

Legislative Journal

WEDNESDAY, JUNE 11, 1997

SESSION OF 1997

181ST OF THE GENERAL ASSEMBLY

No. 38

SENATE

WEDNESDAY, June 11, 1997

The Senate met at 2:45 p.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, Reverend ELMER SCOFIELD, of St. Stephens United Church of Christ, West York, offered the following prayer:

Thank you. It is good to be with you today. I learned a few things in advance and thought I might adapt my prayer to say, Lord, I pray for the Senate, the place where time forgot; where yesterday is today, today is tomorrow, and the next day is only a vote away. But it has been a good day for my wife and I to be with you.

Let us pray.

Gracious God, we thank You for this beautiful day that You have given to us. We thank You for the beauty of this Commonwealth we so often take for granted. But most especially we praise You for the most beautiful of all here, the people of Pennsylvania. The Senators are here to help with the realization of the hopes and dreams and visions of the people, and so we pray Your special guidance as they do their work, as they do the people's work.

And we offer to You a prayer first uttered some 500 years ago by a man named Francis:

Lord, make me an instrument of Thy peace. Where there is hatred, let me sow love; where there is injury, pardon; where there is doubt, faith; where there is despair, hope; where there is darkness, light; where there is sadness, joy.

O Divine Master, grant that I may not so much seek to be consoled as to console, to be understood as to understand, to be loved as to love. For it is in giving that we receive, it is in pardoning that we are pardoned, it is in dying that we are born to eternal life. Amen.

The PRESIDENT. The Chair thanks Reverend Scofield, who is the guest today of Senator Delp, for his prayerful reflections, and may he remember the experience of being suspended in time, as Reverend Scofield mentioned.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of June 10, 1997.

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

COMMUNICATION FROM THE GOVERNOR

NOMINATION REFERRED TO COMMITTEE

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

MEMBER OF THE BRANDYWINE BATTLEFIELD PARK COMMISSION

June 11, 1997

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Valerie Smith, 7723 Farmdale Avenue, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Brandywine Battlefield Park Commission, to serve until December 5, 2000 and until her successor is appointed and qualified, vice Edward F. Muller, Jr., Thornton, resigned.

THOMAS J. RIDGE
Governor

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILL

The Clerk of the House of Representatives returned to the Senate **SB 415**, with the information the House has passed the same without amendments.

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 123**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

HOUSE BILL FOR CONCURRENCE

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

June 11, 1997

HB 1160 -- Committee on Finance.

SENATE RESOLUTION RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SR 28**, with the information the House has adopted the same with amendments in which the concurrence of the Senate is requested.

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

BILLS INTRODUCED AND REFERRED

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

June 11, 1997

Senators KUKOVICH, MELLOW, STOUT and GREEN-LEAF presented to the Chair **SB 1008**, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), entitled Pennsylvania Election Code, further providing for persons entitled to vote.

Which was committed to the Committee on STATE GOVERNMENT, June 11, 1997.

Senator KUKOVICH presented to the Chair **SB 1009**, entitled:

An Act designating S.R. 981 in Unity Township, Westmoreland County, as Technology Way.

Which was committed to the Committee on TRANSPORTATION, June 11, 1997.

Senators O'PAKE, STAPLETON, WAGNER, BELAN, DELP, LEMMOND, LAVALLE, KITCHEN, AFFLERBACH, TOMLINSON, KASUNIC, SLOCUM, SCHWARTZ, RHOADES and MUSTO presented to the Chair **SB 1010**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting deception relating to solicitations for charity.

Which was committed to the Committee on JUDICIARY, June 11, 1997.

Senator HOLL presented to the Chair **SB 1011**, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to sell and convey to Upper Skippack Mennonite Church, certain improved land situate in the Township of Skippack, County of Montgomery, Commonwealth of Pennsylvania.

Which was committed to the Committee on STATE GOVERNMENT, June 11, 1997.

Senators PUNT, SLOCUM, WOZNIAK, RHOADES and HUGHES presented to the Chair **SB 1012**, entitled:

An Act repealing the act of April 20, 1921 (P.L.193, No.108), entitled, as amended, Bureau of Statistics and Information Act.

Which was committed to the Committee on COMMUNITY AND ECONOMIC DEVELOPMENT, June 11, 1997.

Senators PUNT, SLOCUM, WOZNIAK and HUGHES presented to the Chair **SB 1013**, entitled:

An Act amending the act of December 20, 1985 (P.L.483, No.113), entitled Tax-Exempt Bond Allocation Act, further providing for purposes of the act, for definitions, for selection of projects, for allocation of tax-exempt bond authority and for Federal law change; providing for powers and duties of the Department of Community and Economic Development; and further providing for prior project approvals.

Which was committed to the Committee on COMMUNITY AND ECONOMIC DEVELOPMENT, June 11, 1997.

Senators WAGNER, STOUT, COSTA, WOZNIAK, STAPLETON, AFFLERBACH and O'PAKE presented to the Chair **SB 1014**, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), entitled Pennsylvania Election Code, further providing for the date of the general primary in years in which the President of the United States is nominated.

Which was committed to the Committee on STATE GOVERNMENT, June 11, 1997.

Senators WAGNER, COSTA, WOZNIAK, STAPLETON, AFFLERBACH and RHOADES presented to the Chair **SB 1015**, entitled:

An Act amending the act of August 6, 1941 (P.L.861, No.323), entitled, as amended, Pennsylvania Board of Probation and Parole Law, providing for parole panels.

Which was committed to the Committee on JUDICIARY, June 11, 1997.

Senators WAGNER, KASUNIC, COSTA, TOMLINSON, MUSTO, WOZNIAK, STAPLETON, AFFLERBACH, BELAN, LEMMOND, O'PAKE, SCHWARTZ and KUKOVICH presented to the Chair **SB 1016**, entitled:

An Act amending the act of June 5, 1968 (P.L.140, No.78), entitled "An act regulating the writing, cancellation of or refusal to renew policies of automobile insurance; and imposing powers and duties on the Insurance Commissioner therefor," further providing for cancellation or refusal to renew policy of automobile insurance.

Which was committed to the Committee on BANKING AND INSURANCE, June 11, 1997.

Senators WAGNER, KASUNIC, COSTA, WOZNIAK, STAPLETON, AFFLERBACH, BELAN, RHOADES, O'PAKE, SCHWARTZ and KUKOVICH presented to the Chair **SB 1017**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for the issuance of a Kids First registration plate.

Which was committed to the Committee on TRANSPORTATION, June 11, 1997.

Senators WAGNER, HELFRICK, STOUT, COSTA, KITCHEN and SCHWARTZ presented to the Chair **SB 1018**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further regulating bicycling helmets.

Which was committed to the Committee on TRANSPORTATION, June 11, 1997.

Senators WAGNER, HELFRICK, STOUT, COSTA, TOMLINSON, TARTAGLIONE, MUSTO, WOZNIAK, STAPLETON, AFFLERBACH, RHOADES, O'PAKE and KITCHEN presented to the Chair **SB 1019**, entitled:

An Act providing funding to school districts which provide certain school tax relief; establishing the Education Volunteer School Tax Relief Fund; conferring powers and duties on the Department of Education; and making an appropriation.

Which was committed to the Committee on FINANCE, June 11, 1997.

Senators WAGNER, HELFRICK, STOUT, KASUNIC, COSTA, TARTAGLIONE, MUSTO, STAPLETON, AFFLERBACH, BELAN, RHOADES, O'PAKE, KITCHEN and SCHWARTZ presented to the Chair **SB 1020**, entitled:

An Act amending the act of March 11, 1971 (P.L.104, No.3), entitled, as amended, Senior Citizens Rebate and Assistance Act, further defining "income" to exclude certain Social Security cost-of-living increases; and increasing eligibility under the property tax or rent rebate and inflation dividend.

Which was committed to the Committee on AGING AND YOUTH, June 11, 1997.

Senators WAGNER, HELFRICK, STOUT, KASUNIC, COSTA, STAPLETON, BELAN, RHOADES, SCHWARTZ, KUKOVICH and HART presented to the Chair **SB 1021**, entitled:

An Act amending the act of July 15, 1976 (P.L.1036, No.208), entitled, as amended, Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act, further defining "facilities."

Which was committed to the Committee on STATE GOVERNMENT, June 11, 1997.

Senator CORMAN presented to the Chair **SB 1022**, entitled:

An Act designating a certain bridge on SR 2012 in Castanea Township, Clinton County, as the Castanea Fireman's Memorial Bridge.

Which was committed to the Committee on TRANSPORTATION, June 11, 1997.

BILL SIGNED

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

SB 415.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENTS BY THE SECRETARY

The SECRETARY. Consent has been given for the following committees to meet during today's Session: The Committee on Rules and Executive Nominations to consider Senate Bills No. 123, 126, 200, and certain executive nominations, and also the Committee on Finance to consider House Bill No. 1160.

LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, at this time I request temporary Capitol leaves on behalf of Senator Armstrong and Senator Uliana, and a legislative leave on behalf of Senator Robbins.

The PRESIDENT. Senator Loeper requests temporary Capitol leaves for Senator Armstrong and Senator Uliana, and a legislative leave for Senator Robbins. Without objection, those leaves are granted.

The Chair recognizes the gentleman from Indiana, Senator Stapleton.

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

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

LEAVES OF ABSENCE

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

CALENDAR

HB 1414 CALLED UP OUT OF ORDER

HB 1414 (Pr. No. 1979) -- Without objection, the bill was called up out of order, from page 6 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1414 (Pr. No. 1979) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 29, 1996 (P.L.434, No.67), entitled Job Enhancement Act, establishing the Export Financing Loan Fund and the Family Savings Account Program in the Department of Community and Economic Development to provide financial assistance to small businesses; establishing a special account in the Treasury Department; and providing for special accounts in banks or trust companies.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

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

YEA-48

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

NAY-0

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

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

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR DANIEL S. DELP
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from York, Senator Delp.

Senator DELP. Mr. President, as you have already mentioned today, today's official clergy in the Senate is one of my constituents, Pastor Elmer Scofield. I would also like to take this opportunity to introduce his wife, Willie Clare, who is joining us today in the gallery, and I would like to thank them both for their extreme patience as they waited for us to finally convene this afternoon.

The PRESIDENT. Would Mrs. Scofield please rise so that the Senate may acknowledge you.

(Applause.)

The PRESIDENT. We thank you for your patience.

**GUESTS OF SENATOR FRANK A.
SALVATORE PRESENTED TO THE SENATE**

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

Senator SALVATORE. Mr. President, I have two guest Pages with me today. They are Patrick Cleaver, who is the son of my legal counsel, Fran Cleaver, and we also had Andrew Rocks, who is the son of former Senator Rocks, but I do not know what happened to him. I would appreciate it if the Senate would give a nice warm welcome to Patrick Cleaver.

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

(Applause.)

**GUESTS OF SENATOR WILLIAM L.
SLOCUM PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Warren, Senator Slocum.

Senator SLOCUM. Mr. President, it is my privilege today to welcome in the gallery some constituents of mine who made the trip down from the great northwest in Cameron County, and I ask this Chamber to give them its usual warm welcome.

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

(Applause.)

PERMISSION TO ADDRESS

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

Senator LOEPER. Mr. President, before continuing on today's Calendar, I would also, on behalf of all Members of the Senate, extend our apologies to the pastor who produced the invocation today for the delays that we have experienced in the course of trying to move forth with our legislative agenda. I think the gentleman was extremely perceptive in the opening sentences of his prayer today, how one day can become the next and time can seem to be one part or another, and I just wish, on behalf of all of us, to thank both him and his wife for their indulgence as we move forth in our Session today.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR

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

HB 1027 (Pr. No. 2064) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing for Commonwealth agencies, for gubernatorial appointments, for boards of trustees of State institutions, for definitions relating to crime victim's compensation, for the lapsing of funds and for public members of licensing boards; modifying and increasing the powers of the executive board; limiting collective bargaining for school administrators employed by cities of the first class; prohibiting certain fees for the use of State property for the purpose of making commercial motion pictures; imposing additional duties on the Auditor General, the State Treasurer and the Attorney General; authorizing the Department of Corrections to assess and collect certain payments from prisoners; providing for bonds for certain oil and gas wells, for timetable for the review of municipal waste landfill and resource recovery facility permit applications, for early intervention services and for the powers of certain campus police; authorizing the establishment of the Pennsylvania Infrastructure Bank in the Department of Transportation; further providing for workers' compensation assessments; restricting certain drug substitutions; repealing provisions relating to gasoline dispensing facilities and certain reports under the Health Care Services Malpractice Act; and making other repeals.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentleman from Lehigh, Senator Afflerbach.

Senator AFFLERBACH. Mr. President, on the bill. It occurs to me that as is often the case with Administrative Code bills that everything including the kitchen sink has been placed in here.

I wonder if the Majority Leader would stand for brief interrogation so that we might further understand some of the ingredients of this particular bill.

The PRESIDENT. Senator Loeper, will you stand for interrogation?

Senator LOEPER. Mr. President, I will.

The PRESIDENT. Senator Afflerbach, the floor is yours.

Senator AFFLERBACH. Mr. President, I understand that one portion of the bill would remove the requirement for certain oil and gas wells to have bonds that would assure that when the oil or gas well is eventually taken out of service it would be capped to prevent contamination of the surrounding environment. Can the gentleman tell me, first of all, if that is part of this bill, and if so, why has it been decided that we no longer need a bonding requirement for this purpose?

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

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

(The Senate was at ease.)

Senator LOEPER. Mr. President, I am advised that this provision deals with about 3,300 different small producers that had wells prior to the passage of the Oil and Gas Act, and that during the course of that time there has been a 5-year moratorium on those wells of which there has not been any problem experienced by the operators, and my understanding is that DEP has approved of this amendment.

Senator AFFLERBACH. Mr. President, if in fact these wells are taken out of service and there is no bond to assure that they would be adequately capped to protect the environment, who will be picking up the cost for making sure that they are capped or for subsequent cleanup?

Senator LOEPER. Mr. President, my understanding is that if in fact the bonding requirements were as such for these small producers, that in fact many of them would walk away and the liability therefore would fall upon the State. With the removal of that requirement, we find that these small operators are still able to continue operating and producing their wells.

Senator AFFLERBACH. Mr. President, the next question I would then have, if in fact the liability falls upon the State to assure that a depleted well is capped or a cleanup is done in lieu of a bond or in lieu of the operator doing it, what is the cost of capping such a well, an average cost? In short, do we have a fiscal note that would indicate to us what the cost to the Commonwealth would be?

Senator LOEPER. Mr. President, the ceasing of the operation of the well does not take away the liability of the owner of that well, and we have seen cases in the past where if in

fact a case of that type has occurred, those individual operators have been prosecuted in order to recover those costs.

Senator AFFLERBACH. Mr. President, I would simply ask, and it is not a rhetorical question, but if the concern is that the present small operators cannot afford the bond as is now required, is it reasonable to expect that they can afford to cap the well if it goes out of business?

Senator LOEPER. Mr. President, I believe that what we have seen in the case of the small operators is that in fact with the 5-year moratorium that I referred to earlier, there has not been one instance of this, and therefore, I believe that the likelihood of that occurring is somewhat remote.

Senator AFFLERBACH. Moving on to another portion of the bill, if I may, Mr. President, I believe we are also in this bill removing the requirement for the Bureau of Professional and Occupational Affairs to perform an investigation of any report from a malpractice insurer with respect to a practitioner, and I understand the reason we are doing this is because a similar report is filed with the Federal government. Could the gentleman enlighten me as to whether or not that is the reason we are doing that, and if so, does that mean that we are simply divesting ourselves of the responsibility for investigating these various malpractice allegations?

Senator LOEPER. Mr. President, it is my understanding that the department does not necessarily have the resources to investigate every specific complaint that is filed, and those that warrant further investigation are the complaints that are investigated by that agency.

Senator AFFLERBACH. Mr. President, that would conclude my interrogation. I would like to speak on the bill, however.

The PRESIDENT. The floor is yours.

Senator AFFLERBACH. Mr. President, as the Members may have gathered through the hesitancy of my asking the questions and the necessity for the Majority Leader to be advised on some of the specifics, we all are having difficulty digesting precisely what is in this bill and what impact it will have. My concern is that without adequate time to further investigate these issues, we may be in fact passing something into the law we would rather not pass into law.

I am not convinced, for example, that in removing the bonding requirement for the small oil and gas wells that proliferate throughout a good part of northwestern Pennsylvania that we will be doing anything other than harm to this Commonwealth. I find it strange to argue that if a small operator cannot afford a bond, and I am informed that many of them have already purchased these bonds, that we think they will somehow be able to afford a capping in the future, which I am told ranges from a mere \$15 up to \$20,000. And that was why I asked if anyone had an idea what the average cost is to cap one of these wells, because a range of \$15 to \$20,000 is almost meaningless in our ability to determine precisely what the cost may be to the Commonwealth.

This is not the first time this issue has come along. As I recall, it was raised in the early years of the Thornburgh administration and then again in the Casey administration. Both of those governors declined to support the proposal, and now we see it again in the Ridge administration. It seems to me that

this proposal is something we ought not to be passing, we ought to in fact require the people who are gaining from these wells to stand the responsibility of making certain, as we do with mining today, that when the well is exhausted or abandoned or closed for any other reason, it is appropriately and safely capped to prevent groundwater contamination and other environmental degradation by the people who have gained from the production throughout its productive years and not by taking the risk of passing that cost on to the Commonwealth and spreading it across all of our taxpaying citizens.

In addition to that, if we move to the section of the bill dealing with the malpractice reports and the Bureau of Professional and Occupational Affairs, we do not require that bureau or any of the licensure boards to utilize tax dollars to investigate or prosecute, if that is warranted, any of these alleged violations. Some years ago we made each of the licensure boards self-sustaining. Each of the licensure boards, through the fees paid by the licensees, deposits a certain amount of dollars on an annual basis, as necessary, into an account specifically to fund investigations and subsequent prosecutions as may be necessary. Part of the reason Pennsylvania took primacy on these issues was because the Federal government was simply not moving for enforcement. I believe we let down the consumers of this Commonwealth if we now remove the requirement for our Bureau of Professional and Occupational Affairs to investigate malpractice reports filed by insurers against practitioners.

