

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, NOVEMBER 26, 1991

SESSION OF 1991 175TH OF THE GENERAL ASSEMBLY

No. 73

SENATE

TUESDAY, November 26, 1991.

The Senate met at 11:00 a.m., Eastern Standard Time.

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

PRAYER

The Chaplain, Reverend STEVE E. BELINSKI, Pastor of Grace Lutheran Church, Reading, offered the following prayer:

This is the week of Thanksgiving. I would like to share first a few verses with you from the Old Testament which speaks to this Thanksgiving offering.

For the Lord, Your God, is bringing you into a good land, a land of brooks, of water, of fountains and springs, flowing forth in valleys and hills; a land of wheat and barley, of vines and trees, a land in which you will eat bread without scarcity and which you will lack nothing, a land whose stones are iron and that of whose hills you can dig copper, and you shall eat and be full, and you shall bless the Lord, Your God, for the good land he has given you.

Let us pray.

O Lord, as we gather together on this Thanksgiving week, we do give thanks to You for the good land You have given us, for this nation, for this Commonwealth and for our communities. We pray that as we gather in bounty, You would fill those who are less fortunate, those who lack food, shelter and whatever need You would have them have.

Bless the Senators this day as they make important decisions in the lives of Your people. May all that is done in this Chamber be for the benefit of not only the people of this Commonwealth, but all of Your people. We pray it in Your holy name. Amen.

The PRESIDENT pro tempore. The Chair thanks Reverend Belinski who is the guest today of Senator O'Pake.

JOURNAL APPROVED

The PRESIDENT pro tempore. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of November 25, 1991.

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 MESSAGE

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

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

Recess Adjournment.

GENERAL COMMUNICATION

AUDITOR GENERAL'S CERTIFICATE

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

COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE AUDITOR GENERAL
Harrisburg 17120-0018

November 21, 1991

The Honorable Robert C. Jubelirer
President Pro Tempore
Senate of Pennsylvania
292 Main Capitol Building
Harrisburg, PA 17120

Dear Senator Jubelirer:

In accordance with the provisions of Article VIII, Section 7 of the Constitution of Pennsylvania and Section 1604-B of The Fiscal Code, as amended, the Governor requested a certificate relevant to the settlement for the general obligation bond sale of November 6, 1991.

A duplicate original of my certificate is enclosed.

Sincerely,

BARBARA HAFER
Auditor General

AUDITOR GENERAL'S CERTIFICATE

Pursuant to

ARTICLE VIII, Section 7(a) (4) and (c)
of the
CONSTITUTION OF PENNSYLVANIA
and the

Act of April 9, 1929, No. 176, as amended

To The Governor and The General Assembly:

I, BARBARA HAFER, Auditor General of the Commonwealth of Pennsylvania, pursuant to the Pennsylvania Constitution Article VIII (Section 7(a) (4) and (c)) and Section 1604-B of The Fiscal Code (Act of April 9, 1929, P.L. 343, No. 176, Article

XVI-B; added June 21, 1984, P.L. 407, No. 83, Section 2) certify as follows:

The amount of the outstanding net debt as of the date of this certificate is	3,898,309,052.00
The difference between the limitation upon all net debt outstanding as provided in Article VIII, Section 7(a) (4) of the Constitution of Pennsylvania and the amount of outstanding net debt as of the date of this certificate is.....	19,155,047,780.00

IN TESTIMONY WHEREOF, I have hereto set my hand and affixed the seal of the Auditor General, this 21st day of November 1991.

BARBARA HAFER
Auditor General
Commonwealth of Pennsylvania

**APPOINTMENT BY
PRESIDENT PRO TEMPORE**

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

Senator Robert D. Robbins to serve as a member of the Milrite Council.

**SPECIAL ORDER OF BUSINESS
ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session to consider Senate Bills No. 303, 1109, Senate Resolution No. 121 and certain nominations.

REPORTS FROM COMMITTEE

Senator BELL, from the Committee on Consumer Protection and Professional Licensure, reported the following bills:

HB 722 (Pr. No. 2593)

An Act amending the act of December 10, 1974 (P. L. 852, No. 287), referred to as the "Underground Utility Line Protection Law," defining "Consumer Price Index" and "tolerance zone"; further providing for the duty of users, for duties of designers, for duties of contractors and for the one-call system; and making a repeal.

HB 2000 (Pr. No. 2511)

An Act reestablishing the Pennsylvania Public Utility Commission.

REGULATIONS REPORTED

Senator BELL, from the Committee on Consumer Protection and Professional Licensure, reported the following regulations have been submitted, without objection, to the Independent Regulatory Review Commission:

Barber Board #16A-156 (Final Form);

Funeral Board #16A-299 (Final Form);
PUC Regulation #P-900443/57-101 (Final Form); and
PUC Regulation #L-890050/57-98 (Final Form).

DISAPPROVAL OF REGULATION

Senator BELL, from the Committee on Consumer Protection and Professional Licensure, reported the following regulation has been recommended for disapproval to the Independent Regulatory Review Commission:

Chiropractic Board #16A-210 (Final Form).

BILL IN PLACE

Senator REIBMAN presented to the Chair a bill.

PERMISSION TO ADDRESS SENATE

Senator REIBMAN asked and obtained unanimous consent to address the Senate.

Senator REIBMAN. Mr. President, I rise in place and present on behalf of myself and a number of my colleagues a bill which I hope will be left open on the desk for additional sponsors, and if I may have permission to offer a few remarks upon the introduction of that bill.

The PRESIDENT pro tempore. The lady may proceed.

Senator REIBMAN. Mr. President, I am offering this bill which would encourage and support distance learning programs, using two-way interactive video and audio technology and data transmission technology which is already available to provide for the sharing of education resources to all schools in our Commonwealth. We have been debating during the last few weeks legislation which would authorize choice in education that is allowing parents and students to choose which school they wish to attend to receive the best education. I believe we should make every school a good school. We should not place parents and students in a situation where they must choose the school they attend in order to receive a quality education. My legislation would authorize the Department of Education and the Board of School Directors of any school district to enter into an agreement with one or more other school districts, intermediate units or institutions of higher education to provide for distance learning programs to share and augment instruction and educational resources.

Mr. President, two-way audio-video conferencing can strengthen education by strengthening the capability of schools as organizations to learn and borrow from each other and other organizations like businesses and other organizations with similar missions and needs. Many of our foreign economic competitors are making financial commitments to an infrastructure that will provide instantaneous movement of voice, video and data. Japan, for example, will spend \$250 billion by the year 2000 to link government agencies, educational institutions and businesses for voice, video and data communications in a single national network. Other states such as Kentucky and Mississippi are using distance learning technologies in an effort to bring educational equity to all

children in grades K through 12. There are a number of school districts in Pennsylvania that currently have distance learning programs in place. The intent of my legislation is to encourage the Department of Education and school districts to develop distance learning programs statewide. Such programs can extend the reach of teachers and those with special expertise through distance learning technologies. Recent advances in the technology make it possible to extend not only the teacher but the classroom environment itself to reach distant and scattered students in schools. Distance learning technologies can link educational resources in basic education to enhance opportunities for students in grades K to 12, as I said. It can link higher education resources with basic education. It can link businesses with higher education resources. Under this legislation a school district may enter into an agreement with other school districts, intermediate units, educational institutions, including institutions of higher education or businesses or appropriate agencies for the purpose of establishing a distance learning program. The Department of Education is permitted and encouraged to enter into an agreement with such educational entities to encourage and support distance learning pilot projects. Whenever funding is available, the department shall give priority to those distance learning proposals that demonstrate effective and innovative partnerships with business, industry and educational institutions.

I believe that once fully developed, Pennsylvania would have an educational system that would provide opportunities to all students in all schools and offer all students access to excellent teachers, enhanced curriculums and other educational resources that may not be currently available to them. I look upon this legislation as the answer to poor school districts which cannot afford certain programs to be linked up with wealthier school districts that have those programs in place and provide this distance learning so that all children are exposed to the very best that we have both in Pennsylvania and, indeed, across the country.

I would hope that many of my colleagues will avail themselves of additional sponsorship on the bill which is open on the desk.

The PRESIDENT pro tempore. The remarks of the lady will be spread upon the record.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Banking and Insurance to meet during today's Session in the Rules room to consider Senate Bills No. 1345, 1361, 1436 and House Bill No. 536.

LEGISLATIVE LEAVES

Senator FISHER. Mr. President, I would request a legislative leave for Senator Pecora.

The PRESIDENT pro tempore. Senator Fisher requests a legislative leave for today's Session for Senator Pecora. The Chair sees no objection. The leave will be granted.

Senator MELLOW. Mr. President, I request legislative leaves for Senator Lynch and Senator Williams.

The PRESIDENT pro tempore. Senator Mellow requests legislative leaves for today's Session for Senator Lynch and Senator Williams. The Chair hears no objection and those leaves will be granted.

CALENDAR

THIRD CONSIDERATION CALENDAR

PREFERRED APPROPRIATION BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1440 (Pr. No. 1727) — The Senate proceeded to consideration of the bill, entitled:

An Act appropriating money from the Sunny Day Fund to the Department of Commerce for various projects throughout this Commonwealth for fiscal year 1991-1992.

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:

YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

NAYS—0

A constitutional two-thirds 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.

SB 953 CALLED UP OUT OF ORDER

SB 953 (Pr. No. 1751) — Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 953 (Pr. No. 1751) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," regulating strikes by employees of school entities; further providing for payments for transportation of pupils; requiring interest to be paid on certain

late subsidy payments to school districts; and establishing a program to enhance educational opportunities.

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?

Senator MELLOW. Mr. President, I appreciate the fact that you have asked the Members to at least have some order on the floor, for a short period of time, while we discuss what is probably the most important piece of legislation in dealing with the finances of the Commonwealth on the expenditure side that we could discuss other than a total General Appropriation Budget. I also fully realize that the emotion of this issue being what it is probably will not, under any circumstances, change one vote on the Floor of the Senate. But, I think, Mr. President, it is very, very important that some remarks be put on the record as to the choice of education, as to the feelings of some individuals with regard to the choice of education and, also, Mr. President, exactly where we hope this particular bill will take us. Mr. President, last evening this particular proposal was discussed in detail by amendment form for the better part of some six and one-half hours. There were a lot of amendments that were offered to the proposal. Some of the amendments were accepted. I believe all of the amendments that were offered had a great deal of merit. Mr. President, I am concerned about some things that were not offered as of yesterday. Mr. President, in not discussing as of yet at least the financial aspects of the proposal, I would like to know, since it was never addressed, and perhaps after we speak maybe the maker of the amendment will address some of the issues, what happens if after several weeks into a school year a child who is going to a nonpublic school drops out of school and the family has already received their \$900 check? How does the state go about to recapture some of that money either in part or in total? I also, Mr. President, heard nobody yesterday talk about, nor was there an amendment offered, nor could there probably have been an amendment offered yesterday, that would deal with the tax consequences of this particular proposal. Since, to my knowledge, there is no other state in the United States that has this particular form of a rebate directly to the family, then what happens with the tax consequences with regard to the federal taxes, and I would wonder, although I would like to interrogate, if someone might later on be able to address the issue with regard to federal taxes and is a rebate of this nature taxable for the purposes of filing a federal tax return and if it is not taxable, I would wish that someone could point out to us where the Federal Tax Code would show that it is not taxable or, Mr. President, if, in fact, there is a separate ruling from the IRS that would eliminate or would make a proposal such as this not taxable. Also, if this is taxable, we would have to look at the rates that people pay. The maximum rate that you can pay in this country today is 33 percent of your income. If a family would receive the \$900 rebate from the state government, is it

possible then that 33 percent of that, or \$297, would have to be paid to the federal government for the purposes of paying federal income tax? If that be the case, then the poor children from the inner-city school districts that we heard so much about yesterday, in fact, would they get \$900 or would their families get \$900 or somewhat less than that? Also, Mr. President, there are a number of other concerns that I have. Are there any controls over cost? Is there anything that is written in this proposal that would say that a school district, a nonpublic school district today that is charging less than \$900 tuition, once this particular bill would go into effect and was funded for the 1992-93 school year, that that tuition would not far exceed \$900, which would mean that the state would have to make the entire payment? Also, Mr. President, is there any control of cost within the school districts? I realize that yesterday there was a proposal that was put forth to have teachers certified and that was defeated. There will be no certification, mandated certification, of teachers. To me, Mr. President, that does cause a problem because from what I have seen with a lot of the nonpublic schools that do have certified teachers, the certified teachers who are there are only there in a holding pattern until they can find a job, a higher paying position in a public school, and the noncertified teachers that are there, although hopefully properly trained but yet without certification from the Department of Education, are there because they do not have the necessary certifications to get a job in the public schools. Also, Mr. President, yesterday there was an amendment that was offered by the gentleman from Fayette, Senator Lincoln, that was accepted and it is on page 4 of the amendment, lines 18 through 20, and it says a public or nonprofit, nonpublic elementary or secondary school which does not agree to provide full access to programs for children with disabilities basically would not get the money. They would not be included which, therefore, means today, with the enactment of the proposal, that any nonpublic school that does not provide programs and access for children with learning disabilities could not qualify. Now once you go ahead, Mr. President, and you add that group in, the figures that I have from the Department of Education would indicate that there are an additional 83,000-plus students today who are not part of the figures that were shown to us yesterday that would qualify for admission into a nonpublic school. Pure and simple mathematics would tell us that if we would take 83,000-plus students and we would multiply that by somewhere in the vicinity of a \$900 rebate, we will find that the cost of this proposal increases tremendously. Mr. President, maybe on the surface the choice of education—and that word “choice” seems to be kind of a catch word—might sound pretty good on the surface and it might sound appealing to a lot of people, but why do we not look into it at a little more depth. The lady from Northampton, Senator Reibman, offered an amendment dealing with the means test. What does a means test actually mean to us? Does it establish a double standard for those people who are of a certain type of means, that a family of four with an income in excess of \$50,000 who might have two children, one child goes to a university in

Pennsylvania, or anywhere else in this country, and the other child goes to a nonpublic school? By the means test that would be given under Senator Reibman, you would apply this same criteria for the child who goes to a school of higher education for a grant as you would to a nonpublic school. But the way the bill is drafted, because the means test amendment was not considered, if you have a family that makes \$50,000 and they have one child who goes to a private university, they could not qualify for a grant under PHEAA, yet that same family could qualify for a grant under this proposal of up to \$900. To me there seems to be something a bit discriminatory about that particular aspect of this proposal.

There was a very strong editorial in today's Philadelphia Inquirer, 11-26-91. For those of you who may not have had an opportunity of reading the editorial, I think you should take the opportunity and read it. It says, "For school choice. Giving vouchers to the well-to-do is wrong, but that's a flaw that can be fixed." We had the opportunity here yesterday, Mr. President, to fix that flaw, and we were denied that opportunity because there were some phone calls from outside sources that were made that asked Members of this Body not to vote for any amendment regardless of how meritorious those amendments may have been. Of course, the means test for vouchers is an amendment with great merit because not only does it take care of those individuals who are poor, but, most importantly, it takes care of those individuals who are the forgotten individuals in this country today, Mr. President, the middle class, because they would have something by which they could participate at a greater level. It was suggested to me today that a professional athlete that might play for a professional team somewhere in Pennsylvania making in excess of \$1 million annually—in fact, when you see some of the contracts given to baseball players today and being requested by baseball players today, some of those contracts are in excess of \$5 million annually—yet that person would qualify because of no means test. That person would qualify if he would send or she would send their child to a nonpublic school or to the public school of their choice. They would qualify for a \$900 rebate the same way that poor family making \$10,000 a year and struggling would qualify for that same \$900 rebate. To me, Mr. President, that in itself seems to be quite discriminatory as to what we are going to do. Now we talk about a means test. There is no program that I can recall that is a worthwhile program in this state that we do not affix some kind of a means test to it because we have financial responsibilities, and we have not only financial responsibilities to the people of the district to which we are directly elected but we have financial responsibilities to the 12 million people who live in Pennsylvania. What do you think would happen to the Pennsylvania lottery if there was no means test for the PACE program? How do you think we might deal with the property tax rebate if there was no means test that would make people qualify for the lottery? What do you think would happen with a rent rebate if there were, in fact, no means tests on which to justify your income? Or let us talk about public welfare recipients. Suppose there was no means test for public welfare.

What would happen, Mr. President, to the kind of money that the Department of Welfare would have to pay out to every citizen of Pennsylvania because we have no means test for public welfare or medical assistance or the low energy income grants that are given based on a means test? Or let us take the one that has been of great controversy over the last several days because of a story that basically was misquoted or maybe not properly reported, at least not initially, in dealing with a poverty exemption on personal income tax. Suppose there was no means test for a poverty exemption. Then what would we have? Every person in the Commonwealth, regardless of their income, being able to deduct the first \$7,000, which is in law today, for a poverty exemption because of there being no means test. I would think that that would be discriminatory, Mr. President, to the other 12 million people who live right here in this great Commonwealth of ours. So, Mr. President, what are we doing? We are looking at the single largest expenditure ever in the history of the Commonwealth of Pennsylvania. The fiscal note that was given to us says that we are going to spend \$307 million if we go ahead and pass this proposal. But that does not address, Mr. President, Senator Lincoln's amendment that is going to make eligible an additional 83,500 students, because now those nonpublic schools will have to deal with special education children, which means we will be adding approximately somewhere around \$75 million more into the expenditure of this proposal or a bill now that will be somewhere around \$400 million. In case we have not been reading the papers recently, this country, for the last 18 months, has been in a recession. It has been in a deep recession. Some people would like to compare the recession to the depression of the 1920s. Hopefully we will never get to that point. How can we in all good conscience, without being intellectually dishonest with the people who we represent, go ahead and say that we can pass a bill on the floor of this Senate that is going to cost \$400 million when we, in fact, know that the money to pay this bill is not there, and the only Member who said on the floor of this Senate that he or she was prepared to vote for taxes to pay for this, to his credit, is the gentleman from Philadelphia, Senator Fumo. I did not hear the maker of the amendment say where the money was going to come from, nor did I hear the maker of the amendment say he would be prepared to vote for taxes to pay for his proposal, and I subject to you, Mr. President, today that it would be a total disenfranchisement of any individual on this floor to go ahead and to vote for a new program to spend \$400 million without making the same appropriate vote to put up the money to pay for the program that is so very, very expensive. Mr. President, let us make one additional comparison because I happened to be here at the time and I heard so much rhetoric during the budget debate of 1991, comparing it to 1977, if you will. Well, Mr. President, the expenditure here today of close to \$400 million is more than the tax increase of 1977, which means that we worked in Harrisburg throughout the entire summer of 1977 and into the fall to pass a tax increase that does not come up to the increase in the expenditure of this particular proposal. This proposal

makes the Milton Shapp tax increase of 1977 not look all that bad, when you think about the kind of money that has to be spent here. Finally, let us get it into the proper perspective with regard to new programs, vis-a-vis taxes. If you are prepared to go ahead today and pass this proposal, spending up to \$400 million, then you have to be prepared to go ahead and select a tax to make the appropriation to pay for the expenditure or you are being very dishonest with the people that you represent, those individuals who are out there that expect that come the 1992-93 fiscal year, if I send my child to a nonpublic school, that I will be receiving \$900 for that child regardless of my income. You are misleading people if you are not going to vote for the tax. To go ahead and raise the money, you then must be prepared to increase personal income tax by up to three-tenths of one percent because, depending on whose figures you take, the one-tenth of one percent of personal income tax can take in anywhere around \$150 million. Maybe during a recessionary period it might even take in less than that. If we go into a period of prosperity it would take in more than that. So to properly fund this budget just for next year you must increase the personal income tax by up to three-tenths of one percent, or if you do not want to increase personal income tax, then you must be prepared to go ahead and to increase some other tax, and let us look at some other taxes. If you go ahead and you increase sales tax in Pennsylvania by one full percentage point, you will take in somewhere around \$750 million in good times. So, if you want to raise \$400 million, basic mathematics will tell you that you must increase sales tax in Pennsylvania by at least a bare minimum of one-half of one percent to seven tenths of one percent. What that means in Pennsylvania is that we will have a sales tax in Pennsylvania that will be 6.5 percent, and if you have the distinction of living in Philadelphia, your sales tax will not be 6.5 percent but, in fact, will be 7.5 percent. I have heard so much about corporate taxes and what has happened with corporations and how we have not done our job to the corporate community in Pennsylvania, and maybe they are right. We heard a lot during the budget about how we should go ahead and maybe even look at the taxation of some limited partnerships, some of the best corporations, if you will. Mr. President, if we go ahead and pass this proposal, then you have the menu out there. You can increase personal income taxes, you can increase sales tax or you can go ahead and you can take corporate net income tax. Now corporate net income tax, if I can remember from the budget, takes in somewhere in the vicinity of \$110 million for one percentage point, once again, depending on how the recession is, and we are in a recession. So if you take a low side of that, maybe it is \$100 million. If you want to go ahead and increase CNI tax to pay for this program, then you are looking at an increase in corporate net income tax somewhere in the vicinity of four percent, which would give us the dubious distinction in Pennsylvania of having a CNI tax of 16.5 percent. That is out there for you if you choose to do it. Or, finally, Mr. President, we can introduce a bill and we can increase the Capital Stock and Franchise Tax, which was increased, if I remember, during the

budget to 12.25 percent from, I believe, 9.5 percent, and if memory serves me correctly, also, that one percentage point will take in about \$80 million. So for us to go ahead and to pay the school of choice only for one year of \$400 million, then we must increase on that tax alone, we must go ahead with simple mathematics and say that we have to increase that by five full percentage points, which would put that tax at 17.25 percent in Pennsylvania. Every one of those tax increases are ludicrous, and every Member of this Body, all 50 Members of the Senate who are here, knows that, and with the exception of Senator Fumo, not one person has said that they are prepared to vote for the taxes and the revenues to pay for this proposal. I have heard it said over and over and over to me, oh, do not worry. You will find the money. You will be able to find it. Do not worry about it. It is going to come in. Well, I wish somebody would tell me how, in fact, it is going to come in. What we are doing within the passage of this proposal, perhaps, is we are increasing the revenues to the federal government by allowing a substantial amount of money to be paid to parents that then is taxable for federal tax purposes. So, if one of the objectives here is to try to reduce the federal deficit by having Pennsylvanians paying more federal income tax, then we are certainly going to accomplish that to the tune probably, in this proposal, of many millions of dollars of money that is supposed to go to the poor children from our inner cities who do not have the opportunity to receive a quality education.

Mr. President, I am not opposed to the concept of choice of education. I am not opposed to financing nonpublic schools, but I am opposed to going ahead and spending up to \$400 million in a program that circumvented the committee system in this Senate, that bypassed the Chairman, the gentleman from Schuylkill, Senator Rhoades, who I think has done an excellent job in trying to put together public hearings and a program in dealing with the choice of education. I do not quite totally understand the political consequences of why the gentleman from Philadelphia, Senator Salvatore, thought, in his wisdom, it was important to do it this week, why he did not do it during the budget when we could have considered it as a final package, a total package, within our budget so that instead of us having to increase taxes by somewhere in the vicinity of \$2.8 billion, we could have gone very easily and we could have said the package is not \$2.8 billion, it is \$2.8 billion plus \$400 million for aid to nonpublic schools or \$3.2 billion, and then we could have put up our votes. We could have put our vote where our rhetoric is and made the money available to pay for a program that we are misleading people in saying will be implemented next year, and I do not know any worse deception on the part of public officials, to deceive the constituency which they represent, the constituency which has sent us here to represent their interests and their needs by telling them we will pass this proposal and that this money will be available for them in the 1992-93 fiscal year. Mr. President, not on the merit of what the choice of education is because I think people should be allowed, in certain cases, their right of choice, but based on the fact that we in Pennsyl-

vania cannot afford this proposal today, Mr. President, I would have to ask for a negative vote.

