \$5 million so that tuition costs would not increase to the students of Pennsylvania. That is what we are trying to do. We are trying to provide a benefit for the people who have sent us here, not to get so wrapped up on procedure here this evening that the substance of quality amendments are just being completely cast aside because of partisan votes, and I support the efforts of Senator Schwartz because she is doing what her constituents have sent her here to do, the job of the people of Pennsylvania.

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

Senator SCHWARTZ. Mr. President, I also have to make very clear that it was suggested that I offered amendments that added \$111 million to the budget, and that is completely inaccurate and untrue. We were required by the rules established by the speaker who suggested that that we could not add any new money to this budget, that we had to take any money that we wanted to spend from another category. It was absolutely a balanced budget from the get-go. We were not allowed, we were not offered that there was \$128 million available to us. That was not recommended. We had to stay with absolutely the dollars that we started with.

So, Mr. President, this is a question of priorities. This is not a question of more spending. I did not recommend any more spending overall in the budget. The budget the way I would frame it, the way we would put it together on this side of the aisle, would look a bit different. The priority of education would be higher. We would never accept flat funding for education. We would never accept a 1-percent increase in education. We would never accept ignoring the special needs of special education children in our districts. Our priorities, Mr. President, are different. And I only talked about \$111 million that I would take out of administrative costs in some of our departments and in some cases would take out of the Department of Corrections, but in most cases it came out of some of the administrative overhead in some of the departments.

We have been asked by our constituents to take this budget process seriously. This is one of the most important things we do, and time and time again on this floor tonight we were told by the Majority Leader, do not worry about it, it is going to get taken care of by someone else, by the conference committee quietly behind closed doors, and therefore you do not have to take these amendments seriously. You do not really have to listen to the content. You do not really have to even worry about whether you agree or disagree. You will not be held responsible for the votes tonight. We are going to take care of it later on, and you will have a chance to vote for the budget overall.

That is unacceptable to me, and I would think it would be unacceptable to all of us. We should see more bipartisan voting on this. We should give an indication to our constituents and the people of Pennsylvania what priorities we would create and what issues we want to make sure that our leadership in the conference committee takes seriously. That is what our votes on these amendments mean, and what we heard tonight is that the suggestions around education were not taken seriously by the other side of the aisle, and while we did not spend one penny more than the Republicans, we would have spent it differently. We would have invested in the future of this Commonwealth, we would have invested in the future of our children to a higher degree than this administration has chosen to do. And that should not be put down by the other side of the aisle. It is a difference of orientation as to the way we see building the future of this Commonwealth. It is not about spending more money, it is about spending it in the right way so that we are making the investments in our children and in the future.

We voted last week, Mr. President, to again support business tax cuts. I have supported every one of the tax cuts for businesses. We have been told by the business community that they need that to create jobs. Well, I have also been told by the business community that if they do not have educated workers, they will not stay in Pennsylvania and they will not come to Pennsylvania, no matter how many tax cuts we give them. So we can reduce our taxes to zero, and if our kids cannot read and write, they are not going to get hired and there will be no jobs in Pennsylvania for the future.

Thank you, Mr. President.

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

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

YEA-19

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

NAY-28

Armstrong	Greenleaf	Madigan	Slocum
Brightbill	Hart	Mowery	Thompson

Conti	Helfrick	Murphy	Tilghman
Corman	Holl	Piccola	Tomlinson
Delp	Jubelirer	Punt	Uliana
Earl	Lemmond	Rhoades	Wenger
Gerlach	Loeper	Robbins	White

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

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

COSTA AMENDMENT A1795

Senator COSTA offered the following amendment No. A1795:

Amend Sec. 211, page 189, line 8, by striking out all of said line and inserting:

State appropriation.. 27,276,000

Amend Sec. 215, page 221, by inserting between lines 29 and 30:
For public awareness and education of osteoporosis.

State appropriation.. 300,000

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

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

Senator COSTA. Mr. President, this amendment would establish a public awareness and educational program for the purpose of engaging the public in discussion about osteoporosis. The money would come, Mr. President, from the Department of Corrections' budget and it would be approximately a \$300,000 allocation.

Mr. President, osteoporosis is a major public health threat for more than 28 million Americans, 80 percent of whom are women. In the United States today over 10 million individuals have the disease, and 18 million more have low bone mass, placing them at greater risk and increased risk for osteoporosis. And one out of two women and one in every eight men over the age of 50 will have an osteoporosis-related fracture sometime in their lifetime. By the age of 75, one-third of all men will be affected with osteoporosis. While osteoporosis is often thought of as an older person's disease, it can strike individuals at any particular age. The estimated national direct expenditure through hospitals and nursing homes for osteoporosis and other associated fractures is approximately \$14 billion, and that cost continues to rise.

While osteoporosis is oftentimes called the silent disease because low bone mass occurs without symptoms, people may not know that they have osteoporosis until their bones become so weak that a sudden strain, bump, or fall causes significant fracture or vertebrae to collapse.

Mr. President, the purpose of this particular program is to establish an educational program throughout our Commonwealth so that the Commonwealth residents would understand what the risk factors are as it relates to osteoporosis. We also understand, Mr. President, that there are mechanisms and means available to determine whether or not one is susceptible to suffer from osteoporosis at a later age.

Finally, Mr. President, this program will provide very significant educational information about what type of activities an individual can undergo in order to prevent osteoporosis from occurring. That can be anything from eating a properly balanced diet to proper exercise, as well as many other things that would relate to osteoporosis.