There are other portions of this bill of which I certainly am not clear with respect to the outcome once it is passed into law. There are other portions which I have serious doubts about from a public policy standpoint. It would appear, however, that we have only two choices, and that is to either recommit the bill to a committee or to ask for a negative vote. I can count noses well enough, I suspect, to know that a recommittal motion would not carry, and therefore, because of the concerns of these various things, including specifically the two issues that I mentioned, I ask for a negative vote on House Bill No. 1027.

The PRESIDENT. The Chair recognizes the gentleman from Warren, Senator Slocum.

Senator SLOCUM. Mr. President, I rise in support today of House Bill No. 1027 and specifically the oil and gas amendment as mentioned by my colleague. Many times on this very floor Members have espoused economic development and job creation proposals to benefit our citizens. I have also heard in my short tenure from colleagues on the opposite side of the aisle on how little concern we on this side show for "mom and pop" businesses in this Commonwealth. Today with this amendment, we will enable several hundred of our small independent oil producers, many of whom are "mom and pop" operations, to continue in business.

In 1984 when the Oil and Gas Act was passed, it included a section requiring all owners or operators to file a \$2,500 bond with DER for each well. The well-meaning intention of this provision was to assure the later plugging of the wells which were nonproducing or marginally profitable. In fact, the opposite has occurred. Operators of these wells, unable to af-

ford the bonding fees, have abandoned them producing a liability to the Commonwealth. It does not require an accountant to calculate that with an average production of one-third a barrel a day with crude oil prices at \$18 to \$20 a barrel, a \$2,500 bond per well is unaffordable. If we do not remove this bonding requirement by the passage of this amendment, many more of the 3,300 operators without bonds will be forced to abandon their wells and create an additional potential liability to our taxpayers.

In 1992 and 1995, the Pennsylvania legislature overwhelmingly passed moratoriums for filing of these bonds. During this 5-year period, no problems or crises have occurred as a result of this lack of bonding. The amendment before us will make the moratorium permanent and permit the small producers to remain in business. An important note is that most legislation passed by this General Assembly includes clauses for grandfathering activities in existence at the time of passage. This act did not do so. Further, our neighboring States, including New York and West Virginia, did in fact grandfather in their bonding requirements in the early 1980s. Therefore, it would seem unfair to me to expect our constituent operators to be forced into this bonding. The elimination of bonding will not eliminate the well owners' responsibility to plug these wells. It will bring them into compliance and allow the small operators to drill new wells which would be bonded. The elimination will also encourage more pre-act wells to be transferred to new operators, avoiding abandonments.

Given the importance of the oil industry to the economy of the Commonwealth and the absence of any problems with the lack of bonding during this 5-year current moratorium period, I urge all of my colleagues to join me in support of this bill and vote "yes."

Thank you.

And the question recurring,
Shall the bill pass finally?

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

YEA-29

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

NAY-19

Afflerbach	Hughes	Mellow	Tartaglione
Belan	Kasunic	Musto	Wagner
Bell	Kitchen	Schwartz	Williams
Bodack	Kukovich	Stapleton	Wozniak
Costa	LaValle	Stout	

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.

LEGISLATIVE LEAVES

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

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

The PRESIDENT. Without objection, that leave is granted.

The Chair recognizes the gentleman from Allegheny, Senator Bodack.

Senator BODACK. Mr. President, I request a temporary Capitol leave for Senator Belan.

The PRESIDENT. Without objection, that leave is granted.

RECESS

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

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

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

AFTER RECESS

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

REPORTS FROM COMMITTEE

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

SB 123 (Pr. No. 1174) (Amended) (Rereported) (Concurrence)

An Act amending the act of March 10, 1949 (P.L.30, No. 14), entitled Public School Code of 1949, providing for the establishment of charter schools; providing for powers and duties of the Secretary of Education; establishing an appeals process and a State Charter School Appeal Board; providing for payments to charter schools; requiring certain reports and recommendations; providing for a feasibility study relating to the establishment of a Pennsylvania Science Partnership Program; and making appropriations.

SB 126 (Pr. No. 1171) (Amended) (Rereported) (Concurrence)

An Act authorizing the Pennsylvania Fish and Boat Commission to convey a portion of a Project 70 tract of land in Porter Township, Clinton County, under certain conditions to the Township of Porter, a municipal corporation of the Commonwealth of Pennsylvania; authorizing Harrison Township, Allegheny County, to exchange certain real property with Wood Development Partnership; and authorizing the release of Project 70 restrictions imposed on certain lands owned by the City of Jeannette, Westmoreland County, in return for the

imposition of Project 70 restrictions placed on certain lands purchased by the City of Jeannette.

SB 200 (Pr. No. 1172) (Amended) (Rereported) (Concurrence)

An Act amending the act of June 3, 1937 (P.L.1333, No.320), entitled Pennsylvania Election Code, further providing for compensation of election officers, for court establishment of new election districts, for polling place layouts, for special elections for members of the General Assembly, for affidavits of candidates, for objections to nomination filings, for affidavits of candidates for nomination, for nominations by minor political parties, for nominations by political bodies, for contents of nomination papers and campaign finances, for nomination filing time and place, for objections to nomination petitions, for objections to substituted nomination certificates, for ballot number and samples, for late contributions and independent expenditures, for unlawful possession and counterfeiting of ballots, for forged and destroyed ballots, for tampering with voting machines, for illegal voting, for denial of voting, for election officer fraud, for election interference, for violence at polls, for unlawful voting, for improper party voting, for repeat voting, for removal of ballots, for election bribery and for absentee violations.

THIRD CONSIDERATION CALENDAR RESUMED

BILL OVER IN ORDER TEMPORARILY

HB 86 -- Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

BILLS OVER IN ORDER

SB 105 and SB 114 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL LAID ON THE TABLE

SB 251 (Pr. No. 1032) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 1, 1977 (P.L.249, No.83), entitled, as amended, "An act prohibiting employers from firing employees who lose time from employment in the line of duty as volunteer firemen, fire police and volunteer members of ambulance services and rescue squads;....," prohibiting the termination or discipline of volunteers responding to calls in the line of duty during working hours.

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

BILLS OVER IN ORDER

SB 268, SB 283, SB 284, HB 366 and HB 385 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILLS LAID ON THE TABLE

SB 506 (Pr. No. 533) -- 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, defining delinquent local taxes as thirty days after the final deadline for paying the taxes.

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

SB 509 (Pr. No. 536) -- 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, repealing provisions relating to redemption of lands by owner or anyone interested in said lands.

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

SB 510 (Pr. No. 537) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 7, 1947 (P.L.1368, No.542), entitled, as amended, Real Estate Tax Sale Law, restricting the rights of certain persons to bid on property subject to sale under this act.

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

SB 512 (Pr. No. 541) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 28, 1937 (P.L.955, No.265), entitled, as amended, Housing Authorities Law, further providing for the payment of taxes.

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

SB 539 (Pr. No. 1064) -- The Senate proceeded to consideration of the bill, entitled:

An Act requiring purchasers of real estate with buildings thereon to bring the buildings into compliance with municipal codes; and imposing penalties.

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

SB 540 (Pr. No. 569) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 7, 1947 (P.L.1368, No.542), entitled, as amended, Real Estate Tax Sale Law, further providing for limitations on owners and for purchases from the repository for unsold property.

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

SB 541 (Pr. No. 1065) -- 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, authorizing the adoption of property maintenance ordinances; and further providing for fines and penalties.

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

SB 542 (Pr. No. 1066) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 15, 1957 (P.L.901, No.399), entitled Optional Third Class City Charter Law, authorizing the adoption of property maintenance ordinances; and further providing for fines and penalties.

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

BILLS OVER IN ORDER

SB 573, HB 711, SB 755 and HB 798 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILLS LAID ON THE TABLE

SB 861 (Pr. No. 1068) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for restrictions on purchases of real property in second class A cities.

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

SB 862 (Pr. No. 1069) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 14, 1937 (P.L.313, No.87), entitled, as amended, "An act to enable cities of the first, second, and second class A, incorporated towns, boroughs, and townships, to govern and regulate by ordinance the construction, alteration, repairs, occupation, maintenance, sanitation, lighting, ventilation, water supply, toilet facilities, drainage, use and inspection of all buildings and housing and land appurtenant thereto;....," providing for compliance with building codes in second class A cities; and imposing penalties.

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

SB 864 (Pr. No. 1070) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing cities of the second class A to impose property maintenance ordinances.

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

SB 965 (Pr. No. 1059) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing cities of the first class to impose property maintenance ordinances.

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

BILLS OVER IN ORDER

SB 991, SB 999 and HB 1048 -- 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 425, HB 440 and SB 763 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL OVER IN ORDER

HB 41 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

SB 95 (Pr. No. 1071) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 14, 1967 (P.L.746, No.345), entitled Savings Association Code of 1967, adding or amending certain definitions; providing for conversion to federally insured status; further providing for refund of capital deposits, for alternate conversion procedures, for dissolution of associations, for appointment of directors and for the dissolution of the Pennsylvania Savings Association Insurance Corporation; and making repeals.

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

BILLS OVER IN ORDER

HB 114, SB 316, HB 337, HB 413, SB 495, SB 516 and SB 570 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILLS ON SECOND CONSIDERATION

HB 595 (Pr. No. 660) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 29, 1956 (1955 P.L.1804, No.600), referred to as the Municipal Police Pension Law, providing for early retirement.

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

SB 658 (Pr. No. 1137) -- 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 the powers and duties of probation officers concerning juveniles.

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

BILL OVER IN ORDER

HB 679 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS ON SECOND CONSIDERATION

SB 682 (Pr. No. 726) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 10, 1982 (P.L.454, No.133), entitled "An act protecting agricultural operations from nuisance suits and ordinances under certain circumstances," further providing for limitation on public nuisances.

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

SB 770 (Pr. No. 826) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for audio-video arraignment.

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

BILL OVER IN ORDER

SB 904 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

HB 924 (Pr. No. 1038) -- The Senate proceeded to consideration of the bill, entitled:

An Act permitting distribution of the Department of Conservation and Natural Resources' topographic and geologic survey without registration of a copyright; and permitting copying and distribution of previously copyrighted publications of the survey.

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

BILL REREFERRED

SB 970 (Pr. No. 1081) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the removal of waste illegally deposited on or adjacent to State forests, for the closure of disposal sites, for the prevention of unauthorized waste disposal on State forests and for grant programs; and establishing the Forest Lands Beautification Restricted Account.

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

BILLS OVER IN ORDER

SB 981, SB 986, SB 987 and SB 1002 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILLS ON SECOND CONSIDERATION

HB 1341 (Pr. No. 1920) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for retail theft; and further defining "trade secret."

Considered the second time and agreed to,

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

HB 1375 (Pr. No. 1616) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 13, 1982 (P.L.1127, No.257), referred to as the Commonwealth Agency Adjudicatory Expenses Award Law, extending the expiration date of the act.

Considered the second time and agreed to,

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

**SB 251, SB 506, SB 509, SB 510, SB 512, SB 539,
SB 540, SB 541, SB 542, SB 861, SB 862, SB 864
and SB 965 TAKEN FROM THE TABLE**

Senator LOEPER. Mr. President, I would call from the table Senate Bill No. 251, Senate Bill No. 506, Senate Bill No. 509, Senate Bill No. 510, Senate Bill No. 512, Senate Bill No. 539, Senate Bill No. 540, Senate Bill No. 541, Senate Bill No. 542, Senate Bill No. 861, Senate Bill No. 862, Senate Bill No. 864 and Senate Bill No. 965 and move that they be printed on the next day's Calendar.

The motion was agreed to.

The PRESIDENT. The bills will be placed on the Calendar.

SENATE RESOLUTION No. 54, ADOPTED

Senator LOEPER, without objection, called up from page 10 of the Calendar, **Senate Resolution No. 54**, entitled:

A Resolution directing the Department of Agriculture to make a report to the Agriculture and Rural Affairs Committee of the Senate on certain matters relating to avian flu.

On the question,

Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from York, Senator Delp.

Senator DELP. Mr. President, as you know, on Monday we voted here in the Senate to provide \$5 million in emergency funding to the Department of Agriculture to assist the poultry farms which recently suffered devastating losses as a result of the avian flu epidemic in Lancaster County. Because the poultry industry makes up a large segment of Pennsylvania's livestock trade, the health of our flocks is obviously a primary objective of our poultry farmers and for the agriculture industry in general. Additionally, it is a topic of great concern to consumers as well.

Therefore, Mr. President, it is imperative that in offering this emergency funding to the Department of Agriculture, we should also do everything we can legislatively to prevent a similar circumstance from arising in the future. To that end, this resolution directs the Department of Agriculture, in consul-

tation with the poultry industry, to study this problem and develop a plan to improve control and regulation of the live market industry, a plan to establish an insurance or insurance-like program to deal with possible future outbreaks of this and other diseases, and the rigorous enforcement of State regulations requiring the reporting of animal disease and those provisions relating to penalties.

This resolution also directs the Department of Agriculture to make a preliminary report of its findings to the Senate Committee on Agriculture and Rural Affairs within 90 days of the adoption of this resolution and a final report within 9 months. The final report will contain a long-range risk-reduction plan that includes specific research plans, security regulations for the poultry industry, and the framework for destruction of flocks should an outbreak occur in the future.

Mr. President, this epidemic has cost the Commonwealth and the poultry industry millions of dollars in lost revenue. It has also raised serious concerns about the ability of Commonwealth and the industry to respond to this problem and to prevent future outbreaks. Because agriculture is Pennsylvania's number one industry, it is essential for this legislature to therefore take the necessary steps to not only assist those farms that were devastated by this epidemic but to go the next step and assure that it will not be necessary again. This resolution is a cautionary measure, and I ask for unanimous vote on its passage.

Thank you, Mr. President.

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

Senator WENGER. Mr. President, considering the importance of the poultry industry in Pennsylvania, not only to the producers all across our Commonwealth but also to the consumers who enjoy and appreciate the fine poultry products that they are purchasing and consuming every day here in our fine State, I urge the adoption of Senate Resolution No. 54.

The content of the resolution is a directive to the Department of Agriculture to do those things in a study that will make it easier to control the avian flu disease in our State in the future, to eradicate it now, and to prevent it from recurring in the future. It is the kind of thing that we need to support in modern day agriculture as well as to protect the consumers of Pennsylvania to assure they will have an adequate supply of wholesome and nutritious poultry products. Again, I urge adoption of the resolution.

Thank you, Mr. President.

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

Senator STAPLETON. Mr. President, I just want to verify that all the Members on this side of the aisle are certainly for the adoption of this resolution. We met just this week with the new Secretary of Agriculture and he gave us a full update as to where we are on this matter, and certainly the \$5 million will be a start in helping us to resolve it.

Thank you, Mr. President.

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

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

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

SENATE CONCURS IN HOUSE AMENDMENTS
AS AMENDED

SB 126 (Pr. No. 1171) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Pennsylvania Fish and Boat Commission to convey a portion of a Project 70 tract of land in Porter Township, Clinton County, under certain conditions to the Township of Porter, a municipal corporation of the Commonwealth of Pennsylvania; authorizing Harrison Township, Allegheny County, to exchange certain real property with Wood Development Partnership; and authorizing the release of Project 70 restrictions imposed on certain lands owned by the City of Jeannette, Westmoreland County, in return for the imposition of Project 70 restrictions placed on certain lands purchased by the City of Jeannette.

On the question,

Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 126?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 126.

On the question,

Will the Senate agree to the motion?

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

YEA-48

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

NAY-0

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

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

SENATE AT EASE

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

Senator LOEPER. Mr. President, it is my understanding at this time that we are still awaiting the delivery of two Supplemental Calendars. Therefore, I would ask that the Senate be at ease until they arrive.

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

(The Senate was at ease.)

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

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 3**

SENATE CONCURS IN HOUSE AMENDMENTS
AS AMENDED

SB 123 (Pr. No. 1174) -- 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, providing for the establishment of charter schools; providing for powers and duties of the Secretary of Education; establishing an appeals process and a State Charter School Appeal Board; providing for payments to charter schools; requiring certain reports and recommendations; providing for a feasibility study relating to the establishment of a Pennsylvania Science Partnership Program; and making appropriations.

On the question,

Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 123?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 123.

On the question,

Will the Senate agree to the motion?

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Cumberland, Senator Mowery.

Senator MOWERY. Mr. President, charter schools are a promising educational option that should be available for the benefit of Pennsylvania students. Right now at least half the States have laws allowing for the creation of charter schools. There are currently close to 500 charter schools that have been authorized or are actually operating today. Given the exciting developments elsewhere, it is not surprising that many communities and groups across Pennsylvania are showing interest. More than five dozen of these groups have used the Ridge administration's planning grants to prepare for the challenge of establishing and operating their own charter schools. But nothing can happen until the General Assembly passes this legislation.

The bill before us provides Pennsylvanians with the opportunity in a practical and responsible way. This measure avoids being so restrictive that it proves impossible to gain a charter or is it so loose that accountability is sacrificed. The things that all of us say we want to see, for example, parental involvement, a commitment to academic standards and performance, relief from costly, unproductive mandates, and expanded pools of knowledgeable and enthusiastic instructors, can be achieved through charter schools, but only if we take a chance on innovation.

It is important for Pennsylvania to make the right decision now so that charter schools can begin operating this fall. Failing to act will only further discourage those ready to devote their talents and energies toward revitalizing Pennsylvania's education. I do not think we want to go back to our districts this summer showing an "F" on our education reform report card. Do charter schools bring competition? You bet they do. Some of those people who endlessly complain that competition in education is inherently unfair are the same folks who have for years effectively blocked changes in policy that would have given the public schools the same sort of flexibility proposed here tonight.