Senator GREENWOOD. Mr. President, I think it is clear that the people of this country and the people of Pennsylvania have some very deep-seated concerns about the quality of education, particularly our public educational system. We see declining SAT scores. We see children who cannot identify the nations of the world on a map. We see children who cannot read. We see kids who do not know anything about history. We see students graduated from our public school systems lacking discipline. We see children graduated from our public schools apparently without values, and we worry about whether this country will be able to continue to compete internationally against the West Germans and the Japanese and the other emerging nations of the world. There is plenty of blame to go around for that. Certainly some of it has to do with declining parental involvement in our children's education. Some of that is because of two wage-earner families, I think. There is MTV and there is Nintendo and there is the rest of the pop culture but, certainly, it is reasonable to suggest that part of the reason for the decline in our public school system has to do with lack of competition, that public schools basically have captive audiences, that there is, beyond the motivation of individual teachers, not a need or an incentive for schools to compete on terms of getting more kids into the better colleges, raising SAT scores. There is no dynamic within our public school system to generate that kind of competition. So I think the idea of schools of choice is a good idea. I think the notion that our public schools ought to get involved in competing against one another, building to building, district to district, public to private, private to private, is a great idea, and it is one that has reemerged and attached itself to an old idea. The old idea is the idea of tuition vouchers, and I think the idea of tuition vouchers has a great deal of merit. I understand because I have met with groups large and small and talked on the phone to my constituents and read their letters that when parents pay tax bills to their schools of \$2,000 or \$3,000 a year or more and then shell out hundreds and thousands of dollars for parochial and private tuitions, they feel slighted, they feel crunched, they feel under pressure and they want some help, and they make the argument that they are unburdening the taxpayers by not sending their children to public schools and if they, in fact, can have their child educated at least as well, if not better, at less cost to all of us, they ought to have some help. I am very, very sympathetic to that notion and I think it is a notion that needs to be addressed. So I begin this debate very, very open to the concept of schools of choice and really excited about the prospect that maybe we could do something that would accomplish those goals in a real way. I commended the gentleman from Philadelphia, Senator Salvatore, for the introduction of Senate Bill No. 992 to get that process under way, and I was looking forward to the Senate Committee on Education holding hearings. I asked the staff if I could have copies of the audio tapes so I could listen to them in my car, because I am not a member of that committee and I really wanted to

become up to speed on all of the issues related to schools of choice. There are concerns. There are problems, impediments to getting to schools of choice. There is the matter of the \$300 million to \$400 million, where that comes from. There is a legitimate question about the constitutional issues. There is the issue of whether the state should be funding schools that have different standards for our children. There is the question about admissions and are the private schools going to be open to children of all races, creeds and colors and specialties and handicaps. There are legitimate questions about the logistics. How do we get the kids? How do we manage transportation? How do we plan in advance? How do we move the money around from one district to another district so that it is fair to everyone? I had hoped the Senate Committee on Education, which is staffed by some of our better Members, I think, could have wrestled with those issues, could have applied their expertise and the expertise of the members of the citizenry around the state and the country who are interested in this issue to try to hammer out something that would really work, whether it was on a pilot basis or an across-the-board basis or an incremental basis, so that we could move in the direction, finally, of schools of choice. I am disappointed because that committee process was circumvented, because in fact we are not and have not been involved in a thoughtful discussion and debate of these issues so that we can give the people what it is that they are yearning for. I think what we went through last night was a political exercise. We winged it. We did not know what we were doing on those amendments. None of us had given much time to those amendments, at least not most of us. I had not had the opportunity to thoughtfully analyze those amendments. I had to kind of listen to the debate and then flip a coin in some cases and make a choice. I am most disappointed by the fact that what we are doing here is passing something that raises the expectations of an awful lot of people in my district and your districts that, in fact, they are going to get something from what we have done in the last two days, that, in fact, they are going to get \$900 a year to help them with those tuition bills, that, in fact, they are going to see schools in Pennsylvania become more competitive and excellent as a result of this and I do not think that is going to happen. This amendment, as I understand it, has \$300,000 in it. That is not \$900 per year, per student. That is 90 cents per year, per student, and that is no help. It costs more than that for a family to mail the forms back and forth. So I think to pass this bill as amended today is a dereliction of our duty. It is more of the same. It is more of the politicians telling the people they can expect something to happen and raise their expectations and then pull the rug out from under their feet when this bill dies in the House. I am disappointed by that. This is a hard vote, and I think for most of us this is as hard a vote as we have had to cast, at least since the budget, but it may be harder for some of us than that. I have 1,500 or 2,000 letters and calls in favor of this bill. I know people are hoping that I will vote for this, and I have been told that this is a political vote. This is a stone political vote. Do not worry about the merits. Do not worry about

what is going to happen to the bill. Count your mail. Count the phone calls. Make the political vote. If you are pro-choice, throw one to the other side. If you are not, do something different. Figure out the politics of that. I am not going to do that. I am going to try to keep the faith of the people who elected me. I am going to try to be honest. I will vote for a schools of choice bill if we get one before us, if the Committee on Education reports out Senate Bill No. 992 and, in fact, deals with the issues that we have mentioned here in a way that I think fulfills the promise that this bill purports to make. My mind is open. I am an advocate of schools of choice. Let us get a bill out here some day that really does something and I will vote for it. But with great reluctance, since that is not what we have experienced in the last 24 hours, I will be casting my vote in the negative.

Senator BRIGHTBILL. Mr. President, sometime ago, about a year ago, I had the opportunity to be the speaker in South Heidelberg Township, Berks County, for their Christmas dinner, and it was a very nice event. The township supervisors were there. They are very concerned individuals who really care about their township. During the course of the evening a question came up, even though it was not a business meeting as such, about a project that was needed in the township and how important it was to the township, and the supervisors looked at their constituents and said something very simple. They said we agree we would like to have that, but we cannot afford it. Those words I have learned in nine years of serving in the Pennsylvania Senate are absolutely foreign to state government—we cannot afford it. It is interesting, Mr. President, because we are looking at a bill that has a fiscal note that says \$300,000 as a fiscal impact, but when we look at the bill we see that that \$300,000 is not to implement the bill, it is \$300,000 to establish the office to implement the bill. When I asked in the Committee on Appropriations what this was going to cost once it was implemented, I was kind of given a flippant answer that you take the number of parochial and nonparochial school students, you multiply it times \$900 and you come to a little over \$300 million. Of course, there is a transportation cost that goes from \$124 per student to \$159 per student, and there are other costs. We are not looking at \$300 million. We are looking at, maybe, \$400 million or \$500 million, and we are looking at it on the days after we passed the largest tax increase in the history of this Commonwealth. I hope the Members realize that they should make no mistake. This is a vote for higher taxes. Just in case I did not make myself clear, maybe I ought to repeat it. This is a vote for higher taxes. The gentleman from Lackawanna, Senator Mellow, commended the gentleman from Philadelphia, Senator Fumo, for being man enough to get up and say, I am voting for this and I am voting for the taxes to pay for it. Well, that is his constituency, Philadelphia, and maybe he is representing his constituency well, but I am going to be curious. How many of those outside of Philadelphia are going to get credit for raising taxes another three-tenths of one percent to pay for these schools? I wonder how many of our constituents, when they see the take-home pay on their checks

go down again in a couple of years are going to say, I feel good because of schools of choice. Mr. President, we have left our principles behind us. You know why I am up here. We are upset. We are scared. There is an anti-incumbent movement. We do not know what to do. So what do we do? We resort to what worked before. We spend money on a special interest group. It worked in past years and maybe it will work again. You know, I voted for the taxes and I stood here and explained why and I really thought I did the right thing at the time, and my colleagues who voted against those taxes went home and said those of us who voted for the taxes were big spenders and that we should have been cutting spending. That is fine. You made those speeches at home and now you are back again to raise taxes by raising spending by \$500 million or \$400 million—do you want to argue?—\$300 million. Those numbers are just as real as your numbers because nobody knows. We do not even have a fiscal note that attempts to deal with the future cost of this. We are not even honest enough to put on paper what it is going to cost. You know, I have been here for eight years and I was sitting here trying to think, did we have a larger spending program in the eight years that I have been here? I do not remember it. Maybe someone will refresh my recollection. Maybe someone who has been here for 20 years or 30 years will tell me whether or not there has been a larger spending program in the history of this Commonwealth. You know, Mr. President, I have sat in meetings here and we know we do not even have the tax bill that we passed settled yet. The administration and others are talking about the need to run a trailer bill to improve on what we have done, to correct our mistakes. So, we are going to cut the revenue that we generated in the last tax bill. We are cutting revenue and we are told by the people who know how to figure these things out using the econometric models that we are not going to have a surplus in this fiscal year. So, how the hell are we going to pay for this one? Maybe we ought to get those South Heidelberg Township supervisors up here and ask them to run this government because we are not capable of it. You know the lobbying in this has really been incredible. I talked to a Member this morning and he told me he cast a vote on one of the amendments and the people who are lobbying for the amendment called on this phone in this Chamber to tell him that he cast a bad vote. Now, is that not incredible? They do not even wait until you get off the floor.

CONSTITUTIONAL POINT OF ORDER

Senator BRIGHTBILL. Mr. President, I rise to a constitutional point of order.

The PRESIDENT pro tempore. The gentleman from Lebanon, Senator Brightbill, will state it.

Senator BRIGHTBILL. Mr. President, I rise to make a constitutional point of order that Senate Bill No. 953 in its present form must be passed by a two-thirds vote of this Body, as expressed in Article III, Section 30 of the Constitution of Pennsylvania that states that "No appropriation shall be made to any charitable or educational institution not under the absolute control of the Commonwealth, other than normal schools established by law for the professional train-

ing of teachers for the public schools of the State, except by a vote of two-thirds of all the members elected to each House.”

Mr. President, I understand the motion is debatable and I would like to debate the motion.

The PRESIDENT pro tempore. The question before the Senate is the constitutional point of order raised by the gentleman from Lebanon County, Senator Brightbill, that in accordance with Article III, Section 30, of the Constitution of Pennsylvania, that Senate Bill No. 953, Printer's No. 1751 must be finally passed by a two-thirds vote of the Senate. The gentleman has already read the Constitution and, therefore, the issue will be put before the Body and it will be the Body who determines whether, indeed, there is a constitutional issue which would require a two-thirds vote. Those who vote “aye” will vote to sustain the point of order and vote with Senator Brightbill, thereby declaring that Senate Bill No. 953 must be passed by a two-thirds vote of the Senate rather than just a constitutional majority. Those voting “no” will vote that the point of order is not well taken and thereby declare that the bill may be passed by a constitutional majority of the Senate and as Senator Brightbill correctly indicates, the question is debatable. The Chair will put before the Body the voting procedure when the Body is ready to vote.

On the question,

Will the Senate agree to the constitutional point of order?

Senator BRIGHTBILL. Mr. President, I ask the Members to turn to page 6, line 2 of the bill where it says that “Grants shall be made only for use for the payment of tuition at a public or nonprofit nonpublic school within this Commonwealth.” Then, Mr. President, I ask the Members to turn to line 22 on the same page where it says, “Grants shall be made in the form of checks paid to the parents and shall be used solely for the purpose of paying tuition at the educational institution or school district offering the program designated in the grant application.” You know, Mr. President, someone who was not aware of the contents of the Pennsylvania Constitution might look at this and say, why such a cumbersome method? Why are we sending out checks to thousands and thousands of families to pay school tuition when we could handle this in a very efficient manner by having people who go to another public school or go to a private school sign a voucher and have the check made payable directly to the institution. Well, the answer is, very simply, number one, if they did it that way it would fly in the face of this provision of the Constitution and it would require a two-thirds vote. So, what the drafters very cleverly attempted to do was to circumvent Section 30 of the Pennsylvania Constitution. You know, Mr. President, thinking about this, it made me think of one thing that, perhaps, we are doing wrong here of many in this General Assembly. Maybe we ought to handle all school subsidies this way and send checks to the parents for the ESBE formula and for everything else that we pay for school, and maybe then, when somebody is sending two or three kids to the public school and they get a check for \$7,000 or \$8,000, they are going to say, hey, I am getting something for my money here. The State of Pennsylvania is paying tuition. You

know, if the drafters of that bill had that as a philosophy, I might be pretty excited because, perhaps, that is our problem. We are not doing that. But, no, Mr. President, that was not the intent, to enlighten the public. The intent was to avoid Section 30 of the Pennsylvania Constitution. Number one, the legislation requires that this be used solely for tuition. It is against the law to use that check for \$900 for anything other than tuition, but just in case that is not enough, the drafters of this legislation knew if they went to Section 3927 of the Pennsylvania Crimes Code, it would be a crime to use this money for anything other than the payment of tuition. I am not sure if it is a misdemeanor or a felony. I did not check. Maybe someone could check. But I know that someone could go to jail because the offense is defined as follows: “A person who obtains property upon agreement, or subject to a known legal obligation, to make specified payments or other disposition, whether from such property or its proceeds or from his own property to be reserved in equivalent amount, is guilty of theft if he intentionally deals with the property obtained as his own and fails to make the required payment or disposition.” So our Attorney General now will have something else to do. I guess he is not busy enough fighting drugs. We are going to have him checking out all these checks to make sure that these people who receive their \$900 tuition checks pay them over directly to the institution. Is this a drafting error? Did someone mistakenly want that to occur? No, they are trying to circumvent the Constitution. Well, I have learned in the practice of law that the courts are not quite so blind, but, more importantly, as one of my elder colleagues instructed me yesterday, it is our duty as a Legislature to determine at first instance the constitutionality of what we do. We had taken an oath when we took this job that we are going to adhere to the provisions of our Constitution, and now is the time and today is the day we are going to find out what that oath means, because, believe me, this is going to be one of the biggest votes of your life. When somebody writes profiles of courage of the Pennsylvania Senate, they are going to look at this day, at this vote, and they are going to look at what we did here today to decide what we are really made of, and tonight when we go home and look in that mirror, we are going to have to say to ourselves, am I the person that I thought I was when I got elected to this place? The ideals that I had when I ran, are they real?

Mr. President, I believe that for this provision to pass it requires a two-thirds vote. I would ask for an “aye” vote.

Senator TILGHMAN. Mr. President, I am wandering a little from the motion before us. Earlier in the remarks of the gentleman from Lebanon, Senator Brightbill, he called me dishonest and he called my staff dishonest. I do not particularly like those remarks. He may have gotten unduly excited. He was talking about the \$300,000 fiscal note. I am not dishonest about it. My staff is not dishonest about that, and I would hope the gentleman would lean forward and maybe say to me quietly that he would apologize.

The PRESIDENT pro tempore. He did not lean forward, he jumped up.

Senator BRIGHTBILL. Mr. President, I did not mean to imply that anyone was dishonest. I think the Committee on Appropriations and the gentleman from Montgomery, Senator Tilghman, did their job as it is defined in the law. My concern was that we do not require our Committee on Appropriations to go beyond this year in doing a fiscal note. My concern is that those numbers are just as real, and I do apologize to the gentleman.

Senator TILGHMAN. Mr. President, I will accept that as a rather weak apology. Thank you, sir.

Senator SALVATORE. Mr. President, I oppose the motion. The appropriation of \$300,000 is going to the Department of Education. There are no other monies in this bill except the \$300,000 that is going to the Department of Education. We do this every year, fund monies to the Department of Education. It is no different than anything else. So I would hope that everybody would cast a "no" vote.

Senator FATTAH. Mr. President, I rose yesterday in interrogating the gentleman from Allegheny, Senator Fisher, on a similar matter of constitutional questions about this bill relative to our oath of office, and I agree with the comments of the gentleman from Lebanon, Senator Brightbill, and I agree with his motion. I also think that the prime sponsor of this effort, to suggest to us that the only appropriations that would occur, given the passage of this bill, would be the \$300,000 to the Department of Education is inaccurate. I guess that is the best way I could frame that, given the fact that this bill would require, if it were to become law, payments of at least \$300 million, as identified by the Minority Chairman of the Senate Committee on Appropriations, for those students already enrolled in private and parochial schools in our state. This is without any other student transferring, changing schools or doing anything else, just for payment of \$900 per family. It would be at least, I think the figure was \$305 million that would be caused to be spent by the passage of this bill. So I do want to rise to support the constitutional question. I still think there are constitutional questions beyond the issue of whether this is a nonpreferred appropriation or whether they should have a two-thirds vote, but I do at least at a minimum support Senator Brightbill's motion.

Senator FUMO. Mr. President, I will deal with the constitutional issue and we will talk about numbers, I guess, when we get into the substance of the debate, or, rather, get back to that, but I do have some figures on that.

Mr. President, as to the constitutional argument posed by the gentleman from Lebanon, Senator Brightbill, I do not purport to be a legal scholar, and if I were the brightest lawyer in America who ever lived, I could not predict what the Pennsylvania Supreme Court would do on any issue and I think we are all aware of that. We have all been surprised by some of their holdings and some of their dicta. However, I have been in this Chamber long enough to know that many, many times Members have held their noses and voted for things that were not constitutional, but we said they were and they moved through the process. Mr. President, what has been done in

this piece of legislation is, yes, there is a methodology involved which, hopefully, complies with Article III, Section 30 of the Constitution negating the need for a two-thirds vote and that is that here payments go directly to the parent and that parent can use that money to send that child either to a nonpublic institution or to a school district. That option is there. A child can transfer from one district to the other. We are already aware of that. Who are we in here to say that people are not going to do that? Certainly I would think the gentleman would agree with me that there would be no question as to constitutionality if the program were just limited to transfers to different school districts. It is up to us to decide the constitutionality of this, Mr. President. That will be done by a 26-vote majority in this Chamber. I submit to the Members herein that this legislation and this amendment does comply with the constitutional provisions set forth. Does that mean that a year, or two, three, four years from now, that this Supreme Court will agree with my position? Who knows. Does it mean it will agree with the gentleman from Lebanon, Senator Brightbill's, position? Who knows. Mr. President, if we had the ability to legislate constitutionality by 26 votes, we would not have a need for the Supreme Court on issues such as this. But, we do not have that ability. All we can do is make our best judgment. In all honesty, Mr. President, I submit to you that his particular amendment in this bill is far more constitutional than some of the cockamamie stuff we have run out of this Chamber over the years since I have been here. If that is the test, Mr. President, we should win this overwhelmingly. I submit there is enough here to comply with the Constitution, and I ask for a negative vote.

Senator LINCOLN. Mr. President, I believe that it is very important that we put into the proper perspective what we are dealing with here today. When I hear the gentleman from Philadelphia, Senator Fumo, talk about the number of issues that go before this Body that he termed cockamamie and may be less or more unconstitutional than what we are dealing with here today, I do not think that has any bearing on what we are talking about, and I do not think it has any bearing on the issue as framed by the gentleman from Lebanon, Senator Brightbill. We have before us the most unconstitutional and controversial issue that I have had to deal with in 19 years in the General Assembly. In none of the debate last night did I hear anybody say, yes, this is constitutional, nobody. The lady from Allegheny, Senator Hart, did but she had not read the Constitution, unfortunately. I believe we should say very clearly—

POINT OF ORDER

Senator LOEPER. Mr. President, I rise to a point of order.

The PRESIDENT pro tempore. The gentleman from Delaware, Senator Loeper, will state it.

Senator LOEPER. Mr. President, the remarks of the gentleman are out of order and should be stricken from the record. It is the exact same point of order he raised last evening and that was a blatant disregard of a Member's intent.

The PRESIDENT pro tempore. The Chair agrees with the gentleman.

Senator LINCOLN. Mr. President, I did nothing but respond to her waving in her chair that she did read the Constitution, and if she did she ought to learn to read.

The PRESIDENT pro tempore. The Chair admonishes the speaker that the personal attack on a Member of this Senate is a violation of the Rules and would ask that you confine it to the issue of the debate on whether this is constitutional. The lady from Allegheny, Senator Hart, was not speaking on the record, you were.

Senator LINCOLN. Mr. President, would you define for me what I said that was a personal attack?

The PRESIDENT pro tempore. The personal attack, I believe, would be in the sense that she did not read the Constitution. I do not believe that is an appropriate—

Senator LINCOLN. Mr. President, it was very apparent in last night's debate that she had not read the Constitution.

The PRESIDENT pro tempore. Senator Lincoln, we cannot get far afield here. Senator Hart, whatever she said was off the record over there, was not at the microphone and therefore should not have been responded to as a personal response. I think if you keep your remarks and address them to the Chair and on the issue, we will try to confine the debate to that. Other than that, it is going to get far afield from everybody. We know we are dealing with an emotional issue and the Chair is trying to grant latitude in that, but let us remember that there are deep feelings here on both sides of this issue and respect each Member of the Senate's right to have those feelings and confine it to the issue at hand, and that is Senator Brightbill's question on the constitutional point of order. You may continue.

Senator LINCOLN. Mr. President, I have no problem with that as long as I can accept that as an admonishment of not keeping in the decorum on her part of what took place here in this Session.

The PRESIDENT pro tempore. That is fine. Let us leave it at that. You may continue.

Senator LINCOLN. Mr. President, if she wants to stand up and wave her arms, let her do that, but she has to think back on what was taken into consideration here.

The PRESIDENT pro tempore. Senator Lincoln, the Chair has made the ruling. It is over. It is past. Let us continue on the debate.

Senator LINCOLN. Mr. President, what is the ruling? Are my remarks expunged from the record?

The PRESIDENT pro tempore. No, your remarks are not expunged from the record. The Chair admonishes you to keep the remarks to the issue of constitutionality. Let us move on.

Senator LINCOLN. Mr. President, I find that to be a very strange ruling in the sense that one of the Senators on that side tore the lady from Northampton, Senator Reibman, to pieces last night on her intent of what she was doing, and I do not remember anybody getting admonished for doing that.

The PRESIDENT pro tempore. Senator Lincoln, Senator Hart has not even approached the microphone and has not

spoken on the record today at all. That is the point. There is just no reason. Confine your remarks to the issue and we will move on.

Senator LINCOLN. Mr. President, I thank the President for his very fair assessment of what took place. The issue before us is not as described by the gentleman from Philadelphia, Senator Fumo. This is a very serious—just to take his remarks from two seconds ago—a very emotional issue and one that has a great deal more consequence than most issues that we might deal with in a willy-nilly—

POINT OF ORDER

Senator FUMO. President, I rise to a point of order.

The PRESIDENT pro tempore. The gentleman from Philadelphia, Senator Fumo, will state it.

Senator FUMO. Mr. President, perhaps the speaker has failed to hear what I said. I said that we have passed other things that were cockamamie, not this. I did not say that. We have held our nose on some other things and this is far more constitutional than them. That was my remark.

The PRESIDENT pro tempore. I do not know that that is a point of order, Senator Fumo. You may respond to him at the appropriate time.

Senator FUMO. Mr. President, he is misstating what I said. It is unfair. He is characterizing me in a negative sense.

The PRESIDENT pro tempore. Senator Fumo, I am sure that that can be responded to and that happens in this Body, unfortunately, too many times and you will have your opportunity to respond, but I do not know if it is a point of order. If we take points of order on everybody who misstates what everybody else says, this whole record will be a point of order. Can we get on with the debate. I am sure, Senator Fumo, I would be happy to recognize you again. If there is some misstatement by Senator Lincoln in the record, you will have the opportunity to clarify that record. The Chair assures you of that.

Senator FUMO. Mr. President, normally I would not be concerned about a misstatement, but in this sense it becomes a characterization and it reflects on my integrity and that is why I object to it.

The PRESIDENT pro tempore. The Chair notes the remarks of the gentleman and—

Senator LINCOLN. Mr. President, I would be happy to suspend operations and we could have the Chair reread what Senator Fumo stated in his debate.

The PRESIDENT pro tempore. Senator Lincoln, you may proceed. The Chair has already stated its position. Move on.

Senator LINCOLN. Mr. President, what did I do this time?

The PRESIDENT pro tempore. The Chair has supported you.

And the question recurring,

Will the Senate agree to the constitutional point of order?

Senator LINCOLN. Mr. President, the issue at hand is that we are not dealing with a cockamamie issue, that we are dealing with an issue of great importance. It is not something we should hold our noses and vote on. I believe we ought to

determine in a clear and a proper fashion whether the motion of the gentleman from Lebanon, Senator Brightbill, is a proper one, and that motion would be, very clearly, that this is something that should take a two-thirds vote, and that is the only issue before us right now. I believe we have the ability, we have the knowledge and we have the experience in this Body to do that in a clear manner. I would urge a "yes" vote on the Brightbill motion.

Senator O'PAKE. Mr. President, I think the reason this does not need a two-thirds vote is that the only appropriation in this bill is the sum of \$300,000 on page 9, which is appropriated from the General Fund to the Department of Education. There is nothing in this bill that appropriates any of the money if this voucher system is finally implemented. That will have to be done somehow in the general operating budget or through some funding bill at that time. Therefore, as we have done many, many times and as I think the rule in here is, that if there is a general appropriation to a department, that requires a constitutional majority and not a two-thirds majority. When the time comes, however, when money is to be made available to pay for this, then we should face the question of what kind of a vote that takes. I am reminded, Mr. President, that we are supposed to fund the public educational system at the 50 percent level, and I do not think we have done that for years. Therefore, when the time comes, I do not think that if the money is not there that the full \$900 needs to be appropriated. We will face that question when we come to it, when we know what the financial situation is like. All this bill does is appropriate, and it is clearly delineated, \$300,000 to the Department of Education, and I think the history of this institution is such that that requires a constitutional majority and not two-thirds.

Senator BELL. Mr. President, I will be very brief. I think everybody in this room has a right to their opinion as to whether this is constitutional or not. I am reminded, if I may take a little bit of time, of when we had a bill called no-fault divorce. I was then, I think, Chairman of the Committee on Judiciary. I made a long speech on why this was not constitutional. Do you know what? Three Supreme Court justices agreed with me and four did not.

Senator CORMAN. Mr. President, I desire to interrogate the gentleman from Berks, Senator O'Pake.

The PRESIDENT pro tempore. Will the gentleman from Berks, Senator O'Pake, permit himself to be interrogated?

Senator O'PAKE. I will, Mr. President.

Senator CORMAN. Mr. President, I wonder if the gentleman would answer a question for me. If this were fully funded at \$300 million, would it then be a constitutional question?

Senator O'PAKE. Mr. President, if this bill attempted to appropriate in this bill \$300 million, then is your question would that require a two-thirds vote? I am advised by someone more knowledgeable from our Senate Committee on Appropriations that it would not because the direct appropriation is to the Department of Education which would then be allocating the money. That is not necessarily my opinion, but it is the opinion of the Democratic leader of the Senate Com-

mittee on Appropriations. I am told, for further clarification, the same process is used in allocating a lot of money to the Department of Community Affairs for individual grants and awards in communities throughout Pennsylvania, and that does not require a two-thirds vote.