Mr. President, as I mentioned earlier, this particular disease afflicts many older folks in our Commonwealth and also individuals, primarily women, who are over 60 or 70 years of age. And I come from Allegheny County, Mr. President, which historically has been referred to as probably second in oldest county population in the entire country, as well as the Commonwealth of Pennsylvania being recognized as having one of the oldest populations of States in our nation. And what I suggest to you, Mr. President, is that while to my knowledge this particular legislation has not been addressed in the House, nor is it earmarked specifically in our budget as we speak, I hope that the conferees, after this amendment will undoubtedly be defeated, will take this issue up because it is a very significant public health issue that needs to be addressed in our Commonwealth, and we need to make certain that we take steps to address this very significant disease, as has been referred to as the silent disease.

My purpose for standing here tonight, Mr. President, is to make sure that this particular silent disease is not silent any longer, and that the Commonwealth residents understand that this is something that needs to be addressed and that we take the time to address it in a very significant and thoughtful manner, and I ask my colleagues to support this particular measure.

Thank you.

And the question recurring,

Will the Senate agree to the amendment?

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

YEA-19

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

NAY-28

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

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

And the question recurring,

Will the Senate agree to the bill on second consideration?

WAGNER AMENDMENT A1697

Senator MELLOW, on behalf of Senator WAGNER, offered the following amendment No. A1697:

Amend Sec. 209, page 179, line 30, by inserting after "COMMONWEALTH": and of conducting a regional market analysis of the strengths and weaknesses related to the retention and attraction of jobs for southwestern Pennsylvania

On the question,

Will the Senate agree to the amendment?

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

Senator MELLOW. Mr. President, this amendment does not spend any money. What Senator Wagner is trying to accomplish with the amendment is that he would like the Department of Community and Economic Development to conduct a regional market analysis so that the strengths and weaknesses related to the retention and attraction of jobs in southwestern Pennsylvania will be recognized, can be identified, and can be reported back to the General Assembly and to the elected officials back in southwestern Pennsylvania so that they can make the appropriate decisions as to how better to strengthen their economy and how better to attract a more favorable work force.

Mr. President, as I said, the amendment does not cost the taxpayer any money, it just asks the Department of Community and Economic Development to do a study, and I ask for an affirmative vote.

And the question recurring,

Will the Senate agree to the amendment?

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

YEA-19

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

NAY-28

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

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

And the question recurring,

Will the Senate agree to the bill on second consideration?

TARTAGLIONE AMENDMENT A1650

Senator MELLOW, on behalf of Senator TARTAGLIONE, offered the following amendment No. A1650:

Amend Sec. 211, page 189, line 17, by striking out all of said line and inserting:

State appropriation.. 854,334,000

Amend Sec. 219, page 241, line 19, by striking out all of said line and inserting:

State appropriation.. 358,116,000

On the question,

Will the Senate agree to the amendment?

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

Senator MELLOW. Mr. President, it is my understanding what this amendment will do is it will provide an additional \$5 million to hospitals that take care of the health care for the working poor. Mr. President, these are hospitals that because of some changes in law over the last several years have either come under hard times or are not providing the proper type of care because of financial considerations for people who are members of the working poor. What this would do, it would put \$5 million as a set-aside for those hospitals that qualify because of doing work for the working poor.

In addition to that, Mr. President, it would qualify for the State to establish a \$5 million match with the Federal government. So by us appropriating \$5 million for these hospitals to take care of the working poor people, those who work but are not covered under any form of medical insurance, we not only would have the opportunity of taking advantage of the \$5 million that we would appropriate here, but by the match of the \$5 million of the Federal government, that means we would have a pool of \$10 million that would go to hospitals to take care of people who are working whom we have defined as working poor, but because of one reason or another, their employer does not provide them with the proper type of health benefits for themselves or their families.

I ask for an affirmative vote.

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

Senator MELLOW. Mr. President, I have remarks that Senator Tartaglione would have liked to have offered on amendment A1650. I would like to submit them for the record.

The PRESIDENT pro tempore. Without objection, the remarks will be submitted for the record.

(The following remarks on amendment A1650 were made a part of the record at the request of the gentlewoman from Philadelphia, Senator TARTAGLIONE:)

The medical assistance inpatient appropriation contains \$10 million which is matched with \$11 million in Federal funds to create a pool called community access. Amendment A1650 would add \$5 million in State funds which would earn \$5 million in Federal funds, creating a total fund of \$31 million.

Mr. President, the uncompensated care of Pennsylvania's medically indigent is viewed by many health care experts as the single most important factor affecting the future of health care in this Commonwealth.

Hospital administrators are reporting that due to the cuts in public assistance resulting from Act 35, the expansion of mandatory medical managed care programs, reduced reimbursement rates, payment delays and an ever-increasing uncompensated care burden, the failure of some hospitals is inevitable. Of these problems, none has had a more devastating effect than the passage of Act 35 in 1996 which removed

hundreds of thousands of Pennsylvanians from the general and medical assistance rolls. The need for health care did not diminish with the numbers, the responsibility for providing that care simply shifted elsewhere. The hospitals that provide disproportionately large amounts of free care are the most vulnerable.

In Philadelphia, the poor tend to be concentrated in a few geographic areas that have few primary care physicians. These people have no real choice but to depend on hospital clinics and emergency rooms for primary care.

In Pittsburgh, even though the medically indigent are less geographically concentrated, there is still a heavy reliance on hospital clinics and emergency rooms.

Our rural counties may have their own problems providing access to free care in other than the rural hospital setting because of the low physician to population ratio.

The safety net for access to health care provided by our hospitals is in serious jeopardy. When they are forced to close their doors, as some undoubtedly will, the medically needy will be forced to turn elsewhere for care. The financial burden placed upon them which ultimately caused their failure will be thrust upon other providers. Medical treatment will simply move from one hospital to another, bringing with it the question of compensation.

Mr. President, this problem did not just develop overnight. A little over a year ago, I met with administration officials to discuss the plight of our hospitals. Secretary Hoffmann wrote to me on March 3, 1997 and said (quote) "I am confident that the administration will move forward to identify broader solutions to these troubling problems, which can have a serious effect on the economic vitality of their communities."

