

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

WEDNESDAY, NOVEMBER 10, 1999

SESSION OF 1999

183RD OF THE GENERAL ASSEMBLY

No. 50

SENATE

WEDNESDAY, November 10, 1999

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

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

PRAYER

The Chaplain, Reverend D. J. PAGLIA, of New Life Assembly of God Church, Lancaster, offered the following prayer:

Shall we pray.

Our Heavenly Father, we thank You for giving us this day that we might live and perform our duties as public servants who are dedicated to the best interests of every citizen of this great Commonwealth of Pennsylvania. We thank You for the sincere dedication of these public servants. We thank You for their families. We thank You for every district that is represented here today.

Grant to each Member of this Senate divine wisdom for every decision that will be made today. The Scripture instructs us, if any of You is deficient in wisdom, let him ask of the giving God who gives to everyone liberally and ungrudgingly.

We ask You to bless and protect our Governor, our Lieutenant Governor, and their families. For these men and women present, our State Senators and staff, we ask Your blessing and protection upon them and their families. Keep Your blessing upon this great Commonwealth of Pennsylvania. Keep Your blessing upon this great nation, the United States of America. In the name of Christ we pray. Amen.

The PRESIDING OFFICER. The Chair thanks Reverend Paglia, who is my guest today.

JOURNAL APPROVED

The PRESIDING OFFICER. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of November 9, 1999.

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

HOUSE MESSAGES

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate SB 167 and 798, with the information the House has

passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDING OFFICER. Pursuant to Senate Rule XIV, section 5, these bills will be referred to the Committee on Rules and Executive Nominations.

HOUSE BILL FOR CONCURRENCE

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

November 10, 1999

HB 1981 – Committee on State Government.

REPORTS FROM COMMITTEES

Senator THOMPSON, from the Committee on Law and Justice, reported the following bill:

HB 115 (Pr. No. 2638) (Amended)

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for municipal police education and training.

Senator LEMMOND, from the Committee on State Government, reported the following bill:

HB 1981 (Pr. No. 2628)

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, providing for election district alteration and data reporting; further providing for the date of the general primary election in the year 2000; making an editorial change; and making a repeal.

RESOLUTION REPORTED FROM COMMITTEE

Senator PICCOLA, from the Committee on Intergovernmental Affairs, reported the following resolution:

SR 112 (Pr. No. 1435)

A Concurrent Resolution calling on the United States Bureau of the Census to refrain from using statistical sampling in the decennial census.

The PRESIDING OFFICER. The resolution will be placed on the Calendar.

LEGISLATIVE LEAVES

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

Senator O'PAKE. Mr. President, I request a legislative leave for Senator Bodack.

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

Senator LOEPER. Mr. President, I request legislative leaves for today's Session on behalf of Senator Armstrong, Senator Helfrick, and Senator Waugh, and a temporary Capitol leave on behalf of Senator Piccola.

The PRESIDING OFFICER. The leaves will be granted as requested, without objection.

LEAVES OF ABSENCE

Senator O'PAKE asked and obtained leaves of absence for Senator FUMO and Senator TARTAGLIONE, for today's Session, for personal reasons.

CALENDAR

SENATE RESOLUTION No. 115 CALLED UP OUT OF ORDER, ADOPTED

Senator LOEPER, without objection, called up from page 6 of the Calendar, as a Special Order of Business, **Senate Resolution No. 115**, entitled:

A Resolution honoring all Pennsylvania veterans who served during war and peace on the occasion of Veterans' Day, November 11, 1999.

On the question,
Will the Senate adopt the resolution?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Mercer, Senator Robbins.

Senator ROBBINS. Mr. President, we are here today during the week of Veterans Day to pay special tribute to some people who are very important to us in this great country and in this great Commonwealth, the men and women of the Armed Forces, the Reserves, and the National Guard. There is no question that we are the freest people in the freest nation in the world, thanks to our military. It is second to none and must always remain that way.

In Pennsylvania we are proud of the military. We are proud of the military in times of war and we are proud of the military in times of peace. We are especially proud to recognize the Pennsylvania National Guard in times of crisis and natural disasters. And we thank them for maintaining a trained professional presence in time of calm, when it is all too easy to take them for granted.

We know that without our servicemen and women, life, liberty, and the pursuit of happiness would be just hollow words. That is not to say we can stand down and rest on our laurels. Keeping peace takes work and it requires constant vigilance. In our world today rogue tyrants threaten international peace and

stability. Dozens of conflicts worldwide are real-time reminders of the fragility of peace. They remind us, as well, that our military must always be strong and always ready to go where duty requires it and sacrifice when freedom demands it.

Ours must be a military where every soldier matters, from the front lines to the supply lines. No one knows the real cost of peace like a soldier or one who was once a soldier. Today we are honoring the best; good and decent people who love our country and all it stands for.

Mr. President, during this time of recognizing Veterans Day in Pennsylvania, I want to express my gratitude for not only those soldiers who experienced combat but also for those who supported the war efforts from behind the lines and to those who have served in times of peace. I believe it is true for most of us that our memories of war do not fade with time. It is the nature of war that once one has lived through it, one can never completely let it go. Some of us are more successful than others at putting war behind us, but all of us carry with us vivid, often painful and deeply personal memories of the sacrifices made in the name of freedom.

This has been a good year to illustrate that point, a time for looking back. As a nation we prepare to celebrate the 55th anniversary of the end of World War II with pride and nostalgia, as we should. As General Eisenhower said, if ever there was a moment in our world history in which good proved triumphant over evil, that was it.

Yet it is ironic, Mr. President, that in the midst of this celebration we prepare to meet two other anniversaries next year. Barely noticed by the public or the media, the first is the 50th anniversary of the Korean War, also known as the Forgotten War. The second occurred 25 years ago this spring as many in this country watched the dramatic pictures of the evacuation of Saigon and the last military helicopter leaving the U.S. Embassy there.

Of course, the end of World War II is celebrated, while the end of the Vietnam War is treated as a dark moment in our history. I believe, Mr. President, that our World War II veterans are not celebrating their victory 55 years ago as much as they are once again breathing a sigh of relief. Their memories are still fresh and 55 years later they are still healing. We are used to dark memories coming from Vietnam veterans, who are often perceived as haunted by their experience. We usually do not think of the World War II veterans sharing the same feelings, but many do. When you strip away the debate about a war being just or unjust, when you take away the glare of history, you are left with young soldiers and airmen and sailors each wanting to do their job, each demonstrating their love of country and commitment to freedom and each trying to survive another day. Those young soldiers are today's veterans. They served their country in the trenches, faced fear with bravery, and did the very best they could under the very worst of all possible circumstances. At one time each placed their life in God's hands and accepted that in the end the sacrifices of some would be greater than others.

Mr. President, as a veteran of Vietnam, I am proud of my service and that of my 18 colleagues in this Chamber who fought for our country and our Commonwealth. What is more,

I respect each and every one of you for selflessly serving our country, whether it be during war or times of peace. We cannot offer anything greater than our respect, and I think slowly society is recognizing the importance of that honor. As our veterans from World War II can tell you, respect is a simple medicine that allows them to return and heal the inner wounds of war. As some of our veterans from Vietnam can tell you, having to fight for that respect at home makes it much more difficult to put the war behind them.