Senator CORMAN. Mr. President, I thank the gentleman.

Mr. President, it appeared to me that he was making the argument that it is not a constitutional question because we are only funding it to the extent of \$300,000 which would obviously be not enough money to fully fund this program. I submit that the gentleman is in error, that the only reason this program would not be fully funded is the fact that we only put \$300,000 in it. If we had put the \$300 million in it, you know, the monies would be going out to the various students who would request that voucher to allow them to attend whatever school they would choose to attend. The only reason it is not going to be fully activated is we have not fully funded it. But I do not think that changes the constitutional question. I think the constitutional question remains, is this particular piece of legislation constitutional the way we have structured it? I do not believe it is and would encourage a "no" vote.

Senator REIBMAN. Mr. President, I desire to interrogate the gentleman from Lebanon, Senator Brightbill.

The PRESIDENT pro tempore. Will the gentleman from Lebanon, Senator Brightbill, permit himself to be interrogated?

Senator BRIGHTBILL. I will, Mr. President.

Senator REIBMAN. Mr. President, would the gentleman please restate his motion and the reason for it again, very briefly?

Senator BRIGHTBILL. Mr. President, my motion is that Senate Bill No. 953 in its present form must be passed by a two-thirds vote of the Body, as expressed in Article III, Section 30 of the Constitution, so the issue, as I understand it, is whether or not a two-thirds vote is required to pass this legislation. It is not as to whether or not this legislation is constitutional under some other provision but merely whether we are obliged to pass it by a two-thirds vote.

Senator REIBMAN. Mr. President, I appreciate that clarification.

PREVIOUS QUESTION MOVED

Senator REIBMAN. Mr. President, I would like to move the previous question.

The PRESIDENT pro tempore. Senator Reibman has moved the previous question. Are there four seconds to her motion to cut off debate?

Senator RHOADES. Mr. President, I second the motion.

Senator BELL. Mr. President, I second the motion.

Senator BRIGHTBILL. Mr. President, I second the motion.

The PRESIDENT pro tempore. The Chair sees Senator Rhoades, Senator Bell and Senator Brightbill.

The Senate will be at ease.

(The Senate was at ease.)

Senator REIBMAN. Mr. President, in order to clarify the parliamentary procedure that I just used, what I wanted to do

was to vote now on the Brightbill motion. It is not my intention to cut off any debate with respect to Senate Bill No. 953, but there is a motion on the floor and I just think we should get to that motion.

The PRESIDENT pro tempore. There is a constitutional point of order on the floor. That is what is on the floor and that is what this debate is about and that is fully debatable under the Rules of the Senate.

Senator REIBMAN. Mr. President, if you say so.

The PRESIDENT pro tempore. That is not I, Senator Reibman, it is the Rules of the Senate, long before I came here.

And the question recurring,

Will the Senate agree to the constitutional point of order?

Senator SALVATORE. Mr. President, at present we do not require a two-thirds vote to appropriate funds for the IAG programs, higher educational grants, equipment grants. We do not have to refer to a two-thirds vote when we pass these acts or create these programs, and we are not required to do it here either. Again, I ask for a "no" vote.

The PRESIDENT pro tempore. We are certainly going to permit wide latitude in the debate, but I would remind the Members that both sides now have indicated to me that they want the two-time rule enforced. So I am going to enforce it. We are keeping a record up here. I am taking that as a mandate from both sides of the aisle to strictly enforce the two-time rule and I just want to remind the Members as they go to the microphone that if it is their second time, not to indulge the Chair any further.

Senator FUMO. Mr. President, first of all, in response to my Democratic Whip and Democratic State Chairman, I never, ever intended anyone to get the impression that this particular issue was a cockamamie issue. Perhaps he listened to my words differently than I said them. I am willing to have the record read back, but in the interest of time I will just repudiate what he thinks I said. In case he is misled, I do not think this is a cockamamie issue. I think this is a very important issue, probably one of the most important issues in our state and America today, and that is education for our children so that we can compete in the next decade and in the next century in a world economy, something which is not occurring in a proper fashion today, I submit.

Mr. President, as to the constitutionality issue, we have already set a precedent in our own budget. We give monies by a standard 26-vote majority in the Senate to approved private schools. We give them to YDCs, Glen Mills being a private institution that takes in juvenile delinquents and it is an educational institution. Mr. President, we do this in a lot of different ways, and this is no different than that, and the appropriation here would go to the department which would make the grants. As was said earlier by the gentleman from Berks, Senator O'Pake, that is very similar to the Department of Community Affairs with their process. But exactly on point is Glen Mills School which we fund. Mr. President, also it was said by the gentleman from Centre, Senator Corman, I believe, that this bill does not implement anything, it just sets

up the department. That may be true, but I think there is another misconception floating around here, and I was going to save this until later, but because the debate on the constitutionality has gone so far afield, I feel compelled to answer it. I wish people would read the bill, and I will refer now to Senate Bill No. 953, Printer's No. 1751, on page 8, subsection (j), and it says clearly here "In the event that, in fiscal year beginning July 1, 1992, or in any fiscal year thereafter, the funds appropriated for purposes of the program authorized by this section shall be insufficient to award grants in the total amount for which applications are made, the office shall award such grants in amounts which shall reflect the relative proportions of eligible students and available funds." Mr. President, that clearly means that if this General Assembly, in its infinite wisdom, decided to fund this with \$300,000, then it would be as I believe the gentleman from Bucks, Senator Greenwood, said, 90 cents instead of \$900. Or if it gave it a dollar, who would know what the infinitesimal small amount would be? Mr. President, this is clearly a constitutional bill under our past precedent and, I believe, under the current laws of the Commonwealth and the decisions of the Supreme Court. Let us get on with it. Let us get the vote on this thing so we can get on with the bill.

Senator FATTAH. Mr. President, for my second time on this motion, let me just be concise. I think it is obvious to everyone who has paid any attention to this debate that there are serious constitutional questions. The letter of the Constitution seems to be quite clear in Section 30, and I would ask again for favorable consideration of the motion of the gentleman from Lebanon, Senator Brightbill.

Senator LINCOLN. Mr. President, I find the reading of the gentleman from Philadelphia, Senator Fumo, of subsection (j) on page 8 rather interesting in that we are assuming that this is going to be tested constitutionally. As stranger things have happened in my lifetime, what happens if we pass this bill and no one challenges the constitutionality? Then what happens? Then you have a bill that says that you give \$900 to people who fit into the slots. My reading of subsection (j) is that if there is more than the \$900 times whatever we have in place right now, that then there would be some question about whether people get into the program or not, not that there would be any lessening of the amount of money paid per student going into a nonpublic. I also find that it is interesting, if you read the bill on page 9, that for some reason the Committee on Appropriations was hell bent and determined to only put in a \$300,000 fiscal note although I have not even been able to get one of those. I do not even know whether there is a fiscal note printed or not because I have not seen one that officially says it costs \$300,000 for this bill. But I also see in here that in the fiscal year beginning 1992-93, we are raising the per pupil nonpublic transportation student fee from \$124 to \$159, which is an additional \$35 per student, and I know that has to cost more than \$300,000 on its face, and that is not a prospective constitutional question, that is in the bill that it says for 1992-93. It is a very huge amount of money and we have, I guess, in the haste to get this in and out of committee

that day after the amendment was offered, there really was not anybody maybe on the Committee on Appropriations who either cared to look at this in any depth or did not really care to show us what the cost may be. So I do not believe there is any question about right now, when we pass this, it is going to cost almost \$400 million. It is not going to cost \$300,000, and until somebody challenges it in court and stops the process of this bill, it is a \$400 million problem.

Senator LOEPER. Mr. President, I would just like to state for the record that the previous speaker was in error when he quoted the increase in numbers for nonpublic transportation money, that the figure that he quoted is current law and not proposed. That is what the current law is for that subsidy for nonpublic transportation.

LEGISLATIVE LEAVES

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

The PRESIDENT pro tempore. Senator Loeper has requested a temporary Capitol leave for Senator Bell. Without objection, that leave will be granted.

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Jones and Senator Lewis.

The PRESIDENT pro tempore. Senator Mellow has requested temporary Capitol leaves for Senator Jones and Senator Lewis. The Chair hears no objection. Those leaves will be granted.

And the question recurring,

Will the Senate agree to the constitutional point of order?

The PRESIDENT pro tempore. Let me put the constitutional point of order before the Body again. The point of order raised by the gentleman from Lebanon, Senator Brightbill, is that in accordance with Article III, Section 30, of the Pennsylvania Constitution, Senate Bill No. 953, Printer's No. 1751, must be finally passed by a two-thirds vote of the Senate. Those voting "aye" will vote to sustain the point of order, thereby declaring that Senate Bill No. 953 must be passed by a two-thirds vote of the Senate rather than a constitutional majority. Those voting "no" will vote that the point of order is not well taken and thereby declare that the bill may be passed by a constitutional majority of the Senate.

And the question recurring,

Will the Senate agree to the constitutional point of order?

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

YEAS—21

Afflerbach	Greenwood	Lincoln	Rhoades
Bortner	Jones	Madigan	Schwartz
Brightbill	LaValle	Mellow	Stewart
Corman	Lemmond	Porterfield	Stout
Fattah	Lewis	Reibman	Williams
Greenleaf			

NAYS—29

Andrezeski	Fumo	Lynch	Salvatore
Armstrong	Hart	Musto	Scanlon
Baker	Helfrick	O'Pake	Shaffer
Belan	Holl	Pecora	Shumaker
Bell	Hopper	Peterson	Stapleton
Bodack	Jubelirer	Punt	Tilghman
Dawida	Loeper	Robbins	Wenger
Fisher			

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

The PRESIDENT pro tempore. The constitutional point of order fails, and the Body has determined that a constitutional majority is the correct number to vote on Senate Bill No. 953.

And the question recurring,

Shall the bill pass finally?

SPECIAL ORDER OF BUSINESS

GUESTS OF SENATOR ALLYSON Y. SCHWARTZ PRESENTED TO SENATE

Senator SCHWARTZ. Mr. President, just as a brief interlude here, we have a group of students, appropriately or inappropriately today, from a parochial school in my district. We have discussed this issue a bit, and they happened to choose today to be here. They are from the Holy Cross Elementary School in East Mount Airy, and with them are the principal and the seventh and eighth grade teachers and two chaperones from the district. I would ask all of the Members on the pro and con side of this discussion to warmly welcome the Holy Cross Elementary School students.

The PRESIDENT pro tempore. We are delighted that Senator Schwartz' guests made a choice today to be here, and I think that they picked a good day. We would like to welcome you.

(Applause.)

GUESTS OF SENATOR STEWART J. GREENLEAF PRESENTED TO SENATE

Senator GREENLEAF. Mr. President, I take this opportunity to bring to the attention of the Senate my visitors, Barbara VanPatter and other members of the homeschoolers from Montgomery County.

The PRESIDENT pro tempore. Certainly we are again delighted to welcome Senator Greenleaf's guests to watch democracy in action. Would those guests of Senator Greenleaf please rise so we may give you our usual warm welcome.

(Applause.)

GUEST OF SENATOR MICHAEL E. BORTNER PRESENTED TO SENATE

Senator BORTNER. Mr. President, here earlier today was Audrey Osborne, a junior at Spring Grove High School. She is actually here visiting with Helen Caffrey, the Executive Director of the Senate Committee on Education, as part of the Future Leaders of York Program. She was visiting with me also in my office. She was in the gallery listening to debate. She may be out to lunch with Helen right now, I am

not sure, but I am sure she would appreciate that usual warm Senate response.

The PRESIDENT pro tempore. Would the guest of Senator Bortner please rise so we may give you a warm welcome.

(Applause.)

And the question recurring,
Shall the bill pass finally?

Senator FATTAH. Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator Salvatore.

The PRESIDENT pro tempore. Will the gentleman from Philadelphia, Senator Salvatore, permit himself to be interrogated?

Senator SALVATORE. I will, Mr. President.

Senator FATTAH. Mr. President, I want to return briefly to an issue that was raised yesterday. If the gentleman could, I want to focus now on public schools separately. On the issue, which is spelled out in his bill, which allows parents to choose which public school their children would attend, and I would want to remind, for purposes of my question, Members of the Senate here that, for instance, in our school district in Philadelphia we have a number of magnet schools and specialized schools for engineering and science, for international affairs, for music programs, which have certain requirements for students to be able to attend. For instance, if it is a music magnet program, it may require that students have had a previous number of years in terms of instrument training, and I am trying to reconcile the admissions requirements in these public schools. For instance, that Central or Girls High or other schools—

POINT OF ORDER

Senator MELLOW. Mr. President, I rise to a point of order.

The PRESIDENT pro tempore. The gentleman from Lackawanna, Senator Mellow, will state it.

Senator MELLOW. Mr. President, I think the gentleman from Philadelphia, Senator Fattah, is making a very appropriate point that he would like answered and, first of all, there is no order in this Body, Mr. President, and there is no way that people can even hear. I cannot over here hear the question. I do not know how the gentleman he wants to interrogate would have any chance, whatsoever, with the discussion that is in here, of hearing the question. I would hope we could have some kind of order and cut out some of the sidebar conversations on this important issue.

The PRESIDENT pro tempore. The Chair would ask that all Members please take sidebar conversations off the floor so that Members can hear. Sometimes it is difficult to hear the debate.

And the question recurring,
Shall the bill pass finally?

Senator FATTAH. Mr. President, on page 4, subsection (c), the provision says, "Any other provision of this act to the contrary notwithstanding, every public school student in this Commonwealth shall be permitted to attend the public school

selected by his or her parents or guardians,...." There are a number of public schools and I refer now to the ones in Philadelphia, but I would assume that it may be the case in other school districts around the state, that have a specialized admissions criteria. Be it Central High or Girls High of Philadelphia which have high academic requirements for admission or the Music Magnet Program at Overbrook High School or other schools such as the school for engineering and science or international affairs or the school for performing arts which are institutions, public institutions, and my question really is that understanding the language in your bill, all that would be required in order to create an admission of a child to one of those schools would be the decision of their parent, that they would be admitted. The question I am asking is, how would that reconcile itself to the rules for admission to those schools as they presently stand?

Senator SALVATORE. Mr. President, I do not think it changes at all. I think it has the same conditions. What will be going on then will be going on in the future. There will be no change.

Senator FATTAH. Mr. President, so his point is that—

Senator SALVATORE. Mr. President, we are not here to change any specialized programs. This bill does not intend to do that. If they are going to a magnet school and they want to continue to go to it, fine. If a child wants to apply to go to a magnet school, he applies. If he is qualified to go, then they will accept him.

Senator FATTAH. Mr. President, I am having difficulty reconciling the wording in the act, which says that the only criteria would be the choice of the parent, to the reality that presently, for instance to enter a music magnet program you would need to have performed in certain previous years, in terms of instruments and so on, or to get into the school for performing arts or international affairs or science and engineering, there are certain criteria that would be required. Under your amendment it would seem to wipe away all of those criteria in favor of a parent making a choice and again I am just relating to public schools and I am not talking about a child who is presently in one of those schools deciding to stay. I am saying if a parent, after the enactment of this law, walked over to Girls High or Central High and said, I want my child to be admitted and there is space, that child would have to be admitted under your amendment, as I would understand it. Is that correct, or am I misinterpreting the language?

Senator SALVATORE. Mr. President, I think he is misinterpreting the language.

Senator FATTAH. Mr. President, let me ask one final question on the interrogation here. I really appreciate him standing for interrogation on this matter. What is his impression of what this bill will cost the Commonwealth of Pennsylvania given the \$900 stipend that would be returned to each family in succeeding fiscal years?

Senator SALVATORE. Mr. President, I have no idea what the General Assembly is going to appropriate. Whatever the General Assembly appropriates in money, that is the money

they will get. There is no way of saying they are going to get \$900 a person.

Senator FATTAH. Mr. President, so in no way do you intend at this moment that each family would get \$900 per child.

Senator SALVATORE. Mr. President, there is a ceiling of \$900, there is a cap of \$900 or 90 percent, but there is no way in this legislation and I have not placed any dollar figures in here. All I have is \$300,000 to create the educational office. It would be up to the Legislature in subsequent years. I think the gentleman from Philadelphia, Senator Fumo, clearly stated that earlier in his remarks.

Senator FATTAH. Mr. President, I think that is very helpful because I think many members of the public at least perceive at this moment what this bill would create for them, and I think we might be able to understand why it is that they would perceive it to be so, that they would receive \$900. So that is not the intent at this moment. Thank you and I want to make my comments on final passage now.

Mr. President, on the front page of this morning's Washington Post is a story about another legislative body, the United States Congress, which is the lead story above the fold. The essence of the story is that the leadership of the Congress, in commenting on the end of its session, suggested that symbolism had triumphed over substance in that legislative session that they just had completed. I think in many respects that comment about our national lawmaking body holds true here again on this issue, that this is a symbolic gesture that talks about choice. It talks about creating choices for parents in terms of determining which schools their children will attend. Firstly, in terms of private schools, parents do not choose schools. Schools choose the students that they will admit, and there is nothing in this bill that would create a burden on private schools to accept students who are now presently in public schools in our state.

Secondly, Mr. President, it just has been brought out in interrogation over what financial remuneration parents will or will not receive who are now choosing to have their children educated in private and parochial schools. You cannot find any constituent, I think, who has paid any attention to this bill who is not under the impression that upon passage of this bill that they would be eligible for a \$900 stipend in order to support the private choice they have made. However, it has been made clear by the prime sponsor of this amendment that there are no appropriations in this bill beyond the \$300,000, and there is no burden upon the Legislature to appropriate \$900 per student. We have also heard from the gentleman from Philadelphia, Senator Fumo, that it would require additional tax votes, which we know how difficult they are to come by in this Chamber, in order for any funding to be forthcoming because of the passage of this bill. There is a lot of conventional wisdom that has been talked about in terms of education and educational progress in our state, and there is a belief, and it has been articulated a number of times on this floor, that private and parochial schools somehow do a much better job in educating children than public schools.

Well, the Senate Committee on Education held a hearing, and from the testimony that was elicited at that hearing it became clear that there is only one national body that conducts studies. It is an instrument of our federal government under our very capable President and his administration, his Education Department, that looks at the question of performance of school children across public, private and parochial schools in our nation, and the reality of all of the studies that have been done is that there is no significant difference between the performance of children in public or private or parochial schools in our country, except for a very small percentage of students in very elite, very expensive private schools, but that in the main, after 12 years, there is very little difference between the performance of those students. Here we are again, symbolism over substance. There is much that we could do if we wanted to spend \$300 million to improve the life and lot of young people in our Commonwealth in children. We could provide health insurance for the tens of thousands of young people in our state who do not presently have health insurance. That would be in keeping with President Bush's and the National Governors Association's agenda on making young people better prepared when they start school. We could increase the opportunities for early childhood education, which, again, is one of the national goals promoted by President Bush and the Governors Association, and which is agreed upon by everyone who has been involved in the field of education that it would make a substantial difference in the performance of young people in school. We could provide, as they have in New York, through the Liberty Scholarship Program a guaranteed access last dollar scholarship to every student in this Commonwealth to go into higher education. There is a lot that we could do if we wanted to spend \$300 million to improve education. Today we are offering up a bill, and once it is passed, if it does pass on this floor, will spend at minimum \$300 million. If no child anywhere in our 67 counties changes any school, it will still cost us \$300 million. I do not know how we reconcile that with being responsible Members of the General Assembly. I can tell you that as a former House Member and a Member of the Senate, someone who served almost a decade on the House and Senate Committees on Education, I have always had a great admiration for the leadership of the Legislature that has allowed the Committees on Education to be, perhaps, one of the most substantive committees in our Body, void of much of the partisan bickering, and really focused on trying to produce effective results in the area of education. We have a national reputation in supporting a wide variety of educational opportunities for young people, including independent religious affiliated colleges and universities and a very substantial investment in public higher education, 501 school districts, and our support for nonpublic schools, over \$165 million a year in transportation, is the envy, I think, of many similarly situated schools in other states in our nation. But I believe today is a moment after almost a decade now in working on education issues in Harrisburg that really does refer me to that headline in which today we have sunk very, very low as we consider what is more a symbolic gesture pur-

porting to be some response to the needs to reform education rather than a substantive response to provide, again, as we have done so many times in our past in this state, an effective response, a responsible act in terms of promoting quality education for students in the Commonwealth. So I would ask that on final passage that my colleagues who share my concerns vote "no" on this bill and hope that the Senate Committee on Education can go back to its work of hearing testimony and attempting to find some way to reconcile the desires of many parents to have more choices and our public responsibility to provide a quality, equitable public education as it is called for in our Constitution.

Senator ARMSTRONG. Mr. President, Senate Bill No. 953 is not perfect—we all know that—but I do not think we have passed a perfect bill up here yet. It has problems with it, but I think we can work them out over time. You know people are fed up with business as usual concerning education. Just go out and meet with your people and discuss this problem. I will tell you, they are really fed up with the way things are going. Here in Pennsylvania we are paying \$58,500 per teacher for salary and benefits, number one in the nation. Second highest, I believe, is Connecticut with about \$51,000 and I believe in Alaska it is \$49,500. So we are talking about two other states that have a much higher income, a much higher standard of living, perhaps, and here we are at \$58,500, but overall in Pennsylvania we are not getting the results. They say you cannot use SAT scores as a barometer, but you know other states are using it. Why can we not? Well, if you take the SAT scores and use that as a barometer, we are 45 out of 50 in this nation but yet we are paying \$58,500 per teacher. Something is wrong. This is a bold initiative and it takes courage. I do not think this is an easy vote. The gentleman from Lebanon, Senator Brightbill, was saying it takes courage. No one is going to win on this vote at all politically. You know you are going to take heat no matter which side you are on, and I believe every Member here is voting what they think is right in their heart. I know all of you and I know how strongly you feel on this, and I think you are voting what you feel is best for your constituents. It is too hot an issue to say, I am doing this because my cards and my letters are running two to one, three to one on behalf of this side. I do not think that is the case. I think we must step outside our comfort zones. It is very comfortable. Business as usual and keep the system the way it is, but that is not what made this nation great. Senator Brightbill was talking about his supervisors. Well, if they cannot afford it they just do not buy it. Well, I do not think we can afford not to have a good or a great educational system.

Our private schools are turning out a good product at half the cost. They must be doing something right. I do not think we can afford not to look at this as an alternative. The gentleman from Philadelphia, Senator Fumo, was saying about worldwide we have to compete and we do. The Europeans and the Japanese are beating us, it seems, at almost everything and if we do not do something soon, this nation will be second-rate. I do not think anybody wants this country to be a

second-rate nation. So there is an affordability that goes with this bill as far as education goes. Can we afford it? Can we not afford it? As far as what hard dollars it is going to cost, we are talking right now \$300,000, but we are talking \$300 million, \$400 million, but we must make that appropriation. We go through the budget process every year. We must make that appropriation.

The gentleman from Lackawanna, Senator Mellow, was talking about we are in a recession or, perhaps, a depression equal to the 1920s. Yet, this year we have increased the state budget by 13 percent in recessionary times and put in a billion dollars worth of new taxes. Well, I must say the people who voted for that, it took courage to vote for that, there is no doubt about that. That was not an easy vote. I respect the people who voted for that, but I just feel we set our priorities in that budget, and the majority of Members felt that those were their priorities. Education, I think, is a priority in Pennsylvania in the House and in the Senate, and I think we do fund education, but I do not think we are getting our money's worth. We are also placing too many burdens on our educational systems. We are telling them how much to pay for starting teachers' salaries, whether it is in Philadelphia or whether it is in Potter County or whether it is in Lancaster County. We are allowing the teachers tenure. We are allowing selective strikes. We are telling them how to build their schools and how much to pay the construction workers who are building that school. We are not allowing privatization or lease-back programs. We are just not allowing these things that can save substantial amounts of money. The teachers' unions had better start concentrating on education and not disrupting our students through selective strikes.

The private school system is working. During testimony in the Committee on Education there was a lady who came in and really made a lot of sense to me, a lady of lower income in Philadelphia. She was a high school dropout. She had four children. She was not Catholic, but she had two in the Catholic schools. She had two in the public schools. She was discussing the difference between the two. She said you go into one school and they are disciplined. You go into the other school and it is chaos. Her one son had to have \$150 pump sneakers to be in with his peer group in the public school, so he would be in this group that would say, he is one of us now. The Catholic schools, as you know, have uniforms. It cost her a good bit of money just to outfit her students so they had the right things to wear to school so they would be part of the school.

The only way out of poverty, I believe, in this state and this nation is through education. Like I said, this is not an easy vote. None of us are going to win politically. You are going to get hammered on this, no matter what you do, next election. They can take parts of this vote either way and use it against us. We all know that and we will probably be doing this and beat each other up on it, but I think you have to vote your conscience. We need to change our public education system. It is not working the way it should. To varying degrees, some areas are working very well, some areas are not. In my own

school district I have complete faith in my school district. I think it is doing a good job, but there are other parts of the county, other parts of the state that are not doing as well. However, overall the private system is working better. It is time to step out of mediocrity and give parents a choice, and I urge support of Senate Bill No. 953.