In the midst of the arguments about power and control, a key point is being lost. Where the education of students takes place is much less of a concern to parents and taxpayers than ensuring that sound education does take place. A good charter school bill gives parents and communities a chance to structure programs, hire instructors, and pull together a student population with the interest and desire to learn. This is not a risk. It is an investment in education improvement. I am aware that despite what is happening elsewhere, despite community pressure, many in the education arena still view charter schools as a threat to public education. This is unfortunate, for the insistence on the existing structure of education and the resistance to change further erode public confidence and trust in our schools.

With this opposition in mind, modifications have been made to the legislation in terms of providing transition funding and delaying the start-up of an appeals mechanism. These alterations are designed to overcome objections and obstacles to the implementation of charter schools. I do not think that the groups who have applied for the planning grants are taking this process very lightly. I do not think they are underestimating the levels of commitment, cooperation, and contribution it will take to run a charter school. I do not think this General Assembly ought to stand in the way of their efforts.

Charter schools are certainly not the solution to every education problem in every community. However, without a law allowing the charter process to begin, our students will be deprived of the benefits such schools can offer. If we do not act, we delay an important piece of education reform for at least another year or maybe even longer. We will be telling Pennsylvanians that the education establishment still has a stranglehold on the educational policy, which is to the detriment of students, their parents, and our communities. That would be a huge mistake, thereby failing the test of the public demand for change and the public's desire for encouraging different approaches to produce educational success. For too long the constant concerns and complaints about education have gone without sufficient response from the legislature. With this charter school legislation, we can for once respond in a positive, progressive manner. It is time for change, time for reform, and time for charter schools in Pennsylvania.

In conclusion, Mr. President, I would like to thank very much the chairman of the Committee on Education, who has spent endless hours, time, and patience to listen to all who have an interest in education in Pennsylvania, and I believe

with his staff, particularly Mary Young, we have in front of us today a bill that maybe is not perfect, but the longer that I have been involved, since 1952 [*sic*] when I had the opportunity to introduce the first charter school bill in Pennsylvania, I think we must all agree that 5 years is a long time to wait until someone has a perfect bill. This bill will give us an opportunity to open the door on a very gradual basis and give the opportunity for all of us to take a look and see what the elimination of mandates and many of the restrictions today on public education can do and then take another step further, hopefully in the near future, to apply this to all of our public schools in Pennsylvania.

The 21st century is upon us. Education has not changed too much over the past 100 years. The time has come when education needs to have more freedom, more opportunities to accomplish the things that our young people today need and are demanding, and most certainly they have the support, in most cases, of their parents for change.

So I thank you very much, Mr. President, for the opportunity to give my feelings regarding our charter schools and I ask for your support.

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

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

Senator SCHWARTZ. Mr. President, I rise in support of this charter school legislation. There has been so much back and forth over the last few days, in particular the last couple of weeks, and I was not certain how I would vote on this legislation until I actually saw the exact wording of this, but we have made quite a bit of progress.

As I listened to my colleague on the other side of the aisle, I was struck by some of his comments which almost dissuaded me against voting for this legislation because in fact there is absolutely no reason to condemn our public school system or suggest that it has not changed in 100 years and that there has been no application of innovation or creativity, because in fact that is not true. Many of our public schools, and I have traveled the State to visit them in very different school districts, are doing some remarkable work, doing some very special kinds of efforts in early education and middle schools and in high schools as well, and so I think there is much we can be proud of in our public schools.

There has been a great interest, though, in charter schools and in the fact that charter schools can, as a part of the public school system, play a very small but significant role in creating a new kind of niche for parents, for teachers, for learning opportunities for students that can provide a different kind of opportunity for those particular students, and if they work well, to be a source of innovation and creativity within our public school system, and I look forward to that. I think that is worthwhile.

When I stood up just a couple of years ago with my Republican colleague in the Senate and my Republican colleague from the House Committee on Education and my Democratic

colleague from the House, and we stood for a reform agenda, we talked about a number of different kinds of reforms. We talked about the need to deal with disruptive students and the need for full-day kindergarten and early childhood initiatives and standards and accountability, and we talked about charter schools as a part of that reform agenda and as a part of the public school system.

So I support this legislation because it is a part of the public school system. I have worked diligently over the last few years and particularly the last few months and particularly even more specifically in the last few weeks to improve this charter school legislation so that we still assure accountability, we still assure local control, that we still can assure commitment to standards and to actual educational excellence for these schools as well, that they not just be almost anything for anyone but they be a part of the public school system, and I will be more specific about that.

There has been a good deal of discussion about the appeals process and about the degree to which we assure local control by our school boards, and whether that would strangle any of the innovation, whether there would be such an effort not to allow charter schools that we had to make sure that there was a great ease in going around particularly elected school boards. Well, I think that there was very appropriate response, that in fact we need to be very careful to make sure that there is careful review of these planning applications, that an appeal outside of local school boards only be done if there is good reason, and to be done only if there is sincere and committed interest.

The appeals language is not what I would have written, it was not my actual suggestion, but it in fact does allow for much more careful application of the appeals process. It assures that in the first 2 years when there will be a lot of uncertainty about where we go with charter schools that there is a prohibition on appeals, so there will not be so willy-nilly any application necessarily going to an appeals board that may give broad approval against local interest, and so I am pleased about that.

I do think, though, that it behooves all of us to be very careful in looking at how this process evolves and to make sure that as we confirm those members of the appeals board, although it is just a simple majority here in the Senate, that my colleagues give very careful consideration as to who sits on that appeals board and make sure that they are respectful of the public education system and respectful of learning outcomes and meeting standards and make sure that the people will be responsible with our public dollars and with our children, regardless of where they live.

We also had a great deal of discussion about the issue of certified teachers and whether it matters whether the teachers should be certified or not, and we started on the one hand with teachers' unions saying certification should mean something, and it does mean something and there should be a significantly high number of certified teachers, and we had a lot of discussion in the Committee on Education and on the State Board of Education about ongoing professional development and even ongoing recertification for teachers. So obviously most of us

believe that certification for teachers means something. But even if you are an awfully good mathematician, it does not mean that you can teach fourth graders math, and maybe you ought to know something about how to teach. And I think many of us still believe that.

But again, Mr. President, some language was added, not only the requirement of 75 percent of the teachers being certified, but there are still now at least some requirements on the additional 25 percent of teachers who will not be certified to have to demonstrate some proficiency in the subject area, and for the application to have to refer to why in fact and how they will review those uncertified teachers. I am willing to allow for that leeway, but again I think all of the local school boards that will review this, all those that might encourage charter schools, and certainly the appeals board when it functions, have to be very careful to hold that applicant accountable for the teaching staff and for all of the staff in that school.

The last issue that has had a great deal of discussion is also the issue of the financial burden on our local school districts. As many of you know, I have been a very strong advocate for the State taking more responsibility for funding public education for all of our children, regardless of where they live in Pennsylvania, particularly in our poorer school districts. I was particularly concerned that we were going to put a greater financial burden on our local school districts at a time when local tax dollars are going up. Local taxpayers are paying more for the public school system now, and I am very concerned that there would not be a drain financially on our school districts away from our public schools into a few charter schools, and I know many of my colleagues on both sides of the aisle share that concern. So the administration did respond. They agreed to \$7.5 million over a 2-year period being available to meet some of the financial burdens to our school districts. I would have preferred some additional language as to how those dollars will be given out.

Again, I think it behooves all of us, as those who are voting on it, to hold this administration accountable for the way they give those grants out to our school districts and not allow that discretion that we are giving to the Department of Education to be used in some willy-nilly grant fashion that is not in any way applicable to any criteria we might set up and to actually potentially have to come back to demand more accountability from the department if they are not responsible in the way they give out those dollars. But it is a step in the right direction for us to take some responsibility for additional burdens that we put on our local communities.

And finally, an issue that only came up very recently was the idea of dividing Philadelphia into 22 elected school boards for the purpose of doing charters, creating duplication of the bureaucracy and elected school boards in Philadelphia in a whole new fashion. That was not given very much hearing, if any at all. I was pleased to see that that whole section was deleted, so I was able to actually consider the bill on its merits and not for some application to Philadelphia only. That really warrants a great deal of discussion and attention, and if we want to move to an elected school board or divide and consolidate the Philadelphia School District into 22 school districts,

I would be open to that discussion, but not as an amendment slipped in in the Committee on Appropriations.

So, Mr. President, I support this bill. I see in the back of the Chamber a columnist who said that my amendments in the Committee on Education were an attempt to derail the bill, to kill the bill, to undermine charter school legislation. And I say to him, as I think I have just said, that my effort here is to make it good legislation, not to derail it, not to let it be just anything for anybody, but to make sure instead, Mr. President, that those public dollars, those public schools, and the children whom we are going to educate in them are in fact treated with great accountability and respect. So I am very pleased that the administration took many of the concerns that I had and that many of us had shared into account in the redrafting of this legislation so that I could support it.

Let me just conclude by two other points. I think that many of my colleagues will vote against this legislation because of its uncertainty, because it is not at all clear that it will help the almost 2 million children who are in our public school system and it may cause some greater concern financially to our public school districts. I am willing, Mr. President, to vote for this legislation because I do believe that we need to push our public schools to do the very best job they can, to be creative, to be innovative, to engage parents and to engage teachers in different ways, to be able to experiment in responsible ways to make sure that we are in fact using the techniques of the day, that we are able to meet the kinds of standards that I hope we set in the near future, and that we are able to be responsive in our local communities to some of the community interests.

I hope that it does challenge our schools and our teachers and our students in new ways, and that this legislation is used responsibly by each of those groups in our local communities and that they work and seek to work with our local school boards so that we do see a very positive fallout for all of our children in the public school system and do not see this as an effort to separate out a few children by providing them with an opportunity and cast all the others aside, but instead see it as a way to create opportunities and challenges for all of our children and improved public education and opportunity for all of them.

Thank you, Mr. President.

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

Senator RHOADES. Mr. President, I rise to voice my strong support for the charter school language that has been inserted into Senate Bill No. 123. The concept of charter schools is clear. Charter schools will provide the Commonwealth's parents with a new educational option for their children, an option that is within Pennsylvania's system of public schools, an option that still maintains high standards of accountability. However, this educational alternative does represent, in the truest form, an alternative. It will give charter schools the flexibility to provide an education curriculum that is unique and will give charter schools in Pennsylvania the opportunity to take advantage of innovations that charter schools in 26 other States and the District of Columbia are currently implementing, and I am

going to say this, after looking at theirs and everyone else's, I believe we can do it better and we will do it better.

Concerning the bill before us today, I am convinced that it meets the standards that I know I have made clear as necessary to win my support. It balances programmatic flexibility with high levels of accountability. It protects students by ensuring that charter schools meet basic safety, health, civil rights, and attendance requirements. It retains local control by allowing school districts to approve charter applications and by providing State resources to cushion school districts against a transfer of students attending a charter school, and it provides an environment in which charter schools can develop new educational techniques that all public schools can use as models for success.

Both the Senate and the House have had extensive discussions about charter schools. The House debated and ultimately approved charter school legislation in 1996. The Senate Committee on Education discussed the issue last fall. As a matter of fact, if you all remember, I probably led one of the charges not to approve the charter school bill that came over from the House. I have changed my mind since that time, and the reason why is because I have had input into the process and I believe there are things in here now which allow for flexibility and accountability. This year the Senate Committee on Education had three public hearings on Senate Bill No. 999, and I and my staff have been involved in numerous meetings with administration officials, Members of the Senate and House, representatives of the education community, and other interested parties.

I must take a moment to thank Senator Mowery for his sponsorship of this initiative. Now, you heard him say 1952 he introduced it, it was 1992, but that has been 5 years that he has pushed for, asked for, and dedicated himself to a charter school bill. It just feels like 40, he said. That is all. I will share that with you, too. But I thank him for his commitment and his dedication in developing this charter school legislation.

To Kathy Eakin from the Governor's Office, to Rick Boyajian from Senator Tilghman's office, to Michele Hansarick from Senator Loeper's office to Dave Broderic in mine, I say thank you to all of them, but I have to say a special thank you to Mary Young, who is my executive director of the Committee on Education. Mary has carried a big load on this and she has done an excellent job in terms of trying to get everyone and all these issues together at one time and it has not been easy. Believe me, it has not. But, Mary, I say a special thank you to you for your commitment, for your dedication, for your expertise, and for your knowledge. I think it has made a difference.

Considering this, I am satisfied that the General Assembly has conducted a thorough review of the charter school concept, and I am satisfied that this long, deliberate, inclusive, and comprehensive process has produced a charter school bill that can serve the best interests of Pennsylvania students. In my view, a successful charter school bill is one which strikes a clear balance between a charter school's flexibility to offer innovative programs and a charter school's accountability to the

basic standards and protections that all public school students should expect. Moreover, an effective charter school bill is one which allows charter schools to supplement and not to undermine our public schools. I believe that these themes run clearly throughout the provisions of this charter school bill.

First, all charter schools must adhere to a number of basic requirements that are intended to maintain a consistent educational program. Under Senate Bill No. 123, charters must ensure that 75 percent of all teachers hold a State teacher certificate. It also ensures that 25 percent of the uncertified teachers must meet certain qualifications which are defined in the charter, in the application, and then apply to the charter school when they begin their school operation. That is there to provide quality instruction. It must abide by the safety, health, civil rights, attendance requirements to which all public schools must adhere. And if you want to see where that is, go back to about the last page of that amendment and you will see all the issues and sections of the School Code which must be adhered to in the process.

I also say that one of my key concerns is that the governance is going to be open and accountable, and it will also provide an educational program that results in charter school students meeting all State education standards. Charter schools must adhere to some State education mandates, such as they have to participate in the Pennsylvania State assessment system. They must meet State education standards and they have to adhere to the public school calendar. They must provide background checks of prospective employees, whether they are full-time or part-time or even volunteers. They must adhere to compulsory school attendance requirements.

And I want to add to that, probably a key part of the whole thing is when you take a look at the charter school application, because when you look at that, you talk about things that have to be done. We talk about governance, and it requires an affirmative vote of a majority of the members of the trustees of a charter school duly recorded showing how each member voted shall be used in order to take action on the following subjects. All the subjects are listed. Why do I say this? Because back in November it was not there. Back at that time we opened it up. Now there is that accountability. There is accountability of where the money is placed, of how it is spent, how leases are operated, and I think that is important in the governance.

The application the department has designed requires school applicants to provide detailed information about a charter school's administrative procedures and policies. Applicants must identify their school's hours of operation, courses of study, admission policies--and let me emphasize this and get it on the record--admission policies that do not discriminate in any way, shape, or form. And I do not care if that is special education, I do not care whatever the issue is, that is to be open. It is not to be discriminatory in any way, shape, or form based on intelligence or whatever other reasons someone can use. And that is also in the hiring process of faculty and staff.

Provide information about the methods of evaluating teachers, methods of evaluating students, and methods of ascertaining school performance, and ensure that meetings of a charter school's board of trustees are conducted in a democratic

fashion and that decisions regarding textbooks, budgets, indebtedness, and contracts of more than \$200 are approved by a vote of a majority of the charter school members.

Finally, as a key component of the measure of protections that charter schools must include, all charter schools must carry adequate insurance to guard against any liability incurred in their operation. I also want to go on the record by saying we want it clear and understood that we do not want any liability passed on to or assumed by the public school. They approve and it is the charter school and the charter school's responsibility to assume that liability.

Considered together, all of these provisions make a clear framework in which charter schools can function. Charter schools will have the flexibility to experiment with innovative educational techniques and employ nontraditional instructors. The bill ensures that charter schools will be held accountable for the health and safety of their students and for the programmatic integrity of their curriculum. This is a delicate balance, but it is a balance that can stand the test, it is a balance that can stand this beginning.

In considering how a charter school is commissioned and operated, it is important to remember that a charter school derives its authority from the school board or the district in which it is located. That is the only person who can put this in place, and that is the local school district. Under Senate Bill No. 123, a school board can grant a charter to an applicant only after considering whether that applicant has met four clear standards: whether the charter school plan has support among teachers, parents, other community members and students, whether the charter school applicant is capable of providing comprehensive learning experiences for students pursuant to the adopted charter, whether the information contained in the charter application meets the requirements of the statute, and whether the instructional techniques to be used by the charter school can serve as a model for other public schools. Let me also add to that, too, that the local district will have oversight and responsibility to ensure that that occurs.

Although the bill establishes a charter school appeal board to which disappointed charter school applicants may appeal school board decisions, access to the appeal board and its authority is limited. Appeals board members are nominated by the Governor and confirmed by the Senate. No appeals of school board decisions may be made to the appeals board for 2 years after the effective date of this act. And if they do and they do not get it, they have to start all over 2 years hence. It does not carry and they come down 2 years later and say we now want to appeal. And any appeals to the appeals board after this 2-year moratorium must be supported by a petition signed by 2 percent of the adult residents of the school district or by a thousand of the adult residents of a school district, whichever is less. The decision to grant a charter is a critical one. Senate Bill No. 123 ensures that the fundamental authority for this decision is retained by the Pennsylvania school boards.

Another key element of Senate Bill No. 123 that relates to the school boards' local control is the issue of funding for charter schools. To assist school districts that grant charters as some of their students transition to charter schools, the Com-

monwealth will provide transitional funding. Senate Bill No. 123 authorizes the Department of Education to grant \$7.5 million to school districts to defray the budgetary impact of students to go to charter schools. It provides temporary financial assistance of \$1 million for students who transfer from nonpublic schools directly to a charter school, and it is also anticipated that approximately \$4 million in Federal funds will be available to supplement these State funds.