Mr. President, to promote the respect here in Pennsylvania, I applaud our soldiers from World War II: Senator Tilghman, himself a veteran of the Battle of Iwo Jima, Senator Salvatore, Senator Stapleton, Senator Helfrick, and Senator Bell, first for being great veterans and being great servants of our Commonwealth but also for sponsoring Senate Bill No. 1050, which will provide \$2 million to construct a National World War II Memorial in Washington, D.C. Furthermore, I commend this General Assembly for its actions to construct a Pennsylvania veterans' memorial at the national cemetery at Fort Indiantown Gap.

Finally, Mr. President, I am pleased to offer Senate Resolution No. 115, recognizing Veterans Day in the Commonwealth of Pennsylvania, and I move for its immediate adoption.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair thanks Senator Robbins.

And the question recurring,
Will the Senate adopt the resolution?

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

YEA-48

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

NAY-0

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

LEGISLATIVE LEAVE CANCELLED

The PRESIDING OFFICER. Senator Piccola has returned from temporary Capitol leave, and his leave will be cancelled.

LEGISLATIVE LEAVES

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

Senator O'PAKE. Mr. President, I request temporary Capitol leaves for Senator Kasunic, Senator Musto, and Senator Belan.

The PRESIDING OFFICER. Hearing no objection, those leaves will be granted.

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

The PRESIDING OFFICER. We have already met our guest Chaplain, Reverend Paglia. I am pleased that his wife is accompanying him and is seated here in front of this Senate Chamber, and along with her is my wife, Barbara, who is seated next to her. I would appreciate the Senate's welcome to Mrs. Wenger and Mrs. Paglia.

(Applause.)

**GUESTS OF SENATOR JOE CONTI
PRESENTED TO THE SENATE**

The PRESIDING OFFICER. The Chair recognizes the gentleman from Bucks, Senator Conti.

Senator CONTI. Mr. President, it is my pleasure to introduce a group of fourth graders from Tinicum Elementary School in Bucks County, who are seated in the gallery today. These students have toured our beautiful State Capitol, and in addition to their tour, their teacher, Mrs. Clare Hennigan, arranged for the students to sing the Pennsylvania Song in the Rotunda. The students did a wonderful job and received a rousing round of applause.

I ask my colleagues in the Senate to welcome them with our usual warm Senate welcome.

Thank you, Mr. President.

The PRESIDING OFFICER. Would the guests of Senator Conti please rise so the Senate may give you our usual warm welcome.

(Applause.)

**GUESTS OF SENATOR ROBERT J.
THOMPSON PRESENTED TO THE SENATE**

The PRESIDING OFFICER. The Chair recognizes the gentleman from Chester, Senator Thompson.

Senator THOMPSON. Mr. President, it is my opportunity to introduce two student Pages for today. Both of them are seniors at Conestoga High School in Berwyn, Pennsylvania, my alma mater, and both are residents of Tredyffrin Township. They are Kevin Coffey and Matt Smith. Kevin is active in a number of musical as well as athletic endeavors, and is also on the executive board of Peer Helpers. One of his choices for further education is Penn State University to major in communications.

Matthew is the student council president, a student representative on the school board of Tredyffrin-Easttown School District, and hopes to go to Columbia or the University of Pennsylvania to major in political science and possibly pursue a career in politics. I do not know where he got that idea.

I ask the Senate to welcome our guest Pages for today.

The PRESIDING OFFICER. Would the guests of Senator Thompson please rise.

(Applause.)

Senator THOMPSON. Mr. President, if I could also recognize two constituents who are in the gallery today. They are here with the Pennsylvania Association of Mutual Insurance Companies. They are Howard Stevens and Mike Meluski from the Penn Mutual Insurance Company in West Chester, and both are constituents. I believe they have left.

The PRESIDING OFFICER. They have departed. Okay. It will be so noted.

RECESS

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

Senator LOEPER. Mr. President, at this time I ask for a very brief recess of the Senate for the purpose of a Republican caucus to take place immediately in the Rules room at the rear of the Senate Chamber, with an expectation that we should be back on the floor within 15 minutes or so.

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

Senator O'PAKE. Mr. President, the Democrats also will need a caucus, and I ask all Democratic Senators to meet immediately in the Democratic caucus room to the rear of the Chamber.

The PRESIDING OFFICER. For purposes of Republican and Democratic caucuses, the Senate will be in recess.

AFTER RECESS

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

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS BY AMENDING SAID AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate, by amending said amendments, to **HB 8**, in which concurrence of the Senate is requested.

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

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

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 1050**, with the information the House has passed the same without amendments.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet off the floor

during today's Session to consider House Bill No. 8 and certain nominations.

CONSIDERATION OF CALENDAR RESUMED

BILL WHICH HOUSE HAS NONCONCURRED IN SENATE AMENDMENTS TO HOUSE AMENDMENTS

BILL OVER IN ORDER

SB 1100 – Without objection, the bill was passed over in its order at the request of Senator LOEPER.

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 8 (Pr. No. 1484) – The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 3, 1992 (P.L.28, No.11), entitled Tuition Account Program and College Savings Bond Act, expanding the scope of the act; further providing for tuition account programs; and establishing scholarship programs.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

The PRESIDENT pro tempore. Mr. President, I am just delighted and thrilled to support Senate Bill No. 8. I have some remarks to make, but this has certainly been a labor of love for me and many others who have supported Pennsylvania's Tuition Account Program over many years.

In recent years, Pennsylvania's Tuition Account Program has indeed become increasingly popular. The investment that families are making now in the future college education of their children is growing tremendously, as well it should, Mr. President, with the reduction of sources of funding from the Federal government particularly. As of today, more than 30,000 students will see the dream of a college education aided by wise financial planning on the part of their parents, grandparents, and guardians. That number will continue to climb as more people learn about TAP and as the attractive savings options are expanded through legislative and administrative actions.

This is good news, to be sure, yet there are several ways to make this program even better. Because of the large number of States running these programs, because of the strong public interest in prepaid tuition programs, the Federal government has made some decisions highly favorable to the State programs and their participants. The additional benefits and advantages we should offer Pennsylvania families are indeed contained in

Senate Bill No. 8, and certainly I want to give great credit to Treasurer Barbara Hafer and the TAP staff over there who have worked hard to take this program to a new level. Opening up participation by Pennsylvania's terrific array of private colleges and universities, allowing participants to derive benefits from the strong investment performance of the TAP fund, extending the tax breaks for tuition savings to room and board and other expenses for the first time, creating an avenue for scholarship accounts, all of these things, Mr. President, make TAP a better deal for families and for Pennsylvania's future, for you see, without question, our future is clearly our kids getting the right education and keeping that resource here in the Commonwealth. Coupled with the effective marketing and managing efforts implemented by State Treasurer Barbara Hafer, our program is the equal of any in the nation. There was a time when we lagged behind, but no more, Mr. President, and it will be superior in many respects.

Just as important, TAP has enjoyed outstanding bipartisan support in this Senate and in the House of Representatives, support essential to establishing and operating a successful program. I am indeed grateful for the help you have provided through your votes and through your efforts to let constituents know about TAP, and the men and women of the Senate of Pennsylvania have done that. It was signed into law originally by Governor Casey, and I expect this will be signed into law by Governor Ridge. A program that helps guarantee opportunity for our young people, the students of tomorrow, is a real winner in Pennsylvania and deserves our strong support. By approving Senate Bill No. 8, we do indeed demonstrate our continuing commitment to making higher education more accessible and more affordable for more Pennsylvanians.