Since we are still awaiting these broader solutions, Mr. President, we should offer some help today and increase this appropriation.

The \$5 million taken from the budget of the Department of Corrections, and \$5 million in matching Federal medical assistance funds can be the lifeblood of many of our most financially distressed hospitals until the broader solutions that Secretary Hoffmann spoke of are put in place.

Mr. President, I ask for an affirmative vote on this amendment.

And the question recurring,

Will the Senate agree to the amendment?

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

YEA-19

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

NAY-28

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

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

And the question recurring,

Will the Senate agree to the bill on second consideration?

KASUNIC AMENDMENT A1791

Senator MELLOW, on behalf of Senator KASUNIC, offered the following amendment No. A1791:

Amend Sec. 215, page 213, line 5, by inserting after "HEALTH.": Funding is contingent upon the submission of a report by the Department of Health to the General Assembly outlining the measures which have been taken to implement the recommendations of the Auditor General's March 1998 audit related to long-term care.

On the question,

Will the Senate agree to the amendment?

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

Senator MELLOW. Mr. President, basically what this amendment does, it is very simple. It also does not cost any money, and since the amendment was not read, I think it is important that we do understand what the amendment does. The amendment was passed over in the House of Representatives. It deals with the Department of Health, and it says, "Funding is contingent upon the submission of a report by the Department of Health to the General Assembly outlining the measures which have been taken to implement the recommendations of the Auditor General's March 1998 audit related to long-term care."

Mr. President, the reason why this is being done, and as I said before, it does not cost any money, is because of what has taken place in a performance audit done by the Auditor General with regard to the care our senior citizens are getting in nursing homes. Mr. President, as it was reported, the Auditor General and his staff were sickened by what they found. They found a number of cases of complaints through the Department of Health where there was no response for those particular complaints, or the response they may have received was very late.

Mr. President, it is important in the discussion of this amendment that at least once again we talk about what some of those complaints were. For example, Mr. President, there was a complaint of a failure to carry out a doctor's orders. These complaints went to the Department of Health and 7 working days later they were addressed. There was a complaint about medication not being delivered on time. This is from the family of a person in a nursing home to the Department of Health. Mr. President, it took 7 working days before that complaint was addressed. A resident had fallen out of bed. The complaint was made, and it took the Department of Health 8 working days to respond.

A resident was hospitalized several times, Mr. President, for dehydration. The family was very concerned about what was happening to their loved one. It took 13 working days for the Department to respond, 10 days after the resident had died. A resident lay in feces and waited an hour and a half to be cleaned. It took 32 working days before the Department of Health responded to that complaint. A resident with pneumonia, a very serious condition in the wintertime of the year, very serious all the time for senior citizens, that person was treated only with cough syrup, and it took 34 working days or almost

a 2-month period of time before the Department of Health responded. Nurses failed to check lists for residents on daily care. They failed to check the list daily to see what kind of care was needed for the patient, Mr. President. It took 76 working days before the Department of Health responded to that particular consideration.

Mr. President, it has been pointed out by some outstanding public officials internationally that we as people, in order to run a democracy properly, we must take care of individuals in two areas of life. First we must take care of people in the dawn of their life as they start to approach the life as they were born and as we try to nurture them and bring them into adulthood. The second area, Mr. President, is that we should take care of people in the dusk of their life, people who have lived their life, and unfortunately they come on hard times and perhaps they have found themselves in nursing homes.

But what has taken place, Mr. President, with the things that have been uncovered by the Auditor General, he has asked that several things be done. His recommendations to the Department of Health are as follows: Give immediate attention to residents in, quote, "immediate jeopardy." That means those people about whom I just talked - the individual who had pneumonia and was being treated with cough syrup, and the individual whose family had been called because of dehydration and it took 10 to 13 days after the person passed away before the department reacted.

Follow up on investigations in a timely manner. Develop a priority code with written procedures for life-threatening complaints and how they are addressed. Require the Department of Health field offices to have answering service machines for after-hours calls so that basically they would be on call 24 hours a day through a help line, which they are not today, and to instruct answering services to consider emergency calls immediately.

Keep it in mind, Mr. President, there have been few if any sanctions against any nursing homes over the last 3 years through the Department of Health. And, Mr. President, when these were reported to the Secretary of Health, Secretary Hoffmann, what did he say? Well, first of all, when I heard about these reports, Mr. President, like every other Member of this body and like all Pennsylvanians I was shocked by what the Auditor General was reporting to us and what they had uncovered. And instead of the Secretary of Health, Secretary Hoffmann, being equally as concerned, the Secretary instead denied that there was any problem and that any problem had existed. When faced with the unpleasant message, what did he do? He did not say, well, let me address the issue; he attacked the messenger. Secretary Hoffmann should have attacked the seriousness of the deficiencies of his department.

The amendment that I have offered today is the same amendment that was offered over in the House of Representatives, and I am offering it on behalf of Senator Kasunic, because if any of you are interested, tomorrow Senator Kasunic will have some public hearings, and he will have three people who will testify. The first is going to be the Auditor General of the Commonwealth of Pennsylvania to lay out exactly what problems he has been able to uncover, and the next two people

will be family members of residents who have been subjected to this type of care, basically where care does not exist.

Mr. President, for us to offer an amendment that would freeze the governmental expenditures of the Department of Health is basically a radical move. It is a drastic step, Mr. President, and I wish it was not necessary. And I would not be here mentioning this today if Secretary Hoffmann had made a commitment to the General Assembly and a commitment to the people of Pennsylvania that he would look into the problem, that he would report back on the problem, and that he would straighten it out. Instead what he tried to do was take the most vulnerable people of Pennsylvania, those who are dependent upon life care that will protect them until the good Lord takes them, those living in a nursing home, and what did he say? He attacked the messenger by saying the problem did not exist.