Senator SCHWARTZ. Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator Salvatore.

The PRESIDENT pro tempore. Will the gentleman from Philadelphia, Senator Salvatore, permit himself to be interrogated?

Senator SALVATORE. I will, Mr. President.

Senator SCHWARTZ. Mr. President, following up on some of the previous questions, I was wondering if there has been some examination of the amount. I understand the \$900 now has been stated as possible because we have not appropriated the \$300 million, \$400 million or \$500 million to fund this across the state. I would ask the question of what amount does the gentleman think would be the amount approximately around \$900 and just about how many children would be able to take advantage of this? I am leading to the point that it is possible, given the appropriation that we may or may not make in this Body. The question is, are there parents then who would seek the voucher to go to a private or public school who would not then be able to get it, so the question is about how many people, how many children would be able to take advantage of this and, secondly, does the gentleman think that there would be parents then who would not be able to get a \$900 check when their neighbor is able to and how would that determination be made?

Senator SALVATORE. Mr. President, I do not believe I understand the lady's questions, but I think if what she is saying is that X amount of children apply, they have a deadline to apply. Now, how much money we are going to appropriate, I do not know. That would be for the Legislature to decide at some future date. So I cannot answer that question. All I know is that we expend over \$10 billion a year now in Pennsylvania, and that is not including higher education, federal, state dollars and local monies—\$10 billion a year—and if she is talking about a few hypothetical cases she wants to use, that \$300 million she is talking about, she is talking about three percent of the \$10 billion.

Senator SCHWARTZ. Mr. President, my question is, if the estimate is approximately \$300 million and we should choose, for example, to appropriate \$150 million, there are then parents who are already in need of this voucher, who already have their children in parochial school who will not be able to get a voucher potentially. Is that correct?

Senator SALVATORE. Mr. President, no, that is not true. I do not know how many children are going to be left in a nonpublic school system. Because of the tuitions, because of the economy, because of the disposable incomes, because of the higher taxes that were imposed upon them, a lot of them were forced to send their children to public schools. We are losing about 4,000 to 5,000 children a year in Philadelphia who cannot afford the tuitions. Now, across the state there

are approximately 300,000 people, or a little better than 300,000, as I understand, who are now attending nonpublic or private schools.

Senator SCHWARTZ. Mr. President, the question that I have, is the gentleman saying that he would prioritize those who are new to wanting to come into the system rather than those who already now have children in parochial schools, so that what he would do then if we did not appropriate enough money for all those currently in parochial school and private school and for new people to come into the parochial school, he would prioritize those newly coming in out of the public school into parochial school and not those who currently have children in the parochial school?

The PRESIDENT pro tempore. In order to have correct procedure, I would appreciate it if both the person who is interrogating and the person responding would address their questions and answers through the Chair as required by the Rules of the Senate.

Senator SALVATORE. Mr. President, you are absolutely correct. I apologize, but I am trying to do it for the sake of expediency because I know a lot of people have been here all last night and today a lot of people want to go home because of the holiday, so I am trying to be as brief as possible. I think on page 6, Section 4, it says: "The office shall establish reasonable deadline dates for submission of applications for grants and shall make such grants no later than fifteen (15) days prior to the beginning of the school year for which the grant will be utilized." So I think that answers the lady's question.

Senator SCHWARTZ. Mr. President, leaving that question, let me ask then, I believe the public perception is that the checks are almost in the mail, or at least that is the way constituents of mine have approached me. I am wondering particularly whether we could get some estimation of how long it will take for actual checks to get in the mail once we not only vote on this, but obviously once it is passed generally. I mean, is there an estimation of the sponsor of this legislation as to how long it will take for those who will get these checks to actually have them? Are we talking two, three, four years, really some estimation given the major constitutional questions, the obviously elaborate structure that needs to be set up in every school district in this state? The complicating fact is that we have tried to address some through amendment and some not. Is there any estimation of how many years this would take for actually some of the citizens of Pennsylvania to see this money in their hands?

Senator SALVATORE. Mr. President, I guess I could clarify an answer with Section 4 again, but maybe I ought to say that it depends on how many lawsuits you are going to file. If you intend to file a lot of lawsuits, it is going to take longer, so it depends on how many lawsuits are filed.

Senator SCHWARTZ. Mr. President, as a point of information, I send both of my children to public school in Philadelphia and am quite pleased with their education and do not plan to attempt to send them either to a parochial school or to a private school. So it will not be something that I will be

seeking under this bill if it should go through. Let me ask just one final question, if I may, and that is, given that we rejected the motion last night of any kind of financial means test, I am curious as to whether there is an estimation of the number of people who would, as the gentleman from Philadelphia, Senator Fumo, suggested yesterday, voluntarily choose to not take funds from this because they personally feel they do not need to. Is there some estimation of that? Are there any other kinds of concerns, given the rejection of the notion of financial means, of how many people might voluntarily choose not to take this \$900 check for a parochial or private school?

Senator SALVATORE. Mr. President, as Senator Fumo stated quite correctly, a lot of people who make a lot of money probably will not take it. But when you say a means test, we have property rent and rebate checks that we already give out to people and we raise the limits and then we always have people who say, I do not qualify. So, they say, if you would just raise it another \$2000 I would qualify, and when you get up to \$20,000, then another group would say, well, I do not qualify because I am up above that means figure. So it is always whatever economic position you are in, I would say to you if there was a reason. A police sergeant and a regular patrolman in Philadelphia making approximately \$75,000 or \$70,000 a year, do you think that they are rich? I do not think they are rich, and I think if they have two or three children going to schools, they have problems, whether it be public schools or nonpublic schools, they have problems. So, for me to tell you what an accurate means test is, I cannot give you the answer.

Senator SCHWARTZ. Mr. President, I would like to add my comments on this so-called school choice legislation which, as we already know, has raised very high hopes for many people across the state and I believe is really a sham. The amendment proposed by the gentleman from Philadelphia, Senator Salvatore, is an example of, at best, good intentions gone astray and, at worst, intentionally misleading abuse of the public trust. The legislation has been mislabeled intentionally to mislead the public. Let us be clear, this legislation will not improve families' options and education and will not improve the quality of education in the state. What it is, Mr. President, is bad public policy. What it does is offer a quick fix by giving a cash grant to private and parochial schools for students already there and will wreak havoc on the public educational system. I sympathize with the rising costs of private school education and with the serious financial burden the payment of private and parochial school tuition puts on working families. I am also keenly aware of the concerns about the failure of too many of our public schools to provide the quality we, as parents, have every right to expect from the public school system. In Philadelphia parents are concerned not only about the quality of education in the public schools, but too often also concerned about the public safety of their children in a public school environment. As a parent of children who are going to the public school system in Philadelphia, I have faced some of these concerns and questions myself. Poor education in our public schools,

whether in Philadelphia, the surrounding counties or rural communities, is unacceptable. We, as state Legislators, have the obligation to work with local school districts to assure that the funding, the standards and the structure exist to assure quality education for all of our Commonwealth children. Education must be a priority. Improvements are critically needed. It may be that dramatic change is needed to improve the quality of education in Pennsylvania. In fact, I support the enhancement of school choice within public school systems, within districts as an important element in improving quality. Incentives such as smaller classes, specialized learning situations, creativity and flexibility are all important. I support greater local autonomy and active parent and community involvement in education. Public private ventures, schools within schools and magnet schools add tremendously to the success of our school systems. Senator Salvatore's amendment will not improve education in this state. It will instead, Mr. President, create chaos in the urban, suburban and rural school districts in the state. There are so many questions and clearly so many problems with the legislation that even those who propose the legislation plan for years of court battles. Mr. President, I will refer to just a few of the most significant issues and problems. Will this bill really increase options for parents not now able to send their children to private schools? Private school tuition and public school costs are between \$5,000 and \$11,000. Parochial school tuition costs are often more than \$1,000. Nine hundred dollars is not enough to send the poorest child to private schools or public schools in another district. If we are not aiding families in financial need, who now do not have the options, why are we using public dollars to subsidize families who do not have financial needs? How will this legislation improve the public school system? How will this legislation help public schools compete when there are no additional incentives for assistance in the public system? How will public school systems accommodate children from other districts? Given the wide disparity and the local property taxes which fund education, how will residents react to educating children from other districts? If parents are to actually pay the difference, which was determined yesterday, how have we enhanced their options? Are the citizens of Pennsylvania prepared to pay substantially higher taxes to pay for the estimated \$350 million state allocation? Who will pay for the additional transportation costs and the additional local administrative costs? If we are truly trying to reach out to those who are not now able to send their children to private and parochial schools, how does this legislation assist those families least able to seek out the best options for their children within the new maze, and a very complicated maze at that, of all public and private schools in the state? Given that this Body just yesterday rejected assurances that public dollars under this voucher program would be used for education, which is not discriminatory and which meets certain standards of quality, what have we done to improve education for our children who are sent to private and religious schools which are totally outside the system of public accountability? Mr. President, where in this legislation is

there any educational reform? Are there smaller classes? Are there special programs to enhance math or science learning? Are there incentives for creative teaching? Are there early education programs to assure school readiness? Are there means to assure safety in a sense of community where there is now only fear and isolation? Mr. President, how does this do more than subsidize the parochial school system which we know is heavily in debt and struggling? In the 1991 budget this Legislature made an additional and significantly increased commitment to public education and at the same time increased the public subsidy for private education. The state now pays \$92 million in subsidies for transportation, books and supplies in private schools and parochial schools. This is no small commitment to the families who choose to send their children outside the public system. I believe that the commitment we must make to the families and children of this Commonwealth is to assure that no one makes the choice to use private and parochial schools because the quality of public education is so poor that we cannot in good conscience send our children to those public schools. There will always be parents who choose to opt out of the public system for religious reasons or because of family traditions or because the style of education in a particular private school is preferable, in their opinion, or because they prefer a more controlled or selective student population for their child. This we accept. What we should not be willing to accept is overturning the basic American right to education which meets certain standards and public assurances and is accessible to all. One of the few assurances we have as Americans is the guarantee of public education for our children. Education should not be a free market enterprise. Public education cannot discriminate. It must serve all of our children regardless of religion, ethnic group, race, handicap or special educational problems. Public education is a right for all of our children. Is that system universally educating our children as well as it should be? No. Is this legislation the answer? No.

Mr. President, I will vote against this legislation. I will continue to seek the right answers to improve education, and I will ask my colleagues to join me in determining the meaningful, long-term answers to assure quality education for all of our children. This legislation, Mr. President, is not the answer.

REQUEST TO DIVIDE QUESTION

Senator BRIGHTBILL. Mr. President, I would ask that we divide the question. I would note that the bill has two separate subjects: Section 112, which deals with the regulation of selective strikes, and Section 1310.1, which deals with educational choice. I would like to vote for Section 112, but do not choose to vote for Section 1310.1. Therefore, I would ask to divide the question, referring the Chair to the Senate Journals of November 14, 1977 and also of April 18, 1977, which indicate that to be divisible a question must have more than one subject and include points so distinct and separate that one of them being taken away, the other will stand as a complete proposition. It is my position that is exactly what we have here in Senate Bill No. 953.

The PRESIDENT pro tempore. The Chair would rule that the question is not divisible on final passage, as has been the precedent of the Senate, which has been sustained as recently as April 18, 1977, for the reasons that it would certainly change the way things are done around here. However, recognizing Senator Brightbill's motion, the Chair must make a ruling and the Chair rules, indeed, that the motion to divide on final passage is not in order.

RULING OF CHAIR APPEALED

Senator BRIGHTBILL. Mr. President, I would like to appeal the ruling of the Chair.

The PRESIDENT pro tempore. Senator Brightbill has appealed the ruling of the Chair.

On the question,
Shall the ruling of the Chair be sustained?

Senator LOEPER. Mr. President, I would just ask for a negative vote in order to sustain the ruling of the Chair.

LEGISLATIVE LEAVE

Senator LINCOLN. Mr. President, before we go any further, I would like to have the opportunity to put Senator Scanlon on temporary Capitol leave.

The PRESIDENT pro tempore. Senator Lincoln has requested a temporary Capitol leave for Senator Scanlon. The Chair hears no objection. That leave will be granted.

And the question recurring,
Shall the ruling of the Chair be sustained?

Senator BRIGHTBILL. Mr. President, I would just like to state to the Members that this does not in any way affect the passage of the choice portion of this, so that this does not have any effect of killing the bill. It merely permits Members to deal with these two very important subjects separately as the bill goes through on final passage, and I would ask for an "aye" vote which I understand sustains my position.

Senator AFFLERBACH. Mr. President, I would merely observe that this Body had the opportunity to deal with both of these issues separately last evening when we, in fact, decided to place into Senate Bill No. 953 the language regarding school strikes, 48-hour notification, and so forth. We chose at that time that we wished to deal with both issues in the same bill, and I think it should remain that way, and I ask that we sustain the Chair's ruling in this matter.

And the question recurring,
Shall the ruling of the Chair be sustained?

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

YEAS—8

Bortner	Fattah	Porterfield	Reibman
Brightbill	Greenleaf	Punt	Rhoades

NAYS—42

Afflerbach	Greenwood	Loeper	Scanlon
Andrezeski	Hart	Lynch	Schwartz
Armstrong	Helfrick	Madigan	Shaffer
Baker	Holl	Mellow	Shumaker
Belan	Hopper	Musto	Stapleton

Bell	Jones	O'Pake	Stewart
Bodack	Jubelirer	Pecora	Stout
Corman	LaValle	Peterson	Tilghman
Dawida	Lemmond	Robbins	Wenger
Fisher	Lewis	Salvatore	Williams
Fumo	Lincoln		

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

The PRESIDENT pro tempore. The ruling of the Chair is sustained.

And the question recurring,
Shall the bill pass finally?

Senator CORMAN. Mr. President, I have two grandchildren who are attending a local private Catholic school. I have one grandchild who is attending the public schools in Centre County, and I think the quality of education they are each receiving from their respective schools is good. However, the idea of schools of choice and competing for students, I think, is a real good idea, and it would help our children, I suspect, become better educated, at least provide the opportunity for them to become better educated. I think the idea of providing competition so that the kids have a better opportunity to compete in this world society is certainly a good one. How could any of us in this room object to that kind of thinking? I hoped that when this issue reached the floor of the Senate that schools of choice would be something that I could accept, a concept that is here and would be in place and we would all be embracing it, or at least the majority of us. When I look at the proposal that is in front of us today, I do not really believe it is a schools of choice. It is really a funding of the private sector over the public sector. When I look at Centre County and what would take place there, I look at maybe the State College School System that some may say is the best public school system in Centre County. Some may challenge that, but let us say, for example, that it happens to be the best. Let us take me back to when I was a young parent. At one time I was a young parent with five children, and I decided that I wanted to have my children have the very best so that they would be able to compete, and that the schools of choice is a very good idea and I want to see how it works so I can send my children to State College where the education quality is the best. I examine the issue and find that tuition in State College, as established by the Commonwealth of Pennsylvania, is \$5,700 a year. I find that the equalized subsidy from Bellefonte School where my family lives gets \$1,845. I add that to the \$900 voucher, and I find that I have \$2,745 to apply to that \$5,700 tuition, or it is going to cost me nearly \$3,000 a child to send my children to State College. My goodness, now, I have five children. How could I have afforded that when they were of school age? How could I afford it today? This is truly not a program that is for the middle class or for the poor people. It is a program that is for the well-off, and it is funded to the detriment of the public school system. To the detriment, Mr. President, because we are putting \$300 million plus into a program to fund the private schools while we continue to underfund the monies that are going to the

public schools. Someone mentioned in this Chamber that many years ago we decided that 50 percent was what we were going to try to achieve as funding for the basic instructional subsidy, and, Mr. President, I believe we are currently at about 39 percent. So what we are saying is rather than trying to get closer to our commitment to the public schools, we are going to take away over \$300 million to fund, in fact, the private schools. Think about it, Mr. President. You know, just three months ago back in August we passed the largest tax increase, as it has been said by many in here today, that we have ever passed in the Commonwealth of Pennsylvania. That is only three months ago, and now here in November we want to add on top of it another \$300 million plus for the taxpayers of Pennsylvania. I am glad I am not running next year, Mr. President. I am glad it is not my year, because I think the Members who will be out there campaigning and asking for votes are going to find a very angry society, one that is not going to be appreciative of another \$300 million tax bill on top of what we have already asked them to pay.

Just a week ago, I believe it was, Mr. President, we passed a piece of legislation in the Senate that said we will not pass any more mandates that are unfunded to local governments and local schools. If we are going to pass any more mandates, we must fund them, and if we do not fund them, it is not a mandate. Here, about one week later, we are passing a mandate on to us under the Commonwealth of Pennsylvania and we are not going to fund it. You know, we are not saying the same thing. We are saying this time we are only going to put \$300,000 in it. We will fund it tomorrow, that today we can go to the public and say to them we have given you a choice in education. We are not going to charge you yet for it, that will be on tomorrow's tax bill. Well, I do not think the people are going to be faked out by that, Mr. President, and I think they are not going to be happy.

This is called schools of choice, but really I do not see anything in it that helps the public schools compete. Let us assume that school A—and I will not identify any school for this example—is determined by everyone who is involved in making that kind of determination as being the worst school in the Commonwealth of Pennsylvania. They are really bad news. Let us assume that 50 percent of the students or the parents who have students in that school decide that they are going to send their children to some other school, and they do. Now the superintendent of schools is faced with a dilemma. He has too many teachers. What is he going to do? Well, you would think, well, fine, you have too many teachers. You are the worst school system in the state. You can eliminate all those bad teachers and you will be able to compete. That cannot happen, Mr. President. The rules and regulations that we mandate on the public schools say that, you know, you have a union, you have Act 195 and the last in is going to be the first out. So after this superintendent reduces his teacher level, he or she finds they still have the same cross section of teachers that they had before. There is nothing in this legislation, Mr. President, that helps the public schools become competitive. There is nothing that changes

any of the rules for them. The only place there is an advantage is in the private schools. Mr. President, I would like to share some comments that I had read in a newspaper article recently of November 10th, and these were by Mr. Russell Dennis who is an Assistant Professor of Education at Bucknell University in Lewisburg. I do not happen to know Mr. Russell Dennis, but I know Bucknell University is a quality place and I suspect that he is a quality educator at that institution. He says this issue needs more study, and he is speaking of the issue of schools of choice. He says, "There are real reasons for dissatisfaction (with public education), but we must be careful that we don't rush to do something without considering all of the consequences. I don't believe in quick fixes for anything. We need to be careful we are not seduced by an idea. It is not a panacea at all."

Mr. President, I echo his comments. I think we ought not to rush to pass what is called schools of choice when it is really just funding private education. I think we need to send this issue back to the Committee on Education for further study so it can come up with something that we can all accept as truly a schools of choice principle.

The PRESIDING OFFICER (D. Michael Fisher) in the Chair.

LEGISLATIVE LEAVE CANCELLED

The PRESIDING OFFICER. The Chair notes the presence of Senator Bell on the floor and his temporary Capitol leave will be cancelled.

And the question recurring,
Shall the bill pass finally?

Senator PORTERFIELD. Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator Salvatore.

The PRESIDING OFFICER. Will the gentleman from Philadelphia, Senator Salvatore, permit himself to be interrogated?

Senator SALVATORE. I will, Mr. President.

Senator PORTERFIELD. Mr. President, I would ask if the purpose of this amendment is to fund private schools or to provide better education?

Senator SALVATORE. Mr. President, yes.

Senator PORTERFIELD. Mr. President, on both parts?

Senator SALVATORE. Mr. President, it is not to fund private schools.

Senator PORTERFIELD. Mr. President, then I would conclude from that statement that the purpose of the amendment, the whole purpose of our being here today is to come up with a way to provide better education. Would the maker of the amendment wish to discuss what part of the bill determines how we are going to provide better education in the private school system and/or the public school system?

Senator SALVATORE. Mr. President, what we are trying to do here is let the parents make a choice in where they are going to send their children.

Senator PORTERFIELD. Mr. President, is the method in which we are going to do that, the methodology, spelled out in the bill?

Senator SALVATORE. Mr. President, yes.

Senator PORTERFIELD. Mr. President, with the funding that is proposed here to the private school systems of \$900 to the individual parent of a student of a private school, we are going to assure that the level of education achieved by both the public and the private school system is going to be elevated?

Senator SALVATORE. Mr. President, there is no funding for the private schools.

Senator PORTERFIELD. Mr. President, would the gentleman please repeat that?

Senator SALVATORE. Mr. President, I said there is no funding for the private schools.

Senator PORTERFIELD. Mr. President, I thank the gentleman.

What we are doing here is we are subsidizing the private schools, which is either constitutional or unconstitutional, depending how one interprets the Constitution which we took an oath to abide by. Mr. President, I find it very difficult to support an issue where I am going to, with a vote of "yes" today, hand \$900 to any particular individual throughout this state to send their children to a private school without considering other needs, the needs of which we are elected to support, the needs of all residents of Pennsylvania. I can see where individuals who send their children to private schools definitely could utilize that \$900, because that is \$900 they will not have to take from their pocket in the mainstream of their livelihood for their family, and I could see that is very important to them. With that \$900 they are going to keep, virtually, what are they going to do with that? Let us say they use it to the optimum. They purchase clothing for their children or they give them monies for lunches or they buy them additional textbooks or they buy them encyclopedias to help their education process along. Let us hope that they do that with those funds. But if we as elected officials are to do our job in treating all individuals equally in the State of Pennsylvania, and I have heard many people here say today inadvertently that they are not concerned about the \$300 million, \$400 million or \$500 million price tag that goes with this particular piece of legislation coming down the road, then, indeed, if we are not concerned with that, there are a lot of middle-class and low-income families out there today who could sure use another \$900 as well. They are not going to have the luxury of sending their children to a school of their choice. They are going to keep them in the public school that they are in now. Let us give each and every student across this state of the Commonwealth \$900, because I can assure you right now there are people out there struggling, families who have children in school, families who have mine workers who have been laid off and steelworkers and individuals in the foundries who have lost their jobs who could well use that \$900 for school clothes, winter coats for their kids to go to school and lunch monies for their children to eat properly. Mr. President, I state to you that I will stand here on the floor of this Senate and support legislation in which I treat everybody in this state equally and this bill does not, and I would propose a negative vote on the amendment.

Senator AFFLERBACH. Mr. President, earlier today I received a copy of a document, an article entitled "A superintendent's case for choice," and stapled to that article is a card indicating that it was forwarded to me by the gentleman from Philadelphia, Senator Salvatore, for my information. The article was written by William J. Moloney who is Superintendent of the School District in Easton. Although that district is properly in the territory of the lady from Northampton, Senator Reibman, I presume that Senator Salvatore forwarded that information to me because Superintendent Moloney writes in favor of consideration of a choice system, but he also says as follows in this article, and I quote: "So, what is to be done to break the impasse on choice? I would suggest two things.

"First, now is the time for moderates to fashion a centrist compromise that will allow choice a fair chance without inflicting needless collateral damage on public schools.

"The original Pennsylvania legislation has serious flaws that need to be corrected before it becomes law. It gives too much money to those who don't need it, and too little to those who do. A means test would be a just solution.

"Second, give public schools a fair chance for choice programs of their own. Many superintendents have said they would be happy to compete if only they had a 'level playing field'. This could be done through an amendment giving public schools the same freedom from regulation that we routinely grant the private schools."

I agree with Superintendent Moloney. The legislation before us, indeed, has serious flaws that need to be corrected, and I thank the gentleman from Philadelphia for providing me with information which of itself would be sufficient reason for me to vote against his proposal.

Yesterday when we considered various amendments, Senator Salvatore also referred to a statement made by a President whom he termed a great President, John F. Kennedy. I am reminded also of another statement made by that President as he looked out upon the audience and, through the magic of television, in his Inaugural Address in 1961 and said—and we all have heard this many times and read it many times—"Ask not what your country can do for you, but, rather, ask what you can do for your country." I ask you to consider that today and to contrast it with a statement made 19 years later by a then aspiring candidate for President who would go on to become President, when he too looked out through the magic of television into the households of Americans and said, "Ask yourself if you are better off today than you were four years ago." I suggest to the Members of this Chamber that there is a significant difference which occurred in public philosophy during that period of 19 years from 1961 to 1980, and I further suggest to you that probably not one of us, including myself, thought that simple statement, "Ask yourself if you are better off today than you were four years ago," would usher us into a decade of personal greed over and above any that we have seen in modern history. I suggest to you that this so-called school choice bill is but one more manifestation of the continuation of that personal greed. It is

one more manifestation of the now reversed question which says, what can the government do for me and how can I get my hands on the public treasury? I suggest to you that the idea of school choice as proposed in Senate Bill No. 953 is nothing more than an extension of the give me, give me, give me attitude of the decade of the 1980s.