Mr. President, I believe this is a special day for families of young people who are contemplating sending their children to college. The privates are now involved along with the publics. We can now deal with room and board, and because of the tremendous cost of higher education, we now turn to families and give them an opportunity to provide that education for their kids. We could do nothing better because, as I said before, Pennsylvania's investment in its young people is extremely important. We have the best colleges and universities in the nation, and if we can keep our young kids here, we have done a great service to them as well as their families.

Thank you, Mr. President, and I hope that every Member of the Senate would consider voting for Senate Bill No. 8, a bill that paves the way for the future of many people.

Thank you, Mr. President.

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

Senator SALVATORE. Mr. President, first of all, I want to congratulate Senator Jubelirer and the State Treasurer for their leadership on this important piece of legislation. But I did want to touch specifically on the Tuition Savings Account, which was originally Senate Bill No. 772. About half of the 50 States have them now. They are known as 529s by the IRS. Many savings programs in other States are open to people from any State. We stand to lose potential investors if we do not establish this program. Families will be able to enroll in an investment program

similar to a mutual fund, with earnings tied to the performance of the financial markets. It offers the potential of greater growth and greater financial return than could be achieved under a prepaid program.

The guarantee that applies to the prepaid program will not apply to the investment program, and as with any mutual fund, participants could lose money in money markets when there is a downturn, but participants in a savings plan would enjoy all the tax benefits currently offered by the TAP program. That is, growth to the account will occur entirely free of State and local taxes, and Federal taxes will be deferred until funds are withdrawn and levied at the student's rate.

The bill requires that the State Treasurer seek proposals for private sector assistance in managing the investment program. The program will be administered within the existing Tuition Account Program, and all other changes in this bill, Senate Bill No. 8, would be paralleled in this program. I urge a "yes" vote for this important piece of legislation.

LEGISLATIVE LEAVE CANCELLED

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

Senator LOEPER. Mr. President, Senator Armstrong has returned to the floor, and I ask that his legislative leave be cancelled.

The PRESIDENT. Senator Armstrong's leave will be cancelled.

LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, I request legislative leaves for the remainder of the today's Session on behalf of Senator Conti and Senator Corman.

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

And the question recurring,
Shall the bill pass finally?

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

YEA-48

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

NAY-0

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

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

RECESS

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

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

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

AFTER RECESS

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

REPORT FROM COMMITTEE

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

HB 8 (Pr. No. 2625) (Rereported)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for contracts with private residential rehabilitative institutions, for continuing professional development and for a program for continuing professional education; providing for national board certification and for private alternative education institutions for disruptive students; and making an appropriation.

THIRD CONSIDERATION CALENDAR RESUMED

BILLS OVER IN ORDER

SB 300 and **SB 380** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 518 (Pr. No. 2626) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for face-to-face contact for high risk abused children.

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-48

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

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.

PERMISSION TO ADDRESS

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

Senator O'PAKE. Mr. President, I want to thank my colleagues for the unanimous support of this bill. This is a very, very important piece of legislation and it is all about prevention of child abuse. I want to commend Representative True and her special House subcommittee which studied this problem and came up with this recommendation as one of the ways we should respond.

It has been 25 years now since we wrote Pennsylvania's Child Protective Services Law, and I am sure during that period of time we have saved the lives of many children as a result of that legislation and its implementation. Unfortunately, there is one life that we did not save, and that really has precipitated this legislation. Last year, according to the child abuse report filed by the Department of Public Welfare in Pennsylvania, 52 children were murdered in their own homes by their own family members. One of those 52 was an 18-month-old baby, Maxwell Fisher, who died in the city of Reading. The Maxwell Fisher case points out the need for this corrective measure.

Maxwell Fisher was brought to Berks County, specifically to Reading, by his mother from Lancaster County. During the stay in Reading, unfortunately, it was a case that apparently fell between the cracks. Maxwell Fisher's case was not followed up properly by the Berks County Children and Youth Services. When they found the child, it was one of the most sickening cases they say they have ever encountered. He was bitten by rats. He was emaciated. He was badly beaten, almost to a pulp, and he died.

What this bill does is say that in those cases which are designated as high risk for child abuse and neglect, there must be a weekly face-to-face visitation by the Child Protective Services Agency or an agency contracted by them. We do not want any more Maxwell Fishers to die because of inadequate follow-up care.

It is all about prevention. There are many things this law that we wrote back in 1974 does about prevention, but there is this loophole that needs to be filled, this strengthening of the law, and I commend the Senate for doing that today.

One other thing which is also relevant. Last year, according to the child abuse report, again along the lines of prevention, there were 1,020 known child abusers who had a record of child abuse and neglect who were screened out when they applied for jobs in the child care industry or as foster parents or adoptive parents. Think of what would have happened had those 1,020 convicted child molesters been allowed to be reemployed in the child care industry, absent this law.

So, I wanted to get on the record that this is very badly needed. It is something that I am confident the Governor will sign, and hopefully we will prevent another Maxwell Fisher and the other 51 children who were needlessly killed as a result of child abuse in Pennsylvania in 1998.

Thank you, Mr. President.

The PRESIDENT. The Chair thanks Senator O'Pake for those important reflections.

THIRD CONSIDERATION CALENDAR RESUMED

BILLS OVER IN ORDER

SB 598, SB 630, SB 708, SB 767 and SB 847 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 850 (Pr. No. 953) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the illegal use of a laser pointer.

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-48

Armstrong	Greenleaf	Madigan	Slocum
Belan	Hart	Mellow	Stapleton
Bell	Helfrick	Mowery	Stout
Bodack	Holl	Murphy	Thompson
Boscola	Hughes	Musto	Tilghman
Brightbill	Jubelirer	O'Pake	Tomlinson
Conti	Kasunic	Piccola	Wagner
Corman	Kitchen	Punt	Waugh

Costa	Kukovich	Rhoades	Wenger
Dent	LaValle	Robbins	White
Earl	Lemmond	Salvatore	Williams
Gerlach	Loeper	Schwartz	Wozniak

NAY-0

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

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

BILLS OVER IN ORDER

SB 958, SB 1038, SB 1047, SB 1109 and HB 1268 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

SB 528, SB 639, SB 805, HB 849, HB 868, SB 967, SB 1003, SB 1032, SB 1077, SB 1097 and SB 1103 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

SB 1134 (Pr. No. 1390) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the release of Project 70 restrictions on certain lands owned by the Ridgway Township Municipal Authority, Elk County, in return for imposition of Project 70 restrictions on certain lands being conveyed to the Ridgway Township Municipal Authority, Elk County.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

HB 1150, SB 1183 and HB 1445 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 1

SENATE CONCURS IN HOUSE AMENDMENTS TO SENATE AMENDMENTS

HB 8 (Pr. No. 2625) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for contracts with private residential rehabilitative institutions, for continuing professional development and for a program for continuing professional education; providing for national board certification and for private alternative education institutions for disruptive students; and making an appropriation.

On the question,

Will the Senate concur in the amendments made by the House to Senate amendments to House Bill No. 8?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate amendments to House Bill No. 8.