So if the only way that we can get his attention is to freeze his government operations spending until he addresses the issue, then I think it is incumbent upon the 50 Members of this body to stand up for the people, for the senior citizens of the Commonwealth of Pennsylvania, to address the issue appropriately, to have the Department of Health report back to us in a timely fashion as to what steps have been taken to correct the needs of the people in our nursing homes. Mr. President, I ask for an affirmative vote.

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

Senator LOEPER. Mr. President, with all the history that Senator Mellow has provided to us on the basis of the amendment before us, I think the one thing that was not mentioned was the fact that immediately upon the awareness of the situation, the Governor himself called on an independent task force, an independent auditor, to review this report, because certainly no one is more concerned about the operation of these facilities and the services provided to those who are the most vulnerable in our Commonwealth than the Governor himself. I believe that the Governor's actions are very positive in moving forward to try to rectify any problems that may exist, and therefore I certainly commend the Governor for his quick action in response to this critical audit.

Thank you.

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

Senator MELLOW. Mr. President, this is only March 30. We have the entire months of April, May, and June. We have 90 days from today, and if the Secretary of Health, Mr. Hoffmann, wants to make the proper type of report back to the General Assembly that he has addressed the issue properly, he has 90 days before this would even take effect in which to do that, which would basically negate the possibility or the probability of having to implement this amendment after July 1.

Mr. President, the Governor, to his credit, has called for an investigation, but he has called for an investigation by department controllers who are under the direction, in many cases, not only of the Secretary of Health but also of the administration. So I wonder who is protecting the hen house, Mr. President? I think it is important that if we were meaningful in doing what we appropriately should be doing that the Demo-

crats have introduced Senate Resolution No. 149, which calls for a study to be conducted right here in the Senate as to what the problems are with the Department of Health, how poor, elderly people have been neglected in nursing homes and how the Department of Health has not addressed their needs. If we were really meaningful in doing the job and getting it done appropriately, we would tell the Secretary of Health, if you do not straighten up your act, you have 90 days to do it from April 1, and then you will have no governmental money with which to conduct your operation.

If we did not want to go to that extent, we could report out the resolution that was introduced by Members of this body to conduct a study to find out exactly what has happened in the Department of Health, or we could say, oh, there is a Democrat who may have come up with some popular suggestions. His name is Robert P. Casey, Jr., Auditor General of the Commonwealth of Pennsylvania, and maybe some of the things that he has said are important, like giving immediate attention to residents in, quote, "immediate jeopardy," follow up on investigations in a timely manner, develop a priority code with written procedures for life-threatening complaints that incidentally come in from the families of those individuals who have the life-threatening situations, require the Department of Health field offices to have answering machines after hours--it is incredible that you could call a regional office after closing time and nobody answers the phone--advise callers with emergencies to call a 24-hour help line and instruct answering services to consider emergency calls urgent.

That is all we are asking for, and we are saying to the Secretary of Health, you have 90 days, Mr. Secretary, to implement it. If you do not do it, we are not going to give you your general operations money so you will not be able to operate your Department of Health, and then, quite frankly, you should resign your office if you are not going to do it properly and let the Governor appoint someone who wants to do the job appropriately. That is all we are saying.

We are not saying that the Governor should appoint an independent group which comes under his direction because they work for the Governor. They work for the Department of the Comptroller. Let the General Assembly do it, and then I think we could probably, on a bipartisan basis, come up with the appropriate solution. Anything short of that then and the Secretary of Health not doing his job of addressing the issues instead of trying to stonewall, his funds should be held up come July 1. I ask for an affirmative vote.

And the question recurring,

Will the Senate agree to the amendment?

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

YEA-19

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

NAY-28

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

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

And the question recurring,

Will the Senate agree to the bill on second consideration?

It was agreed to.

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

THIRD CONSIDERATION CALENDAR

BILLS OUT OF ORDER

Without objection, the bills on today's Calendar were called out of order by Senator LOEPER.

PREFERRED APPROPRIATION BILLS ON
THIRD CONSIDERATION AND FINAL PASSAGE

HB 2357 (Pr. No. 3080) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the 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-47

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

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.

HB 2362 (Pr. No. 3085) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 1998, to June 30, 1999, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1998.

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-47

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

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.

HB 2356 (Pr. No. 3285) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Consumer Advocate in the Office of Attorney General.

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-47

Afflerbach	Greenleaf	Madigan	Stapleton
Armstrong	Hart	Mellow	Tartaglione
Belan	Helfrick	Mowery	Thompson
Bodack	Holl	Murphy	Tilghman
Brightbill	Hughes	Musto	Tomlinson
Conti	Jubelirer	O'Pake	Uliana
Corman	Kasunic	Piccola	Wagner
Costa	Kitchen	Punt	Wenger
Delp	Kukovich	Rhoades	White

Earll	LaValle	Robbins	Williams
Fumo	Lemmond	Schwartz	Wozniak
Gerlach	Loeper	Slocum	

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 2363 (Pr. No. 3086) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 1998, to June 30, 1999, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1998.

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-47

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

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.

HB 2364 (Pr. No. 3087) -- The Senate proceeded to consideration of the bill, entitled:

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

Considered the 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-47

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

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.

HB 2365 (Pr. No. 3088) -- The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry and the Department of Community and Economic Development to provide for the expenses of administering the Workers' Compensation Act, The Pennsylvania Occupational Disease Act and the Office of Small Business Advocate for the fiscal year July 1, 1998, to June 30, 1999, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1998.

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-47

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

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.

BILLS OVER IN ORDER

SB 94, SB 668 and SB 670 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL LAID ON THE TABLE

SB 698 (Pr. No. 1663) -- The Senate proceeded to consideration of the bill, entitled:

An Act relating to the industrial hygiene and safety professions; providing protection to the professions of industrial hygiene and safety.