These key points underscore the General Assembly's objective in approving the charter school legislation. Charter schools are not a panacea for all of the real or perceived shortcomings of our system of public education, and I do not want this to be viewed in any way, shape, or form as an attack upon the system. It is a spoke in the wheel, just as early childhood education is, just as funding is, just as parental involvement is. Charter schools offer us another opportunity. It provides an opportunity. As independent public schools, charter schools will be allowed to experiment, but they will not be allowed to experiment at the expense of the students they are charged with educating. It is time to allow new ideas into Pennsylvania's schools, and the proposal before us today is one that will offer these new ideas a chance to germinate and grow. I ask for your support for Senate Bill No. 123.

Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Chester, Senator Thompson.

Senator THOMPSON. Mr. President, I, too, rise in support of this bill. We have heard of the process and the merits and the advantages offered by this bill to parents of schoolchildren throughout the Commonwealth as they try to improve public education, and they will be able to do it without undermining the public education system in Pennsylvania.

But this bill does something else. It also empowers our 501 school districts across the Commonwealth. It allows these districts to improve the quality of the education they provide through innovative programs which are free from the cookie-cutter mandates that come down from Harrisburg. And to bear proof of this thesis, you only have to look to the 19th District, my district in Chester County, where we have two proposals which have been put forth and both have been awarded planning grants. One is from a group of parents who want to establish a school obviously with high parental involvement, and the second is from the Chester County Intermediate Unit, which wants to apply for a charter for a biotechnology program at the intermediate unit with the approval of the sending districts. So, hopefully, these two programs will be able to get going in September with the help of this legislation.

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

Senator PICCOLA. Mr. President, I, too, rise in support of this very important piece of legislation. Much has already been said by the prior speakers about the benefits and the potential benefits to this Commonwealth and our education system by the passage of this bill, and I do not want to repeat what I virtually agree with in its entirety, but I do want to lay down,

if I can, a challenge to the school districts of the Commonwealth of Pennsylvania.

Senator Rhoades in his remarks said that the critical decision to grant or not to grant a charter is an extremely important one. I think I paraphrased him fairly accurately, and he was absolutely correct in making that assertion. The challenge and opportunity to the school districts of this Commonwealth will be seen in the first 2 years of the operation of this bill. As has been explained by the sponsor and the proponents of this legislation, there is no appeal from the denial of a charter for the first 2 years under the operation of this bill, and so for the first 2 years the school districts of this Commonwealth will have the challenge and the opportunity to do one of two things. They can embrace this legislation and all the potential innovations and freedom from some mandates that it allows them and provide to the residents of their school districts and their areas the opportunities that these kinds of charters that are already developing in this Commonwealth provide for the students in their school districts, or they can choose to be obstructionists and simply deny the applications for charters that are presented to them.

I sincerely hope, and I lay down this challenge for the school districts of the Commonwealth, to go with the former alternative, to embrace this legislation. Do not look at it as adversaries, look at it as a partnership. They should embrace those who come to them seeking charters to operate within their boundaries to provide educational opportunities for the students in their particular areas. But if they choose the latter, if they choose to be obstructionists, we will be watching. These first 2 years will be critical, and I sincerely hope that the school districts of the Commonwealth look at this legislation as an opportunity and not as an obstacle to the improvement of education in this Commonwealth. That is what it is sincerely meant to be and I hope that they take it in that sense.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Beaver, Senator LaValle.

Senator LaVALLE. Mr. President, as many of you may or may not know, I spent 25 years of my life teaching in the public school system as a teacher, as a counselor, and as a football coach. I believe that might indicate to you that I know something about the public school system in Pennsylvania, and that is not to imply that those of you who have not been in the classroom in the last 25 years know less than I do.

I believe the public school system in Pennsylvania does an outstanding job given the social and societal problems that they have to deal with on a day-to-day basis. I also believe, as with everything else, they need to improve. And that, Mr. President, is our responsibility, ours collectively here, not dreaming up new and exciting and different approaches to education without first solving the problems of the public school system. These so-called innovative programs have failed in the past, mainly because they do not address the real issue. The real issue is if we are concerned about improving the public school system, let us do it. Like it or not, these public schools belong to us.

Charter schools, in my view, will do nothing to improve our public school system, and that is what people are asking us to

do. They are demanding that we do that, and we are avoiding that by stepping aside again as we have done many times in the past and dream up something different that is not going to, in fact, improve the public school system. They are asking that we do what is necessary to work with teachers and administrators and parents and local boards to improve our public school system, to demand that that happens, if you will.

That is what we should be about. We are only fooling around again with something that is very serious to me, and, as I pointed out, as has happened in the past, there have always been those who think there is something different, something better but they do not address the basic issue, and I do not think charter schools address the basic issue. Our responsibility is to work with whomever we need to work with and demand, if you will, that the public school system provide a quality education for every child in Pennsylvania. Stepping away from it again by insisting or suggesting that charter schools do that, that is not the way it is, and we should all be aware of it. I would challenge this body to let us get on with what we need to do, and that is to let us improve the public school system and work to do that. I am a "no" vote on this, Mr. President.

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

Senator COSTA. Mr. President, for the past 2 years or so that I have been associated with this body and also with other issues relating to charter schools in the discussion regarding the same, I have been a supporter of the charter school concept. I felt that maybe there was a way in which we could take a look at education reform and that this was the appropriate way to go in this particular case.

Mr. President, as has been indicated by some of my colleagues, while the charter school legislation will be part of our public school system, in my opinion the charter school legislation represents questionable education reform and also prevents or undermines, in my estimation, the public school system. Mr. President, I have not been very much a part of some of the intimate discussions that have taken place over the past several weeks or months other than our caucus discussions about this particular issue, but I have been in contact with the people back in my district and people throughout our counties and people across the Commonwealth, and for the most part, Mr. President, our people are not very happy with the way the public school system has been operating for the past several years, and I think many of us in this room concur.

Mr. President, what they tell me and what I hear back in my district is that we need to take a look at the accountability with respect to the tax dollars that we are spending. We need to get back to the very basics of education - reading, writing, and arithmetic, and things of that nature. Mr. President, the people in my district are talking to me about the class size and lowering the class size and allowing more individualized attention with respect to the students the teachers are teaching. They are talking about improving discipline, and this body and the General Assembly has gone to some steps with regard to that in establishing alternative schools. Mr. President, that is what the people in my district are telling me is important. That is

what they view as true education reform. The people I have talked to in my district, Mr. President, do not believe that this particular version of this maverick or what I view as a radical view of education reform is the answer to the problems we face. As my colleague, Senator LaValle, indicated, we need to work within our public school system and truly address the problems we have in our public school system.

As part of the discussion in our caucus there was some talk about the failure rate with respect to students in the city of Pittsburgh's school district approaching 30 percent. In Philadelphia it was indicated that it was greater than 30 percent. In Senator Kasunic's district it was reported that it was greater than 40 or 50 percent. Mr. President, this version of charter schools is not going to help reduce that 30 percent number of students who do not graduate from our public school systems. We need to take a look at the things I have just mentioned, go back to the very basics - lower class sizes, individualized attention, and improving discipline. Those are the true types of education reforms that we need to be addressing in this body and this General Assembly, and I do not believe that is going to be accomplished through this legislation.

Finally, Mr. President, there was some discussion about the financial burden that the school districts are going to be experiencing as a result of this. Some of the school districts in my town or in my district are talking already about increasing taxes. What I see happening in this particular case, although there has been mention of a \$7 million grant program, that really does not have any guidelines with respect to how these grants will be distributed. There is talk about \$1 million, possibly, for a grant program that will cover nonpublic school students transferring into the public school system. The fact of the matter is, we are taking a considerable amount of money out of the public school system and we are asking them to make challenges to the school districts and the school boards, and we are challenging them to do a better job with the money that we are giving them, but at the same time we are taking more and more precious State dollars away from them and asking them to do more with it.

Mr. President, I originally supported the concept of charter schools. I probably still do, but this particular version is one that I cannot support this evening.

Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Fayette, Senator Kasunic.

Senator KASUNIC. Mr. President, I would like to make a few brief remarks on this bill. My concern about this legislation arises from two points: the potential cost to the taxpayers, and the quality of all our children's education. Yes, I repeat, the quality of all our children's education.

Mr. President, I represent a very poor and economically depressed area of the State. Folks have a hard time making ends meet. What I believe this bill would do is very simple: it will take money away from the public school system. What this will mean to my constituents is higher taxes by way of higher property taxes. Mr. President, millage rates in my district already are extraordinarily high in relation to the rest of the State. These rates average roughly 130 mills. Districts will

have a very hard time balancing their budgets if only a few children opt for a charter school. Mr. President, if this legislation is enacted, these districts will be forced to raise their millage rates even higher. The result of that move will be people not being able to pay their property taxes, and all of this in the name of education reform.

Mr. President, my office has been overwhelmed with calls and letters from constituents wanting tax reform. They are looking to defray taxes. They do not want to add more taxes. They are looking for help. Now here we are today considering legislation that will increase property taxes. I hear talk, and obviously it is in the bill, it most certainly is in the bill, of \$7.5 million to defray the impact of this cost. This is over a 2-year period. Mr. President, this amounts to about \$7,100 to each school district in this State. How is that going to defray any costs?

My second point, Mr. President, deals with the quality education our children will receive. And I stand here to tell you that I am not concerned about those youngsters who are in the top 5, the top 10, the top 20 percent of their class, because regardless of what school they are in, whether it is the public school system, whether it is a private school, a parochial school, or in charter schools, these same students are going to be in that same 5, 10, 20 percent of their class. They are going to be up there. They are the achievers, they are the goal setters, they are the children whose parents are concerned and do take part in their education. These are the people who are going to benefit by this.

My concern is those 80 percent, the other 80 percent, the percent we always seem to forget about. My esteemed colleague, Senator Hughes, mentioned today in caucus that he knew of or he was aware of a couple of his friends who are topnotch educators in the public system, but if this bill goes in, they are opting out. They are going to the charter system. Now how does this help those other children, those children in the public school system who need that help, who need that quality educator, who need that person who can reach out and reach down to them and help them? What are we going to be left with in the public schools? As I said, I know the parents who are involved are still going to be involved. What will happen to the other 80 percent?

One of the other points that I am very much concerned about is that this bill allows schools to hire noncertified teachers. I cannot believe that we are actually considering a plan that is going to allow 25 percent of the teachers to be noncertified. How are we going to pick them? Is it because Rich Kasunic was a great little league coach and he has rapport with these kids and he had a couple of championship baseball teams, we think he would be a good educator? Maybe he can be a math teacher or a chemistry teacher. What is next? Are we going to allow our State Police officers, 25 percent of them may be women, maybe we will not have them attend the academy, we will just make them State Police officers because they are overall good people with good moral conduct, good character, they get along well with the boys down at the club? What about the municipal police officers without Act 120

training? Maybe one of us here wants to be a brain surgeon, what do you think?

Mr. President, the State licenses and certifies professionals so that we can make sure they know about the job they are doing and have the training to do that job. We certify these professionals to protect the public. Why would we settle on anything less when it comes to our children, our most precious and valuable resource? How, I ask you, how does this benefit those children who remain in the public system? Mr. President, I urge my colleagues to take responsibility and join me in voting against this bill. We owe it to our most precious resource: we owe it to our children.

Thank you very much, Mr. President.

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

Senator KUKOVICH. Mr. President, I would ask Senator Loeper to stand for interrogation for just one issue area.

The PRESIDENT. Senator Loeper, do you wish to stand for interrogation?

Senator LOEPER. I will, Mr. President.

The PRESIDENT. Senator, you may proceed.

Senator KUKOVICH. Mr. President, it was just brought to my attention a short time ago by Representative Itkin from the House that he did have language in the bill when it returned to the Senate based on some Joint State Government Commission task force work that was done about a year ago. A blue ribbon panel was formed and there was a recommendation made which all elected officials here received. Pursuant to that, language was put into this bill to establish in three schools only a residential education program for at-risk children. I would just like a response so the record could reflect why that language was eliminated from this bill.

Senator LOEPER. Mr. President, it is my understanding that was new language that was just inserted in the House that created an extremely expensive program. It was an issue that had not been considered at all through the committee process, therefore it was not included in the final version of the bill.

Senator KUKOVICH. Mr. President, the only follow-up would be what was the fiscal impact of that particular language?

Senator LOEPER. Mr. President, extremely expensive.

Senator KUKOVICH. Mr. President, I was given information it would be \$3 million. Does that fit extremely expensive?

Senator LOEPER. Mr. President, the indication was that it could be significantly more. There was not a specific dollar figure attached to it.

Senator KUKOVICH. Mr. President, thank you.

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

Senator BODACK. Mr. President, I have very serious reservations about this bill. I have some question about procedure, and more and more questions on the substance of the bill. It seems to me, Mr. President, that the Pennsylvania Constitution clearly provides that no bill shall be altered or amended on its passage through either House so as to change its original purpose. Now, as originally introduced, this bill, Senate Bill No.

123, Printer's No. 120, was narrowly drafted as an independent act. It established the State Science Partnership Program, and that is all. This bill did nothing more. It did not create a new education system, it did not amend the Public School Code, it did not provide additional powers to school board directors. The bill's original purpose was only to create a Science Partnership Program.

The bill has remained in its original form, although amended to only establish a feasibility study group, since its introduction in the Senate, its initial passage from the Senate, and subsequent passage from the House. Unfortunately, Mr. President, this bill was amended by the Senate Committee on Rules and Executive Nominations while on concurrence in House amendments to remove the entire contents of the original bill and replace it with a lengthy 37-page amendment that substantially alters the Pennsylvania Public School Code. It is a distinctively different act than the one originally contained in Senate Bill No. 123. We can make that bridge on this bill, but I was called out of order last night because an amendment which I attempted to introduce to this body was determined to be not germane to the subject matter.

Now as a result of what we have done with this bill, we now have before this body an unrelated amendment to Senate Bill No. 123, which is in direct violation of our State Constitution, which subjects this legislative proposal to judicial challenge, much like the General Appropriations Act of 1995. Now I am sure, Mr. President, that is sure to follow. It is unlikely, though, considering the intention of the Pennsylvania House to adjourn for the summer today, that the Senate will even take the time to refer this dramatically altered bill to the Senate Committee on Education, the very committee with the specific expertise in the field of public school matters.

The purpose of another provision of the State Constitution, Article III, Section 2, is to ensure that those Members of the General Assembly with an experienced understanding of specific issues are afforded an opportunity to consider legislation and also to offer amendments. The unfortunate reality is that most of the Members of this body will be forced to vote on this issue without the benefit of offering amendments to the bill or the contribution of the experienced Members of the Committee on Education.

Mr. President, on the substance of this bill, I want everyone here to know that I am not just opposed to charter schools. I am not diametrically opposed to this concept. I am not against new experiments in education, but I do think that we need to get back to some basics also. One basic that I believe we have to get back to is dealing with this legislation which calls for the creation of charter schools without assuring them of the necessary funds to pay for them. What we are looking at right now, make no mistake about it, is just another unfunded, or more accurately possibly, an underfunded State mandate on the backs of the local school districts and local property taxpayers. It does run counter to all of the talk about cutting school property taxes. While some transitional funding has been added to the bill in an effort to temporarily placate those of us who have fiscal concerns, there is no long-range guarantee that the addition of charter schools will not just balloon local taxpayer

costs. Frankly, there is absolutely no assurance that the State, which under this administration has already demonstrated its failure to adequately fund our local school districts, will put up the dollars needed to pay for this new State-proffered experiment.

The legislation sets up a centralized, Harrisburg-controlled State board that will be in a position to play Big Brother to override locally elected school boards and also to impose a State dictate on the backs of the local taxpayers. This kind of system, Mr. President, does not return power to the local communities. It strips them of authority. It creates a new Harrisburg bureaucracy to second-guess the decisions of the locally elected representatives of the people.

Again, in order to temporarily placate those who may be concerned about Harrisburg's meddling in local decisions, the sponsors of this proposal will delay the effective date of the State's Big Brother appeals board until July 1, 1999, but the end result is still the same. The end result is that this legislation creates a new State-controlled bureaucratic structure to dictate its will over the objections of the locally-elected school officials with no guarantee, Mr. President, of adequate State funding to go along with that State mandate. This legislation provides for a temporary appropriation, and the operative word of course is "temporary." It is \$7.5 million that is going to be appropriated over 2 years to assist school districts with the costs of charter schools, \$7.5 million over a 2-year period. And yet if just 3 percent of Pennsylvania's more than 1.7 million public school students were to enroll in our charter schools, the additional costs would be approximately \$26.5 million annually. The State's \$7.5 million one-time-only contribution falls far, far short of meeting that added cost. Creation of charter schools does not mean that our existing schools and all their associated costs will disappear. The vast majority of these schools and all or most of the associated costs for teachers, staff, equipment, and facilities will most assuredly remain.

So before the State passes charter schools legislation, before we do that here this evening, we should put the money where our mouth is. We should do that by providing a proper mechanism for adequate funding. This legislation fails to meet that obligation, Mr. President, and I would ask for a "no" vote on this bill.

LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, Senator Lemmond and Senator Bell have been called from the floor, and I request temporary Capitol leaves on their behalf.

The PRESIDENT. Senator Loeper requests temporary Capitol leaves for Senator Lemmond and Senator Bell. Without objection, those leaves are granted.

Senator LOEPER. Mr. President, I request that we change Senator Uliana's leave from a legislative leave to a personal leave.

The PRESIDENT. That will be done.

The Chair recognizes the gentleman from Allegheny, Senator Bodack.

Senator BODACK. Mr. President, I would ask for a legislative leave for Senator Stapleton, who has been called to his office.

The PRESIDENT. Senator Bodack requests a legislative leave for Senator Stapleton. Without objection, that leave is granted.

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

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

Senator SCHWARTZ. Mr. President, I realized that I wanted to add one other comment, if I may, after hearing the other comments. Seeing Senator Rhoades rise, it reminded me that he did something that I did not do, and that was to thank the Democratic staffs. I thought that possibly there would be some acknowledgment from the other side of the aisle of the many hours that were spent by both Democratic and Republican staffs and legislators, so I wanted to thank the Democratic staff who worked on this, particularly Tom Gluck of my office, who really spent many, many hours working with Democratic colleagues on the Committee on Education and also with Republican colleagues. I think it is important for us to recognize—we have not voted yet—that there was a great deal of bipartisan effort on this legislation, particularly in the House, but certainly in the Senate as well where we do less of it.