We are being asked to promote with our tax dollars an essentially deregulated scheme of education and place that scheme into competition with our highly regulated and strictly regulated system of public education. The same free marketeers who are telling us that we should do this are promising us that we will improve education if we do it. And I ask you to look at what else the free marketeers have given us over the past 15 years. They deregulated the airline industry. Have you tried to get a flight from western Pennsylvania to eastern Pennsylvania lately? Have you tried to arrange a flight from the Lehigh Valley to Erie or vice versa? Even on international flights we have seen what deregulation of the airline industry has given us, or the trucking industry or the telecommunications industry. Can we truly say today that we have replaced the monopolistic system of AT&T with a better system of choice and free enterprise in the free market? Europe has looked at us and could not believe that we would dismantle the most efficient telecommunications industry in the world, but we did, and now we are being asked to place that same mantle of free marketeering upon our educational system. We can look at the health care industry where the free marketeers have taken over control of the hospitals and the institutions and the clinics, and we have seen what has happened there. The price of health care is beyond the reach of most Americans, and particularly those who do not have a third party paying their particular health care needs.

I would suggest, ladies and gentlemen, that if we tip over the melting pot of our public education system, permitting it to flow in all directions, encouraging the formation of a widely fragmented socially and economically segregated educational system, we will be destroying one of the quintessential elements of our democracy. We will be destroying one of the mechanisms of community strength, Commonwealth strength and national strength. I do not believe and I do not think you believe that we can build strong communities or a strong Commonwealth or an enduring nation if we are willing to destroy, under the banner of individual choice, one of our greatest assimilating forces, and I do not believe that any government in a society that does that can long endure either. I do not believe that society or the government can flourish if we are going to entrust the education of our young primarily to the disruptive nature of market forces. Continuity in the educational process is as important as any other element of that process. All we need do is to observe the performance of children from transient families to understand how important continuity is, and yet we are being asked to put at risk the continuity of the greatest educational system in the world. The most egalitarian system that we have been able to devise throughout history exists in this nation and in this Commonwealth, and we are being asked to place something into position to systematically fragment and dismantle it.

Ladies and gentlemen, we do not even entrust people to make a decision as to what health care they shall receive for a sprained ankle unless they go through a very regulated process of one of only five part of entry health care providers. If they do not do that, they cannot choose to receive treatment for a sprained ankle from any of the ancillary health care providers. And yet, we now somehow magically believe that these same people, whom we cannot trust to seek medical care for a sprained ankle, can somehow magically make the appropriate choice to shape the minds of their children by sending them to schools that we have said do not need to have certified teachers, do not need to have any sort of regulations similar to the public school system. It boggles the mind. It boggles my mind when we insist that we are going to place this kind of a system into being.

This Commonwealth is known throughout the country as not leading the way in social progress. Indeed, if we look at just the living will example, we will be the 49th or 50th state, among all 50, to enact a living will bill, and yet we are willing to take the lead as the first state and the only state to initiate a system of education that will place at risk our public school system, a system that has been untried anywhere else, a system which has no track record, and we are doing it under the banner of choice and individual responsibility.

Ladies and gentlemen, it has been stated, and I will repeat it one more time, this bill is not choice. This bill portends to promote an educational system that will somehow improve in quality, but the bottom line is that it is nothing more than a bailout for financially troubled private schools, the great number of which are in the southeastern part of Pennsylvania. Now, if that is what we want to do, then let us find a way to assist these private schools that is constitutional and, most importantly, does not place the public education system and the children of this Commonwealth at risk and, even more importantly, does not fragment the greatest assimilating mechanism we have as a society to bring together, to learn about one another all segments of our society, the economic segments, the racial segments, the ethnic segments, the theological segments. That is what the public school system does. That is what makes us a strong nation and, in my opinion, this bill places at risk our ability to continue as a strong nation. I ask for a negative vote on the bill.

Senator O'PAKE. Mr. President, the debate today has been very emotional. Basically, those parents who, in many cases, are making a substantial sacrifice to send their children to nonpublic schools are for this bill. Those who have a vested interest in the educational establishment as it now exists are opposed to it. I had the benefit of being educated in both the public and the nonpublic school systems. I am grateful for the good teachers I had in my first six years at the public Glenside School near the housing project where I grew up. I am also grateful for the dedication and sacrifice made by the teachers who taught me, at much less salary, in the nonpublic schools, from seventh to twelfth grades. By the way, the cost then was \$40 a year for books, and it was a bargain then as it is a bargain for the money it costs today, many times \$40 a year.

By almost any objective testing criteria you can use today, nonpublic school students do quite well. My reason for supporting this bill is my desire to stimulate change and improvement in the quality of education. Some people are content with the status quo, but all of us have received complaints from parents, employers and business leaders who are frustrated by the inability of too many of today's high school graduates to read, write and function in the real world. I am told that approximately 1,500,000 young people who graduate from high school today are functionally illiterate. They are the ones who do not drop out. In 20 years, that is 30 million people who will never reach their potential unless we do something differently. While some would argue that the way to improve the quality of education is to continue pouring more money into the public system, I think we must do more if we really want reform. Reform did not come from within after the report *A Nation at Risk* was published in 1983. I am told that a recent Carnegie Foundation survey revealed that only 18 percent of public school teachers today now think that reform will happen in their schools compared with 31 percent who thought it would in 1987. In fairness to those parents who make substantial sacrifices because they see something more and better in nonpublic education, this bill is a tax break. Is it not time that we provide some tax relief for thousands of forgotten middle-income working class parents?

On the subject of cost, I think we are missing a very important point. According to the public education coalition to oppose tuition vouchers, there are about 6,500 students in Berks County who now attend nonpublic schools. If all of these students were to attend a public school, it would cost about \$2,900 per student, or almost \$20 million. That is more than three times the cost of the \$900 voucher system, and that is Berks County alone. Statewide, if the 341,000 nonpublic school students were to attend public school at an average cost of \$2,900 per student, which is conservative, that would total over one billion dollars in additional public school costs. Who is prepared to vote for the taxes needed to pay that cost? On the issues of fairness, long-term costs and the possibility of improving the quality of education in Pennsylvania, I think this concept of choice, much like the old G.I. bill, deserves a chance. If there are flaws in this bill, they can be corrected in the House of Representatives.

Senator BAKER. Mr. President, I wish to discuss the issues involved, as my colleagues have done, in the schools of choice question and, in particular, Senate Bill No. 953. However, I believe that because issues of utmost importance are raised, unfortunately, a number of issues have been injected into the discussion that are not as significant and yet they are the ones that have come to the fore. I would like to discuss what I think the significant issues are and those that may have become issues but should not be. In the first place, this issue does not revolve around public schools versus private schools or, specifically, parochial or sectarian schools. Much of our debate today has revolved around this. Unfortunately, those on both sides of the issue, whether it be the Roman Catholic hierarchy on the one side and the Protestant denominations on the other

side who engage in overt active lobbying, I think make the public rightfully uneasy about the injection of religious issues into our public discourse, nor has the lobbying of public school groups who are raising issues in the more recent past, contributing to the discussion by trying to make this an issue of public versus private. There are certainly considerations to be made involving the differences between public and private schools, between the differences in their constituencies, the differences in their costs, the difference in their basis and their fundamental difference in their educational philosophy, but those are not the subject of this bill, and if they have become that, they should not be.

What does schools of choice mean? All too often this debate has quickly resolved itself into an argument over finances, an argument over public versus private, and yet we need to go back and think about what schools of choice means. What is the concept of schools of choice? It is a philosophy. It is a concept. It is an approach, and there is no one specific way to carry it out. In fact, this bill does not go very far down the path toward those things that constitute schools of choice. What are its components? In my opinion, Mr. President, they are deregulation, localization, a focus on diversity and specialization within schools, accountability, competitiveness, freedom of choice and efficiency. Mr. President, those are American values and if, in this debate, we are looking at a concept that may move us in the direction of those desirable goals, then, in my opinion, we are making the proper choice. What about another argument that this is not a raid on the Treasury? People have come to my office within the past week who normally are only in my office to ask for more money for education. They are institutional groups, and they have their constituents who either make their living from education or who have interest in the state's money available for education, and their attitude is traditionally, how much more money can you give us? Suddenly, they have discovered that there might be some money spent down the road, more than now, for education that does not go through them and they are suddenly cost conscious. Well, I am glad to find that some of these groups, Mr. President, have discovered the taxpayers' money. I welcome their interest in saving it. But when we think of the billions upon billions that we spend right now for education, do we conclude that all of those dollars, every last one is being spent most efficiently? It does not take much investigation on our part to know that is not the case. Yes, I think we should be concerned about costs. We should be concerned about the costs we already have and what is being delivered to us for it. I also think that this is an argument about school reform and school quality. There is a better way, and whether you would look at reforms such as lengthening the school day, having a year-round school system, and one could go on and on with the educational reform ideas, they must be looked at, they must be studied and we must be willing to innovate and try something new. The issue is also change. Mr. President, I believe that people want change in our educational system. They do not want our educational system insulated from parent involvement, from student

involvement, from legislative involvement, from community involvement, and, yet, that is what the educational establishment has been able to do for the past two generations, to more and more insulate itself from accountability. It is time to change that. The gentleman from Philadelphia, Senator Fattah, told us that this was only a symbol, as if symbols are not important. There is a time, Mr. President, to symbolize the fact that we are ready to look at a new way of doing things. Senator Fattah himself has a concept of privatizing insurance in the City of Philadelphia. I quote back his critics to him and remind him how much he sounds like them. The gentleman from Centre, Senator Corman, wants privatization in transportation. I just quoted back to him the arguments of his opponents who quoted the same arguments that he quoted today by saying he did not want to apply the same kind of concept of a more market oriented approach in education. The gentleman from Lehigh, Senator Afflerbach, his attacks on the free markets remind me that around the world in Russia and China people want to emulate our free market system. They want capitalism. They want democracy, and, yet, he is opposing the market here in Pennsylvania. Mr. President, I find that anomalous. This bill does not threaten public schools. My district has excellent public schools. It has excellent private schools. In fact, I have schools in my district that have received the Presidential Award of Excellence, both public and private, twice, not just once, and I am very proud of that, but let us look around the state and ask about our public school system. Mr. President, I was told by Senator Rocks that in Philadelphia of those who start out in the ninth grade and those who eventually make it through to graduation, along the way 59 percent do not make it. Only 41 percent of those who start public school in Philadelphia make it to graduation through a four-year high school curriculum. That, to me, ladies and gentlemen, is a statistic that is worth noting and asking, is there a way to change that? Perhaps this bill is not the total answer to that. I am sure it is not, but obviously something needs to be corrected. Now my mail and phone calls have overwhelmingly favored schools of choice, about 72 percent, but I do not consider that to be by itself decisive. I think it does indicate that there are ways of support and ways of opposition, most recently opposition, but the total still was three to one in favor of schools of choice, but that to me is not the reason to make up my mind. I want to introduce something new into this discussion by talking about something that most of us have overlooked in our dialogue on this issue and that is the question of not further regulating private schools such as was tried at great length by many colleagues yesterday who wanted to add edict after edict and mandate after mandate to the private schools. Let us turn that on its head and let us deregulate the public schools. That would help bring about a more efficient system, and to me schools of choice is aimed at exactly that concept of deregulating public schools, giving them the ability to compete, whether it be on cost or on specialization, with private schools. I am not saying to make the two systems totally analogous, and, yet, if there is one thing that is wrong with our system today, it is the over-

burden of educational administrative requirements that are part of this insulation I talked about previously, and we as Senators and General Assembly Members have added to it, unfortunately, by continuously trying to substitute our judgment for that of parents and of teachers and of the local administration in the school districts themselves.

Teachers should have the ability to teach in the classroom. Local school boards should have more decision-making power, and if the statistics I am quoting are incorrect, I hope somebody will correct me. I have heard these figures. I do not guarantee their authenticity. I can only say that they have been quoted to me, and I invite anybody to give me the exact specifics. I have been told in the school district of Philadelphia that it takes 3,000 administrators—these are nonteachers—to administer the public school system, and it takes the archdiocesan schools in Philadelphia 30 administrators to administer their school system. Now I am willing to grant that there is a difference in size and there is a difference in requirements and for all the reasons and the mandates that I just talked about. Nonetheless, to me, that is a striking symbol of what the problem is that we face in education, and I am not saying this bill is important because it is a bailout for Catholic schools. In fact, if I thought that were the only reason for it, I would be opposed to it, but I think to make the argument about schools of choice and to a narrow one about sectarian schools and bailouts of Philadelphia Catholic school systems, et cetera, is to mistake a movement that is sweeping across this nation for a particular part of that particular issue. I thought it was very interesting today to find in the Philadelphia Inquirer a long, strong editorial in favor of schools of choice. To me this is a major signal that the conventional wisdom is being questioned, even by those who are the normal perpetrators of conventional wisdom. I do take issue with one part of that editorial. A means test always means that someone is going to be right above the means test line, and normally that means the middle class. To me that is a criticism of this bill that needs to be made and it needs to be discussed. But it seems to me, if there is any message that the current prevailing winds in politics are telling us, it is that the middle class is tired of being told that it does not count and that somehow it does not quite make it into the category of those who are going to be helped by government action. It would be meaningless to cast a “yes” vote for this bill and not to do it because of a commitment to the schools of choice philosophy. If it is being done by those who wish to make a financial assistance to certain types of schools, then I think it is totally missing the point, but that is not a reason to vote against the bill. To me we are in a new paradigm, Mr. President. We have entered a new period of politics where people are more willing to ask if their dollars are being spent wisely or they can demand that they have more choice in the way that those dollars are spent. Are there constitutional problems? Perhaps. Do we need more study? Of course. Do we need more answers to specific questions about how this will work? Yes, we do. Are there going to be rough spots? Yes, there are. Are there going to be narrow-minded people who try to take advantage

of this for their own ends? Yes. Are those reasons for voting against this bill? In my opinion, they are not. We should start down the course of reform in education, and I think that this bill offers at least a small step in that direction.

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

Senator PUNT. Mr. President, it is rare that I stand on the floor and speak, as it is normally not my way. Normally, I will speak with Members, one on one, to discuss the issue or the details, and so forth. But there are some things that have been said and some things that have not been said on this issue that I think must be said. The issue of choice, this is not to me choice, but it is voucher. Every parent has the opportunity to place their child in a school, whatever they want within their financial means. You can place your child in any school. There is no law that says you cannot. We already have the choice. At issue is the funding and how to pay for it. Specifically, in this legislation, it is a voucher, whether it be a \$900 grant, \$200 grant or \$5,000 grant. Throughout the debate last night and today a number of speakers have said that what if the private schools would close and the public school system would have to bear that increased cost. Indeed, we would, some of it to some degree but not in total. But not last night nor today have I heard what the Commonwealth is doing for our nonpublic schools. In the fiscal year 1991-92 budget that was approved we are giving \$53,996,000 to nonpublic schools for services. We are giving \$10,397,000 to nonpublic schools for textbooks. We are giving \$6,128,000 for student supplies for our nonpublic schools, and we are giving \$22,458,000 for transportation for the children in our nonpublic schools—\$92,979,000 that we have put of public tax dollars into one form or another of private schools, of nonpublic schools. Pennsylvania has made a commitment and we have indeed, I believe, satisfied much of that commitment. Now, when we look at the fiscal impact of a \$900 grant, you know, the cost I have heard anywhere from \$307 million to as high as \$550 million, where are we going to come up with additional monies should that come about? Do we take it off the ESBE? Do we, as the gentleman from Philadelphia, Senator Fumo, said, increase state taxes to pay for it? Somebody has got to pay for it at some point in time, whether those funds come from the state level or whether those funds come from the local level. Somebody has to pay for it. I contacted several of my school districts just using the \$900 grant, and if that comes off the ESBE monies and those ESBE monies are reduced, Chambersburg School District would realize a 7.2 mill increase. My own hometown school district would realize a 10 mill increase. We have to look at this. Someone is going to have to pay for it. We are not talking today about let us do the program and sometime later how we are going to pay for it. So when we cast our vote, keep that in mind. We have to come up with the dollars to pay for this program. You know, much has been said about, again, choice, and in particular, about lack of quality education in our public school system. Many of us in this room, in this Chamber, are products of the public school system. Many of our parents completed in a

public school system their basic education. Was that so bad? Are our parents so ignorant, dumb? They came through. They graduated. They feel they received a good education. We feel we received a good education. Our public school system today is the same basic system that was proposed and begun over 200 years ago, and that system overall, on the whole, I believe has worked quite well up until the past 15 years or 20 years. Unfortunately, as time passed and changes were made, changes were not made in our public school systems to deal with those changes that resulted through the passage of time. We can correct those needs and satisfy those needs within our public school system and not by condemning our public school system. We have quality teachers out there. We have quality administrators. We have quality children in both public and private educational institutions, and we are, indeed, fortunate in having both public and private, and for those who have the financial means indeed are fortunate they have the choice of attending a private versus public. Many times, I am sure I am not unlike many of you, I have had parents complain about our school system. I heard someone say just a moment ago, how can we see someone graduate and not be able to read or write? You know, I saw something last year that I was appalled to see, and it was difficult to believe, but the teacher recommended to fail a child, to hold a child back for another year. Who passed that child? Not the teacher, the parent. The parent went in and raised holy commotion. Do not dare to flunk my child, because they did not want the stigma attached that the child flunked. We cannot legislate parental involvement. The parents must be involved with the basic education of their children, whether they be public or nonpublic schools. The problems that we face today in a public school system are much unlike the problems we were confronted with when I was in high school 28 years ago. Back then we did not have drugs. We did not have a lot of these things that children today have. Try and talk about sex education or teaching about AIDS in our public school system and see the outcry from the parents. Do not dare talk about those things to my children. That belongs in the home. How many times will those children receive those discussions from the parent at home? Rarely.

I would like to close my remarks by simply saying that in the next 48 hours we are going to be celebrating, once again, Thanksgiving. And ladies and gentlemen of the Senate, we do have much to be thankful for, and in this specific issue we can indeed be thankful that we have nonpublic schools as well as a solid public school system. But in the process of giving thanks, let us not be too overzealous that we will destroy and take away from that very, very basic choice. Mr. President, I thank you and the Members of the Senate for the indulgence, and I would ask for a "no" vote.

Senator FUMO. Mr. President, this is not an easy vote, as has been said already, and also, as with all change and growth, there is transition, and that is always difficult and painful. But without that, there is no gain. The status quo clearly is not working in America, and I am not here to blame the teachers for that. I am not here to blame the administra-

tors. I am not here to blame anyone for that. The fact of the matter just continues to exist that in this country we are not doing the best that we can in educating our children. We are seeing that day in and day out. We find employers complaining about the fact that they must teach employees remedial skills—reading—just to get them to do the small jobs that they have. What do we do for the next century? What do we do when computer technology will be ruling the field of manufacturing? Where will we find the people to run the systems? Mr. President, we are charting new waters here today, and it is not going to be a perfect bill, as was said. It will not be. We are incapable of doing anything perfect, and I think our experience indicates that many, many times we make mistakes, but that does not mean that you do not go forward and try. Mr. President, we made mistakes when we originally did special education, and it took us years and years and years until finally just this year we think we solved the problem, and I say think because we have not even experienced our cure yet. We enacted sales taxes last year on services and now find that in some areas we made mistakes there too, and, hopefully, we will straighten those out.

Mr. President, I have heard the gentleman from Philadelphia, Senator Fattah, say that statistics on education indicate there is really no difference between private and public education. That is like the President telling us that there is no recession. There are, in fact, differences, and we have an obligation to try and create the most intelligent and brightest next generation that we can. I, too, differ with the process here today. I wish we could have had a rational discussion on this through the Committee on Education because the Members of that committee have far more experience in this area than I. But that is not what happened, and that is not unique. This is not the first time that we have seen an issue addressed in this fashion. Mr. President, regrettably, I differ deeply with the lady from Philadelphia, Senator Schwartz, who says we are misleading the public and that this is bad public policy and a quick fix, because in the same breath she says that she sympathizes with the problems of the middle class and also that the average public schools are not doing the job and that there are problems with not only education but safety. Mr. President, this is not a quick fix. This is a beginning of a journey down a long road which, hopefully, will continue in this direction, but may at times take different directions as we have more experience with the concept. I do not know if this will create chaos or not in the schools. On the one hand I am told that it is not going to do anything to change education. Therefore, we should not do it. But on the other hand, in the same breath, from the same speaker, I hear it will create chaos. Well, either it will or it will not. I suspect that it might cause some consternation, that it might cause some alarm and some concern among the educational establishment, and I also submit to you that that is not necessarily a bad thing. Mr. President, I listened to the gentleman from Centre, Senator Corman, when he talked about the problems with this legislation. But I was also here in the summer, as was said before, when Senator Corman was a big advocate of privatization in

transportation issues, but now in educational issues he is not, and I listened to Senator Corman say that we are supposed to be funding education to 50 percent and that we underfunded it this year, but I also remember this summer when Senator Corman did not say that on this floor when we passed the education bill and the General Appropriations Act. I also remember that he was not here for us when we had to raise the taxes to fund that bill. So I did not hear him say in that debate that he was willing to vote for more taxes than if we put it into education. I did not hear that. Today I find, though, that we have this obligation. Well, perhaps we will remember that next year when we do the budget again, and perhaps he will remember his words. Mr. President, I heard him address the issue of mandates. Yes, we did finally pass a bill that prohibits us from mandating local governments to do programs that we do not pay for, but we never said we were going to exempt ourselves from our own mandates. That is what this is about. That leads me, Mr. President, into probably the most important area of all, at least from my expertise, and that is the cost of this bill. As has already been said in debate and as I have said yesterday, I am fully prepared to vote for a tax increase to fund this program when it is needed, and I will today keep the roll call of everyone who votes in favor of this bill, and I will be the first to remind them when this triggers that there was a bill that they incurred a while ago that they must now pay for. I do not see any problem with that, Mr. President. I do not see any inconsistency with that. In fact, I see a lack of hypocrisy with that, but let me tell you, Mr. President, why I am so easily swayed to vote for new taxes to pay for this, and this was alluded to by the gentleman from Berks, Senator O'Pake. Mr. President, sometimes in life you are stuck with reality and that reality is bad news, and what you attempt to do is minimize that bad news. Mr. President, as was stated before, if all of the nonpublic schools in Pennsylvania closed, it would cost us in excess of a billion dollars to take in those students into the public school system. Mr. President, although we talked a lot about a means test, we do not have a means test when it comes time to send kids to public schools. Affluent and wealthy parents get the same free education that the destitute get. I do not know why we have to have a means test for this, but I would be willing to listen to one, Mr. President, if it were reasonable, but I did not hear one. The only one I heard was that we should buy into the PHEAA guidelines, which no one understood what they were, except the gentleman from Fayette, Senator Lincoln. I will accept the fact that he knows what they are, because I do not know enough to ask him questions to find out if he knows enough about it. Mr. President, last year we spent \$5.2 billion on basic education in this Commonwealth, \$5.2 billion, fully 27 percent of our operating budget, went into basic education, and you have to ask yourself, as I think the gentleman from Lehigh, Senator Afflerbach, asked, are we better off now with the students we are getting out of public education than we were years ago when maybe we were only spending \$4 billion? I think not. Mr. President, there is a time for change, and, perhaps, this is it. In Philadelphia alone, and I admit I

will be parochial about this because they are the facts and figures which I have closest at hand in Philadelphia, I was advised recently by a very high official in the school district that almost 15,000 new children enrolled in the public school system this year because they could no longer afford the Catholic education they were receiving, 15,000 new students. In Philadelphia that translates out to \$64.5 million in new monies that are going to be necessary to educate those children just in that county and just that small number. Of that number, \$26.25 million will be necessary to be gotten from the citizens of Philadelphia in increased taxes there, and \$37.5 million will come from the Commonwealth just for those 15,000 new children. Mr. President, if we were to add in—and someone, I believe it is the coalition who is against this bill and I will use their statistics—the 81,000 plus students that they estimate are currently in nonpublic elementary and secondary schools, it would cost us in Philadelphia County alone \$350 million in new money, \$142 million of which would have to come from the citizens and taxpayers of Philadelphia and \$208 million which would have to come from the Commonwealth. Mr. President, they are real numbers, and they go across the Commonwealth in almost the same proportions, although in some areas there are fewer students. I would submit to you when you factor that into their populations you will find out that in many cases they are close to the same percentages. Mr. President, what is wrong with taking \$300 million, not taking it away from basic education, but taking it in new money in an attempt to stave off that mass exodus from nonpublic schools to public schools? As was said earlier, I believe—and the statistic was thrown about by the gentleman from Chester, Senator Baker, and it could in fact be true because I once taught in the Catholic system—there are 3,000 administrators in the Philadelphia District and 30 at the Archdiocesan district, and they handle the same number of students, Mr. President, because although there are not as many in Philadelphia per se, vis-a-vis the Philadelphia school system, the Archdiocese in Philadelphia encompasses a five-county area. There is something to be said for that. Either we did it here through some mandates and programs that we told them we had to do or they did it on their own, but something is out of control. In America today we have to learn what business is learning and that is that the key to our survival is productivity. We can no longer afford to be the bureaucracy that we were in the last decade, and that is going to come very painfully true to so many special interests that they are not going to like it over the next decade. The challenge and the courage will be for us at the state level and more so for our elected officials at the federal level to be able to respond to those special interests. America needs a re-education of the way in which we do business, both in government and in business. We can no longer rely on trade barriers, on tariffs for import, and we can no longer accept inefficiency in government. We can no longer accept the national debt that eats up roughly 30 percent of our revenue every year just to pay the interest on it. As was said, and I just watched this the other day, by H. Ross Perot, we are already a second-class nation,

but no one wants to tell the public that because it would be political suicide. Mr. President, we are rapidly approaching a third-class nation, and the more we attempt to protect the bureaucracies both in the public and the private sectors, we will destroy our future. We will not have to worry about educating our children unless we do something right now because there will be no reason to educate them. Mr. President, we watch in amazement as we are about to come up to the 50th anniversary of the bombing of Pearl Harbor, that now the Japanese have bought the island with the money we sent them for the cars and the TVs. They have not had to drop a single bomb, and now they own the real estate. That is not an accident, Mr. President. That is what is happening and it is happening all over us. We have to open up our eyes and change our ways. I remember, and I think I said this here before, that I watched as Russia fell apart, and they got together and started this new concept in which the republics would get together in some kind of loose federation and give to the central government only some limited powers and then keep the rest. My wife said to me, gee, how do you think that will work? I had to remind her that is what we did in Philadelphia in 1776, but in the last two years we have switched paths. America is going the route of bureaucracy of the protection of the special interests and, believe me, those special interests are now becoming the majority of the country, while those countries that have dealt with that for the last 50 years have found out it does not work and they are willing to come back to where we started in 1776. Hopefully, Mr. President, at some point in time, in the next decade, America will wake up and we will realize the mistakes of the past and take the radical new approaches that are needed, and, believe me, Mr. President, they have to be nonpartisan approaches because as long as one side gets up and castigates the other for its courage, we will go nowhere in our society. Hopefully, we will wake up soon and realize our status in the world and go forth and try and become the first-class nation that we once were. Mr. President, this is a step in that direction. Albeit, it is irregular and it is new and it is scary, but we can no longer accept the status quo. We do not need debate here to see that. Walk among your constituents. Walk among the people who are unemployed. Look at the economy. Look at some of the kids we are turning out of public schools, and, again, I do not mean to castigate them, but the system is not working. I do not say tear it apart, but what is wrong with trying, on a limited basis, another one that might work. If it does not, we will correct it, and if it does, maybe we will do more, and I think that is the fear of the special interests.