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

BILLS OVER IN ORDER

HB 964, SB 1262, SB 1292, HB 1520 and HB 1778 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 101, SB 391, SB 491, SB 671, HB 728, SB 925, SB 970, SB 1043, SB 1051 and SB 1159 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILLS ON SECOND CONSIDERATION

SB 1193 (Pr. No. 1461) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a section of Allegheny Avenue (SR 1013) in Philadelphia County, Pennsylvania, as Roxanne H. Jones Avenue.

Considered the second time and agreed to,

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

SB 1200 (Pr. No. 1825) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating Route 581 in Cumberland County, Pennsylvania, as the American Ex-Prisoners of War Highway.

Considered the second time and agreed to,

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

BILL OVER IN ORDER

SB 1205 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL OVER IN ORDER TEMPORARILY

SB 1216 -- Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

SB 1218 (Pr. No. 1546) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of Military and Veterans Affairs and the Department of General Services, with the approval of the Governor, to grant and convey to Joseph Pintola a tract of land and building situate at 78 West Maiden Street, City of Washington, Washington County, Pennsylvania, known as the Washington Armory.

Considered the second time and agreed to,

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

BILL REREFERRED

SB 1236 (Pr. No. 1569) -- The Senate proceeded to consideration of the bill, entitled:

An Act empowering and authorizing the Department of Transportation to establish and administer a grant program for the establishment of a three-year pilot program to provide shared-ride public transportation service for persons with certain disabilities throughout this Commonwealth; and making an appropriation.

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

BILLS OVER IN ORDER

SB 1271, SB 1288, SB 1296, SB 1372 and SB 1373 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL REREFERRED

SB 1384 (Pr. No. 1821) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the creation of keystone opportunity zones to foster economic opportunities in this Commonwealth, to facilitate economic development, stimulate industrial, commercial and residential improvements and prevent physical and infrastructure deterioration of geographic areas within this Commonwealth; authorizing expenditures; providing tax exemptions, tax deductions, tax abatements and tax credits; creating additional obligations of the Commonwealth and local governmental units; prescribing powers and duties of certain State and local departments, agencies and officials; and making appropriations.

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

BILL ON SECOND CONSIDERATION

HB 1561 (Pr. No. 3179) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, authorizing the department to arrange for burial details in the Indiantown Gap National Cemetery; and providing for cooperative agreements, for training areas and for the operation of Fort Indiantown Gap.

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

SENATE RESOLUTION No. 97, ADOPTED

Senator LOEPER, without objection, called up from page 8 of the Calendar, **Senate Resolution No. 97**, entitled:

A Resolution memorializing Congress to authorize a ten-year extension of the Delaware and Lehigh Navigation Canal National Heritage Corridor Act of 1988 and to authorize continued Federal support for cultural, historical and natural resource policies that will preserve the Delaware and Lehigh Navigation Canal National Heritage Corridor's unique contributions to our national heritage.

On the question,
Will the Senate adopt the resolution?

A voice vote having been taken, the question was determined in the affirmative.

SENATE CONCURRENT RESOLUTION No. 113, ADOPTED

Senator LOEPER, without objection, called up from page 8 of the Calendar, **Senate Resolution No. 113**, entitled:

A Concurrent Resolution memorializing the Congress of the United States to enact legislation prohibiting sports agents from influencing college athletes.

On the question,
Will the Senate adopt the resolution?

A voice vote having been taken, the question was determined in the affirmative.

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

SENATE CONCURRENT RESOLUTION No. 134, ADOPTED

Senator LOEPER, without objection, called up from page 8 of the Calendar, **Senate Concurrent Resolution No. 134**, entitled:

A Concurrent Resolution memorializing the President and Congress of the United States not to approve the Kyoto Protocol on Global Climate Change.

On the question,
Will the Senate adopt the resolution?

A voice vote having been taken, the question was determined in the affirmative.

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

SENATE RESOLUTION No. 160, ADOPTED

Senator LOEPER, without objection, called up from page 8 of the Calendar, **Senate Resolution No. 160**, entitled:

A Resolution designating the week of May 11 through 17, 1998, as "Railroad Safety Week" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

A voice vote having been taken, the question was determined in the affirmative.

SB 1216 CALLED UP

SB 1216 (Pr. No. 1738) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 6 of the Second Consideration Calendar, by Senator LOEPER.

BILL ON SECOND CONSIDERATION

SB 1216 (Pr. No. 1738) -- The Senate proceeded to consideration of the bill, entitled:

An Act requiring the Department of Aging to place certain information on the Internet; and providing for certain duties of the Department of Health and the Department of Aging.

On the question,
Will the Senate agree to the bill on second consideration?
Senator SCHWARTZ offered the following amendment No. A1494:

Amend Sec. 3, page 10, by inserting between lines 24 and 25:

(14) Actual nursing hours worked per patient day.

(15) The average required nursing hours based on actual skilled nursing and intermediate care days of service.

(16) The turnover rate for nursing staff.

(17) The worker injury rate.

(18) Current licensure status; information on whether the facility has ever been subject to a provisional license, a ban on admission because of a license revocation or had a master appointed to operate the facility, the dates of such status and a description of the deficiencies that brought about such status.

(19) The occupancy rate.

(20) Information on hospital affiliations.

(21) Notice of the availability of a facility's infection control policy.

The facility information included in this subsection shall also be made available, upon the request of any person, in print at the facility.

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

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

Senator SCHWARTZ. Mr. President, I was hoping it would be agreed to. It would be a change of pace for the evening. It is one that I would hope we could all agree to, actually. This is a good piece of legislation.

What my amendment would do is add several other items of information that ought to be available on the Internet so it makes available information such as the current licensure status of the nursing home and makes available issues like turnover rate for the nursing staff, which is very important in nursing homes.