On the question,

Will the Senate agree to the motion?

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

Senator SALVATORE. Mr. President, I support House Bill No. 8. This bill is very important. It gives us all the educational programs to be contracted out for profit and nonprofit programs. It is very important because it measures and deserves our support and allows our school districts to gain control of the classroom. It is important for many other reasons, but most of all it is supported also by the Philadelphia School District and the Philadelphia Federation of Teachers. It provides flexibility for our schools. Instead of setting up and operating their own alternative educational programs, they will be able to contract with an agency to provide this service. There is no mandate in this bill. There is nothing here that requires any district to go with a private organization. This bill just gives districts another option in dealing with disruptive youngsters and provides for the regulation of those private programs by the department.

Most importantly, it lets kids who are able and want to go to school to learn and teachers to teach. It gives kids who have trouble learning and who need to be disciplined a special place to be helped. If they fail to learn, they will fail in life as well.

I just ask for your support on this important piece of legislation, because in Philadelphia we are having many problems with children not learning to read or write, and if you cannot read and write in this society today, you will fail in life.

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

Senator LOEPER. Mr. President, I believe that the legislation that is before us today represents a very significant movement forward as far as giving more opportunities to our youngsters for a better education and a safer education. I think one of the things that we see in any of the top polls that are conducted is that the one major concern of our citizens, particularly parents, is safety within our own schools. I think that anything we can do, any new options we can make available to our public schools to make teachers, students, and parents feel safer, we should and must do, and this legislation provides just such a new option.

I think, Mr. President, if you were to ask any teacher what one thing could be done to improve their ability to do the job for which they have been trained, they will tell you, get the one or two worst behavioral problems out of my classroom. This desire tops everything, even reducing class sizes, in the minds of teachers when it comes to class improvement. I believe that disruptive students repeatedly steal valuable time from the classroom. But the alternative education programs are also about giving, giving our most at-risk and troubled students a second

chance to turn their lives around. I believe that the legislation before us not only dealing with alternative education but also with professional standards that we previously passed here in the Senate really combine to make a good bill, and I ask for an affirmative vote on the legislation.

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

Senator SCHWARTZ. Mr. President, I, too, rise to make some comments about House Bill No. 8. First, I want to start with the principal portion of House Bill No. 8, which really is about setting standards for professional development, moving forward as a Commonwealth to assure that we have the best qualified teachers in the system. This was a bill that I really commend many of us who have been involved in the Committees on Education in the House and the Senate, we have been engaged in this discussion for almost 3 years now, and Representative Stairs in particular has been outspoken in pushing and working to make this legislation work for teachers, for schools, and for students.

There is no question that the quality of our teachers is probably the most important factor in assuring student achievement. So before I get into the other part that was added in this legislation last night, it is very important for us to acknowledge the important step we are taking today in moving forward in setting ongoing requirements for teachers to participate in professional development so they can keep their skills up, so they can be up to date in technique and content and work together as a teaching community in their schools and their school districts. And I am excited to see this bill come to the floor for final passage today.

It is true that yesterday we had an amendment added in the House that does add an opportunity for school districts to contract out to private, for-profit companies to offer alternative education to disruptive students, and I agree that it is a very serious problem that we have talked about on the floor of the legislature. We have added additional dollars to help our school districts be able to provide the best possible, the most appropriate educational services for disruptive students. I myself am not completely convinced that the best way to do it is to go with a for-profit, private company, but there are some who feel this is an option we ought to try, and it is an opportunity for school districts to look at this option, to make a determination as to whether it is a good option for their schools and for their students, and I hope that they will consider this seriously and carefully and consider the full range of options that might be out there.

Adding a few extra dollars to this opportunity is also probably an okay thing, although I will say that we have been fighting for more funding for our schools in a lot of different ways, and I hope that it will not be forgotten by the Republican Majority that at times they are perfectly willing to throw money at a problem and maybe there will be other times when they might be willing to consider it when we raise the notion of some dollars being made available to our school districts to be able to move ahead on an agenda that they care about.

That brings me to the final point I want to make, and that is that we have done some very good work on improving the quality of education in this Commonwealth, setting high academic

standards, holding school districts accountable through State assessments. We are working on that. This is a professional development bill that we are going to pass today. The work we have done on removing disruptive students from the classroom is all very important. I would also hope that there would be the opportunity for us to bring up other issues many of us have tried to work on, some with success and some not. Many of us have talked, me in particular, about providing incentives to school districts to do what we know works in improving achievement, and that includes full-day kindergarten and reduced class size. The early childhood issues are among a variety that I brought up, including special qualifications for early childhood teachers, and the issue of school equity and the inequity of school financing around the State. These are issues I think we have to tackle in order to make sure that, as we are doing today, there might be some more money available to make additional options available for the most disruptive students.

I do want to be sure that we attend to the students who remain, not just in the Philadelphia schools but across the Commonwealth, in schools that are working to do the very best for all of our students, and we ought to be sure that we provide them with opportunity and incentives and potentially some more dollars to do what we know will work in enhancing student achievement.

So, I will look forward to having that opportunity should a bill come before us that either does it specifically or could allow for amendments, which this bill does not because it is on concurrence, to raise the issues of full-day kindergarten and reduced class size and the issue of funding equity. It is something we ought to tackle. So as we move forward today on House Bill No. 8, and I will be supporting it, I do caution that this is just one step in a much longer agenda in how to make sure that the schools in the Commonwealth of Pennsylvania are the very best schools and that every child, regardless of where they live in Pennsylvania, has an opportunity for the best possible world-class education.

Thank you, Mr. President.

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

Senator WILLIAMS. Mr. President, I rise not only in support but in enthusiastic support for this particular piece of legislation. Bartram High School, which has been in the newspapers of late for having not such a great history with regard to security for not only its students but its teachers, is in my district, and that is the high school where an assistant principal was shot and after that others were assaulted. And frankly, I have been waiting with baited breath for this opportunity to stand and say that we no longer are going to stand on the sidelines and say it is the school district's responsibility when in fact it is our responsibility, our responsibility to act affirmatively, responsibly, and completely. And so I am sure that the parents of the Bartram community, while it will not resolve every problem in that area, are certainly pleased that we are doing something, recognizing this particular community of disruptive students.

As this legislation has passed the hallways, and frankly the discussion of the school in Texas, there are some myths that I want to dispel. One, I want to make it clear that those of us who

reside in Philadelphia have a concern for all Pennsylvanians. We recognize that while we are moving this legislation in a way that certainly directs and commits itself towards problems in Philadelphia, we are not looking away from the other problems that occur across the State. I had the pleasure to serve on the Governor's task force that reviewed the educational progress in Pennsylvania, and it is quite clear that disruptive students do not only reside in Philadelphia but they reside in other counties across this Commonwealth and we need to do more. We need to provide support in the form of dollars as well as an accountable agenda. So, we are quite clear about that.