I wanted to just reinforce some of the comments of my colleagues in saying that my vote for charter schools, our vote for charter schools, our passage of charter school legislation in no way should have us pretend that we have taken care of education reform in this Commonwealth and we now can relax and leave it at that. I certainly do not feel that way, and I assume that very few of my colleagues who might be voting for this legislation feel that way.

I wholeheartedly endorse the comments of my colleagues, particularly those who spoke about the need to move ahead on some of those other education reforms on statewide standards, on high academic standards, on professional development, on reduced class size, on full-day kindergarten, on equitable funding for our school system, and my hope for this legislation, Mr. President, is that this will build public confidence, that this creates greater public engagement in public education, that this creates a stronger public commitment and public advocacy for public education so we can get to many of those other educational forums that are so important to all of our children across the Commonwealth.

Thank you, Mr. President, for the opportunity, and I look forward to the conclusion of this dialogue.

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

Senator HUGHES. Mr. President, I was debating internally within myself whether to rise at this point to offer comment and observation about what we are confronted with here at this particular moment. Senator Kasunic, in his comments, referred to a situation occurring within the 7th Senatorial District, my district, where two personal friends of mine, two individuals who have been involved in educating young people for a

number of years, are moving down this process of creating charter schools. And either later on this evening or sometime tomorrow, I am going to have to confront probably both of them and explain to them why I could not be supportive, at least at this moment, of their efforts. You see, we have been trying to assist them in moving their process forward for many months now, but I am being honest with them in saying that what we might come up with here in this General Assembly may not be all that supposedly charter schools are cracked up to be.

It also presents a difficult situation, Mr. President, because a lot of what is occurring in the city of Philadelphia really cannot be defended. You just cannot. We are in crisis with respect to our education system. Parents are not involved, teachers are not teaching, administrators are not administering, and the reality is that young people are not learning at the level at which they need to be learning. Reform is clearly necessary, change must be made, and quite frankly, my personal record in terms of doing work and helping young people through their own education process is long and detailed and has a lot to it. The Friday evening after the general election in November of 1996, I had 800 people at a church in the middle of a torrential downpour getting information about what they can do as family members, as parents, as educators to help young people learn, and as an aside, none of what was discussed that evening was mentioned about charter schools.

What we have in this form of charter schools, Mr. President, is an unfortunate reality of the skim factor, the cream factor. What do we mean? What we mean is a charter school gets created, maybe in Philadelphia, and it attracts the best and the brightest teachers. That is what I am confronted with right now, Mr. President. One of the best teachers at one of the most difficult schools in the city of Philadelphia is moving to create a charter school, and what is going to happen, Mr. President, he is going to—and Senator Rhoades will remember because he testified in front of us at our hearing, John Skief—set up a charter school and he is going to attract probably some of the most exciting teachers and educators within the city of Philadelphia, individuals who have had a long commitment and have found ways to be creative in educating young people. They are going to move to him and help him. They have all said that. He testified to that, Mr. President, and that is going to be a great and exciting educational environment. It is only going to deal with at best maybe a couple hundred young people.

But what will happen there, Mr. President, is all of these good teachers are going to come out of a host of these schools and move into one environment. But then what happens with the young people? What will happen, Mr. President, is parents of successful young people will see where the good teachers are going and they will take their children out of that public school and follow those good teachers. Parents of children in our parochial schools, our private schools, our religious schools will say, hey, I can get out of dealing with the cost of sending my child to this private school and put him in this educational environment with all these great teachers, so they will move out and put their kids there. The best kids in the public

schools, their parents will put their kids in that charter school and what we will be left with, what we will be left with, Mr. President, in the rest of those public schools are children who are the most in need.

We will have created another two-tiered education environment; creative, innovative, exciting education for those who have, and something far less for those who do not. And it is those several hundred thousand other young people about whom we must be conscious as we move forward. We cannot ignore them as we create an environment for the best and the brightest and leave the rest to fend for themselves. We cannot ignore those children. And anybody, everybody, who sets up one of these schools, one of these educational environments, must be clear, and I said this to John and I said this to others, that we cannot escape the funding crisis that exists for education. They will have to deal with it in their charter environment just as the public school from which they came is having to confront it, especially in Philadelphia.

They can run, but I guess in a lot of ways they cannot hide. Buildings that are falling down will continue to fall down in charter schools. Urinals that do not work will continue not to work in charter schools. Lights that do not come on, air conditioning systems that do not work, heating systems that do not work, no matter what environment you are in, if you do not have the resources to fully support that environment, the money to fix everything up that needs to be fixed up, it is going to be a difficult situation. We cannot escape the financial reality that this State has lost its concern about investing real dollars in our public education system the way we want to invest them in our jails and everything else.

It is difficult for those of us who are from Philadelphia to stand at this moment and choose to vote "no." I choose also to say at this time, Mr. President, that this is it, that the status quo within our great city and across the Commonwealth of Pennsylvania has to come to an end. Those who have been involved in this process have to move off the dime and get beyond their own tunnel vision and see that the kids must be placed in a priority environment.

I guess the reward in all of this, Mr. President, is that this discussion of charter schools hopefully will remove the institutional players out of their current tunnel vision reality. Hopefully it has, and I applaud both my chairs for making that happen. But we cannot ignore the 80 percent or so of young people who will not get the benefit of participating in an educational environment where the topflight teachers and the topflight kids are all clustered together and they are doing their thing and God is blessing them and they are getting their education and everything is wonderful for them, and everything for the rest of the young people who need the best the most will not be available for them. That is what is happening here, Mr. President. It is the wrong plan, the wrong time.

Thank you very much.

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

Senator MURPHY. Mr. President, just some brief comments. H. G. Wells once reminded us that history is more and more a race between education and catastrophe. We have in

this State many good schools, many fine schools, many fine and creative and exciting teachers, many good students, some who have that opportunity to avoid this tragedy and some who may not. I am blessed with many fine school districts in my own Senate district that do a fine job. It is interesting that two of those districts, excellent districts by anyone's standards, are still seeking an opportunity to have charter schools, and I think it is important to support them in this effort so that children and teachers alike have an opportunity to unleash their creative skills and their knowledge to do better.

Any student, whether they are gifted, learning disabled, or average, if we fail to provide opportunities for them to meet their potential, we have contributed to the tragedy. If we have created opportunities for them to meet their potential, we have given them a great gift. It seems to me, in my support of this, I am reminded of George Bernard Shaw's comments that some see things as they are and say why, and others see things as they can be and say why not?

Thank you, Mr. President.

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

Senator PICCOLA. Mr. President, some of the prior speakers who rose in opposition to this bill have left the impression, and I think it is erroneous, and I know it is an erroneous impression, that charter schools are somehow going to be created for the elite, the well-off, the educationally gifted, those who may be interested in math or science, the academically oriented. That is clearly not the case. The example outlined by the gentleman from Philadelphia I think is a very good example of one possibility of the outcome of the charter school process, and I do not think that is a bad outcome, because even though it may only positively affect several hundred children, that is several hundred children who are not being positively affected today and they will be under a charter school system.

But charter schools are not only for the intelligent, the academically oriented, the math and the science students, the upper 10 percent or 20 percent. One only needs to look at the 67 planning grants that have already been approved by the Department of Education for charter school planning purposes in this Commonwealth to see that there are a whole range of opportunities available under charter schools if they are allowed to develop. Right here in Dauphin County, in the shadow of this Capitol building, there are two entities that have applied for planning grants, not for gifted students, not for math oriented students, not for the super-intelligent or the science or the academically oriented, but they have applied for grants to plan for charter schools that would cater to and serve the students, the children at risk in the city of Harrisburg.

That is the kind of opportunity that is available under this kind of a charter school system. We are not saying that charter schools are not going to cater to only the elite or the intelligent or the gifted. Some of that may occur. Some of that very well may occur. But there is opportunity here across the spectrum for the children at risk, for the special needs students, for the whole range of educational needs that our communities face in this modern age.

As I said in my earlier remarks, the challenge and the opportunity is with the 500-plus school districts of this Commonwealth not to take this charter school bill as an obstacle or as an adversarial process challenging them, taking money from them, hurting them. That is not its purpose. The challenge and the opportunity for the 500-plus school districts of this Commonwealth is to work with those entities in their communities, to work with the students and the parents and the teachers in their school districts, to develop and work with them to encourage the creation of charter schools that meet the educational needs of the Commonwealth of Pennsylvania in their communities. That is how this bill is structured, that is how it is intended to work, and our faith, especially during the first 2 years, rests very, very strongly with our school districts. The challenge and the opportunity is with them, and I am hopeful and very confident that they will meet that challenge.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from York, Senator Delp.

Senator DELP. Mr. President, I was up in my office listening intently to the debate on this very important issue this evening, and I had not intended to speak on this bill, because even though I have been heavily involved in this issue, going back for the last year and a half, quite frankly this is not the bill I would have preferred to have seen us voting on this evening.

However, the comments of the gentleman from Philadelphia motivated me because as I listened to some of the comments that he made, particularly concerning the fact that he felt that the best and the brightest students and the best and the brightest teachers might be inclined to go to charter schools, it reminded me of a conversation that I had concerning charter schools with an educator in my district. He came in to speak to me a few months ago and he expressed that exact same concern. He said he felt that the best teachers in York County and the best students in York County would probably jump at the chance to go to a charter school if they could.

Oddly enough, this educator, someone I think the world of, I actually had the opportunity to be taught by him. He was a teacher at Spring Grove High School, an excellent educator. I looked at him and I said, how are you going to sleep tonight if you really believe that? How are you going to go to sleep tonight if you really believe that the best and brightest students in public schools in York County today would leave if they had the opportunity? The best and brightest teachers would leave because the system is so out of whack that the teachers cannot do what they can do. There is nothing wrong with our teachers, there is nothing wrong with our students, there is something wrong with our system. I think charter schools are going to give us the opportunity to try to take a look at fixing that system.

As I have already said, this is not the best bill in the world. Directly, though, to one of the comments that the gentleman from Philadelphia made with respect to maybe a school catering to the best and brightest, I think Senator Rhoades is going to speak directly to this as well, they cannot. They are not allowed to just take students based on their I.Q. Interestingly

enough, in the United States today, over half of the charter schools that are in existence in the States cater specifically to special needs students, and an interesting off-shoot of that is schools, for instance, let us say in York County, if a charter school were developed tomorrow to cater to special needs students, every school district in York County probably will end up saving money, because as we all know, the students who are the most expensive for our school districts to educate are those special ed students, because we know the formula does not work. And if we find more and more of those students going by choice to a charter school that is developed for their needs, the school districts may end up actually having less of a financial burden placed upon them, and that actually has been the case in some of the States that currently have charter schools.

So I rise not in total support of the bill tonight, but I believe that a lot of credit should go to Senator Rhoades, who has worked very hard on this issue, along with his staff, and as the gentlewoman from Philadelphia said, both sides of the aisle. I know there have been a lot of folks working trying to pull groups together who generally do not get together too easily, and they deserve a lot of credit. I urge all my colleagues to vote for this bill this evening.

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

Senator RHOADES. Mr. President, one thing I think we have to remember, not one size fits all. We all do not learn the same way at the same rate, in the same manner. And so in that learning, we have to find different methods which work best for us. Within the public system now, we are looking to extend to charter schools. How many charter schools? Well, we have 67 applications, an average size of 200, that is 13,400 kids. If we have to convert all of the kids today in Pennsylvania into charter schools, that means we have to have 9,000 charter schools. Folks, we are not going to have that. Common sense tells us we will not. And I will not attack the public school system. Like anything else, and I do not care if it is here, there, or elsewhere, we can always improve upon what we are doing. But this is a chance for us to afford opportunity for kids and for teachers.

And Senator Hughes is right. I remember John Skief who came in, and right before him was Fred Brown, who had been teaching for 6 years and kept getting bumped out of a position in Pittsburgh because he did not have seniority. He was dying to do something and that is why he came to testify. Actually, he was sitting there, and we had time and we listened to him, and then I listened to Mr. Skief, who had been teaching for 25 to 35 years. And see, that is the anxiety of all this because I had a good friend who taught mathematics and also coached with me. He was an assistant while I was coaching. Even today, his students talk about how good he was, but he left and went into the private sector. Why? Because he had a frustration level with what was going on, the same as Mr. Skief has. He wants to do something, but the system itself is tying him down. And I see that more and more, and especially I guess through the hearings.

There is a frustration level there. Maybe the best thing I can say to all of us here within the sound of my voice is get into the schools. They are not what they were 20, 30, 40, 50 years ago. It is a different kind of situation, folks. Walk in those moccasins and find out what is going on, and you begin to realize the frustration there and all the things we have to do for the kids. But let me come back. You really want to improve public education? Fine, then get ready because standards, assessment, and accountability are coming, and that is what is going to make a difference. That is going to make the biggest difference. That is the next big item behind this.

Secondly, we are not doing anything strange. If any of you are familiar with site-based management, you know that has been teachers with a principal, with parents, with community groups getting the budget from the school district and then deciding what they want to do inside. It has worked in other areas. You can ask, is there something different? Yes.

How about magnet schools? What are they all about? I had a young lady come to me when I spoke to the Pennsylvania Education Research Association whose superintendent had worked with her to put in a magnet school, this is in Berks County, and she asked me, should I go to a charter school or should I stay in the magnet school? I asked, who is paying for it, your superintendent or school board? They are all for it. I said, stay with them because you are going to get more funding out of that than if you just transferred over to a charter school.

Vocational technical schools. Do we support them out of our regular school budgets? Yes, and we support them out of the State. Are they an example of a charter school? I would say that they are. When we look at this, we do have at-risk kids, and a lot of these programs do go into it, because if I thought I was just putting a program in for the highfliers or special kids, I would not do this. I will tell you, if you really want to worry about anything in education, worry about the last kid out of the 1.8 million kids. That is who you worry about. Kids on top will take care of themselves. We can do things for them. Worry about the kid, the last boy or girl of that 1.8 million. You do something for him or her, that is when we start to make real improvements and that is our responsibility. That is where we have to get.

The other thing is we are saying we are going to lose teachers. They can transfer to other districts, they can leave teaching, they can pass away, so we are going to lose them all from time to time. The other thing I say is then we should not support 30-and-out because we want to keep them there if they are that good.

The last thing I want to say is that in the process there was a question about their athletic ability and the rest. We have a section in here that says, "A charter school shall not discriminate in its admission policies or practices on the basis of intellectual ability, except as provided in paragraph (2)," which kind of gives you some eligibility requirements, "or athletic ability, measures of achievement or aptitude, status as a person with a disability, proficiency in the English language or any other basis that would be illegal if used by a school district."

We do not want to create elitist schools, special schools. We want to create an opportunity for all our boys and girls to learn. We want to create an opportunity for our teachers who, by the system, are upset and want to do something else, that they get a chance, and I am not saying just teachers. There are educators and parents who want to go out and do something different. Give them the opportunity so that they will not get bored, overcome, and overwrought by the system itself. Today you have a chance to cast a vote to begin to make that happen. I would appreciate your support for Senate Bill No. 123.

Thank you.

LEGISLATIVE LEAVE

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

Senator LOEPER. Mr. President, I request a change in leave for Senator Uliana from a personal leave, to a legislative leave, please.

The PRESIDENT. That leave is granted.

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

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

Senator LOEPER. Mr. President, on the bill itself. Very briefly, Mr. President, we have heard a lot of debate on the floor tonight relative to the charter school proposal that is contained in Senate Bill No. 123, and I also very briefly would like to thank Senator Rhoades, Senator Mowery, the staffs, my staff, as well as the Minority chair of the committee, who has really put a tremendous amount of effort into this issue. It is not an issue that just surfaced tonight on the Senate floor, it is an issue that has had a lot of debate, initiative, and it is one that finally has come to fruition this evening on the Senate floor. I think it represents a very reasonable and thoughtful compromise proposal, one that can begin a new journey of charter schools in Pennsylvania. Mr. President, I ask for support of the bill.

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

Senator BODACK. If I may, Mr. President, I think it is in order to say that we have had a tremendous amount of effort put forth by staff members of various Senators, but especially those of Senator Mellow who have worked countless days and evenings on this subject. That should not go unnoticed, and I would like to thank all of our staff for doing what they have done on such a serious subject.

The PRESIDENT. And the record will reflect this.

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

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

YEA-30

Armstrong	Hart	Mowery	Slocum
Bell	Heckler	Murphy	Thompson

Brightbill	Helfrick	Piccola	Uliana
Corman	Holl	Punt	Wagner
Delp	Jubelirer	Rhoades	Wenger
Earll	Lemmond	Robbins	White
Gerlach	Loeper	Salvatore	
Greenleaf	Madigan	Schwartz	

NAY-18

Afflerbach	Kasunic	Musto	Tomlinson
Belan	Kitchen	Stapleton	Williams
Bodack	Kukovich	Stout	Wozniak
Costa	LaValle	Tartaglione	
Hughes	Mellow	Tilghman	

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

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 2

SENATE CONCURS IN HOUSE AMENDMENTS AS AMENDED

SB 200 (Pr. No. 1172) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), entitled Pennsylvania Election Code, further providing for compensation of election officers, for court establishment of new election districts, for polling place layouts, for special elections for members of the General Assembly, for affidavits of candidates, for objections to nomination filings, for affidavits of candidates for nomination, for nominations by minor political parties, for nominations by political bodies, for contents of nomination papers and campaign finances, for nomination filing time and place, for objections to nomination petitions, for objections to substituted nomination certificates, for ballot number and samples, for late contributions and independent expenditures, for unlawful possession and counterfeiting of ballots, for forged and destroyed ballots, for tampering with voting machines, for illegal voting, for denial of voting, for election officer fraud, for election interference, for violence at polls, for unlawful voting, for improper party voting, for repeat voting, for removal of ballots, for election bribery and for absentee violations.