In addition, what it does is also says that the information should be available in print at the nursing home, should somebody request it. Unfortunately, not everyone has a computer, not everyone has access to the Internet, not everyone knows how to use the Internet. Particularly when you are talking

about an older population, they may actually be more comfortable with the written information. So to actually say that it will be available in print as well at the nursing home does not seem to be an excessive burden on a nursing home to be able to provide this information that they already would be collecting and putting on the Internet.

This, I think, just strengthens the bill. It makes this information, which is good information, available to the public, and given the kinds of discussions we have been having about nursing homes, about the quality of care in nursing homes, our own feelings about placing a loved one in a nursing home, and wanting to have some of this information available when we are making that decision, it seems to me very, very reasonable. I support the bill. I think it would be strengthened by this amendment, and I would hope that it would have if not unanimous at least majority support for it.

Thank you very much, Mr. President.

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

Senator LOEPER. Mr. President, I believe that Senate Bill No. 1216, sponsored by Senator Holl, is a very important piece of legislation that is before us. Senator Holl has met extensively with various groups in putting this piece of legislation together in order to make information known to those most vulnerable, our needy population and those who are in our nursing homes.

I believe, Mr. President, that the additional requirements imposed by this amendment certainly seem to be unnecessary, and I think the additional requirements as outlined in this amendment could indeed confuse and really confound the people that we most want to help. I think it is important to note that the Web site, as outlined in Senator Holl's initial legislation, already calls for information on the requirements imposed on all the facilities and it does have detailed information such as licensure deficiencies, corrective plans, and how to access that information.

Therefore, Mr. President, at this time I believe it is important that we move forward with Senator Holl's legislation, and the amendment would just be confusing and adding unnecessary additional requirements.

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

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

YEA-19

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

NAY-28

Armstrong	Greenleaf	Madigan	Slocum
Brightbill	Hart	Mowery	Thompson
Conti	Helfrick	Murphy	Tilghman

Corman	Holl	Piccola	Tomlinson
Delp	Jubelirer	Punt	Uliana
Earll	Lemmond	Rhoades	Wenger
Gerlach	Loeper	Robbins	White

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

And the question recurring,

Will the Senate agree to the bill on second consideration?

It was agreed to.

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

THIRD CONSIDERATION CALENDAR RESUMED

PREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 2355 (Pr. No. 3284) -- The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission.

On the question,

Will the Senate agree to the bill on third consideration?

Senator SCHWARTZ offered the following amendment No. A1566:

Amend Title, page 1, lines 1 through 3, by striking out all of said lines and inserting:

Making appropriations from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission.

Amend Bill, page 1, lines 6 through 17; page 2, lines 1 through 29, by striking out all of said lines on said pages and inserting:

Section 1. The following sums, or as much thereof as may be necessary, are specifically appropriated from the restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission to provide for the operation of the commission for the fiscal year July 1, 1998, to June 30, 1999, for the purposes and in the amounts shown:

	Federal	State
(1) For the salaries, wages and all necessary expenses for the proper operation and administration of the Pennsylvania Public Utility Commission, including the chairman and commissioners and the Bureau of Safety and Enforcement.		

State appropriation.. 39,183,000

(i) The following Federal augmentation amounts, or as much thereof as may be necessary, are specifically appropriated to supplement the sum authorized to be billed to utilities for the operation of the commission:

(A) "Natural Gas Pipeline Safety" - To enforce the regulations of the Natural Gas Pipeline Safety Act.
Federal appropriation.. 250,000

Any Federal funds which the Pennsylvania Public Utility Commission receives pursuant to these appropriations shall not be reimbursed to any utility.

(2) For expanded consumer education expenses related to electric competition.

State appropriation.. 600,000

Section 2. This act shall take effect July 1, 1998, or immediately, whichever is later.

On the question,

Will the Senate agree to the amendment?

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

Senator SCHWARTZ. Mr. President, I rise to just explain very briefly this amendment. It puts back language that was deleted in the Committee on Appropriations. The PUC requested additional funding of \$600,000 for authorization for consumer education, and as I think many of the Members know, we have a pilot program on electric deregulation. We have a ruling that is moving forward that will deregulate the electric industry for the entire State eventually. It certainly will in the southeastern part of the State initially.

There are enormous numbers of questions. The consumer information hotlines have been used, overused, they are beyond capacity, and there is a keen interest on the part of the chairman of the PUC to make sure that there is the necessary kind of staffing for these hotlines for the information that needs to go out to consumers in making this decision, making this change as comfortable for consumers as possible. In spite of the suggestion that was made about my last amendment, that giving consumer information is confusing to them, I find that not what many of us would want to say. I think we want to give people information in the clearest way, make it available.

This actually adds money back into the PUC that it requested. I think we ought to do it and make sure that consumers have necessary information. I do not believe it will confuse them. I think lack of information confuses people.

Thank you, Mr. President.

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

Senator LOEPER. Mr. President, I would simply indicate that it is my understanding that there are resources available at the PUC from current year appropriations that would be roll-overs to take care of this vital information program, and therefore the additional spending of \$600,000 is not necessary at this time. It could be that when full implementation of electric deregulation comes to be, if there is an additional need, that would be the time to consider it, but I believe that it would be premature to add that money at this point in time. Therefore, I ask for a negative vote on the amendment.

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

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

YEA-19

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

NAY-28

Armstrong	Greenleaf	Madigan	Slocum
Brightbill	Hart	Mowery	Thompson
Conti	Helfrick	Murphy	Tilghman
Corman	Holl	Piccola	Tomlinson
Delp	Jubelirer	Punt	Uliana

Earll	Lemmond	Rhoades	Wenger
Gerlach	Loeper	Robbins	White

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

And the question recurring,
Will the Senate agree to the bill on third consideration?
It was agreed to.

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

On the question,
Shall the bill pass finally?

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

YEA-47

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

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.