I also want to make something clear to those who think we are targeting students today. This is not the bill for bad kids. This is the resolution of hope bill for those who have been looked upon in disruptive and bad ways. This is the second chance bill. Historically, we have, in Philadelphia County at least, warehoused our bad children. We have taken them out of the classrooms and sent them to another classroom in the school building. We have taken them out and sent them to other schools completely. And when you visit those rooms or those schools you discover that there is not adequate preparation. Education is not occurring, and for the most part, the history has shown that these disruptive students, whatever they might be, are not bad kids. They are kids that the system has betrayed in a certain way, stereotyped, but we frankly have taken away their rights because we are concerned with some other special interest group's rights. We have turned our backs on these children. We have decided it is easier to stereotype them as disruptive and bad as opposed to facing the fact that we did not educate them in kindergarten, first grade, second, third, and fourth grade, we passed them along. And every adult who came in contact with these children is as guilty today as they will ever be in this process.

I take my hat off to Ted Kurtz and the PFT and to Michael Axelrod of the principals' union in Philadelphia County. They recognized what is occurring in this country. In North Carolina, Florida, Texas, and New York, they recognized that those organized unions had to become partners in resolving the problems and not be barriers to those processes. I am glad that I am able to stand on this Senate floor today to say that Ted Kurtz sent a letter encouraging us to support this legislation. I am grateful that he recognizes that the first and foremost priority in this process is the children. The children.

There is some clamoring about a certified process and certified teachers. My mother is a retired public schoolteacher. We recognize the benefit of teachers being formally educated. We recognize the benefit of them passing through a training process. We recognize the benefit of guaranteeing that all teachers have a certain standard of achievement. We also recognize that sometimes it has been an exclusionary process, frankly, to those who are people of color in the teaching profession. We also recognize that sometimes we need to structure our communities such as we have done in Philadelphia County when it comes to Girls High, Central, and to many, many other advanced schools, that we do what we need to do to complement that teaching population. Most recently, we are going to go to do it to a school that the University of Pennsylvania wants to create, which is in

my district. We are going to do everything we possibly can, including give more money, allow the administration to pick their teachers, design the curriculum, and create a school that allows for that community, hopefully the entire community, to best serve itself.

This is no different. The only difference is that we are now talking about children about whom we traditionally do not give a darn, whom we warehouse in the penitentiaries after they have graduated from high school or they have dropped out.

I am grateful that we have finally decided to look at this as a problem for all of Pennsylvania. We are taking proactive steps to do something about it. While it may not be the entire answer, and certainly is not a panacea, it is an answer with a proven outcome and measurable results. It is an interesting area that has a track record of at least 5 years of success to the point where these children do not even want to leave those environments, and certainly underscores some other practical components. Class size is important, controlled environments are important, skilled professionals are important, but also targeted bottom lines of how we spend our money is equally important. Spending for the sake of spending is not the answer. Spending with a purpose and a direction and strongly committed leadership to that direction has provided for opportunities that those children could not dream of in Texas a long, long time ago.

So I am grateful for whoever's idea it was that got to our Chamber, got through the House, will get through the Senate, and be signed expeditiously by this Governor. I am also grateful that people of different parties and different views will be able to support a very, very, very important community of Pennsylvania. It is just my hope that we will seize this opportunity in Philadelphia County, and frankly across Pennsylvania, and do something with this disruptive population in a way that they recognize that our caring arms are around them, not our punitive punishments, which we easily and readily do here, but our caring arms are around them and we are concerned about their education and their future just as we are concerned about our own children's future.

So, Mr. President, I will close with a thank you for staying the course, thanks to the administration for staying the course, and thanks to the Republican and Democratic leadership for staying the course, and never, never bending when it comes to the interests of children and their education in Pennsylvania.

Thank you, Mr. President.

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

Senator HUGHES. Mr. President, I want to rise and speak briefly. I support this legislation and intend to vote for it. However, I must rise and speak to reiterate some of the comments that the previous speaker, my colleague and friend, made specifically about the students and the young people and how they have gotten into the position they are in right now to consequently have to create this structure to hopefully respond in a positive sense to their future, their education, and their future outcome. And I respond also to reiterate some of the comments previously made by the good Senator, but also to respond to comments that apparently were made in the other Chamber where this legislation came from, comments made by some indi-

viduals with whom I served in the House of Representatives. And it goes to the characterization of these young people, these children, as incorrigible, no-good kids with whom you do not want to be associated and do not want to have anywhere near you in any way, shape, or form, this characterization of kids who are just terrible, terrible, terrible children.

I just have to rise, Mr. President, to speak briefly to just refute those comments and those people who made those comments and to denounce those people. Because quite frankly, Mr. President, as the previous speaker said, and I have to go along with him on this, these are young people for whom this society, and in many respects this government, has turned its back on, has refused to acknowledge them, their humanity and the opportunities and the hope that exists inside them. These are young people whom we have in totality just looked away from, and in terms of creating hope and opportunity for them, the hope has existed inside them, but too many people in this society have just decided to trample on that hope and trample on them, not creating economic opportunities in their community so they can thrive and be successful, not refuting and throwing away the old laws that allow for discrimination based on class and sex and race, but allowing those institutions that we are supposed to be against to continue to flourish.

That is the society in which these young people have grown up, Mr. President, and they are the conditions in which they have lived, and consequently, unfortunately, negative behavior exists in their communities and some of them unfortunately have been participants in that, but these are not throwaway children, and we must stand and support these children. They are good children who need a way, and hopefully this method of educating them will be one that allows them to flourish and to grow and to be strong and turn their situations and circumstances around. But for those individuals who want to classify these young people as nogood, as bad kids, with no mechanism available for them to turn their lives around, I denounce them and everything that they stand for, because these kids are children who have hope and potential, and in fact it is this society that we grownups have perpetuated that has failed these young people.

And I only hope in this forum, and it is great to have the opportunity to talk about education in this fashion as we do not get it that much, I only hope, Mr. President, that as we go through the rest of this year and as the Governor presents his budget and we deliberate on that budget come the first Tuesday in February, that we look on the economic reality that exists in this State of Pennsylvania and we do more to invest in our young people. It is my understanding that this new program is an investment. It is supposed to be an investment in young people. Well, I hope we will do more, because clearly, Mr. President, we have the fiscal and financial abilities to do more investing in our young people. We finished out our last budget with a \$772 million budget surplus. I mean, that is a lot of money. The year before that we had a \$600 million surplus. The year before that we had a \$500 million budget surplus. This trend is going and it is going at a rapid pace, and it is going up, not down.

But we have crumbling schools, Mr. President. We have schools that are falling apart, and this caucus will be talking,

introducing very soon a legislative agenda to try to deal with that, and hopefully, we can get everybody to gather around that and try to do something to fix up the crumbling schools. But the point is that we have money now to invest in our young people, in their education, and we need to be creative about it. We need to try different things, we need to try to do things that make sense like smaller class sizes, and that needs to be a priority. But the real issue is that we need to do something to invest. All the accountants and financial planners have told me that your budget determines what your priorities are, and how you spend your money determines your priorities. Here is an opportunity as we move from this legislation down the path to hopefully more innovative ways to try to change the outcome of our young people that will utilize this fiscal reality and this financial reality that we are in, Mr. President, to truly invest in our young people. To continue down this path to have tremendous surpluses and Rainy Day funds with billions of dollars just sitting in them and not really doing anything with it and not invest in an intensive way with true integrity in programs that we know make a difference and we know have an impact is really failing our young people.