On the question,

Will the Senate concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 200?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House, as amended by the Senate, to Senate Bill No. 200.

On the question,

Will the Senate agree to the motion?

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

YEA-47

Afflerbach	Heckler	Mellow	Stout
Armstrong	Helfrick	Mowery	Tartaglione
Belan	Holl	Murphy	Thompson
Bell	Hughes	Musto	Tilghman
Bodack	Jubelirer	Piccola	Tomlinson
Brightbill	Kasunic	Punt	Uliana

Corman	Kitchen	Rhoades	Wagner
Costa	Kukovich	Robbins	Wenger
Delp	LaValle	Salvatore	White
Gerlach	Lemmond	Schwartz	Williams
Greenleaf	Loeper	Slocum	Wozniak
Hart	Madigan	Stapleton	

NAY-1

Earll

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

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

HOUSE MESSAGE

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 125**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

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

ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session and this evening's Session to consider Senate Bill No. 125 and certain nominations.

RECESS

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

Senator LOEPER. Mr. President, at this time I would ask for a 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. For the purpose of a meeting of the Committee on Rules and Executive Nominations to take place immediately in the Rules room, the Senate stands in recess.

AFTER RECESS

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

REPORT FROM COMMITTEE

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

SB 125 (Pr. No. 1173) (Rereported) (*Concurrence*)

An Act amending the act of August 9, 1955 (P.L.323, No.130), entitled The County Code, providing for an excise tax in certain counties, for appointment of auxiliary board of assessment appeals and for the Southwestern Pennsylvania Regional Renaissance Initiative; authorizing any third class county having a second class A city to enact a

hotel tax for tourist and recreation facilities; repealing certain mandates imposed on counties; and discharging certain liabilities of counties.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 4**

SENATE CONCURS IN HOUSE AMENDMENTS

SB 125 (Pr. No. 1173) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), entitled The County Code, providing for an excise tax in certain counties, for appointment of auxiliary board of assessment appeals and for the Southwestern Pennsylvania Regional Renaissance Initiative; authorizing any third class county having a second class A city to enact a hotel tax for tourist and recreation facilities; repealing certain mandates imposed on counties; and discharging certain liabilities of counties.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 125?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 125.

On the question,

Will the Senate agree to the motion?

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

Senator HART. Mr. President, I rise in support of Senate Bill No. 125. Almost 10 years ago the Pittsburgh region was named America's most livable city. Those of us who live in that area wonder what has happened since then. We are still a leader in education, we are still a leader in research, and we are beginning to carve out a niche in the high growth technology sector. Manufacturing does remain a vital part of our economy and identity in the Pittsburgh region, but it is not growing and we need more.

Young people who grew up in southwestern Pennsylvania are graduating from our region's many fine institutions, including my alma mater of Washington and Jefferson College in Washington County. Other area colleges and universities - Seton Hill College, CMU, University of Pittsburgh, Waynesburg College in Greene County, Geneva College, and Indiana University of Pennsylvania - are all graduating bright young people every year. Thousands of these graduates are finding jobs, better jobs, but they are finding them in other cities, Mr. President.

The older residents remain where they are, forced to shoulder a growing tax burden exacerbated by the flight of these young people. The younger generation is leaving for the technology-rich South. They are leaving for jobs in regional centers like Seattle, Minneapolis, Kansas City, Denver, and Phoenix. They are even heading for Cleveland, Mr. President. The rest of these cities have caught up with Pittsburgh and in fact they have passed us. Our convention center often sits empty because it is too small to accommodate large conventions

and trade shows, events that certainly would pump new money into our area of small businesses. We are losing more than \$100 million a year because we cannot accommodate most of these conventions. Other successful cities can.

Look along the banks of our three rivers - the Allegheny, the Monongahela, and the Ohio. There are small pockets of development, but it is mostly littered with abandoned industrial sites. This is valuable waterfront property. It should be used for a wide variety of projects, both residential and commercial. I travel along these rivers and I see opportunity. It is opportunity for growth. Soon I hope to see housing developments, marinas, entertainment complexes, manufacturing facilities, high technology businesses. That opportunity can be realized, Mr. President, and it can be realized soon if we support this legislation that is before us today. We have the opportunity to empower the people of southwestern Pennsylvania with the ability to make Pittsburgh America's most livable city once again.

To make the Pittsburgh region a national leader, the quality of life must be improved and we must have more economic development to catch up with the rest of the country, to let our young people work and raise their families in the towns they grew up in. Towns like Monaca, Arnold, in my district in Westmoreland County, New Castle in Lawrence County, Donora, Homer City, Apollo in Armstrong County, Uniontown, and McKeesport, all once vital downtowns, now struggling, and, unfortunately, the parents only see their children on holidays.

Mr. President, we need a stronger local commitment in order to obtain the available development grants for southwestern Pennsylvania that we so sorely need. This bill gives us that opportunity. With voter approval, this bill helps to generate \$600 million in local funds, funds that will help us to access State, Federal, and private funds totaling over \$1.5 billion. This is money for projects for our region in southwestern Pennsylvania. These dollars enable us to fund major regional and important local economic development projects. Each county will help determine how the money will be spent on the regional projects, but each county will have total control in determining how their share of the economic growth funds will be used in their own counties. We must remember this is a regional effort. It will generate tremendous benefits all over southwestern Pennsylvania, not just in downtown Pittsburgh.

I ask all of my Senate colleagues to join me today in supporting this plan to empower the people of southwestern Pennsylvania and bring back the jewel that it once was in our economy. I especially look to my Senate neighbors from Allegheny, Butler, Westmoreland, Beaver, Armstrong, Fayette, Greene, Indiana, Lawrence, and Washington Counties to join me in support of this important legislation. Please give the people of our region the power to decide their own future destiny. We suffered enough from a restrictive government structure that does not give us the freedom to determine our destiny. Give us, the citizens of southwestern Pennsylvania, the chance to make our region a leader again as it should be.

Thank you, Mr. President.

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

Senator BODACK. Mr. President, if I were to describe this as a controversial issue in western Pennsylvania and tell you that there are many people against it, I would be putting it very mildly. There is a very, very large number of people in western Pennsylvania who are just dead set against any new or higher taxes. I cannot blame them, and I am sure that I am only crediting western Pennsylvania because of the content of this bill. I think that Pennsylvanians everywhere are pretty well upset with the taxes that we have imposed in many cases against them.

There are many people in western Pennsylvania who are opposed to this not only for tax reasons but because they believe that we should use public funds to finance our for-profit sports facilities and other developmental projects. On the other hand, there is a case that is being made right now that without the Steelers or the Pirates, and there are at this time in the city of Pittsburgh and the surrounding counties not many people who remember western Pennsylvania without the Pittsburgh Steelers or the Pittsburgh Pirates, or the Penguins for that matter, our overall economy, I am sure, would suffer tremendously if they were not present in our fair city, county, and part of the State in western Pennsylvania.

Mr. President, I am not entirely convinced of the merit of a new and a higher sales tax to subsidize our sports stadiums and our development projects, but nonetheless I will support this bill in order to allow the people to decide. I think that those organizations that are going to sell this to the public have a very, very hard sell. Mr. President, what we are about to do here tonight in putting it on the ballot is not a hard sell. I think that we should empower the people of western Pennsylvania to give them their choice. Mr. President, I trust the voters.

I am not against giving our people the chance to tell us in a deciding majority vote that they oppose this or that they are in favor of it. I think that is the essence of our democracy. I think we should allow our citizens and give them the opportunity to hear the pitch for this and also that against. I think that they are intelligent enough to weigh the pros and cons and that they will have the final say. I do believe that placing this on the ballot will cause a very spirited debate over the summer months and up until election day in November of this year. I will vote "yes." I consider a vote "yes" to empower the people in western Pennsylvania, and a vote "no" is to say that Harrisburg knows what we should do in western Pennsylvania better than we do. I urge an affirmative vote on this bill.

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

Senator COSTA. Mr. President, I, too, rise in support of this legislation, as Senator Bodack has indicated, to allow the people of southwestern Pennsylvania to decide whether or not they want to control their destiny with respect to economic development issues.

Mr. President, I also rise to discuss another part of this particular piece of legislation that quite frankly is not part of the legislation but is something which I think is imperative as this discussion begins to take place with respect to the public

and how they sell this or market this particular concept, and that issue is what happens at one of these sports facilities with the primary tenants, as they have been referred to in the legislation. My concern is that this legislation will ultimately pass. And for the record, Mr. President, my position is that I hope it does pass because I think we need to do things like this in southwestern Pennsylvania to support our region so that our communities can get back to the prominence in which they were once held in this great country.

Mr. President, my concern is that in the event this particular piece of legislation passes and that we in fact build facilities in Allegheny County, specifically we build a baseball stadium or we build a new football stadium, my concern is that there will be some discussion during this process, that there be some discussion with respect to the--and I want to make certain that I quote the name of the group properly--Regional Renaissance Authority. I want to put on the record for the sake of whether it be legislative history or whether it be for public discussion later down the road that there be some discussion and that whomever from this Caucus is chosen to be a member of the Regional Renaissance Authority that this body look out for the long-term benefits for the taxpayers of the southwestern Pennsylvania region.

My concern is that we do not build a baseball stadium, provide up to \$100 million for a baseball stadium or for a football stadium, with the other \$100 million being provided hopefully by private dollars, I think the legislation is clear with respect to that, but my concern is that 5 or 10 years from now when we are looking on the north side section of the city of Pittsburgh and we have beautiful baseball or football stadiums but we do not have sports teams. And that is my concern, and I think it is imperative as this discussion takes place, the public discussion, that we require, that we make certain that some of the terms and conditions of the leases that are signed by the Regional Renaissance Authority make certain that there are provisions in some of these lease agreements for long-term contracts, Mr. President. But more importantly that there be provisions in these contracts that will allow for the public, the Regional Renaissance Fund, to be reimbursed by the private entities that own and operate these principal tenant teams, the baseball teams and the other teams.

Mr. President, very recently in the National Hockey League we had a situation with a team that played hockey in Hartford, Connecticut, the Hartford Whalers, and essentially they wanted to leave Hartford for greener pastures down in Raleigh, North Carolina, I believe, and before they could leave they had to reimburse the city of Hartford in excess of, or close to, \$30 million, which essentially was a buyout clause to help cover some of the costs and expenses that the taxpayers of that State had to provide with respect to some of the facilities that they worked in and provided the arena for them.

Mr. President, I think we need to see something very similar to that in some capacity with respect to the Regional Renaissance Fund or the authority in terms of how they operate and what it is that the taxpayers are going to be asked to do. They are going to be asked to provide significant tax dollars to this Regional Renaissance Authority and this authority is then

going to lend them money or give them money to build a stadium. I think we need to have something in place that says very clearly to the tenants of those teams that if you intend to leave the city of Pittsburgh after we build you a beautiful stadium, that you will be responsible for a significant portion of the cost to build that stadium. If the public investment is going to be \$100 million for each of those two stadiums, a significant portion of that amount of money is to be repaid to that authority so those dollars that we expended for that stadium can then be placed back into that fund and then turned around and utilized through that fund in that appropriate manner to continue the economic development that needs to be done with respect to this region.

Mr. President, I do not think we in Harrisburg should control the terms and conditions of contracts, for the most part, between the authorities and various private entities, but I do think it is imperative in this particular case that we make a statement here in Harrisburg, or I at least want to make a statement for the record, that very clearly we need to take a look at this issue, that in the event that these sports teams leave that we make certain that the public knows at this particular point in time that those dollars they expend tomorrow, or whenever this legislation is enacted, if it is enacted, that those dollars will be recouped from those teams before they leave this region and they will then be utilized for further development.

I think this is a very reasonable proposal. As Senator Bodack has indicated, it gives the citizens of southwestern Pennsylvania, those 10 communities, the opportunity to vote on the future. I think that is what is appropriate. This is a democratic society. I think that is something we need to do, and I encourage all my colleagues from all across the Commonwealth to vote in favor of this.

Thank you.

The PRESIDENT. The Chair recognizes the gentlewoman from Venango, Senator White.

Senator WHITE. Mr. President, I represent four counties, two of which are included in this proposed region, Butler and Lawrence. It is very tempting when faced with an issue calling for a referendum to simply duck the issue and say let us let the voters decide. What I have heard from many of my constituents and from their local elected officials is that they have already decided that this is not in their best interest and that they resent having the terms of this proposal dictated to them by Allegheny County and by the Pennsylvania legislature. On the ballot in November is the constitutional amendment permitting a homestead exemption, which would permit a property owner's home to be taxed at a different rate from other real property. This is the first step in what we hope will be broad-based tax reform that will allow local taxing bodies to substitute sales and income taxes for real property taxes.

What does this proposal do to the abilities of the county commissioners to fashion a tax scheme that is in the best interests of their county? Let us remember that a plan devised by the local officials must be approved by local referendum. Do you see a disturbing trend here? Elected officials are constantly passing the buck to voters to make the tough decisions on taxes. We have heard that we have a democratic form of

government, but in fact we have a representative democracy. We elect people to study the issues and to act in the best interests of the entire legislative district, including those who do not show up at the polls. I have been elected to do that and I will do that.

If this regional taxing proposal had the support of the elected commissioners within the 10-county area, I would consider voting for it. The fact that many of the commissioners in my senatorial district are opposed to the plan raises a red flag. I believe that any regional taxing plan must have the support of the elected officials within that district. It is significant that today of the 126 House Members who voted for the regional plan, only 25 of those were from within the 10-county area, and of those 25, 18 were from Allegheny County. That does not leave a lot of political support.

To be successful, a regional plan needs to build on a political consensus as well as a vision of the business community. That foundation is lacking in this plan and I fear does not bode well for its success. We cannot wish a region into existence where we have in fact 10 counties. There are many things we can do to create a sense of region and to link the counties and municipalities surrounding that wonderful city of Pittsburgh. Building a sense of pride in that region is a prerequisite to the pooling of financial resources. It cannot be imposed, not by a legislature and not by a referendum.

The bottom line is that my constituents and commissioners in Butler and Lawrence Counties are telling me they do not want any part of their tax revenues used to build a professional baseball stadium in Pittsburgh. I think it is my duty to carefully weigh their opinions, and I am therefore voting "no" on Senate Bill No. 125.

Thank you.

The PRESIDENT. The Chair recognizes the gentleman from Washington, Senator Stout.

Senator STOUT. Mr. President, I rise to oppose the passage of Senate Bill No. 125, and I want to quote our beloved Republican President, Ronald Reagan, who in a debate with his presidential opponent said, "There you go again." Our voters out there say, there you go again with another tax bill. You are trying to be real clever and shroud it in a referendum and put that to the people and if it passes, you blame them.

One of the previous speakers earlier said that they had a vision. They go down the Monongahela, the Ohio, and the Allegheny Rivers and they see opportunities. That is fine and good and I am glad that their vision has returned, because less than 2 months ago this body passed one of the really, truly economic development programs in Pennsylvania. We increased the gasoline tax and registration fees to fund roads and bridges, and to help your local communities get another 12 percent of the money for local road maintenance, we put \$150 million into mass transit. Here comes Allegheny County back now after they got \$30 million out of the mass transit funding, and it is interesting, very interesting in the supporters who are coming forward with this bill.

In the 10 counties that are covered by this legislation, they are represented wholly by 13 Senators who have all or part of those 10 counties. They are represented by 43 House Members

who represent part or all of those 10 counties. So we had a really important \$400 million increase in highway and bridge construction and maintenance fees and \$150 million in registration. Do you know how many votes we got in this Chamber for that big, truly economic development plan? I think we got 5 votes out of 13 by our Members, and over in the House we got 8 out of the 43 who voted for that. But that was something we did for truly economic reasons, and now 2 months later we have the people who voted against that and said it was awful and it was a miscarriage of justice and it was not right and they are now back here wanting to pick the taxpayers' pockets for about \$700 million to \$800 million over the next 7 years, and it is really ironic that they now come back to do that.

And another thing that frustrates me is that we are continually beat upon by people from the business community, from the Chambers of Commerce, from the business leadership saying that in Pennsylvania it is terrible to do business. Taxes are too high, too many regulations. We are going to move out of Pennsylvania, we will not come back, things like that. Now in the last 3 years, as I recall, under this Governor we have given 1 billion dollars' worth of tax cuts, and that is rightly so. We had money and my side of the aisle supported it.

But I have these so-called self-appointed and self-anointed messiahs who are going to lead Pennsylvania's 10 counties into the promised land of milk and honey because they know better than we do. They constantly tell us that taxes are too high, you ought to reduce taxes to attract business. We have done that. But when there is a little problem it is always the same toot: get government off my back, but once there is a problem and they do not want to have the responsibility for funding it in the private sector, they come down to Harrisburg, you have to save us. It is terrible what is happening. Now State government has to come forward and be the savior for them.

I find that hard to accept, the continual criticism of the business climate in Pennsylvania on one hand and on the other hand say give me more money from the taxpayers so we can have our own private ballparks, stadiums, private things, and you people pay for it. Stop and look at your own senatorial districts. On a Sunday when there may be 60,000 people in Three Rivers Stadium, how many of them come from your district? I have gone to see the Steelers. I buy my tickets, nobody gives them to me. I pay for them. But on any Sunday I doubt if there are more than 4,000 or 5,000 people out of that 60,000, and I am being generous, what happens to the other 250,000 people in my district who cannot go there? The number one reason is they cannot afford it. They cannot afford a \$50 ticket. They cannot afford a \$4.50 hot dog or a \$4.50 soft drink, but we have to subsidize that? That is ridiculous.