COMMUNICATIONS FROM THE GOVERNOR TAKEN FROM THE TABLE

Senator LOEPER, by unanimous consent, called from the table certain communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

JUDGE, COURT OF COMMON PLEAS, SEVENTEENTH JUDICIAL DISTRICT

March 30, 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 November 26, 1997 for the appointment of Louise O. Knight, Esquire, R. D. #3, Box 316, Mifflinburg 17844, Union County, Twenty-third Senatorial District, as Judge of the Court of Common Pleas of the Seventeenth Judicial District, to serve until the first Monday of January 2000, vice The Honorable Wayne A. Bromfield, resigned.

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

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD
OF EDUCATION

March 24, 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 November 26, 1997 for the appointment of Donna Kriner, 6320 Darlington Drive, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, as a member of the State Board of Education, to serve until October 1, 2000 or until her successor is appointed and qualified, vice William E. Strickland, Jr., Pittsburgh, resigned.

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

THOMAS J. RIDGE
Governor

NOMINATIONS RETURNED TO THE GOVERNOR

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

The motion was agreed to.

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

SENATE RESOLUTION ADOPTED

Senators SCHWARTZ, WILLIAMS, LAVALLE, BRIGHTBILL, O'PAKE, THOMPSON, CORMAN, BELAN, MELLOW, COSTA, WAGNER, ROBBINS, AFFLERBACH, GERLACH, EARLL, KITCHEN, TOMLINSON and WENGER, by unanimous consent, offered **Senate Resolution No. 165**, entitled:

A Resolution designating April 1, 1998, as "Lupus Alert Day" in Pennsylvania.

Which was read, considered and adopted.

**UNFINISHED BUSINESS
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. William Arrowsmith and to David Fetterman by Senator Armstrong.

Congratulations of the Senate were extended to Edith Bartlett by Senator Bodack.

Congratulations of the Senate were extended to Mr. and Mrs. Dale G. Gingrich and to Arthur C. McCullough by Senator Corman.

Congratulations of the Senate were extended to Mr. and Mrs. Thomas F. Stewart by Senator Costa.

Congratulations of the Senate were extended to Margaret McCook by Senator Fumo.

Congratulations of the Senate were extended to Matthew Carnevale, Jack R. Kaiser, Doris Sams and to Milo Winter, Jr., by Senator Gerlach.

Congratulations of the Senate were extended to Mr. and Mrs. Carl L. Gigler, Mr. and Mrs. Alex Kasprzyk and to Melvin R. Henning by Senator Hart.

Congratulations of the Senate were extended to Amanda Wagner by Senator Helfrick.

Congratulations of the Senate were extended to Hatfield Volunteer Fire Company No. 1 by Senator Holl.

Congratulations of the Senate were extended to A.J. Nastasi by Senator Jubelirer.

Congratulations of the Senate were extended to Peter Maransky and to the Wyoming Valley Oratorio Society by Senator Lemmond.

Congratulations of the Senate were extended to Mr. and Mrs. Frank Peterson by Senator Loeper.

Congratulations of the Senate were extended to Boy Scout Troop 21 of Montoursville by Senator Madigan.

Congratulations of the Senate were extended to Dr. Joseph G. English by Senators Madigan, Helfrick, and Corman.

Congratulations of the Senate were extended to Joyce Freeman and to Victor B. Hann by Senator Mowery.

Congratulations of the Senate were extended to Kay Robinson Packer and to St. Mark's Lutheran Church of Birdsboro by Senator O'Pake.

Congratulations of the Senate were extended to David Woland and to the Twenty-Ninth Street United Methodist Church of Harrisburg by Senator Piccola.

Congratulations of the Senate were extended to Mark A. Clemson, Amy Davies and to Jefferson Davis by Senator Rhoades.

Congratulations of the Senate were extended to Matthew Lawrence Gruntz, J. Richard Lumley, Marcia Lynne Miller, Lacey Marie Sweitzer, Kennedy Christian High School Boys' Basketball Team of Hermitage and to the George Junior Republic Basketball Team of Mercer County by Senator Robbins.

Congratulations of the Senate were extended to Oxford Circle Jewish Community Centre-Brith Israel of Philadelphia, Philadelphia Unemployment Project and to the Interfaith Coalition for the General Welfare of Philadelphia by Senator Schwartz.

Congratulations of the Senate were extended to Mr. and Mrs. Arthur D. Cooper, Reverend Alfred W. Wilson and to the Job Centers and Partners of northwest Pennsylvania by Senator Slocum.

Congratulations of the Senate were extended to Mr. and Mrs. Lawrence Brocious, Mr. and Mrs. Frank Paukovich and to Mr. and Mrs. Elmo Travis by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. Harold E. King and to Melvin Carnell Blount by Senator Stout.

Congratulations of the Senate were extended to Michael C. Webb by Senators Thompson and Gerlach.

Congratulations of the Senate were extended to John Holcomb and to Richard T. Marsden by Senator Tomlinson.

Congratulations of the Senate were extended to Jacob Thomas Christian by Senator Uliana.

Congratulations of the Senate were extended to Duff's Business Institute of Pittsburgh, Keith-Holmes Post 402, Veterans of Foreign Wars, of Coraopolis and to the Ladies Auxiliary to Keith-Holmes Post 402, Veterans of Foreign Wars, of Coraopolis by Senator Wagner.

Congratulations of the Senate were extended to H. Vincent Eby, Blue Ridge Cable Technologies, Inc., of Ephrata and to the Eastern Lancaster County Sertoma Club by Senator Wenger.

Congratulations of the Senate were extended to Joshua Lee Palmer by Senator White.

Congratulations of the Senate were extended to Larry A. McCloskey, Jr., by Senator Wozniak.

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 Ray Erb by Senator Afflerbach.

Condolences of the Senate were extended to the family of the late Robert Henry Barrage by Senator Hart.