I hope, Mr. President, that this legislation is successful, not just in passing here in this body and being signed by the Governor, but in the outcome that it has for our young people, to hopefully lead us and give us some direction and understanding that a true investment in young people will make a difference, both on the front side and the back side where they are in and the outcome that we know they can achieve. These are quality individuals who deserve our investment, and hopefully we can achieve that in every sense of the word.

Thank you, Mr. President.

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

Senator KITCHEN. Mr. President, I rise to support House Bill No. 8. Some of the issues facing Philadelphia schools are so very serious. It is our duty as legislators and sometimes as parents to make sure that our children have a thriving environment. But, Mr. President, I was very disturbed to hear some of the remarks concerning our troubled children. I thought it was insulting and very unprofessional for leaders of the State of Pennsylvania, a State with 11 million people.

Mr. President, children are not born troubled, and we must ask ourselves, how did such critical situations come about? I think that we must see all children in Pennsylvania as human beings worthy of our time and attention, the same way we pay attention to other issues such as big business in this State. I certainly hope the people, the leaders of Pennsylvania, who have made such remarks about our children think it over, and also I hope that when they think this over they will understand that children must have guidance and they must have, yes, good education. I hope from now on we will look at education in a holistic manner for all the young people in Pennsylvania, and while some school districts may not be having problems at this time, Mr. President, can we please look at ways to prevent such situations from happening as what has happened in Philadelphia.

And again, I am glad I serve in this Senate with people who speak on issues in a professional manner, and I even got calls from constituents complaining about the remarks that were made in the House of Representatives about the children.

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

Senator O'PAKE. Mr. President, I intend to support this as well, and I just want to make it clear that disruptive students are a problem not only in Philadelphia, they are a problem throughout Pennsylvania. I represent the city of Reading and Berks County, and I know that within our county, many, many times I hear complaints about teachers who are unable to do their job of teaching because of a handful of disruptive students. So I think this is an important step in the right direction. However, I also wish that there was more money involved here so that not all the money would be targeted to one particular school district. This is a problem we all face, and I hope by our vote today we will signify that the funding should be increased so that disruptive students, wherever they may be, will be adequately taken care of and the State will follow with the money and put its money where its mouth is.

Thank you.

The PRESIDENT. The Chair recognizes the gentlewoman from Northampton, Senator Boscola.

Senator BOSCOLA. Mr. President, 5 years ago when I was elected to the House of Representatives, it was not that long, it was like a month or two after I was elected that I met with the Bethlehem Area School District's superintendent and teachers and Colonial Intermediate Unit personnel, and their key issue was what do we do with chronically disruptive students? What I did after that was craft a bill called second chance academies, which would establish a pilot program to deal with students who were disruptive. The bill did not pass, but by working with the school district and the school boards, we are now talking at this point about opening a second chance academy in the Hellertown area for the Bethlehem Area School District and the Colonial Intermediate Unit. So I am here to support House Bill No. 8 because I know we are going in the right direction.

But I want to make one point on the teacher's certification, because a controversial part of this bill was the nonrequirement of a teacher's certificate in a school for disruptive students, and I support that provision about not having to require a teacher's certificate for this reason. I know that there may be some personnel out there who are better equipped to deal with disruptive students, individuals who come out of our boot camp personnel, military personnel, individuals involved in the court system. These types of individuals might be better equipped to deal with students in disruptive schools. What I would hope for is that these schools for disruptive students would have a combination of teacher-certified individuals as well and complemented by maybe some military boot camp type personnel and individuals involved in our court system.

Thank you, Mr. President.

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

Senator WAGNER. Mr. President, I also rise in support of House Bill No. 8 and certainly agree with many of the comments made by my colleagues, especially my colleagues from Philadelphia who have identified a problem within their school district and are basically asking for our support from the General Assembly. There are some other items that are part of the legislation that are also important that need to be adopted. And, Mr. President, I will vote in support of this legislation.

However, Mr. President, I think it is important to note, and we do not have the opportunity too often to talk about education and educational programs, but when we talk about disruptive students, it is important to note that disruptive students do not just occur within the school system. They do not just develop at the age of 10, 12, 14, or 16 years of age. A disruptive student is generally a student who has had problems within the educational system from the start. And the point I want to make here today, Mr. President, is that we talk about a number of different kinds of improvements related to education in Pennsylvania. There is none that is more important than dealing with the student at the very young age of kindergarten or even preschool programs, and it is something that is lacking in Pennsylvania.

I know, for instance, Mr. President, that Senator Schwartz has a piece of legislation that deals with full-time kindergarten in Pennsylvania. In Allegheny County, where there are 45 school districts, one-half of the school districts have half-day kindergarten, the others have full-day kindergarten. Not all children in Pennsylvania can avail themselves, for financial reasons and otherwise, of preschool programs or Head Start programs or Healthy Start programs. Generally, a disruptive student is a student who did not have available to them some of these programs at a very early time in life. So we need to begin to look at this problem in a holistic way and a more comprehensive way and to begin to deal with it.

And the best way, Mr. President, is not necessarily dealing with a student when they are in 10th grade or 11th grade. It is making sure that all children have an opportunity at a very young age, and that is basically what I am suggesting that this General Assembly needs to do in order to make sure that all children have an opportunity. Mr. President, a house without a solid foundation will never be a good home, and the same analogy is true for a child as it relates to their education. Starting at the age of birth up through 3 years of age, at 5 years of age, the day they enter school, there is an inequity within this State. Some children enter school at first grade, some at kindergarten half day, some full day. Some do not have preschool programs. The children who do not have the opportunity to avail themselves of early childhood education are at a disadvantage when they start within the educational system. And generally speaking, Mr. President, they end up being disruptive students.

Consequently, we need to do more. We need to do more in this Commonwealth, and the State needs to ante up and do more with the educational system as it relates to early childhood education. And in the process, Mr. President, I think we will find that we have fewer problems in the long run.

Many times we have heard people stand on this floor talking about crime prevention programs, that it is smarter to invest in crime prevention than in our penal system. The same holds true

with students at a very young age. So I am hopeful that this General Assembly will have the courage in the near future to begin to deal with these issues to a greater degree, so that all children at a very young age will have a greater opportunity to learn so that they do not come into an educational system at a disadvantage, and therefore there is a greater potential for them to be a problem within the system, or in some cases, never make it through the system.

These are predictable factors. Educational people, people who work in the profession can tell us all about what is important in education. But what they all say and all agree on is good, quality, early education, a good start within the educational system is the most important thing.

I support House Bill No. 8, but it is my hope that we will take a more comprehensive approach to this problem.

Thank you.

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

Senator MURPHY. Mr. President, I would also like to say a few words on House Bill No. 8. Many of the children we are talking about now in dealing with disruptive behavior are kids whom I have personally treated in my practice over the years, and the attempts that schools have made to try to deal with such students have been interesting. In the past, they may have sent them to reform schools or perhaps the students never made it back to school, dropped out, got a job, or maybe joined the military early. In the last few years there have also been attempts to use mental health services to try to help them, oftentimes with diagnoses such as oppositional defiant disorder or conduct disorder, and what we found recently is many insurance companies simply no longer pay for treatment of these diagnoses. Many children also may get a term of a diagnosis such as attention deficit disorder, perhaps overused, overdiagnosed, but it is another attempt to get kids into some sort of mental health services to help them.