Then just about 10 minutes ago in that Committee on Rules and Executive Nominations meeting right back there, I offered an amendment prepared by my colleague, Senator LaValle from Beaver County, that would add to this a back-end referendum. There is nothing there in the long run to really protect the taxpayers of the amount of money. They say there is a certain percentage limit on that money and there is supposed to be private money to fund the rest of it. There is nothing in the plan on how that is going to be done. So Senator

LaValle's amendment, which I offered in the Committee on Rules and Executive Nominations, would allow a back-end referendum on the ballparks and the stadiums to let your people, the taxpayers in those 10 counties who are going to pay the freight, say whether they approve it or do not approve it, based on a regional vote within the 10 counties. That was shot down.

But the really frustrating thing is there are people in this Chamber and across the hall in the other Chamber who have made a career out of being the leader for tax reform. Now we have talked about tax reform on this floor probably 100 times in the last 10 years. Recently, we sent the referendum for the fall on the homestead exemption, which is going to be there, too, but it is ironic when I offered an amendment in the Committee on Rules and Executive Nominations meeting to say another use for this money in these other nine counties would be to fund tax reform and it was defeated.

What has happened? You cannot use that sales tax money, that one-half percent that is going to generate hundreds of millions of dollars for stadiums and every other activity you want funded by the public in this matter, and then at the same time say I am for tax reform but you cannot get it for 7 years because there is a 7-year limit on this one-half percent sales tax. There is an old country saying where I live, you cannot have it both ways, my friends. You cannot milk the cow and butcher it too. You want to send it over there, take the cream off of it for these special purposes, but the other way you do not want to fund tax reform. And this is misleading to the public who also in November are going to look at a referendum on homestead exemption. That is nice you approve a homestead exemption, but I am sorry we do not have the money to help make up a replacement for the revenue that is lost because we are spending it in the Regional Renaissance.

I am curious. Allegheny Countians have benefitted from this for the last 4 years. About \$60 million annually out of their RAD tax goes for tax reform. What is wrong with some of it going to Beaver County or Butler or Lawrence or Westmoreland or Indiana or Armstrong or Fayette or Washington Counties? What is wrong? They can do it, use that money but we cannot. That is wrong. That is why this is going to be defeated in November if it does make its way to the ballot.

So, Mr. President, again, we see the little people, the ones who cannot afford to go to Three Rivers, the ones who cannot afford those kind of tickets and opportunities or cannot go to the convention center or anything else, pick up a major share of the cost to fund this program. I have always been for economic development and supported the highway funding, money for infrastructure, water and sewers, job training, brownfield legislation, things to create opportunities, but, unfortunately, I do not think there are that many jobs created in stadiums and ballparks for what most people think are overpaid people making \$8 million to \$10 million and jump from one team to another. There is no loyalty out there anymore. Deal with it. Not on teams, not in ownership. It used to be the Cleveland Browns, but they are history. It is now the Baltimore Ravens. This is wrong and the voters of these 10 counties have figured it out.

I have voted for a number of revenue measures over the years, but I have had more opposition to this, more than I received on the gas tax 2 months ago, just the sales tax, because people see what is happening. This is being done for special interests and not for the interests of the taxpayers of that 10-county area.

Thank you, Mr. President.

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

The PRESIDENT pro tempore. Mr. President, I am probably the only one to rise whose district is not directly affected by the Regional Renaissance issue that is in this bill. Certainly my district is indeed affected by the Corman-Jubelirer bill that was initially introduced to provide a funding stream for the tourist promotion agencies in our respective counties, which have been joined not only by Centre and Blair but now by Lackawanna, York, and Cambria Counties as well. And certainly I support very strongly that part of the bill which passed here, I believe unanimously, some months ago. However, I think the issue that we talk about today is something that I would like to at least share some thoughts on, again recognizing that my district is not one of the 10 counties that is directly affected by this.

Mr. President, I think that this Senate begins an odyssey. Joined by the House of Representatives prior to this, this General Assembly begins an odyssey that will end with the voters of southwestern Pennsylvania deciding what their future should be. Mr. President, as Senator Bodack and others have said, that is how it should be done. The voters should decide. Can the people in southwestern Pennsylvania make the case that this is something that the voters want to have? It is a temporary tax, Mr. President. It is a 7-year tax, and people can snicker and say, well, there are no such things as temporary taxes, but this is exactly what it is. This is phased out after 7 years. It would take a positive vote of a new General Assembly to impose that tax anymore. That is exactly what happened in 1991 when the personal income tax was raised to 3.1 percent and was automatically reduced after a period of time and is now the 2.8 percent tax that it was prior to that.

Mr. President, I believe that southwestern Pennsylvania is at a crossroads. It is corporate Pennsylvania personified. It is corporate America personified. We are not just dealing with baseball or football stadiums, and I think it is a mistake to characterize that as a referendum on just a baseball or a football stadium. Make no mistake about it, professional sports are extremely important to any community, any region, or any State, and for us in Pennsylvania, certainly in western Pennsylvania, to lose a major league sports franchise I believe would have a disastrous effect.

However, that is only part of the story, as I guess Paul Harvey would say. There needs to be a question as to how the future of southwestern Pennsylvania is to be perceived. Are they to move ahead with regional assets, with a rebuilding, a rebirth, a renaissance of that area as that great city and that great region have done so very well in the past? As we look back on history, we know that the steel industry is not what it used to be, that the coal mining industry is not what it used to

be, that the railroad industry is not what it used to be, and we have had to overcome in western Pennsylvania the loss of thousands and thousands of jobs because major industries were lost, big industries were lost, and, yes, the people, the people of western Pennsylvania have responded time and again. Working with Republicans and Democrats and mayors and governors and Federal officials, there has been a rebirth in western Pennsylvania the likes of which this country has looked upon and said, congratulations, that is the way it is supposed to be done.

People who still go into that region are amazed. They expect to see the smokestacks and the pollution that was there years ago, but you see, Mr. President, in that renaissance in those years gone by that is no longer there, and the high-tech industry and corporate Pittsburgh and the corporate headquarters of that area have put their money where their mouths are, and working in partnership with government, with the private sector, with local government, with State government, with the Federal government, we have been able to make a change.

Much of the same was done in southeastern Pennsylvania, Mr. President, as we did the PICA tax and the PICA board and the Pennsylvania Convention Center as we supported that, and here I am from western central Pennsylvania, but I am a Pennsylvanian, and I believe this is the right thing to do. I think we need to give people a chance to decide which way they want to vote. I believe the challenge is out there to the proponents of this kind of thing saying to the people, we want to ask you, people of southwestern Pennsylvania, if you will pay for 7 years another half-percent on the sales tax, the proceeds of which will be put into the various 10-county regions, and to utilize them in the hub of that region, the great city of Pittsburgh? Are we to be in that region another Syracuse, another Omaha, or Columbus, as the case may be, or will Pittsburgh and the region continue to be a major league area, not just major league sports franchises but a major league area? That is the challenge that the people will have to decide. They have to look at their kids and decide whether there will be the kind of area that they had to grow up in in a great city and a great region that we know as western Pennsylvania.

Mr. President, even though I come from a little farther east than that and a little more central, I guess my heart is still as a western Pennsylvanian, and that pretty much shows here tonight, but most of all I am a Pennsylvanian, and I believe all of us care about the future of this great State. And let me tell you, when you take away the western part of this State, you take away a major, major place, a major part of this State. We have seen the renaissance in Cleveland, we have seen it in Baltimore, and they are comparable of what can be done when good people are working together, working with government, working in the private sector.

Yes, there are going to have to be private funds put in here without question. You do not need to put that in legislation. You will have to sell that to the people, and the people in western Pennsylvania are going to want to know, is this money just going to come from their pockets or is corporate Pittsburgh and corporate western Pennsylvania going to pony up as well? I have no doubt that when it comes to the final say and

all the facts are on the table, the final arbiters of what is going to happen with this legislation, what is going to happen with this proposal, will be the people of that 10-county area. They have to decide, and I will respect whatever decision they make, but the facts have to be there, the reality of the situation has to be there. We are at a crossroads. We are clearly at a crossroads for the future of the western part of this State, as we were some years ago in the eastern part of this State, and it has been clearly proven that some wise decisions were made in that part of the State.

The time has come, Mr. President, and I hope every Member gives the people of this great Commonwealth an opportunity to see what can happen in Pennsylvania, to see what happens when people of goodwill, to see what happens with people who work hard, who want jobs--and it has been tougher in western Pennsylvania than it has been in eastern Pennsylvania--get that opportunity, and if that case is made, then let the people decide. In the final analysis, Mr. President, I hope this General Assembly gives a resounding vote to let this go on the ballot and let the people decide about their future.

Thank you, Mr. President.

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

Senator WAGNER. Mr. President, I rise in support of Senate Bill No. 125, which is the Southwestern Pennsylvania Regional Renaissance Initiative. Mr. President, the most important thing that can be said about Senate Bill No. 125 is that it is a proposal for a popular vote, a referendum question to let the people vote on a very important issue in a 10-county area in southwestern Pennsylvania. A referendum question, Mr. President, the way I read it, is participatory democracy. It is getting the people involved to the greatest degree possible in which they can be involved in a singular issue. We today with Senate Bill No. 125 are giving them that opportunity to determine if in fact they want to make an additional investment in the future of our region going into the next millennium.

Now as all of us know, what we are suggesting today is a tax vote that they will vote on. It is increasing the sales tax one-half of 1 percent for a 7-year period, as some people have said. And the public, Mr. President, would love to have the opportunity every time every level of government passes a tax to vote on it, and that is precisely what we are doing today. And in all due respect for my colleague from Washington County, the public would have preferred, would have liked to have had a referendum vote on the recent gas tax increase, Mr. President, and that is what we are suggesting today with a vote on a half-percent increase on a sales tax for a 7-year period of time.

Mr. President, one of the exciting things discussed today, and I heard some of the debate in the House of Representatives and listening to my colleagues this evening, is finally here on the floor of this Senate and on the floor of the House we are talking about a region, and the only way we are ever going to move forward economically in southwestern Pennsylvania is to do it as a region. We have too often talked as a region but have not acted as a region. And let me repeat that, because I am sure there are people listening tonight, not for the people

in this Chamber but many, many other people, most importantly elected officials, that we have talked about being a region but we have not acted as being a region. And what I see that is so exciting about the discussion of this issue is that we are talking about a region, and the only way we can be competitive with other regions of the country or other regions of the world is to act like a region. In order to do that, we have to create the kind of economic initiatives within that region so we can compete with other regions in the country.

Mr. President, the other very interesting thing that is being said tonight, and it was said this afternoon in the House of Representatives, is as to whether or not the Regional Renaissance Partnership has structured this proposal so that it is truly regional. And really what we have heard and seen already in some votes is that people in Allegheny County think it is more beneficial than the people in the surrounding counties. And I hope the people who have structured the Regional Renaissance Initiative are listening, because I think the proposal has some flaws, and my colleagues have brought them out already and I am sure others will also, because if this referendum question goes on the ballot, some changes need to be made to make sure that it is more attractive to the region. We just cannot talk as a region, we have to act as a region, and the way the bill is constructed it does not follow through with actions relating to the entire region.

And what I mean when I say that is that the projects identified in the bill are all city of Pittsburgh projects. Do not get me wrong, the funds that will come about through this tax will be utilized throughout the region, but the only projects identified are in the city of Pittsburgh. And I believe very strongly if we expect the public to support this referendum question, we have to begin to identify projects for funding that are regional and located throughout the region. How do we expect the public to approve a referendum question, particularly the people in Beaver County or Washington County or Fayette County, if they only see identifiable projects in Allegheny County? And I am from Allegheny County. I am from the city of Pittsburgh, and certainly I want to see those projects occur, but I also want to see other key projects that are very important projects in surrounding counties.

Mr. President, this is not a perfect piece of legislation. However, Mr. President, there is one project identified in this legislation that I think is truly regional and is critical to the future of southwestern Pennsylvania, and that project is a new or expanded convention center. Now it does not get much discussion. It seems as if the ballparks are the projects talked about the most. But I can say tonight, Mr. President, without hesitation, that the project that has the greatest return on investment to the public is a new and expanded convention center in southwestern Pennsylvania. That project will produce more jobs and create more of a spin-off, positive economic impact than anything in this piece of legislation, and I strongly believe that project has to move forward. I have been a promoter of that project for years, Mr. President, and I am delighted that it is part of this proposal.

The travel and tourism industry is the second largest industry in the world and it is soon to be the largest industry. And

I believe the same holds true here in Pennsylvania with agriculture being the largest industry and travel and tourism being number two. It is an industry that we must tap into, and certain sections of our Commonwealth have done that. Our colleagues from Philadelphia know very well that the Pennsylvania Convention Center has done wonders for the city of Philadelphia. I have visited it and it is magnificent. They have a jewel in a convention center. They have one of finest convention centers in this country, and it has made downtown Philadelphia alive and well again economically, and I strongly believe that Pittsburgh has the same opportunity.

The problem is, Mr. President, that Pittsburgh is the 16th largest metropolitan area in the country and Pittsburgh today has the 97th largest convention center. To say the least, we are uncompetitive in the city of Pittsburgh when it comes to conventions, and the city of Pittsburgh is a great city for conventions for a number of reasons. First and foremost, it is within 500 miles of 60 percent of the population of North America. It is, without a doubt, one of the most beautiful cities in this country. It is one of the safest cities in America. It has one of the top 10 airports, funded by this General Assembly years ago and the residents of Allegheny County, one of the best airports in the world. It is sitting in an ideal situation to be a top convention and tourism location. The problem is, quite simply, that we have a very uncompetitive convention center. That project is one of the projects identified in the legislation in front of us.

We have lost key conventions in recent years in Pittsburgh and southwestern Pennsylvania. The Iron and Steel Institute, which brings 17,000 delegates, no longer comes to the city of Pittsburgh. Why? Because the convention center is not large enough and not of the quality necessary to keep that convention. We have lost other sizable conventions also in the city of Pittsburgh and southwestern Pennsylvania. And when a convention comes to the David L. Lawrence Convention Center, named for a former mayor and a former Governor of this Commonwealth, it brings outside money into the State of Pennsylvania. It does wonders for the economy, not just in the city and the county but also in the region, and obviously also in the State of Pennsylvania. It employs people working for the airlines, it employs people working for the hotels and the motels and the restaurants and the bus companies and the cab companies, and I can go on and on and on.

It can make downtown Pittsburgh alive again. A ballpark will not do that, Mr. President, and many people say it will, but I can stand here in front of you and say it will not because ball games only go on 70-some days a year in the city of Pittsburgh. Conventions can go on 365 days a year. A convention center project is critical to the future economy of southwestern Pennsylvania. It will not only benefit the city of Pittsburgh, but it will benefit the entire 10-county region. That is a critical project in this legislation.

Mr. President, many unanswered questions still remain as a result of this legislation, and some of my colleagues have spoken to some of those questions. What will the private contribution be of the team owners if in fact the baseball stadium and a new football stadium are built? And the Regional Renais-

sance Partnership must come up with that answer soon so the public understands that there is truly a private commitment for a huge sum of money in a contributing way to these projects.

What will occur in terms of a commitment for ball teams to stay in southwestern Pennsylvania is an issue that has to be answered and addressed in the very near future. The public will not support this referendum question if teams are not committed to stay 25, 30, 40 years and to sign on the dotted line. To date, Mr. President, that commitment has not yet come forth. It must come forth in order for support to occur with this referendum question. What other regional projects will exist and will be identified in the ensuing months? That must happen in each and every county of the 10 counties that are identified in this legislation.

And another item, Mr. President, that I think is very important is transportation projects that my colleague, Senator Stout from Washington County, talked about. There is no reason why we should not have a transportation network in southwestern Pennsylvania, especially related to mass transit in the 10-county area. I strongly believe that should be part of this proposal. How can people be expected to go to a convention center or a ball game in Butler County or Fayette County if there is not a transportation system, at a minimum a bus system, to get them there? Well, that does not exist today, and that should be discussed if we are truly talking about regional initiatives and tying together a 10-county region.

Mr. President and Members of the Senate, southwestern Pennsylvania is one of the finest areas in the world. It still has many, many great assets. It is within the top 10 in terms of Fortune 500 companies. Pittsburgh is still the fifth most livable city in the United States of America. It is fifth in software industry employment, one of the top five banking centers in America, one of the top medical centers in America, one of the finest areas for universities and colleges in the world. Our region has many, many assets, and I think that needs to be talked about also, because really what we want to do is move our region forward. We cannot do that, though, unless we put a referendum question of this type on the ballot to let the people decide.

And again, I will get back to my earlier statement. The bill in front of us is nothing more than participatory democracy. It is really bringing the issues to the people as close as we can bring them to the people, and, Mr. President, I would ask that we do that, that this General Assembly, that this Senate give a positive vote to the legislation in front of us so that we can truly let the people decide on the future of southwestern Pennsylvania.

Thank you, Mr. President.

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

Senator MURPHY. Mr. President, I also want to speak in support of Senate Bill No. 125. I do not want to be redundant about the comments made before but I want to bring up a couple of important issues.

Earlier in this debate mention was made of comparing the Pittsburgh region to Cleveland, and there was a little laughter that went through this Chamber. It is ironic that that is an area

that we once looked upon with some disdain, and there were a lot of jokes about that area. Well, I knew what it was like there because I grew up in the Cleveland area, and although I left there 30-some years ago I remember quite clearly that it was a town that really had not experienced much growth or development since the Depression, that it was a tired, worn, dusty, and ugly city without much vitality left. Year after year there were commissions developed, and they brought out plans, they made models of the city, they described building projects that would take place, transportation networks, et cetera, but they always seemed to stall. They stalled in part because of politics. There had been a president of the city council in Cleveland who every time someone brought something forth seemed to stand in its way and say this is not a good idea.

It was not until some years later that a mayor by the name of George Voinovich stood up and said we need to try something new. We need to put some new blood into this environment. The taxpayers were then given the opportunity to vote by referendum on imposing a tax upon themselves. It was a tax on alcohol and cigarettes, but primarily it was to be used to fund a sports complex involving what is now Jacobs Field and the Gund Arena for the Cleveland Cavaliers. There were many questions as to whether the voters would support this, but they did, in part because they believed it was important to the future of that region to make a commitment. It was important that the voters also had some say-so about that.