Mr. President, as to the cost of this bill. A lot of numbers have been thrown around, and I am perfectly comfortable with the fact that it will cost us \$300 million. I will tell you that is based upon the fact that no student from a public school decides to take advantage of this, but only those students currently enrolled in nonpublic schools do decide to take advantage of it, and we, in fact, agree that we want to fund to the maximum—and I repeat maximum—of \$900 or 90 percent, as Senator Salvatore said, which appears on page 6 of

the bill, written in plain English. If we do all of that, given today's numbers it will be \$300 million. It starts July 1, 1992, as I read the bill.

Mr. President, on July 1, 1992, we also roll back the income tax from 3.1 percent to 2.8 percent, something that the House wanted because it made them feel better when they voted for the tax bill, something which I predict, having gone through this before during the Thornburgh years, we will be besieged with phone calls from constituents and say, where is the money I was supposed to get? I thought I got a tax rebate, because nobody will see it. Mr. President, if that is the route that has to be taken at that point in time, I say again, I will be the first to say, do not roll it back because there could be no greater agenda in our state today than the education of our children. If people want to put more money into it, let us do even more, and not just into this. If we want more programs in the public schools, let us vote for that too, but fully being aware of the fact that it costs money. As I said before, I will save the roll call from today. I hope I do not have to read that roll call as a sort of roll call of disgrace at some point in time in the future, when, perhaps, some of the people who vote today do not want to vote for the funding to pay for it. That is an obligation that we assume today. I say I will vote for those taxes, and I tell each and every one of you today who is prepared to join with me in voting "yes" on this bill that you automatically incur the liability. I cannot remember a previous time in my 14 years here when the issue has been so crystal clear. Yes, today you can either vote or not vote to spend approximately \$300 million, and let us stop the silliness of it is only \$300,000, and everything else. Let us get real for a change. Let us get away from our ceremonial procedures and all the ifs, ands and buts in Mason's Manual. It is \$300 million. It could be more or it could be less. Today when you vote to spend that money in fiscal '92, remember that you also have the moral, legal and constitutional obligation to vote to get the money in so it can be spent. I do not think there is anything wrong with that and I would hope we would not hear hypocrisy here, that people are going to say, no problem, we will find the money somewhere in the budget, because I assure you it is not there. We all know that whether we want to take this floor and say it or not. I will say it. Revenues this year are tight. We are all concerned about the Christmas season. We are worried that the taxes we put in place last year may or may not generate enough money. Optimistically, I can predict that this time, I think, we will end up with a zero balance and not a deficit. But, if it is a deficit, what will we do about this \$300 million. That is when we will really separate the men from the boys, as they say. You have to put your money where your mouth is. You want to play you have to pay. I think there could be no finer tax vote than that one, because I think it helps all the children of Pennsylvania in getting them an education so that this state can compete. I heard a lot about business complaining about business taxes, taking away their unfair competition, taking away their advantage. Other states have lower taxes, therefore, they can produce products cheaper. I heard all about that. But the one thing that business

needs more than low taxes is an educated work force, and this is the way to get it. I urge an affirmative vote, Mr. President.

Senator RHOADES. Mr. President, as Chairman of the Committee on Education, whose committee was circumvented to consider choice, we were holding hearings on Tuesday and Wednesday, and Wednesday this was amended into the bill. I think we tried philosophically to resolve this issue very quickly and, therefore, I will give you some non-intelligent, nonarticulate, nonlogical and nonreasonable reasons why you should vote for this. Educational choice has a purpose and it has merit. There are no ifs, ands or buts about that. I think we should address it. President Bush has it as part of his America 2000. There are some other states that have adopted it, although their results have not proven beyond any level of confidence that it is working or not working. As a matter of fact, Milwaukee put it in for their academically disadvantaged kids and the first year shows that there are not any gains in it. East Harlem has a very successful program. Other states have adopted it. Minnesota put it in and they said why did they do this? They figured parents would be involved. They ended up locating in schools that were close to where their parents worked, where there was a day care, where there was a child care center, because they had a good athletic program, because they had good cocurricular programs. It came down that about 20 percent of the decisions were made based on academics. That is not the way it is supposed to work. Educational choice has a purpose and has merit. Unfortunately, that will not be addressed here in the Senate. Since the Senate does not want the committee to address it, I only hope the House will correct the errors that exist in the bill. The minority will have its say, the majority will have its way and numbers will dictate. My numbers are very simply three to one, that my constituents are asking for it. It does not necessarily make it right or the best thing to do but it does tell me something. I would also like to get it out of here for one very other important reason, then we could get on with educational reform. Everybody has been sitting and standing here harping about educational reform, let us do, let us do. Folks, put your working clothes on, because in January when you come back you will have your opportunity. You better be able to match up what you did yesterday and today in January and February, because it will be here. The bill simply allocates \$300,000 to an office of economic grants and authorizes \$900 in a voucher, that is the appropriation. Put it this way, and I have this on the record, I will not support a tax nor will I take it out of school subsidy money and you can say I am a hypocrite. Choke on it, that is how much it bothers me. Lastly, I have heard a lot of rhetoric and demagoguery about the public education system. Take a look at the Phi Delta Kappan, October 1991 issue. You know, they say about business spending \$210 billion because they have to retrain people. Thirty-four percent of our work force is unskilled, yet all we spent is 15 percent of \$210 billion. Thirty-six percent are in skilled positions, yet all we spent is 20 percent of the \$210 billion. Thirty percent of our work force are college graduates, yet business spends 60 percent of their \$210 billion on

college graduates. So if there is a great need for retraining, why do they not put their money where their mouth is? We will give them that opportunity with the business education partnerships. SAT scores, based on a 1941 established media, and at that time those going to prestigious colleges and the Ivy Leagues had the scores. Today we have more people taking college boards than we have at any other particular time. End result is, yeah, while results are saying we are holding about even, but minorities are on the rise and they have now come into our school systems, they are being educated, they are advancing. We have more graduates than we have had at any other particular time. Maybe not with their class, but they are coming back and getting GEDs, because they know it is significant and important. We do have more engineers, more physicists and more math graduates than we had ten years ago. Something has to be working in the system. I guess this is my last recommendation, and I have said it before and I will say it again. We do not come back here until December the 9th and the 10th. We come back January 7th, then we come back January 21st. That will give each and every one of you plenty of time to get a brown bag, a schedule and go into a school not as a Senator, drop your title, but as a Mr., a Miss or Ms. Get a schedule. Get a homeroom. Get five or six classes to teach a day. Get study halls. Get cafeteria duty. Get bus duty. Mark the papers. Grade the papers. Do the rest, and deal with the kids who are abused, who have drug problems, alcohol problems, who have been out all night long, who have been goofing off doing a lot of other things, then come back and tell me what it is all about. But until you can do that, until you have walked in someone else's shoes, I do not think you have entree to say anything.

Senator GREENLEAF. Mr. President, I desire to interrogate the gentleman from Philadelphia, Senator Salvatore.

The PRESIDENT pro tempore. Will the gentleman from Philadelphia, Senator Salvatore, permit himself to be interrogated?

Senator SALVATORE. I will, Mr. President.

Senator GREENLEAF. Mr. President, is it the gentleman's intention, according to the way that I read this bill under the Office of Educational Opportunity under this proposal, that the \$900 or any portion thereof would be the sole financial responsibility of the Commonwealth of Pennsylvania and not the local school district?

Senator SALVATORE. Mr. President, that is correct.

Senator GREENLEAF. Mr. President, in addition, there are a number of clauses, one which indicates that there will be up to \$900 and/or 90 percent of the tuition paid—I think that is Section 2, subsection (f)—for the 1992-93 school year, but then in subsection (j) it indicates that if there are insufficient funds to award the grants in the total amount for which applications are made, then they will be proportional to the funds available. How do you interpret those two clauses? Do you feel there is a legal obligation for this Legislature to ultimately fund enough money for a \$900 voucher? Is that your interpretation or is it when monies are available? If someone brought a lawsuit—

The PRESIDENT pro tempore. Gentlemen, if I may interrupt, this is an interrogation and I am going to admonish you again. Please let the questioner finish the question, the responder finish his response, and address all responses through the Chair.

Senator GREENLEAF. Mr. President, to follow up on that, if, let us say a parent of a school-aged child brought a lawsuit, let us say, into Commonwealth Court indicating that this bill entitles them to \$900 from the Commonwealth, would you feel that lawsuit would be successful and that we would be required to fund that full amount?

Senator SALVATORE. Mr. President, you did not give me a chance to respond to any of the questions.

The PRESIDENT pro tempore. That is the idea, Senator.

Senator SALVATORE. Mr. President, okay, the first question the gentleman asked, I think, was about the \$900 or 90 percent of it. That is what the bill says, if it is available. That is the cap. Then if you go to subsection (j), it is whatever funds are appropriated by this General Assembly. If this General Assembly only appropriates \$100 million, then it is \$100 million that is divided up by how many children apply for the grant. So it could be any figure. I do not have any magic ball to say what appropriation is going to be forthcoming. So there is no way that anyone can file a lawsuit and say, well, I am entitled to \$900, because it says in subsection (j) "In the event that, in fiscal year beginning July 1, 1992, or in any fiscal year thereafter, the funds appropriated for purposes of the program authorized by this section shall be insufficient to award grants in the total amount for which applications are made, the office shall award such grants in amounts which shall reflect the relative proportions of eligible students and available funds."

Senator GREENLEAF. Mr. President, so it is the gentleman's intent as the sponsor of this amendment to this bill that the Legislature in the future would have the discretion to determine what amounts it would appropriate for the funding of this legislation from \$300,000, as we are doing now, or any figure in between this figure and \$300 million?

Senator SALVATORE. Mr. President, yes.

Senator LINCOLN. Mr. President, I have listened very intently to this debate. In fact, I have not left the floor for any great period of time, which is unusual for me, as fidgety as I am, but I really had a great deal of interest in what was being said. I think if we listened to the gentleman from Chester, Senator Baker, and the gentleman from Lancaster, Senator Armstrong, the gentleman from Centre, Senator Corman and the gentleman from Franklin, Senator Punt, I think if you listened to those four individuals and their remarks in debate, you would have really gotten a clear picture of what this is all about today. I say that, and I do not want to offend anybody, and I hope that I do not misinterpret what they have said, but as I understand their debate, Senator Corman and particularly Senator Punt I thought put forth the case almost perfectly for not voting for this bill. Senator Baker and Senator Armstrong, in their uncertainty about why they were voting for this particular piece of legislation, I think more firmly

reenforced Senator Punt's very good opposition and the very strong arguments against not only this legislation philosophically but factually and I think pointed out very clearly how very weak this particular bill is written. Senator Armstrong started his remarks with, not perfect. Senator Baker started his remarks with not perfect, and both of them went through a litany of reasons that I thought both of them were going to be against the bill until they got into a few more paragraphs of their comments, and both of them came to the conclusion that those things that were wrong with this legislation did not make it sufficiently deficient to vote against it. I think, probably to take that to the amendment of the gentleman from Montgomery, Senator Greenleaf, that was offered yesterday, very clearly puts this bill out of reach for most families in Pennsylvania. It does not now, in my estimation, deserve the right to be called a choice bill because you cannot afford to do that if you have your children in a public school and you want them to go to another public school because of what you may perceive as a better education opportunity than the other public school. You cannot do that, particularly if the school that you have chosen to send your children to has a very high tuition, which is basically where the good schools are—the high tuition schools, in a sense. That is not my judgment. That would be in the judgment prospectively of people who would make that choice. So we have taken away from the people of Pennsylvania who do not live in Philadelphia particularly, or the southeastern part of the state, the opportunity to choose to go to another school because, as you see, in the public education coalition's numbers, 55 percent of all the funds that are going to be prospectively appropriated to this legislation come from Philadelphia, Montgomery, Delaware, Bucks, Lancaster and Chester Counties, and 11 percent more come from Allegheny County, so in eight counties you have 67 percent of the funding out of this money. What is even more frightening is how far we have taken that choice away from most Pennsylvanians. We have 67 counties in the state and 57 counties added together just equal what Philadelphia is going to get out of this bill. If you add all the percentages up for 57 counties, starting from the bottom and coming towards the top on the chart provided to us, it takes 57 counties to equal Philadelphia's \$73 million or 23.8 percent of the population of the nonpublics that are affected by this bill. Now, I stand before you as someone who has a very long record of supporting education and education funding for Philadelphia and Pittsburgh. Even though I come from a rural area, I had the opportunity early in my career in the House to visit the Philadelphia schools, and I found out that they have particular problems that do not exist anyplace else in this state. I have always been a supporter of helping the public school system in Philadelphia. We talk about the gentleman from Philadelphia, Senator Fumo, being the only person here today who has committed himself to a tax vote for whatever this may cost us, whether we camouflage it in just \$300,000, or whatever it ends up being, because I do not think it makes any difference right now. But I put my vote up back in August for a tax increase for public education, but I also put my vote up

for a 24 percent increase in nonpublics, and I have been part of increasing over the last ten years the appropriations to nonpublic schools in Pennsylvania by 80 percent. I can say that I participated in that because I did, and I think they were worthy efforts on my part and other Members of the General Assembly. What have we done when we talk about those 57 counties that equal one county and what this bill means to them? Well, according to a research unit at the University of Pittsburgh, we are, in effect, doing this by taking \$73 million and placing it in the nonpublic schools in Philadelphia. We are, in effect, saying to the public schools there, so what. So what if you are having problems. So what if out of 24 elementary schools in Pennsylvania that have been identified to have 80 percent of their fifth graders who cannot read, guess where all 24 of those schools are? Eighty percent of fifth graders in 24 elementary schools in Pennsylvania have been identified as not being able to read. All 24 of those schools are in the Philadelphia public school system. Why do we not take that \$73 million and put it into the public school system with special reading classes, because I guarantee you that none of the students in those 24 elementary schools in Philadelphia's public school system are going to be able to go to the nonpublics. The \$900 is not going to make the difference there. The \$900 is going to perpetuate the current population and the current category of income that has the ability to make that choice now. So what does that mean when I hear the arguments here today of everyone lamenting about how bad we are in our public school system, and that this bill, at least, will give some opportunity to bring about some change? Well, in the one place where the marketplace has shown to be is competition because 30 percent of the kids in Philadelphia go to nonpublics, it is not working. It is not working in helping the public school system, and that is what part of this argument is about here today. By doing this and giving people a choice we are going to bring some improvement in the school system? That just is not so. That is not so because we have already determined by the Greenleaf amendment that people who want to stay in the public school system are going to be excluded from this ability to make a choice on economic basis only. They cannot afford to spend \$3,000 or \$4,000, and I thought Senator Corman pointed that out extremely well.

I also have heard in the effort to make our public school system look bad, not just here but throughout this country, the references to Japan. I want to tell you over the last 50 years, particularly maybe the last 45 years because the war did not end until 1945, Japan has not had to spend one cent on defending their own butts. We spent billions and billions and billions and billions of dollars to defend both Germany and Japan who are both used as examples as to what you can do with education. Tell me what we could do with all those billions of dollars that we would have spent on infrastructure, education, highways, clean water. This country could have been as close to being a perfect society as you could possibly get, but, no, we spent our money making ships and planes and bullets and sending people all over this world protecting Japan and Germany when they did not have to

spend a cent. It makes a big difference. It makes a very big difference, and it has taken its toll on this country and it has destroyed a lot of our cities. It has caused us to be fighting among ourselves for a buck, and that is unfortunate and it is unfair, but that is part of what we are talking about. If you bring in the example of the Japanese education system, I think I can bring that into this debate and show you why they have been able to develop where we have not.

I have heard different Members stand up and say, well, my mail came in 72 to 28 and 13 to 10 and 16 to 14, or whatever the case may be. I believe it is important to note that there are other people, besides that narrow constituency that has been lobbied and lobbied and lobbied to get in touch with us, who are opposed to this piece of legislation. It is interesting to note that there is one coalition that ranges from the AFL/CIO to the League of Women Voters, the American Jewish Congress, Pennsylvania Association of School Administrators, Pennsylvania Congress of Parents and Teachers, Pennsylvania School Boards Association and the Pennsylvania Education Association. A very diverse group of people have put into writing their opposition to this particular effort to change very radically how we do our education process here in Pennsylvania. I think the reason why is that the American Association of University Women, in their letter to every Member of the General Assembly, says there is no evidence to prove that tuition vouchers will improve failing schools. The superintendent of the Northern Cambria School District gives an example of what it will mean in his district if he loses 40 students, because not only does this piece of legislation take money and give it to the nonpublics, if, in fact, there are a very large number of public school students who choose, on a very limited basis because in most counties the choice is not going to be there, but if they do choose to do that, the school district that they leave will lose its subsidy for that student, and it will impact on their aid ratio by making that district look richer and drop their aid ratio and they will get less money in the long run, which will reflect itself in local property taxes throughout most of rural Pennsylvania. The most difficult areas of trying to educate students in Pennsylvania today are the inner cities and the rural school districts, and they are nothing alike. They have the same basic problems in trying to educate the young people in those areas. I think it is interesting that the Pennsylvania Council of Churches has taken a very, very strong position against this particular legislation, and I would like to read just some of what they are saying. They say that nonpublic schools are legitimate in a democratic and pluralistic society as are the claims of parents of nonpublic school children to services provided for health and welfare of those students. We do that, and I agree with that. Nevertheless, we continue to oppose outright public subsidization of nonpublic schools. We insist that all nonpublic schools—private, religious and home schools—be held for the same educational standards as public schools. In this bill, that does not happen. Last night the supporters of this particular bill voted over and over and over again to exclude such frivolous things such as certification of teachers, health and safety, I mean little things like

asbestos. There was an acceptance of an amendment that would say that schools receiving this \$900 from the parents would have to comply with federal and state regulations and laws pertaining to handicapped children. To me, it is impossible for these schools to do that. That one amendment to me makes this bill absolutely impossible and cannot work. For the nonpublic schools in this country, or in this state, to develop a special education system, it would destroy them. It would cause their costs to go out of line so high, and it also would make their education process much different. I am amazed at how easily that amendment became part of this particular effort, and today I am still amazed at how easily that became part of this effort. The political clout of the individuals lobbying for this bill evidently does not reach the political clout of the Retarded Citizens Association and all the groups of people who have specially gifted children and handicapped children. That is the only conclusion I can come to other than I do not know how you could explain that you could possibly have a system of education that was going to accept public dollars and you would say to the handicapped children in this society that we live in, you do not have a chance to come here. We do not want you. So I am not sure yet why that took place, but that amendment makes this almost an impossible situation for it to work, and if it does not, then I guarantee you that the costs that have been quoted here today for nonpublic schools will dramatically increase the next time we have a debate of this type, after we have had some experience with nonpublic schools providing special education courses, classes, special treatment for hearing impairment and all the gamut of things that we provide in the nonpublic sector.

Going further into the letter from the Pennsylvania Council of Churches, "The subsidization of nonpublic schools with public funds would increase the disparity in resources among school districts, a current pressing problem in Pennsylvania, and we also see vouchers working against the vast majority of rural school districts in Pennsylvania." On that point, I want to make sure that everybody who has been standing up saying, oh, this is not going to affect anything, and even though we have \$900 in this bill, it really does not mean \$900. Well, let me tell you something. If Senate Bill No. 953 passes with \$900 per student in it, that is what the law is, and if you do not think the people are taking those types of things seriously, take a look at the court case that has been filed against the State of Pennsylvania on not funding adequately and to the law in rural school districts. That particular court case, if it is decided in favor of the school districts that have filed it, we have a big problem here in the General Assembly because we are going to have to appropriate that money to the level that the courts would say that we have made a commitment to in law. One of the things that prompted us in this past budget to make such dramatic increases in funding to basic education was that court case, and we went a long way in this past budget to satisfy the legal questions that have been brought up in that court case. But I guarantee you, that as sure as I am that somebody will go to court to question the constitution-

ality of Senate Bill No. 953, I am positive that if the courts rule it is constitutional and we are then directed to pay whatever the law says, that the very first payment we make less than \$900 per student, there will be a challenge in court because the law says \$900. It is not going to be any less, and, in fact, if I were able to stand here with some assurances that ten years from now that \$900 will still be \$900, I would feel a lot better, and I think the public sector of education in this Commonwealth would also feel a lot better, but I can tell you that is not going to happen. Once this dramatic change is made, and this very clear and definite change in the course of funding for public education and nonpublic education is made, there is nothing and nowhere to go but in the direction of increasing that funding, because if you think the stampede through these halls has been difficult to deal with to get a "yes" vote on this particular issue, that stampede will grow and grow and grow because, according to people who have supported this effort, the number of students in that better nonpublic system will grow and grow and grow. We cannot afford to fund one public school system to an adequate level, and I guarantee you that we cannot afford to fund two school systems, nonpublic and public, and all we are going to end up with is two very bad school systems. I do not care whether you dodge the bullet by saying, no, I do not want to put certified teachers in, I do not want health care, I do not want any of the regulations. Absent those factors, you are still going to see a dramatic increase in the cost of educating individual students in these private and nonpublic schools. There is no other direction for them to go but up. Unfortunately, that will not be reflected in a decrease in the cost of education in the publics because those costs are fixed, and if you lose 50 students out of 500 in a school district, that does not alter how many classrooms you need, how many school buses you need. It just does not happen. If they all moved in a block, if you had 250 of those 500 leave, you might be able to make some changes in your system in your own public school system. All this is going to do is cause poor school districts to become even poorer. Education that is not adequate now because of funding levels will get worse. Teachers who are hard-pressed now in school districts with 35 students and 38 students in a class are going to find that to become a more unbearable circumstance. There is just nothing you can do to change that. I have not heard one word here today that says anything different. All I hear is, it is going to be better, but the better part is going to be the nonpublic, and people who have stood up and spoke in favor of this and have decried and have criticized our education system are leading the charge in making it worse, not better. There has not been one effort made to do anything in this legislation that would improve the public school system. The basic premise for which this vote is going to be taken, and I would say this is in most cases, if not all, is an effort to make public dollars available to nonpublic schools. I personally believe that the courts, when asked to do this, are going to say that it is not constitutional. I think it is unfortunate that I am going to have to go home and explain to those people on both sides of this issue that until such time as the

courts do decide that issue, no one gets anything. Those of you who are content with the \$300,000 fiscal note, you know, I could probably argue many different ways on that, but I think the easiest way to argue at how silly that \$300,000 fiscal note is, which I have never seen, it is a phantom fiscal note, but if you read what that \$300,000 is supposedly going to be spent for and you would look at the responsibility that is being heaped upon that new, whatever it is going to be in the Department of Education, and I cannot seem to find it to let you know what it really is—"There is hereby established within the Department of Education the Office of Educational Opportunity, which shall administer the program of annual educational opportunity grants authorized under subsection (f)." With \$300,000 probably you could hire eight people, nine people. Nine people, and guess who those people are going to be directed by? "Two members shall be appointed by the Governor, three shall be appointed by the President pro tempore of the Senate, two shall be appointed by the Minority Leader of the Senate, three shall be appointed by the Speaker of the House of Representatives and two shall be appointed by the Minority Leader of the House of Representatives. Each board member shall serve for a term of four years from the date of appointment and shall continue to serve thereafter until a successor is duly appointed." I shudder to think about some of the other boards and commissions that we have seen appointed under this same direction. I shudder to think how many people are going to be appointed to this because they are a partisan Republican or a partisan Democrat. There are no qualifications in here for anybody serving on that board or commission, and that board or commission has the responsibility of operating on a \$300,000 budget with eight employees determining when those grants will be paid, determining how they are going to be sent out. They also have the ability to say to every public school in this state, you do not have any spots available. That is absolutely hard to believe. We are talking about one of the major changes in all of government in my 20 years in the General Assembly, and we are going to allow a \$300,000 department that will be directed by appointees of the General Assembly leadership to operate a nonpublic school system, and that is basically what that is, because I do not see anything in here which says that they cannot go and make rules and regulations. There is nothing in here that says that, and maybe by the time the courts have decided this issue that board will have plenty of rules and regulations into effect and they will know how to keep people from going here, how to keep people from going there, and I just absolutely cannot believe that of all the things we talked about today, nobody mentioned that. We talked about the \$300,000, but if you read what we are putting into law by this vote and who is going to operate that, and it does not say with the Secretary of Education, and it does not say with the Board of Education. It does not say with local school boards. It does not say with the Diocese of Philadelphia. It does not say with the Council of Churches. It does not say anything. It says eight people hired with \$300,000. I do not even know whether they will be housed in the Department

of Education or not, and there will be appointees, political appointees, made to operate that particular eight-person department—eight people. I will tell you one thing, if we can do this successfully, if we can run this whole program with eight people, I think then it ought to be interesting that we could come back and we could talk about changing everything in government to that point. I do not believe that is possible. I do not believe it will work. I do not believe this will do anything but destroy what we have worked for many, many years in trying to put together, and that is a good public education system, and I believe that Senator Punt put that in the proper perspective when he talked about the number of people who have come through that public education system in this country, in this state, who have done a pretty good job of going on and on in life and accomplishing an awful lot. I do not know that I want to tamper with that system by doing nothing for it and directing an awful lot of money in a very dangerous manner in supporting a nonpublic private system in which we will have no voter input whatsoever, and I say that with a great deal of regret. I really wish that I could support something of this manner. I cannot. I never will, and I have no qualms about the political fallout. I really do not care, to be honest with you. I think it is important that we put those things behind us when we are dealing with these kinds of issues. I do not believe you should do this for political gain, which I believe is part of what this issue is all about, and I do not think you should vote any way on this issue in fear of what that consequence may be. That is what we see here today. I have heard it repeated over and over again, and the only thing I ask you is I appeal to you at the last moment. Use your own best judgment on this. Look at what we are doing and make a good determination and vote "no" on this piece of legislation.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Scanlon and his temporary Capitol leave is cancelled.