And I am not sure that has ever been the right way. Many of these children we know come from families who struggle. We know that along with increases in juvenile crime and violence and so many other things there have been increases in family problems. It was some years ago, perhaps in the 1960s, I believe Senator Daniel Patrick Moynihan talked about problems of so many kids, perhaps 23 percent of children were coming from single-parent homes, and now in some communities it is up to 70 and 80 percent. And not all disruptive kids are coming from single-parent homes, and certainly not all kids in single-parent homes have problems. The point is that there have been so many changes for the families in America and Pennsylvania that we can no longer look and say, maybe we should change the family or the community. It is really time that we look more at what we can do to help every individual child.

This is where it gives schools a chance, under their own option, if they see fit, to find some other alternatives for these kids to give them a chance at life, and I believe this is a good way of doing it and it helps all of us. At times, probably everybody in this Chamber has made promises before that they wanted to do things to help get disruptive kids out of schools and help make schools a more peaceful place for people to learn. They say if

you are going to sit on the premises, you should stand on your promises, and this is a place where all of us, I think, can feel comfortable with fulfilling such promises of knowing that we are giving schools a chance to turn some kids' lives around, and even more so, giving kids themselves a chance to turn their lives around.

Thank you very much, Mr. President.

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

Senator MELLOW. Mr. President, I wanted to get involved in some of the discussion and the debate today for several reasons and on several different fronts. First of all, Mr. President, House Bill No. 8, which has come through this Senate now for the second time, its original proposal was supported by I believe all of the Members of this particular body. Just this past week the House of Representatives in their Committee on Rules and Executive Nominations put into this proposal one of the most important amendments that we could work with with regard to education. And by doing that, the bill then came into the Committee on Rules and Executive Nominations in the Senate, and once again, as the pattern continued in the Senate of Pennsylvania, we did not have an opportunity, the 50 Members of this body did not have the opportunity, unless they serve on the Committee on Rules and Executive Nominations, to offer an amendment to a proposal that then came on the floor of this Senate, one, Mr. President, that is as important as this particular piece of legislation.

Mr. President, continuing to ignore the committee system to me is an affront to the Members of the Senate. I think the Democratic chairman and the Republican chairman, the Majority chairman, of the Senate Committee on Education have done an outstanding job. This proposal, this legislative agenda that we have today in dealing with disruptive students is something that should have gone through the standing Committee on Education, it should have been on the floor of this Senate where we then could address the issue in amended form to offer the proper type of amendments, hopefully to make this bill better, and then to address the issues that were stated by a previous speaker with regard to the multiple issues with education, issues that we want to discuss on the floor of this Senate but have never had that opportunity.

So one of the areas of concern that I have, Mr. President, is the manner in which this bill continues the pattern that was established several years ago of taking a very important and controversial piece of legislation, bringing it out of the Committee on Rules and Executive Nominations, ignoring the standing committees that exist here in the Senate, and giving Members the opportunity of either voting up or down on the proposal and not giving them the opportunity to offer an amendment.

One of the areas that I think if we had the chance to offer an amendment, Mr. President, would deal with certification, because to me it is very, very hard to take a proposal that dealt with continuing education, to be able to continue the certification of a teacher in a public school, and then add another component to that particular piece of legislation which says that if you are going to teach disruptive children in a different setting, then you do not have to be a certified teacher. What we are say-

ing to the people of Pennsylvania is basically this: If you are going to teach those gifted children who have no problem learning in the classroom, those children who are not a discipline problem in the classroom, then you must be certified and you must continue your certification every so many years. But if you, on the other hand, are going to have the opportunity of teaching disruptive children, children who may have a problem in their home life, children who, because of the fact of the discipline that they present in the classroom, by and large have a problem with the educational system to begin with, if you are going to teach those children, the children of greatest need, the most difficult students in the classroom to teach, then you do not have to be a certified teacher in Pennsylvania. Mr. President, I think there is something wrong with the system when we say that.

And it was not that long ago, Mr. President, that we passed the proposal dealing with charter schools. One of the missions of charter schools, to form a charter school, would be to take care of a disruptive child, to take care of a disruptive student in the classroom. We basically do not need House Bill No. 8. All we have to do is implement in areas where there are disruptive children, implement the charter school proposal, which mandates that 75 percent of the teachers in a charter school must be certified teachers.

And then, Mr. President, the last thing that bothers me terribly about this piece of legislation, because I do not see it as being the panacea and I do not see it as being the cure-all that other speakers have said it is in public education in this State, what happens with the funding mechanism? How do I tell the school districts that I represent that if you do not form a charter school to take care of disruptive students, if you follow the provisions set forth in House Bill No. 8 to handle those who are difficult students and disruptive in the classroom and there is no money available to deal with these children at an accelerated cost, then that cost is going to go back to the taxpayer. So this is not an unfunded mandate, Mr. President, because it leaves the option up to the local school district, but once the local school district identifies those disruptive students and they decide not to go the route of charter schools, which would mean that 75 percent of the teachers must be certified, and they take the alternative route of House Bill No. 8, then the local taxpayer once again is going to be saddled with the increased cost of education, and I think it is unfortunate.

I believe the concept is a good concept, Mr. President. I do not believe we have had enough time to work it through properly, and because of that, I will cast a negative vote.

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

Senator RHOADES. Mr. President, I am glad you saved the best for last.

The PRESIDENT. Precisely.

Senator RHOADES. Mr. President, I agree with the speaker, Senator Mellow, from the standpoint that I wish this had gone through the committee system, but I have to say that we talked about this on a number of occasions. I have been preaching this concept for the longest time. And I rise to speak in favor of House Bill No. 8. With overwhelming support, I ask the Senate to vote in favor of the continuing professional education pro-

gram that we worked out and which I helped to craft earlier this year. It is a program that the Senate approved unanimously on June 8, and it stands unchanged by the recent House amendments.

In addition, Mr. President, I ask that the Senate join me in supporting the private alternative education option that the House of Representatives inserted into House Bill No. 8 last night. It is not an overwhelming support endorsement because I do believe that there are some details that remain to be clarified. But the essence of the issue, the importance of the issue, the significance of the issue is too, too important for this bill not to be passed. As a matter of fact, I would scare many people by saying this should not be a "may" provision, this should be a "shall" provision. You want to call it an unfunded mandate, you call it what you want. But if we do not address the needs of our regular schoolchildren as well as the needs of our disruptive children, we do a disservice to both.

Mr. President, for a number of years this General Assembly has focused on the problems that disruptive students cause our teachers and students. Our primary concern has been clear: to remove disruptive students from the classroom so that children who are ready and willing to learn can have the opportunity to do just that. And we have had some success in this objective. We approved legislation to establish alternative education programs in our school districts, and we now provide grants to help support these programs. However, we have had little success in addressing the more difficult problem: how to discipline, reform, and educate the students who cause the most trouble in our schools, the students who go on to cause trouble in our communities.

Mr. President, today I believe we can take a step towards that goal. Some of our colleagues in the House of Representatives have raised issues about this proposal. They have noted that it is untested, it is new, and it is an experiment. As someone who has spent a lifetime in education, I believe that our system of public education has provided the vast majority of our students with a sound, high-quality education, and it is for that reason I am proud to support our public schools. I supported them yesterday, I support them today, and I will support them tomorrow. But when we look to the school districts across the Commonwealth, and when I look and see the vast problems posed by disruptive students, adjudicated students, and formally imprisoned students, I think we need to try something new.