POSTHUMOUS CITATION

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

A posthumous citation honoring the late John E. Allen, Jr., was extended to the Freedom Theatre of Philadelphia by Senator Kitchen.

BILLS ON FIRST CONSIDERATION

Senator WHITE. 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:

HB 2358, HB 2359, HB 2360, HB 2361, HB 2366, HB 2367, HB 2368, HB 2369, HB 2370, HB 2371, HB 2372, HB 2373, HB 2374, HB 2375, HB 2376, HB 2377, HB 2378, HB 2379, HB 2380, HB 2381, HB 2382, HB 2383, HB 2384, HB 2385, HB 2386, HB 2387, HB 2388, HB 2389, HB 2390, HB 2391, HB 2392, HB 2393, HB 2394, HB 2395, HB 2396 and HB 2397.

And said bills having been considered for the first time,

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

COMMUNICATION FROM THE GOVERNOR

NOMINATION REFERRED TO COMMITTEE

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

CONTROLLER, LEBANON COUNTY

March 30, 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, Robert M. Mettley, 22 East Maple Street, Lebanon 17046, Lebanon County, Forty-eighth Senatorial District, for appointment as Controller, in and for the County of Lebanon, to serve until the first Monday of January 2000, vice Lynn Nelson, resigned.

THOMAS J. RIDGE
Governor

PETITIONS AND REMONSTRANCES

The PRESIDENT pro tempore. The Chair recognizes the gentlewoman from Venango, Senator White.

Senator WHITE. Mr. President, this will be very brief. I realize the hour is late. I have never before risen for a remonstrance, so I hope you will bear with me for just a very short minute.

The Klan was in my district this past weekend, and I must say it was an experience that opened my eyes in a lot of ways. When I was first told that they were going to be there to demonstrate, my initial reaction was ignore them. Ignore them. Do not go. If no one goes, it does not happen. But things happened that day, Mr. President, that made me realize that for a great many people in our Commonwealth, racial intolerance cannot be ignored because it looks them in the face every day. They see it when they go to school, when they go to work, when they go to the supermarket, and in many other places.

I do not live in a community that is very racially diverse, and I suspect that a lot of my colleagues here also come from the middle of the State where the populations are more homogeneous. I, of course, did not attend the Klan rally. There were 300 or 400 people there, of which I was told maybe a third were Klan sympathizers. The rest were either curious onlookers or hecklers. Four people were arrested, and I do not know too much more about the rally that took place in the center of Butler.

But I went to another rally, an anti-Klan rally. And while I had misgivings, I said that if it was going to be held far away from the first one so we would not end up endangering people or having physical confrontations, I would go. Mr. President, it was one of the most moving experiences I have had in my life. There were 500 to 600 people, young, old, all races, and

I found out a lot about my own district where I live that I thought I knew very well. What I did not know is that a lot of people in my community, and particularly in the community of Butler, are working on improving race relations. These people were out of Slippery Rock University, Butler Community College, the YMCA and the YWCA, the Boy Scouts, the Girl Scouts, the faith-based organizations, they were all out there affirming the wonderful diversity that is the 21st District in Butler County.

As I said, I like to think I am sensitive to race relations, but I learned that day that I have a lot to learn. I also learned that the YWCA has a program of study circles that people can join. It takes about 10 people, hopefully of diverse racial backgrounds. The idea is to meet once a week for 5 weeks with a facilitator to discuss and become sensitized to racial issues. I am going to try to look for one of those organizations in my community, Mr. President, because I am convinced after Saturday that I have things to learn, and I would simply like to encourage my colleagues and my constituents and my fellow Pennsylvanians to seek out these programs and to look for opportunities to connect and to promote racial tolerance, because it is really a beautiful thing when you see it happen. And I was very proud of Butler County last Saturday.

Thank you.

The PRESIDENT pro tempore. The Chair thanks the lady for her most poignant remarks.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, MARCH 31, 1998

9:15 A.M.	FINANCE (to consider Senate Bill No. 1174 and House Bill No. 439)	Majority Caucus Rm.
9:30 A.M.	MILITARY AND VETERANS AFFAIRS (to consider the nomination of Brig. Gen. Walter F. Pudlowski as Major General in the PA National Guard; Senate Resolution No. 155; and any other business that may come before the Committee)	Room 461 Main Capitol
9:30 A.M.	URBAN AFFAIRS AND HOUSING (to consider House Bill No. 492)	Rules Cmte. Conf. Rm.
9:45 A.M.	JUDICIARY (public hearing and committee meeting to consider the nomination of Michael M. Palmisano, Esq. for Judge, Court of Common Pleas, Erie County)	Room 8E-B East Wing
9:50 A.M.	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bill No. 220; Senate Resolutions No. 161 and 163; and certain executive nominations)	Rules Cmte. Conf. Rm.

FRIDAY, APRIL 3, 1998

9:00 A.M.	AGRICULTURE AND RURAL AFFAIRS (informational hearing on Senate Bill No. 170 and the Northeast Interstate Dairy Compact)	Penn College of Technology Professional Dvlpmnt Center Williamsport
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TUESDAY, APRIL 14, 1998

9:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (public hearing: Progress Report on Natural Gas Deregulation)	Room 8E-B East Wing
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P O S T P O N E D

TUESDAY, APRIL 21, 1998

10:00 A.M.	URBAN AFFAIRS AND HOUSING (public hearing on Senate Bill No. 422 and the Centre County Cabin Fire)	Room 8E-A East Wing
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ANNOUNCEMENT BY MAJORITY LEADER

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

Senator LOEPER. Mr. President, before I make the adjournment motion until tomorrow, I would just indicate for the information of the Members that the opening vote for tomorrow's Session will be House Bill No. 2281, the general appropriations bill.

ADJOURNMENT

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Tuesday, March 31, 1998, at 10 a.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 8:15 p.m., Eastern Standard Time.