And the question recurring,
Shall the bill pass finally?

Senator BELL. Mr. President, I know now why the House has rules restricting the time for speeches. I do not think there has been any vote changed today by these lengthy speeches. I am sitting back here wondering what the speeches are made for, and I suddenly realized these are preliminary skirmishes to the court battles, the Supreme Court of Pennsylvania and the United States Supreme Court. I think we should close some of the gaps. I heard the remarks by several Senators that one can only get quality education if the teachers are certified. I am amazed at this because public schools after 12 years of certified instruction dare turn their best products over to colleges and universities where the teachers are not certified. I know of no teachers who were certified in the colleges and graduate schools I attended. I do not think they are required in any colleges or universities in the Commonwealth.

Number two. I think it is Article III, two-thirds vote. I wonder how the lambs are—Oh, I am told to keep quiet on that—but I do not know that they dare go through with a two-thirds vote. I cannot even find what departments or agencies most of them are located in. I know that the \$150,000 I get for drug control in Chester did not get any two-thirds vote. Oh, yeah, I put in for drug control. There are some real weirdos, from what I have read in the paper. As to what a lamb is, for those who do not know what a lamb is, that is a legislative initiative.

Next, I learned that 50 percent of the money under this bill goes to five or six counties, and I did a rough estimate and that is about where 45 percent of the people live. Next,—I am sorry the gentleman from Philadelphia, Senator Fumo, is not here—you know I have been around a long time. When my party has the Governor, I get blackjacked to vote for taxes. It is going to take about four years, I hear, for this \$300 million, \$400 million, \$200 million appropriation to come up because it is going to take that long for court cases. Who is going to be the Governor four years from now? Oh, you point to me? I suspect I am going to have to vote for taxes four years from now.

Senator LOEPER. Mr. President, my remarks today on this issue were intended to be rather brief. However, during the course of last evening sitting here and listening to several hours of debate, I could not help but stand here today because I think there are several misconceptions as far as the issue that stands before us and the decision that we are going to have to make today.

One is, Mr. President, unlike some others in this Chamber, I come from a family of teachers and education. My father was a teacher in the public schools of Pennsylvania for 38 years. I am a fully certified, permanently certified teacher in the Commonwealth of Pennsylvania, along with my wife who currently is an elementary school teacher and teaches first grade, and I could not help last evening but hear someone make a reference that we cannot even teach one and one is two. Well, I can assure you that in her classroom in the Hillcrest Elementary School the youngsters know how much one and one is at the end of an academic year. I also, Mr. President, was a teacher and an administrator in the public schools in Delaware County prior to my coming to the Senate, for over 12 years, and can tell you that we do have a quality education system in this Commonwealth, particularly the public schools of Delaware County. We have many dedicated teachers, public school teachers, in those schools that put in innumerable hours to provide a tremendous program for our youngsters. But, Mr. President, that is not all that education is all about. I think we also have to recognize that we have a great deal of people in this Commonwealth who attend our nonpublic schools, and, Mr. President, I also had the opportunity of representing my district to talk to a number of the parents, a number of the schools, a number of the teachers, a number of the children who attend those schools in my district. I think, Mr. President, that what this issue is all about is really an issue of choice, one that we do have a good basic public

education system in Pennsylvania, but I think a system that also can stand the concept of choice and to integrate both those systems. I see where essentially we find that whether we talk about our nonpublic schools or our public schools we find a partnership in those schools. A partnership between the educators, whether they be in the nonpublic or public schools, the administrators caring for the children and students in those schools, most of all the support of the parents of those youngsters who attend those schools. And really, I think when we look at education across this Commonwealth and talk about quality education, I think we have to realize that quality education in this Commonwealth is a partnership of those teachers and administrators and of those parents, but there is one common denominator and that is our school children and youngsters and that is what we are all interested in, in providing the best opportunity for each and every one of them. My view, Mr. President, is that I am going to support this legislation today because I believe that the choice proposition before us enhances that opportunity.

Senator BORTNER. Mr. President, one of the difficulties of speaking at this time of the day, after last evening and all day today, is that it is very difficult to say something that has not already been said, but I will do my best to be concise and to not be overly redundant. There are a number of points I want to address and I feel that I would be remiss if I did not address because I honestly believe—and I have thought about this—that this will be probably the most important vote on the single most important issue that I have probably cast in the seven years that I served even in the House and just in this last year here in the Senate. I am disturbed somewhat by the course this whole debate and discussion on this issue has taken. It has been terribly divisive. It has sometimes been personal, which I think is too bad, but it is a very emotional issue. I am disappointed in the process because as a Member of the Committee on Education we were having hearings last week, I believe, much to the credit of other Members of the committee and particularly the Chairman, the gentleman from Schuylkill, Senator Rhoades, taking up this issue in a very serious fashion, trying to learn what we can about the issues of choice, things that private schools may be doing that we can learn some things from and maybe use to make our public schools better. I have heard a lot of debate that this bill is not perfect and it can be corrected and, yes, it needs more study. I would just hope that we would in the future allow that committee process to work. It is sort of a departure I saw in the House. When I got to the Senate, I thought there would be less of that. We seem to be following that same pattern. But I am also disturbed about the very substance of the issue, and I am surprised, I guess, as I was sitting here listening that we are actually discussing vouchers. We have spent a whole evening on amendments and a whole afternoon debating a bill that provides for vouchers, and we should not kid ourselves and try and call it anything else. I asked myself, how did we get to this point? I think one of the reasons is that this issue has all the right buzz words—choice, freedom of choice, competition. I think the gentleman from Centre, Senator Corman,

said it. Who wants to be against these ideas or these concepts? I think it is appealing if you are looking for a quick fix and if you are looking to get credit for doing something. I think it is appealing in that you have a chance to be counted on something that may be put out as a reform issue. But, unfortunately, we do not get to just vote on concepts. We have to vote on bills. We have to vote on legislation and there are many, many problems with this particular legislation. As I said, the buzz words are appealing, at least it is appealing if you do not stop to consider what we really are doing today, and what we are doing is making a dramatic change in public policy. This is a very serious departure from the tradition that we have established in this country and, actually, in this Commonwealth. It is a tradition that says we have a responsibility to provide a quality education for all children. The gentleman from Philadelphia, Senator Fumo, at one point raised the question why he never heard anybody raise the issue of a means test for public education. Well, of course not. That is what public education is all about. The tradition for public education is that every child is provided with an equal opportunity to an education, regardless of his station in life, regardless of his income, and, in fact, I think that tradition is so strong that we have actually ingrained it in our Constitution, and the language has been alluded to here before, that the General Assembly shall—and it is very specific—provide for a thorough and efficient system of public education. We are embarking on a course here today that nobody else has tried. People like to use examples or make comparisons to other systems of choice. Nobody else has done anything like this, and I think there is a good reason for that. I think one reason is that people have recognized that there are constitutional problems, whether we want to support the constitutional amendment or not. There are constitutional issues out there that the courts will resolve, as they should, but also because it is bad public policy. This is disastrous for public education. It will be devastating to public education, in my opinion, and we should make no mistake about it, it will hurt public education. Since most of the children who I represent are in public schools, I have to believe that it is not going to help most of the children who not only live in my district but live in this state.

A lot has been made about this whole question of taxes and funding, and I am not going to speak anymore on that, only to say that—and I think this has been somewhat glossed over—when the figure of \$340 million is thrown out there, we are not talking about making one change. We are talking about spending \$340 million and not one student would exercise a change or would get to make any kind of a choice. And to put that into perspective, this past budget we spent 200 million new dollars, a seven percent increase, sort of a historic increase, and we are talking about \$340 million that will not do anything more than is already taking place in our educational system today. There is no reason to believe that under this bill, I do not think there is any evidence to believe that one child, one family, is going to make another choice. I believe that all this legislation will do is help to preserve the

status quo, and I think the last thing that we need in education today is the status quo.

One of the issues that I have heard addressed today and also came up at our hearing—I think the gentleman from Lancaster, Senator Armstrong, alluded to this—was there was a woman who testified who has children in Philadelphia in public school and also in private school, and she testified as to what she thought was good about the private schools. He mentioned one of the them, this idea of dress, that in the public schools her children who go there get caught up in this dress and she has to buy these very expensive shoes. I believe she was very sincere when she said that, but I really wonder if it ever occurred to her that she had some choice in that. I mean, we are going to blame the public schools because we as parents do not do enough to impose discipline on our children as to what they wear. We cannot blame the public schools because their children watch too much TV and play too much Nintendo. I hear the issue raised that public schools do not teach values. Well, I thought it was my job to teach my children values. We want to blame the public for what is wrong in society, and I do not think the public schools can be or should be any more than a reflection of society. If we want to know what is wrong with some of the public schools, I think maybe we just need to look in the mirror. I am not here to defend the status quo. All is not well in public education, but I do not think everything is wrong. If I believed everything was wrong, I would not have my own children in public schools.

One of the bad side effects, I believe, of this debate is there has been a lot of trashing of public schools, and I guess the corollary to that, that the public schools and the superintendents and the school boards need to be jacked up. Maybe they do, but I think we have to be honest about it and we should not be hypocritical when we criticize the public schools for the bureaucracy and for the red tape that they have to go through. We deal with amendments that would impose those same things in private schools, and people say, well, that is what is wrong with the public schools. Those things only got into the School Code because those of us here imposed them on the public schools and made them part of the School Code. My biggest concern, I guess, about this debate is that I hope it does not deter the real efforts that we should be making to reform schools. I wish we were spending this time over the last two days and this effort and all of this attention on what we can do to make public schools better. I hope we do not close the book on reform in public schools. I hope we do not think we have solved the problem because we have not, and I hope that we will maybe renew our efforts after the dust is cleared from the debate in this issue, to work very hard at some real reform in public schools, to talk about smaller classes and smaller schools and more accountability for principals and for teachers, giving teachers more control over their classrooms and more autonomy and getting parents involved in education, which is the one thing that I think the private schools definitely have. They are parents who are very interested in education and very interested in their children's education. I hope after the vote is taken here—and we all know how we are

going to vote, I doubt that one vote has been changed today—I hope we will renew our efforts to work to improve the quality of education for all children in Pennsylvania.

Senator MELLOW. Mr. President, the lady from Philadelphia, Senator Jones, has been on Capitol leave for the good part of the afternoon and she had remarks that she wanted to present. What I would like to do on her behalf is to submit the remarks for the record.

The PRESIDENT pro tempore. Without objection, Senator Mellow will proceed to introduce the remarks of Senator Jones onto the record.

(The following prepared statement was made a part of the record at the request of the lady from Philadelphia, Senator JONES:)

Mr. President, I rise to speak against Senate Bill No. 953. The families of the Third Senatorial District need true educational reform more than the families of any other district in this Commonwealth. But the bill before us has nothing to do with educational reform. This bill does not allow parents to choose a school. This bill does not require any private school to change its admissions policies. The private schools in this Commonwealth will still be able to reject special education students. Private schools will still be allowed to discriminate against students with disabilities. This bill does not even require any private school to accept the \$900 as payment in full of the school's tuition. Where are the families in my district going to find the money to make up the difference between the actual tuition at a private school, or even at many out-of-district public schools, and the \$900 from this bill? We all know the answer. Most will not be able to. Instead, they will see their local public schools lose money as we give a \$300 million bailout to another special interest group.

Where will the \$300 million come from, Mr. President? We sit idly by while nearly one million Pennsylvanians are homeless or live in inadequate homes. Many of us have tried for the last several years to get a vote on a bill to authorize a \$100 million bond for affordable housing. We have never even taken a vote because we are told that we have no money. If we have no money, where will the \$300 million come from?

Over one million Pennsylvanians have no health insurance. We know that many will never have access to adequate health care but we do nothing because we do not have the money. But, like a miracle from the heavens, we are going to find \$300 million. Do we really believe that the people of Pennsylvania are so stupid that they think there is no price to pay for this bill. They know that their taxes will go up again and again and again.

Mr. President, how many people with AIDS will go untreated because we give \$900 to families without any limit placed on their income? Do families making \$100,000 really need this money more than babies born with AIDS?

Mr. President, my community is being attacked by nuisance bars. Our children are faced with these community blights every day. How much money will the supporters of this bill send to my community to help us fight these nuisance bars?

Mr. President, do we really believe that we adequately fund our job training programs? We spend a total of \$70 million in state and federal funds on job training. It is not enough. We all know that. But we are told we have no more money. How many of our poor children in our rural counties will continue to be denied Head Start programs because we will bail out private schools? How many senior citizens will not find a nursing home bed? How many public schools will be unable to offer computer training? How many pregnant women will not find prenatal care? Mr. President, there are areas in our state where infant mortality nears third world levels. Are we really going to drain \$300 million from the state's budget to give \$900 to a Main Line doctor and her lawyer husband?

Mr. President, those who vote yes will do nothing more today than guarantee that private school tuition will rise and even more low and moderate income families will be denied admission to private school. Public schools in this country were established to further the principle of universal access to quality education. It is appropriate for us to fund schools that support that principle. We should never support any school that rejects the concept of quality education for all. This bill is for the few who can already afford private school. It will not help the many who cannot.

Mr. President, for over 20 years I have been with and for those who do not have enough. Today is not a battle between the haves and the have nots. I cannot and do not support this bill.

Finally, Mr. President, I must protest the manner in which we are voting on this bill. This bill should have had more time in the Committee on Education. The amendments to this bill should have been reviewed there and not on the floor. Maybe then, we would have a sensible bill.

Mr. President, my office, like every other office in the Senate, has received hundreds of letters and phone calls about this bill. I have no quarrel with those families that want this money. If someone told me that I was going to get a \$900 gift, I would want it too. Unfortunately, no one has bothered to admit to the people of Pennsylvania that this \$300 million has to come from somewhere. I received a call from a parent, and when I raised the \$300 million question, I was told, "Don't worry, you can always find it somewhere." We are responsible for the budget of Pennsylvania. We know better and we should vote like we know better.

Mr. President, this is the wrong bill, and this is the wrong day if we really care about educating our children.

LEGISLATIVE LEAVES

Senator MELLOW. Mr. President, I would request temporary Capitol leaves for Senator Fattah and Senator Stewart.

The PRESIDENT pro tempore. Senator Mellow requests temporary Capitol leaves for Senator Fattah and Senator Stewart. The Chair hears no objection. The leaves will be granted.

Senator LOEPER. Mr. President, I understand Senator Madigan has been called to his office and I would ask a temporary Capitol leave on his behalf.

The PRESIDENT pro tempore. Senator Loeper requests a temporary Capitol leave for Senator Madigan. The Chair hears no objection. That leave 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:

YEAS—28

Andrezeski	Fisher	Loeper	Salvatore
Armstrong	Fumo	Lynch	Scanlon
Baker	Greenleaf	Musto	Shaffer
Belan	Hart	O'Pake	Shumaker
Bell	Helfrick	Pecora	Stewart
Bodack	Holl	Peterson	Tilghman
Dawida	Jubelirer	Rhoades	Wenger

NAYS—22

Afflerbach	Hopper	Madigan	Robbins
Bortner	Jones	Mellow	Schwartz
Brightbill	LaValle	Porterfield	Stapleton
Corman	Lemmond	Punt	Stout
Fattah	Lewis	Reibman	Williams
Greenwood	Lincoln		

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.

THIRD CONSIDERATION CALENDAR RESUMED

BILL OVER IN ORDER

SB 273 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 344 (Pr. No. 2796) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 29, 1953 (P. L. 304, No. 66), known as the "Vital Statistics Law of 1953," further providing for local registrars' compensation, for the medical certification for death certificates and for referrals to coroners.

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:

YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout

Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

NAYS—0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

BILL OVER IN ORDER

SB 517 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AND OVER IN ORDER ON FINAL PASSAGE

HB 520 (Pr. No. 2765) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 24, 1931 (P. L. 1206, No. 331), known as "The First Class Township Code," further providing for the time for holding organizational meetings and for compensation of township commissioners.

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?

Senator MELLOW. Mr. President, I would just like to point out to the Members about House Bill No. 520, and if I am in error, I would like to be corrected. I believe what that bill would do, it would freeze first-class township supervisors at their current rate of compensation even though the population, as certified by the Census Bureau, in those particular townships may have dropped and, therefore, dropping the salary. If that is the case, I would like to request a "no" vote on House Bill No. 520, and if I am not correct in what House Bill No. 520 actually does, and if that is incorrect, then I would hope someone might be able to explain what House Bill No. 520 does. But, if my understanding is that House Bill No. 520 would perpetuate the same salary, even though the law would read that the salary should drop based on a loss of population, then I think it would be important that we would not support this type of legislation.

Senator LOEPER. Mr. President, essentially, House Bill No. 520 is a bill dealing solely with first-class township commissioners. I believe there is another bill on the Calendar dealing with supervisors. There has been in some municipalities throughout Pennsylvania, according to census figures, a slight decline, in many cases, in the population of some of those first-class municipalities, and the gentleman is correct. This bill would maintain their salary compensation at the level it previously had been.

Senator MELLOW. Mr. President, I think that only goes ahead and perpetuates the things that the people who do not

reside in this Body are opposed to, and that is to protect the turf that has already been established by public officials, and, in this particular case, if the population of the area in which the individuals represent has declined and by law the salary should decline, then we should not be part and parcel to maintaining the salary at an artificial level, based on a reduction in population, and I ask for a negative vote. If the Majority Leader would like, I would entertain a motion to put the bill over so that we might have some further clarification on both House Bill No. 520 and the next bill, Senate Bill No. 537.

Senator LOEPER. Mr. President, if the gentleman has some questions on the bill, I would be pleased to answer them at this time.

Senator MELLOW. Mr. President, my only question would be that it is inappropriate. We just spent \$300 million of taxpayer money that we do not have, and I do not believe we should further complicate it by maintaining a salary for public officials when, in fact, the law would dictate a lower salary based on a drop in population.

Senator LOEPER. Mr. President, as I had mentioned earlier, I think if the gentleman would look at the decline in the population figures of the first-class townships that are affected and then look at Section 703 on page 3 of the bill, he could determine the change in salary compensation is not as great as he would possibly portray it. I would also point out to the gentleman that, essentially, the bill also says "...that no township shall be required to reduce the salary of a commissioner as the result of a decrease in population." However, that would still make it a local option if they wish to do so.

Senator MELLOW. Mr. President, we are going to have to go at ease, because, very honestly, with all the noise in here, I cannot hear what the gentleman from Delaware, Senator Loeper, is saying.

The PRESIDENT pro tempore. Senator Loeper, would you care to recommend. Senator Mellow did not hear you. I will try to turn up the volume here.

Senator LOEPER. Mr. President, I simply indicated that the last lines 24 and 25 of the bill indicate "...that no township shall be required to reduce the salary of a commissioner as a result of a decrease in population." However, that would leave the local option available to the commission.

Senator MELLOW. Mr. President, still, with that language in there, I am opposed to the bill, and I would ask for a roll call vote and a negative vote on the bill.

And the question recurring,
Shall the bill pass finally?

Senator LOEPER. Mr. President, I request that House Bill No. 520 go over in its order.

The PRESIDENT pro tempore. Without objection, House Bill No. 520 will go over in its order on final passage.

BILLS OVER IN ORDER

SB 537, 773 and 865 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 960 (Pr. No. 1754) — The Senate proceeded to consideration of the bill, entitled:

An Act establishing the Pennsylvania Heritage Affairs Commission and prescribing its powers and duties; and providing for a director of State folklife programs and the Folklife Advisory Council.

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:

YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout
Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

NAYS—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

HB 1058 and SB 1209 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

**BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 1271 (Pr. No. 1755) — The Senate proceeded to consideration of the bill, entitled:

An Act creating an incentive for small business employers to offer health insurance to employees.

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?

Senator SHAFFER. Mr. President, speaking on this issue, after the previous five, or thereabout, hours of debate on what is admittedly an otherwise very important issue, it makes me feel what it must have been like to be the act that followed the Beatles on The Ed Sullivan Show. Nevertheless, Mr. President, I do think it is important that other matters be addressed

by this Chamber, and, indeed, today we have the opportunity not only to address the schools of choice issue, and I think everyone was enlivened by the debate of the last number of hours, but we can also talk about health insurance for Pennsylvanians, another issue which, in the last election, there is no question but that it was raised and is on the high interest level of all Pennsylvanians.

In Pennsylvania, Mr. President, there are almost one million of our citizens who lack any kind of basic health care. That is to say, approximately ten million plus Pennsylvanians do have some form of health care, some of it very good, some of it paid for privately, most of it paid for by employers. Those people at the lower end of the economic scale have the various public assistance programs, and senior citizens have various Medicare and Medicaid programs devoted to their needs. But there are, through all this, about one million Pennsylvanians. Over 700,000 of those one million are working poor. That is to say those are individuals who either have their own jobs, the so-called mom and pop stores, where they frequently just eke out a living or they are individuals who work for the so-called mom and pop stores, those traditionally who have 25 or fewer employees. That is the great gap, Mr. President, in the health care providing in the Commonwealth of Pennsylvania. I have three bills, two of which are on the Calendar today, that address that need, and while they do not have the high profile of many of the other interests from Legislators here today, I do hope and I do believe that they deserve our attention. They will go a long way, if enacted, to help a very important segment of our Pennsylvania economy, almost 400,000 working poor, to have health care. I am going to speak about both of these bills, Mr. President, in tandem, even though technically before us today is Senate Bill No. 1271 and Senate Bill No. 1272 will follow thereafter. Mr. President, I recently read an article in a Time magazine that said that we can expect to pay 30 percent more for medical care next year in the United States. That means higher insurance rates and most likely fewer employers than ever will be offering health care insurance plans. We must, if we can, provide employers with the means to lower their costs and provide basic health care insurance for employees. The legislation as before us today, Mr. President, would make that possible. It would reduce health care insurance costs for business owners by giving them the option of purchasing a no-frills group health insurance plan, and make it easier for small business owners to purchase insurance as part of a pool. The option of purchasing a no-frills health insurance plan would enable small businesses to purchase coverage that is less expensive than the more comprehensive plans and it would still provide people with access to basic health care.

By removing barriers that currently restrict different businesses from banding together in health insurance pools, my second bill, Senate Bill No. 1272, would enable small firms to take advantage of lower administrative costs and spread their risks out over a larger group. Health insurance should not be a luxury, we all agree, but it is becoming evermore a perk enjoyed by fewer and fewer Americans. I urge today favor-

able consideration to this legislation that is before us and bring basic health care coverage to people who are now left out in the cold because their income levels are too high for Medicaid but too low to purchase their own insurance. I would remind my colleagues that both the state Chamber of Business and Industry and the National Federation of Independent Business endorse both these bills which would apply only to those companies who (a), do not now currently offer any health care provisions for their employees and (b), for those employers for the next three years. In essence, Mr. President, what this is is a trial, one that we hope will result in health insurance for about 400,000 working poor Pennsylvanians.