And although the idea may have originated in Philadelphia and be driven from Philadelphia because they wanted to put the program in, I think it is something that the rest of us in the Commonwealth of Pennsylvania have to participate in. The disruptive students are not making life any easier for classmates who want to learn. The alternative education programs now in place are busting at the seams, and kids who do not show up for classes every day are not learning. Initially, I said the concept was initiated in the Philadelphia School District. They will now have an opportunity to contract with a proven company that will take up to 2,000 of these students. That company will guarantee attendance, guarantee learning, and guarantee results. And if there are no results, the company will not get any money.

Yes, this is new for Pennsylvania. It is untested in the Commonwealth, and for us it may be an experiment. However, it could fix a problem that we have not yet been able to solve and I think it deserves a chance. As for the rest of the Commonwealth's school districts, I agree that we should provide this option to them, as well. We should let our school boards decide if this is a viable option for them and tailor individual contracts to meet local school needs.

Mr. President, today I am going to vote for this new idea, this new initiative, but I offer a word of caution. If this program does not provide the results we are promised, if this program makes the problem of disruptive students worse rather than better, if this program diminishes the quality of our public schools, I will be the first to seek its repeal. On page 17, lines 14 and 15, "The Department of Education may issue guidelines for the operation of a private alternative education institution." I would like to put on record those issues or items which I believe should be part of those guidelines. One of the most important is right out of Title 24, Article XIX-C, Disruptive Student Programs, and I am not going to read them all, but there is a definition of "Disruptive student."

I think it is important that we ensure that this program is for disruptive students. I do not want to see school districts so modify or change what is a program for disruptive students to address other issues or put students in there who do not belong there and should not be receiving their services. It is defined specifically who a disruptive student is. It is extremely important that we follow this particular guideline.

Second, I want to emphasize, too, that this is not a special education program. This is not to substitute, modify, or change in any way, shape, or form special education. Those young boys and girls who need special education should receive those services. This disruptive program should be only for students defined as disruptive.

Third, we should follow the procedure established under 22 Pennsylvania Code 12.7 and 12.8, relative to hearings. It is defined here. We do not have to go back and create another hearing format. It is here. This should be followed. It should be part of the guidelines.

We should hold the Department of Education responsible for contract oversight. I do not want to be back here in 3 years when there is going to be a total evaluation of this program and find out that some not-for-profit or for-profit has walked away with hundreds of thousands or millions of dollars and the end result is that our disruptive students are still disruptive. I do not want to see a slide program, I want to see an actual effective program.

I think, too, the department has to distinguish how they are going to fund this. Although we have \$10 million into this particular program, my question is, do I count a student as a regular student or do I count them as a disruptive student and compare the costs in between?

Last, I want to make sure that the department ensures that the staff that is providing these services is qualified, capable, and certifiable to be able to get the job done. I think it is time that we provide this opportunity not only to the boys and girls who want to learn but also to the boys and girls who are disrupt-

tive and have a problem learning. I think it is time we pass this bill.

Thank you, Mr. President.

LEGISLATIVE LEAVES

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

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Hughes, Senator LaValle, Senator Schwartz, Senator Stapleton, and Senator Wagner.

The PRESIDENT. Without objection, those leaves are granted.

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

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

YEA-40

Armstrong	Greenleaf	Mowery	Stapleton
Bell	Hart	Murphy	Stout
Boscola	Helfrick	O'Pake	Thompson
Brightbill	Holl	Piccola	Tilghman
Conti	Hughes	Punt	Tomlinson
Corman	Jubelirer	Rhoades	Wagner
Costa	Kitchen	Robbins	Waugh
Dent	Lemmond	Salvatore	Wenger
Earll	Loeper	Schwartz	White
Gerlach	Madigan	Slocum	Williams

NAY-8

Belan	Kasunic	LaValle	Musto
Bodack	Kukovich	Mellow	Wozniak

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

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

**UNFINISHED BUSINESS
CONGRATULATORY RESOLUTIONS**

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

Congratulations of the Senate were extended to Ed Bechtold by Senator Bodack.

Congratulations of the Senate were extended to David Bell by Senator Conti.

Congratulations of the Senate were extended to John R. Mayes IV by Senator Corman.

Congratulations of the Senate were extended to the Eastern Pennsylvania Chapter of the National Society of Fund-Raising Executives by Senators Dent and Boscola.

Congratulations of the Senate were extended to Keith J. Holmes, Matthew R. Deedy and to Christopher P. Hofer by Senator Gerlach.

Congratulations of the Senate were extended to Eleanor Morris by Senators Gerlach and O'Pake.

Congratulations of the Senate were extended to Michael W. Gillespie, Mary Lo Eberle, Paul Petrun and to Paul Grossman by Senator Greenleaf.

Congratulations of the Senate were extended to Randy McFall, Jack O'Brien, Charles Keil, Edwin Speicher, Gregory Quatchak, Charles Titley, Richard Wagner, Mark Pierson, Dalton Mienerd, James Hough, Paul Wain, Homer Wain, Gerald J. Aufman, Jr., Lymen Suiter, Carl Griffith, Ingomar Volunteer Fire Company No. 2 and to Peebles District Volunteer Fire Company of Pittsburgh by Senator Hart.

Congratulations of the Senate were extended to Kenneth James Gerges, Jr., Philip Bruce Vasold and to Adam Lee Asbert by Senator Holl.

Congratulations of the Senate were extended to Mr. and Mrs. Dick Ferry and to Rabbi Nathan Kaber by Senator Jubelirer.

Congratulations of the Senate were extended to Theresa Ferris-Dukovich by Senator LaValle.

Congratulations of the Senate were extended to Donna Smith by Senators Lemmond and Boscola.

Congratulations of the Senate were extended to Mr. and Mrs. John T. Karaban and to Mr. and Mrs. Bernard E. Clementoni by Senator Madigan.

Congratulations of the Senate were extended to Mr. and Mrs. Ralph H. Weigel by Senator Mowery.

Congratulations of the Senate were extended to Anthony J. Klinetop and to Stacie Faust by Senator Musto.

Congratulations of the Senate were extended to Dr. Claude E. Nichols, Jr., by Senator Piccola.

Congratulations of the Senate were extended to Ralph and Daniel Cipko by Senator Rhoades.

Congratulations of the Senate were extended to Brent Christopher Kirk by Senator Slocum.

Congratulations of the Senate were extended to John H. Davidson by Senator Stout.

Congratulations of the Senate were extended to Patricia Lang, James Nolan, Marian McDevitt and to Patrick M. Smith by Senator Thompson.

CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late W. Craig Peters by Senator Lemmond.

BILLS ON FIRST CONSIDERATION

Senator MELLOW. 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 115 and HB 1981.

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

HOUSE MESSAGE**HOUSE CONCURS IN SENATE AMENDMENTS
TO HOUSE BILL**

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 1692**.

BILLS SIGNED

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

HB 8 and **HB 1692**.

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

SB 1050.

ADJOURNMENT

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

Senator **LOEPER**. Mr. President, I move that the Senate do now adjourn until Monday, November 15, 1999, at 1 p.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 2:04 p.m., Eastern Standard Time.