Senator SCHWARTZ. Mr. President, I will be brief. It has been a long day and I recognize that. I just would like to speak to these two bills. I do, also, share the concern about lack of health insurance coverage for the almost one million Pennsylvanians, and I am supportive of the notion of small businesses particularly being able to band together to purchase health insurance. I think that is an excellent idea. I am fully supportive of Senate Bill No. 1272. I do have some questions about Senate Bill No. 1271 and I will vote for it and I am prepared to do so, but I think the experience in other states that have done this already is, in fact, that it has not opened up the option to many other small employers, that the small businesses have not in droves gone and offered this particular no-frills package. There is also some concern I would have that some employers might choose this and they might, in fact, have been able to choose a better benefits package and it leaves those employees vulnerable, nonetheless, for services that are not covered. So, I am not sure the direction we should be going in is in reducing benefits packages rather than, in fact, making sure people are covered as fully and comprehensively as they can be in the health coverage they have. However, I am willing to see it be given a try in Pennsylvania, but I would ask that we take a careful look at this and we make sure that we see how it works, we see if, in fact, it makes some sense even if it does expand options for and is taken advantage of by small businesses. If not, I believe there will have to be other kinds of incentives and assistance provided to businesses to provide a more comprehensive package of health insurance to their employees. So just with those comments, I will be supportive of both of these bills but with those hesitations in mind.

Senator SHAFFER. Mr. President, very briefly, I would like to read into the record, somewhat in response to the remarks of the Senator from Philadelphia and somewhat on my own motion, a paragraph or two from a memo dated November 25, 1991, from the National Federation of Independent Business to the Members of the Pennsylvania State Senate addressing Senate Bill No. 1271 and Senate Bill No. 1272 and the NFIB supporting them. They say, in part, in this memo "As you know the cost of health insurance continues to increase at a rapid pace. An average health insurance plan for employees including dependent coverage can now cost approximately \$400 per employee per month. For a small

business this high cost makes health insurance unattainable. At the same time, employees need health insurance and small businesses want to provide it. A survey conducted by the NFIB Foundation found that most small businesses feel that they cannot attract the best employees unless they offer health insurance. The clear reason many small businesses do not provide health insurance is they cannot afford it." The NFIB memo goes on, Mr. President.

"Senate Bill 1271 takes a significant step in addressing the affordability problem by allowing insurance companies to offer basic coverage health insurance policies at a reduced cost. Pennsylvania law currently mandates that all health insurance policies provide 21 separate coverages. Our state ranks eighth in the country in the number of coverages mandated by law. It should be noted that these coverages must be provided even if the business or individual purchasing the health insurance does not want such coverage."

Mr. President, as usual, we have, in trying to do good, I hope done some good. I have voted for various mandates throughout my ten years, almost 11 years, here in this General Assembly, and I recall specifically voting in favor of and speaking in favor of alcohol and drug treatment as a mandated state benefit. I have come to realize, however, that due to the inordinate costs of some of these exceptional health benefits such as mandibular jaw disorders, certain psychiatric treatment, cosmetic treatment, the use of nurse practitioners and psychoanalysis, those drive up the cost of insurance by 40 percent. Forty percent of the cost of health insurance is due, according to my information, to six of our mandated benefits. What we are keeping in this benefit package, Mr. President, please remember this is entirely optional. No one need take advantage of this plan if they do not want to or if they think they cannot afford it. Basic health care, basic obstetric care, basic inpatient, dental patient, the same kinds of things that are mandated or that are included in basic health coverage throughout this country are included in this legislation. Here again, Mr. President, please remember this is no mandate. We are not demanding. We are not subsidizing. We are only offering to a small portion of Pennsylvania's citizens who have no health care coverage at least the specter that such coverage may be forthcoming.

Senator DAWIDA. Mr. President, for the record, the act that followed The Ed Sullivan Show when the Beatles were there was Topo Gigo, the Italian mouse, and the performance today of the gentleman from Butler, Senator Shaffer, put me in mind of that day many years ago.

To be serious about a very difficult issue, I think we should all support this particular piece of legislation. I would just ask the Members in the Majority to be prepared for the fact that there are only a couple of things we can do in health care that are going to work. We are either going to raise costs by increasing taxes to pay for health care, or we are going to have to come up with other additional ways to deliver health care cheaper and more affordably. As such I think this is an innovation that deserves its time, but it is only one of about 200 or 300 other innovations we are all going to have to work

together to do something about, and I applaud Senator Shaffer for his effort on both these bills.

Senator BELL. Mr. President, I desire to interrogate the gentleman from Butler, Senator Shaffer.

The PRESIDENT pro tempore. Will the gentleman from Butler, Senator Shaffer, permit himself to be interrogated?

Senator SHAFFER. I will, Mr. President.

Senator BELL. Mr. President, in view of the fact that you already talked twice, I am going to get the gentleman through the loophole.

I notice a yellow sheet. The Pennsylvania AFL/CIO opposes both these bills. Do you know why they oppose them?

Senator SHAFFER. Mr. President, no, I do not. In fact, to my knowledge, I have received no correspondence from the AFL/CIO or any other organization in opposition. In fact, I have not seen that document.

Senator BELL. Mr. President, I thank the gentleman. That ends my interrogation.

Based on the yellow sheet which is dated 11-25-91, they oppose both these bills, and since I have been voting against labor all day, I think I will vote with them.

Senator SCHWARTZ. Mr. President, I desire to interrogate the gentleman from Butler, Senator Shaffer.

The PRESIDENT pro tempore. Will the gentleman from Butler, Senator Shaffer, permit himself to be interrogated?

Senator SHAFFER. I will, Mr. President.

Senator SCHWARTZ. Mr. President, just one question, I just want to be clear. Is it possible for a small employer with under 25 employees to switch from present coverage to this lower benefits package? I do not see something that prohibits that in the language of the bill. I know he referred to it. I just wanted to make sure that was the case.

Senator SHAFFER. Mr. President, if the Senator can wait a few moments I will get a copy of the bill and look through it. I am assured that that, in fact, is the case. I would not be sponsoring this bill otherwise knowing that it would be extremely controversial and could be deleterious to coverage, that if people were allowed to switch from high coverage down to low coverage, that obviously is going to happen and this bill would go nowhere. I can tell the lady now there is no intention on the part of the prime sponsor for that to occur.

Senator SCHWARTZ. Mr. President, I did want to make sure that that was the intent since I could not find language to specify that and to get that on the record. I also would like to just clarify the remarks that were made by the sponsor of this legislation. He used terms that talked about a benefits package. He meant to be, I hope, clear that this is basic, that is, it is more minimal coverage, it is not a more comprehensive package. It does have some of the very basic things that we would need, but it certainly is narrower than it is broader, and I think that is the intention of this legislation.

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:

YEAS—47

Afflerbach	Greenwood	Lynch	Salvatore
Andrezeski	Hart	Madigan	Scanlon
Armstrong	Helfrick	Mellow	Schwartz
Baker	Holl	Musto	Shaffer
Bortner	Hopper	O'Pake	Shumaker
Brightbill	Jones	Pecora	Stapleton
Corman	Jubelirer	Peterson	Stewart
Dawida	LaValle	Porterfield	Stout
Fattah	Lemmond	Punt	Tilghman
Fisher	Lewis	Reibman	Wenger
Fumo	Lincoln	Rhoades	Williams
Greenleaf	Loeper	Robbins	

NAYS—3

Belan	Bell	Bodack
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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.

SB 1272 (Pr. No. 1470) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P. L. 682, No. 284), entitled "The Insurance Company Law of 1921," further providing for group accident and sickness insurance.

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:

YEAS—47

Afflerbach	Greenwood	Lynch	Salvatore
Andrezeski	Hart	Madigan	Scanlon
Armstrong	Helfrick	Mellow	Schwartz
Baker	Holl	Musto	Shaffer
Bortner	Hopper	O'Pake	Shumaker
Brightbill	Jones	Pecora	Stapleton
Corman	Jubelirer	Peterson	Stewart
Dawida	LaValle	Porterfield	Stout
Fattah	Lemmond	Punt	Tilghman
Fisher	Lewis	Reibman	Wenger
Fumo	Lincoln	Rhoades	Williams
Greenleaf	Loeper	Robbins	

NAYS—3

Belan	Bell	Bodack
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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 1295 and 1296 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

SECOND CONSIDERATION CALENDAR

BILLS REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 429 and HB 872 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

HB 26 (Pr. No. 16) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 3, 1933 (P. L. 242, No. 86), referred to as the "Cosmetology Law," providing for electrologists and for the practice of electrology; creating a committee; and making an appropriation.

Considered the second time and agreed to,

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

BILL OVER IN ORDER

HB 107 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS ON SECOND CONSIDERATION

SB 331 (Pr. No. 341) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for imposition of the death sentence.

Considered the second time and agreed to,

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

SB 332 (Pr. No. 1723) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for imposition of the death sentence.

Considered the second time and agreed to,

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

BILL OVER IN ORDER

SB 402 — Without objection, the bill was passed over in its order at the request of Senator WENGER.

BILL ON SECOND CONSIDERATION

SB 538 (Pr. No. 567) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), entitled, as amended, "Second Class County Code," authorizing the county planning commission to adopt certain regulations.

Considered the second time and agreed to,

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

BILL OVER IN ORDER

SB 559 — Without objection, the bill was passed over in its order at the request of Senator WENGER.

BILL ON SECOND CONSIDERATION

SB 629 (Pr. No. 1673) — The Senate proceeded to consideration of the bill, entitled:

An Act providing limitations on contracts for dating services, for cancellation of dating service contracts, and for violations of the act.

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

BILLS OVER IN ORDER

SB 700, HB 719, SB 770 and 959 — Without objection, the bills were passed over in their order at the request of Senator WENGER.

BILL ON SECOND CONSIDERATION

SB 963 (Pr. No. 1579) — The Senate proceeded to consideration of the bill, entitled:

An Act establishing the State Board of Professional Geologists and prescribing its powers and duties; providing for the licensure of professional geologists; and appropriating funds collected.

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

BILL OVER IN ORDER

SB 973 — Without objection, the bill was passed over in its order at the request of Senator WENGER.

BILL ON SECOND CONSIDERATION

SB 1080 (Pr. No. 1197) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), entitled "The Third Class City Code," providing for appointments to the board of health.

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

BILLS OVER IN ORDER

SB 1086, 1087, 1205, 1214, 1273, 1299, 1332, 1364, 1456 and HB 1807 — Without objection, the bills were passed over in their order at the request of Senator WENGER.

BILLS ON SECOND CONSIDERATION AND REREFERRED

HB 1827 (Pr. No. 2722) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 27, 1955 (P. L. 744, No. 222), known as the "Pennsylvania Human Relations Act," further providing for the right to freedom from discrimination in employment, housing and public accommodations; prohibiting discrimination because of familial status; amending and adding certain definitions; further providing for the powers and duties of the Pennsylvania Human Relations Commission; further providing for enforcement, remedies and penalties; making editorial changes; and continuing the Pennsylvania Human Relations Commission pursuant to the Sunset Act.

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

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

HB 1981 (Pr. No. 2592) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 16, 1986 (P. L. 1621, No. 184), entitled "An act establishing and imposing powers and duties on the Office for the Deaf and Hearing Impaired in the Department of Labor and Industry; and establishing and providing powers and duties for the Advisory Council for the Deaf and Hearing Impaired in the Department of Labor and Industry," further providing for the membership of the council, and for the termination of the council.

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

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

HB 2145 (Pr. No. 2669) — The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the conveyance of Shamokin State General Hospital to the Lower Anthracite Community Hospital Corporation for the purpose of operating a hospital on the site.

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

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

BILL IN PLACE

Senator HART presented to the Chair a bill.

PERMISSION TO ADDRESS SENATE

Senator HART asked and obtained unanimous consent to address the Senate.

Senator HART. Mr. President, in the short time that I have served here in the Senate I have been concerned with the difficulty that this Body seems to have in eliminating programs and agencies which have outlived their purpose or the justification. If we are to limit the growth of state government and address the social problems that face us, we must channel our limited state funding toward those initiatives that promise to yield the greatest results for the people of Pennsylvania. Obviously law enforcement must be high on our list. There is a huge and growing demand to increase our commitment to law enforcement because of the growth of illegal drug use in many of our communities and a concurrent rise in drug-related crime. Many Pennsylvanians no longer feel safe in their own homes and communities. To beat this scourge more money must be earmarked to combat crime and drugs at the local level, for comparatively modest investments in law enforcement activities have yielded substantial dividends in community security. Today I am introducing legislation that will ulti-

mately make more funds available for those local drug task forces. These units have proven to be extremely successful at coordinating the drug enforcement activities of state and local prosecutors. I am proposing to add \$700,000 to the coffers of the drug task forces which will result in a stepped-up effort to fight drug related crime in our communities and greater assistance to local law enforcement organizations. Now how would we accomplish this goal? I proposed to abolish the Pennsylvania Crime Commission, a \$2.5 million state agency whose time has come and gone. Eliminating the Crime Commission will not harm existing law enforcement activities. The facts are clear the commission prosecutes no criminals. It prevents no crimes. It serves no major law enforcement function. Our current State Attorney General and his predecessor have publicly called for elimination of the Crime Commission. Why? Because the Pennsylvania Crime Commission is an anachronism. It has outlived its public usefulness. At the time it was created in 1968 this commission served an important role in gathering information about organized crime activities in the Commonwealth. Since then, however, the law enforcement environment in Pennsylvania has substantially changed. With the adoption of a host of solid law enforcement legislation a much broader array of weapons are available to track and combat organized crime. The primary function of the Crime Commission has, therefore, outlived its usefulness. It issues an annual report on organized crime which frequently contains outdated information. It has little utility as a tool for prosecution. The commission's limited subpoena power has been largely gutted, leaving the organization with virtually no investigative, prosecutorial or grand jury powers. In the last ten years the state has spent over \$22 million to underwrite the Crime Commission's activities which arguably have not resulted in one prosecution. My bill is about setting practical priorities for state funding of law enforcement. We in the Legislature need to ask ourselves, do we want to continue channelling our limited resources to a commission without a mission, or will we fire our tax dollars to the front lines in the war on drugs where they can produce tangible benefits for our neighborhoods and our communities? My hope is that this legislation will stimulate a healthy debate in review of our budgetary policies.

The PRESIDENT pro tempore. The remarks of the lady will be spread upon the record.

SENATE RESOLUTION

RECOGNIZING DECEMBER 1 THROUGH 7, 1991, AS "NATIONAL HOME CARE WEEK"

Senators BORTNER and O'PAKE offered the following resolution (**Senate Resolution No. 122**), which was read, considered and adopted:

In the Senate, November 26, 1991.

A RESOLUTION

Recognizing December 1 through 7, 1991, as "National Home Care Week."

WHEREAS, Health care professionals provide compassionate, cost-effective services with pride and respect; and

WHEREAS, The demand for home health care services continues to increase due to an aging America, increasing accessibility of high technology services in the home setting, changes in health care financing and the needs and preferences of consumers; and

WHEREAS, Home health care allows consumers to be cared for in surroundings that are familiar and comfortable to them and preserves the important American social value of keeping families together; and

WHEREAS, Home care is an effective and economical alternative to institutional health care and maintains the dignity and independence of the recipient; and

WHEREAS, The National Association for Home Care has declared December 1 through 7, 1991, as "National Home Care Week" in celebration of the ways in which health care professionals strive to provide quality health care delivered in homes of Americans; therefore be it

RESOLVED, That the Senate recognize the week of December 1 through 7, 1991, as "National Home Care Week" in appreciation of the contributions and dedication of home health care providers to the residents of this Commonwealth.

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 Fidel Gonzalez by Senator Afflerbach.

Congratulations of the Senate were extended to Mr. and Mrs. Robert B. Noll and to Saint Paul's United Methodist Church of Lancaster by Senator Armstrong.

Congratulations of the Senate were extended to Mildred Washington by Senator Baker.

Congratulations of the Senate were extended to Louise Brennen by Senator Bodack.

Congratulations of the Senate were extended to Mr. and Mrs. Clair R. Grim, Mr. and Mrs. Harold Gehb, Mr. and Mrs. Leonard Berwager, Mr. and Mrs. James Schintz, Mr. and Mrs. Nevin Wildasin, Mr. and Mrs. William Warner, Mr. and Mrs. Leslie Snyder, Mr. and Mrs. Richard Shorb, Mr. and Mrs. Paul E. Moul, Mr. and Mrs. Donald Denlinger, Mr. and Mrs. Lloyd E. Crook, Mr. and Mrs. Sterling Baum, Mr. and Mrs. Theodore N. Barnhart, Mr. and Mrs. Charles Burns, Mr. and Mrs. L. Paul Pottorff, Joshua T. Naylor and to Kimberly Quality Care of York by Senator Bortner.

Congratulations of the Senate were extended to Ronald Clyde Shearer, Frances G. Lindemuth and to John P. Henry, Jr. by Senator Corman.

Congratulations of the Senate were extended to James Willison by Senator Fisher.

Congratulations of the Senate were extended to Merry Lee Chandler by Senator Greenwood.

Congratulations of the Senate were extended to Mr. and Mrs. William Frye, Mr. and Mrs. Harold Hosgood, Mr. and Mrs. Fred Shotwell, Mr. and Mrs. Harold Brown, Mr. and Mrs. George C. Parks, Mr. and Mrs. Herley Chamberlin, Mr. and Mrs. William G. Walsh and to the Mount Carmel Area Senior-Junior High School Football Team by Senator Helfrick.

Congratulations of the Senate were extended to Paul Santangelo by Senator Holl.

Congratulations of the Senate were extended to George Burley, John J. Horrell, Charles D. Park, John Forst, William Garrison, Felix DelBaggio, John Kozak, Robert W. Mallory, Robert Mankeville and to Delbert Shilot by Senator Jubelirer.

Congratulations of the Senate were extended to Providence Baptist Church of Ellwood City by Senator LaValle.

Congratulations of the Senate were extended to Mr. and Mrs. Frank Townend, Shirley Dodge Rosendale, Carole Ann Nasser and to Church of Christ Uniting of Kingston by Senator Lemmond.

Congratulations of the Senate were extended to Mr. and Mrs. Arthur Heine by Senator Lewis.

Congratulations of the Senate were extended to Mr. and Mrs. Thomas Coletti by Senator Loeper.

Congratulations of the Senate were extended to Mr. and Mrs. John Wilson, Howard G. Stahl and to Chris Reedy by Senator Musto.

Congratulations of the Senate were extended to Walter G. Scheipe, Allen E. Wenrich, William Willis and to the Birdsboro Rotary Club by Senator O'Pake.

Congratulations of the Senate were extended to Robert Allan Baker by Senator Porterfield.

Congratulations of the Senate were extended to Stand Up Proud People Our Ribbons Talk of Mercersburg by Senator Punt.

Congratulations of the Senate were extended to Clyde M. McGear by Senator Reibman.

Congratulations of the Senate were extended to Charles D. Donahue by Senator Rhoades.

Congratulations of the Senate were extended to William C. Forrey by Senator Rhoades and others.

Congratulations of the Senate were extended to Mary Banas by Senator Robbins.

Congratulations of the Senate were extended to Travis Furman by Senator Shaffer.

Congratulations of the Senate were extended to Dr. Paul W. Hess, Edward C. First, Jr., Elizabeth J. Noon and to Jean Miller by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. Franklin Brown and to Mr. and Mrs. Kendrick Walker by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. Ralph S. Slote by Senator Wenger.

Congratulations of the Senate were extended to the Honorable Lynn M. Abraham by Senator Williams.

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 family of the late Hazem Najjar by Senator Fattah.

Condolences of the Senate were extended to the family of the late Dr. Clarence W. Hansen, Jr. by Senators Shumaker and Tilghman.

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 George A. Wolf, Jr. was extended to the family by Senator Jubelirer.

RECESS

Senator LOEPER. Mr. President, I would 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.

The PRESIDENT pro tempore. Senator Loeper requests a brief recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to be held in the Rules Committee room to the rear of the Senate Chamber. For that purpose, the Senate will stand in recess.

AFTER RECESS

The PRESIDENT pro tempore. The time of recess having elapsed, the Senate will be in order.

REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

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

MEMBER OF THE BOARD OF TRUSTEES OF TORRANCE STATE HOSPITAL

July 10, 1991.

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, Sally W. Souchock, 181 Clymer Road, Indiana, 15701, Indiana County, Forty-first Senatorial District, for appointment as a member of the Board of Trustees of Torrance State Hospital, to serve until the third Tuesday of January, 1997, and until her successor is appointed and qualified, vice Audrey B. Faloon, Indiana, resigned.

ROBERT P. CASEY.

DISTRICT JUSTICE

October 16, 1991.

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, Steven D. Guinter, Esquire, 804 Mohawk Drive, Lancaster 17601, Lancaster County, Thirteenth Senatorial District, for appointment as District Justice in and for the County of Lancaster, Magisterial District 02-2-05, to serve until the first Monday of January, 1994, vice Richard A. Sheetz, resigned.

ROBERT P. CASEY.

NOMINATIONS LAID ON THE TABLE

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

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

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator SALVATORE,

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

Which was agreed to.

NOMINATION TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I ask unanimous consent to call from the table certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

MEMBER OF THE BOARD OF TRUSTEES OF TORRANCE STATE HOSPITAL

July 10, 1991.

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, Sally W. Souchock, 181 Clymer Road, Indiana, 15701, Indiana County, Forty-first Senatorial District, for appointment as as member of the Board of Trustees of Torrance State Hospital, to serve until the third Tuesday of January, 1997, and until her successor is appointed and qualified, vice Audrey B. Faloon, Indiana, resigned.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

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

YEAS—50

Afflerbach	Fumo	Loeper	Robbins
Andrezeski	Greenleaf	Lynch	Salvatore
Armstrong	Greenwood	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Musto	Shaffer
Bell	Holl	O'Pake	Shumaker
Bodack	Hopper	Pecora	Stapleton
Bortner	Jones	Peterson	Stewart
Brightbill	Jubelirer	Porterfield	Stout

Corman	LaValle	Punt	Tilghman
Dawida	Lemmond	Reibman	Wenger
Fattah	Lewis	Rhoades	Williams
Fisher	Lincoln		

NAYS—0

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

Ordered, That the Governor be informed accordingly.

NOMINATION TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I ask unanimous consent to call from the table certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

DISTRICT JUSTICE

October 16, 1991.

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, Steven D. Guinter, Esquire, 804 Mohawk Drive, Lancaster 17601, Lancaster County, Thirteenth Senatorial District, for appointment as District Justice in and for the County of Lancaster, Magisterial District 02-2-05, to serve until the first Monday of January, 1994, vice Richard A. Sheetz, resigned.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

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

YEAS—24

Afflerbach	Fattah	Lynch	Scanlon
Andrezeski	Fumo	Mellow	Schwartz
Belan	Jones	Musto	Stapleton
Bodack	LaValle	O'Pake	Stewart
Bortner	Lewis	Porterfield	Stout
Dawida	Lincoln	Reibman	Williams

NAYS—26

Armstrong	Greenwood	Loeper	Robbins
Baker	Hart	Madigan	Salvatore
Bell	Helfrick	Pecora	Shaffer
Brightbill	Holl	Peterson	Shumaker
Corman	Hopper	Punt	Tilghman
Fisher	Jubelirer	Rhoades	Wenger
Greenleaf	Lemmond		

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

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

The motion was agreed to.

UNFINISHED BUSINESS**REPORTS FROM COMMITTEE**

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

SB 1109 (Pr. No. 1760) (Amended) (Rereported)

An Act amending the act of August 31, 1971 (P. L. 398, No. 96), entitled "County Pension Law," further providing for simultaneous payments of salary and retirement allowances.

Senator LOEPER, from the Committee on Rules and Executive Nominations, reported the following bill on concurrence in House amendments:

SB 303 (Pr. No. 1447)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing immunity to program administrators and supervisors; and providing for Commonwealth indemnity to municipal corporations relating to inmate medical treatment.

RESOLUTION REPORTED FROM COMMITTEE

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

SR 121 (Pr. No. 1746)

A Resolution proclaiming the week of December 1 through 7, 1991, as "National Geography Awareness Week" in this Commonwealth.

SENATE RESOLUTION NO. 121, CALLED UP

Senator LOEPER, by unanimous consent, called up **Senate Resolution No. 121**, entitled:

A Resolution proclaiming the week of December 1 through 7, 1991, as "National Geography Awareness Week" in this Commonwealth.

On the question,

Will the Senate adopt the resolution?

SENATE RESOLUTION NO. 121, ADOPTED

Senator LOEPER. Mr. President, I move that the Senate do adopt Senate Resolution No. 121.

The motion was agreed to and the resolution was adopted.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

HB 722 and 2000.

And said bills having been considered for the first time,

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

ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Monday, December 9, 1991, at 2:00 p.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

The motion was agreed to.

The Senate adjourned at 5:10 p.m., Eastern Standard Time.