Now we do not laugh about Cleveland anymore back in Pittsburgh, now we are jealous of it. And we notice how that whole project sparked several other major building projects: British Petroleum, building a large new corporate headquarters for themselves, Society National Bank building new buildings, the Rock and Roll Hall of Fame, new science centers, new business facilities, the list goes on and on. What I noticed different from the Cleveland that I visited years ago and what I see when I go back there now is there is a sense of vitality and pride of the citizens of that city that they did not have before.

Now, in Pittsburgh, we oftentimes will drive by the places where there are now brownfields where factories once stood and you hear people say, there is where the Mesta plant used to be, this is where J & L used to be, this is where U.S. Steel used to be. And it is tough to have an identity with a city and with a region of what used to be. Now when you see some other buildings going up, people develop that pride again because they believe again.

As we have heard discussions of this Regional Renaissance, some of the comments made, some of the hopes have been, will this spark that same sort of dream and ideal in this region? Well, that is going to be up to the voters to decide if they believe in that and if they share that vision, but in order to do that they are going to need a few questions answered. I understand that the University of Pittsburgh and Carnegie-Mellon University, and others, are doing a detailed study and analysis of whether or not this project, this large project, this nearly \$1 billion building project, an investment in our infrastructure, what impact it will actually have on the general economic

development of the region. It will be important for the voters to have that information before they vote.

We must know, as many have brought up, how much commitment the owners of the teams and other private investors will put into this large project. It is imperative that we know that level of commitment. We have also heard support from the business community on this and we will continue to hear that, from corporate executives on down, union labor leaders as well. We need to know what the commitment is of all those people, the business owners, the laborers, what is the commitment? We need to know that this is a sign that they will stay, not just whether the team will stay, but will they stay? Will they invest more, will they build more factories, will they build more buildings, will they create new jobs? We need answers to those, and we need commitments.

Yes, Pittsburgh is the ninth largest city in the nation in terms of Fortune 500 company headquarters. We used to be number three. This slow bleeding, this erosion, as it were, is taking place, and it is very important that we stop that. But in order to know whether or not this temporary one-half percent tax will help stop that bleeding, we need to hear from businesses themselves. Businesses often say the taxes are high and that is a reason for them leaving. Well, this is a tax, and we need to know if it will keep them here anyway.

We also need to know what projects other counties will want to look at so people can make that sound decision. What I will do is I will make sure that throughout my district I have town meetings and I invite the people who are for and against this issue to openly and honestly present to the voters the information so that they have an opportunity to make an informed decision. I believe that when you inform people on these issues, they will be able to make the right decision. I do not know yet what that decision will be, but I believe it is essential, with so much at stake for our region, that it is important that the voters have an opportunity to have their voices heard.

Thank you, Mr. President.

MOTION TO SUSPEND RULE XIV

The PRESIDENT. The Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Good evening, Mr. President. I have two amendments that deal with economic development, self-help, and tax-exempt properties, and since I am not allowed to talk about them right now, I would ask if we might be able to suspend Rule XIV to give me the opportunity to amend that language into this amendment.

The PRESIDENT. Senator Wozniak moves that Senate Rule XIV be suspended for offering amendments to House amendments.

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

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

Senator LOEPER. Mr. President, I oppose the motion to suspend Rule XIV.

LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, I request a legislative leave for Senator Helfrick, and temporary Capitol leaves for Senator Slocum and Senator Tomlinson, who have been called from the floor.

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

Senator BODACK. Mr. President, I ask for a temporary Capitol leave for Senator Afflerbach, who has been called from the floor.

The PRESIDENT. Senator Loeper requests a legislative leave for Senator Helfrick, and temporary Capitol leaves for Senator Slocum and Senator Tomlinson.

Senator Bodack requests a temporary Capitol leave for Senator Afflerbach.

Without objection, those leaves are granted.

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

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

YEA-18

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

NAY-30

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

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

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

The PRESIDENT. The Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Mr. President, I did not want to do that to waste the Members' time but to bring some interest and understanding that the other smaller urban areas of this Commonwealth are in dire need of an urban policy. We are suffering on the grapevine out there and need a significant amount of help.

I rise to reluctantly support this legislation because it is not just the 10 counties that are involved in it, and I think parts of

this might be the biggest good old boy bill I have ever seen. We are going to use the taxpayers' money which will be raised in 10 counties, turn around and come down here to leverage taxpayers' money, go back and take care of millionaire baseball players and owners, to build stadiums, possibly other economic development programs, and perhaps convention centers.

But there are other pieces in that. I have worked very hard over the past few years dealing with tourism in my particular county. I understand that the citizens will make the final decision, and that is our safety valve, but for circumstances that I have to be parochial about within my own 35th Senatorial District, I will be supporting this particular piece of legislation. However, I do wish to make people understand and see the flags that are out there. Over the years I have been told by the two megalopolises of this community, and there are other parts of this State. There are Altoonas, Johnstowns, Lock Havens, and Williamsports, and they all have problems, but it always seems that the two urban centers' problems are more important than the others.

I will tell you that if you want to talk about regional issues I just want to make one recommendation. If you do wish to build a convention center or a new stadium, in Miami the stadium is not in downtown Miami, it is miles away, and perhaps you might think about putting that in Senator Stout's district or perhaps in Fayette County or perhaps in Indiana County, because after all it is regional and those people only have to get in their cars and drive a few miles, without tunnels, with better access roads and create economies of scale in other parts of those regions because after all, all will grow together. I do not say that facetiously, I say that very seriously, because they have the land, they can make facilities that are adaptable for camping, for restroom facilities, and all the other acumen that go with a modern stadium. So for those gentlemen who might have dreams of creating a 21st-century facility, perhaps in the spirit of regionalism they might look out of the urban center and look to those suburbs that might be helping out substantially.

Thank you, Mr. President.

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

Senator HART. Mr. President, I wanted to address some comments that were made earlier by the gentleman from Washington dealing with the issue of tax reform and how it would relate to the issue of the Regional Renaissance Partnership. Mr. President, I believe the referendum we are voting for in this bill is absolutely consistent with tax reform, and I think it is very important that we look at it that way. Mr. President, what we are doing, and I think we have moved the issue from being should we in Harrisburg impose a tax, to the question which is now should we in Harrisburg empower our local communities to do more of what they think they need instead of having to come to us first? Mr. President, tax reform does just that. It allows local communities to change their system of taxation.

This bill allows the local communities in southwestern Pennsylvania to decide for themselves whether or not they wish to set up the economic development fund. Seventy-five

percent of the regional growth fund dollars will stay in the counties in which they are raised. This is a great opportunity for the counties surrounding Allegheny, two of which I represent, Butler and Westmoreland. Estimates show that those two counties will raise, Butler \$23 million and Westmoreland \$54 million during the process of the 7 years of this one-half percent sales tax. Mr. President, I believe we are preventing the region from having an opportunity to develop themselves and grow if we vote "no" on this bill, and I encourage a positive vote.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Beaver, Senator LaValle.

Senator LaVALLE. Mr. President, I have tried to find a way over the past couple of weeks, after being lobbied rather heavily, to be in favor of this proposal, and I want to remind those who suggest that we need to have true regional cooperation that the problem we have had in southwestern Pennsylvania since I have been serving in this Senate, and probably beyond that when I served as a county commissioner, is that the regional cooperation ended at the borders of Allegheny County, and that is one of the problems we have with discussing regional cooperation.

Earlier my good friend, Senator Stout, offered an amendment in the meeting of the Committee on Rules and Executive Nominations that would have added to all these proponents of referendum. Since we are going to have government by referendum now, I think we need to consider all those other issues that my constituents would like to vote on. They may have wanted to vote on charter schools or the gas tax or some other things, so if we are truly interested in government by referendum, I think my amendment should have gotten some consideration. All I was asking to do, Mr. President, was if this thing is successful is to have a back-end referendum, and we all have heard of back-end referendums before, they have been floating around here on some other issues, and let the voters vote on that back-end referendum to determine whether or not they really want to spend money on a football stadium or a ballpark, and of course it was defeated in the Committee on Rules and Executive Nominations.

So I cannot find a reason to vote for this legislation simply because that kind of a consideration was not given to the voters in my district, and all I hear from most of those who are proponents of this is we now have to have people voting on these issues. They might get the idea that they do not need us, Mr. President, if we continue to do that. And for those of you who think that ballparks and stadiums are not in this mix to the degree that they are, if you took the ballparks out of this legislation, you can bet that those folks lobbying up here for the last couple of weeks and beating everybody over the head would not have been here.

Mr. President, I would ask for a negative vote until we come to the conclusion in this Chamber that if we are going to do government by referendum, let us put all the important issues on the ballot and let our constituents vote on that.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Fayette, Senator Kasunic.

Senator KASUNIC. Mr. President, I rise in opposition to this legislation. I raise the question, do the voters of the 10-county area in southwestern Pennsylvania really have a choice? Are they really going to have a voice in choosing what is to be built? Do they really have a voice in choosing between real jobs versus stadiums for millionaire ballplayers? They are going to be asked to vote "yes" or "no," but they are not going to be asked to participate in the process as to what will be built.

Let us talk a little bit about the tax and how the splits are. Allegheny County will be able to collect and keep 100 percent of the tax that they collect. In all of the other counties, 25 percent of the tax collected will go for the regional destination facilities fund - stadiums - and 75 percent for regional growth for local projects. For local projects, counties must come up with a 50-percent match for these projects. In an economically depressed county, I ask, Mr. President, how can that county afford to pay for any projects when they had a problem balancing their budget last year?

It creates a revolving loan fund. However, not more than 20 percent of the funds generated from any county can be used in this loan fund. Mr. President, I ask, how does this further economic development?

Let us talk a little bit about the authority. The authority is made up of one member from each county.

POINT OF ORDER

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

Senator BODACK. Mr. President, point of order.

The PRESIDENT. The gentleman will state his point.

Senator BODACK. Mr. President, could we have a little bit of quiet on the floor? It has been a long day. We sat and listened to the other side. They should be kind enough to hear us.

Senator KASUNIC. Thank you, Senator Bodack. Thank you, Mr. President.

The authority will be made up of one member from each county, up to 10 members, one Member from each of the four Caucuses of the General Assembly, two members appointed by the Governor, one member appointed by the mayor of Pittsburgh. The makeup of the board shows exactly, to me anyway and those of us from the other nine counties, how one-sided this project or this proposal is, favoring Allegheny County. Why do not the mayors of Uniontown, Greensburg, Washington, Beaver, or Butler have an appointment on this board?

Mr. President, as I was talking to my colleague from Washington County, Senator Barry Stout, yesterday--

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

Senator KASUNIC. Thank you, Mr. President.

The PRESIDENT. Certainly the floor is yours, Senator Kasunic.

Senator KASUNIC. Thank you very much, Mr. President.

We were talking about the situation of southwestern Pennsylvania in the 1970s and we were talking about in terms

of what is happening now, where the CEOs of the corporate giants in southwestern Pennsylvania are telling us now what economic development is all about, how it should be handled, and they are being billed as the saviors of southwestern Pennsylvania. Mr. President, these are the same people who shut down the majority of the steel mills and the coal mines in southwestern Pennsylvania, leaving thousands upon thousands of men and women and families without a job, without an income. Now we are supposed to put our trust in them and let them lead us out of this. Mr. President, I believe it was back sometime in the 1970s when the windfall profits tax was passed and millions of dollars of savings were passed on to corporate America, I questioned why at that time was that money not used to reinvest and retool and retrain the people of the Mon Valley.

Mr. President, proponents of this plan estimate Fayette County will receive \$17.5 million over 7 years. This figure represents 75 percent of the total generated from the tax that will be collected. Since we are in such an economically depressed area, why should all the money not stay in Fayette County, all \$23.5 million? Let us see what kind of economic development we can generate. Let us see what we can do with that kind of money, all of the money. Why should we send money back to build a sports stadium when we want to build a spec building for manufacturing, when we want to do a water line or a sewage project? Why should we give up our 25 percent?

I know some of you are probably tired of hearing about how economically depressed the area that I represent is, but it is a fact and someday I hope I can stand here and tell you that does not exist anymore, but until it does you are going to keep hearing it. We have nearly 10 percent unemployment. The per capita income is \$9,791. Mr. President, I ask, how many ball games can these folks go to? How many trips to the opera can they afford? I think we all know the answer to that. Every one of us in this Chamber knows that to them this is a substantial tax hike. It is a pig in a poke.

Mr. President, in 1992 this legislature enacted a 1 percent sales tax for Allegheny County for the very same purpose that we are standing here talking about tonight. Now here we are a few years later trying to enact another tax for the same purpose. Where did all the money go? And who is to say we will not be back here 7 years from now reauthorizing this one-half percent sales tax for those same counties? Is there really such a thing as a temporary tax? Remember, we are still paying for the 1936 Johnstown Flood. We keep hearing about all the benefits that exist in this. The benefits that we heard about today cannot be enjoyed by 90 percent of the people I represent. Steelers games, Pirate games, the opera, the theater, activities in the convention center, they will not be able to participate in these things.

Mr. President, there are too many questions left unanswered and no one is offering any real answers. We are asking people to make important decisions. Mr. President, there is still \$45 million owed on Three Rivers Stadium. The contribution from any additional taxes from the nine counties, excluding Allegheny, going toward the stadiums is going to be \$59 million. Now

I want to also point out that in 1970 the cost of building that stadium was \$25 million. Is it not ironic that the contributions from the other nine counties will cover the cost of repaying the debt, the unpaid debt on Three Rivers Stadium, with only \$14 million left to be used for other efforts. Is this a financial bailout for the professional sports teams? The taxpayers I represent cannot afford to bail out the \$45 million still owed by the stadium authority for the construction of Three Rivers Stadium. The taxpayers I represent cannot afford to subsidize the incomes of major league sports athletes and the owners. We should let the big egos with the seven-figure incomes pay for these things by themselves, not someone living 60 miles away in Fayette County making less than \$10,000 a year.

Mr. President, I received a letter from a county commissioner within the affected area in southwestern Pennsylvania urging us to enact true tax reform. In his letter the commissioner questions what private contributions are going to be made in this effort. I cannot agree with him more. At a time when we are being asked by our constituents to lower tax burdens, we are actually increasing taxes. Mr. President, we should be lowering taxes, not increasing them and adding new ones.

Mr. President, I have here an article that was recently in the newspaper *The Observer Reporter*, written by Michael Bradwell. The headline is, "High Taxes and Businesses Don't Mix." In a study done, and I am going to read this, "And cities that have added the most new corporate facilities and expansions per million residents--an indicator of economic growth in an area--are generally not cities that have professional sports teams." He cited a Mellon Bank economic survey that shows that in the first 5 years of the 1990s, only 2 of the 10 cities that led in corporate building and expansion had football or baseball teams. This is something we all need to think about.

In closing, Mr. President, I ask that we vote this measure down, and I thank you very much for your time and your kind consideration this evening.

LEGISLATIVE LEAVE CANCELLED

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

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

The PRESIDENT. The Chair recognizes the gentleman from Washington, Senator Stout.

Senator STOUT. Mr. President, this is a wonderful evening. You know, as always, when you come to the end and are ready to take a break for the summer, all types of legislation move at sine die or budget time, because those types of bills that normally cannot stand on their own need to have the pressure of, hey, vote for it so we can go home and get out of here. Well, I do not feel that way, I feel it is everybody's responsibility to give serious consideration to this legislation.

My colleague and friend, Senator Kasunic, talked a little bit about the temporary tax. The Johnstown tax of 61 years ago is still on the books and has been the subject of a lot of discussion this year in the discussion concerning the sale of the State

Stores, but that 18 percent is still on 61 years later. A lot of people do not really realize that there is nothing as permanent as a temporary tax. It will be on. At the end of 7 years what will probably happen, look at all these projects that were done in other cities that have been talked about, Cleveland and Baltimore, wherever they have built these facilities, historically they have all had major cost overruns. Well, guess who is going to get to pay for that? It will be the taxpayers of the 10 counties in that region, because all these projects, if you look at the cross-section of the cost overruns that will go up by hundreds of millions of dollars, in 7 years, roll the calendar to the year 2005, there will probably be an amendment here to extend it for another period of time, 3 years or 5 years, or we might have to build something else, maybe we will need a new hockey stadium by that time, whatever, but I hope the taxpayers do not expect in that 7 years that this is going to disappear and we might at that time have money for tax reform.

Now, you cannot do both things and tell people that you are for tax reform, you are going to move it forward, this has been around for years, that a sales tax would be part of the replacement revenues and we would use that in order to give people a tax break to tap another source. That is tax shifting. We know that, but you can only shift so much, because if this goes in, in Allegheny County alone they are going to have a 7.5 percent sales tax, one of the highest sales taxes in the country.

And I know why a lot of people want these surrounding counties to be drawn in for one-half percent on top of the 6 percent. They do not want people in Allegheny County to drive down to Washington County or over to Beaver County or over to Westmoreland County to buy things. You talk about the difference of 1.5 percent on, say, a major item like a \$2,000 big screen TV, for that money, \$30, I think I would just drive down. That is one of the basic things behind this, to try to deter that. People will, as we have said here many times, vote with their feet. When they realize they can save significant dollars they are going to go somewhere else.

And as we take that so-called journey down the river, start down the southern part of the district that I represent like Point Marion and come up through there and stop at places like Masontown in Greene County and places like Rices Landing or go on to Brownsville and down to Fayette City, go to Allenport, Donora, the city of Monessen, on down into Allegheny County, and then turn left up there at the point and you go down the Ohio River and you stop for a little while and look at Aliquippa. Aliquippa, where my good friend and colleague, Senator Corman, told me he used to live a few years ago, at one time there used to be 18,000 to 20,000 people who worked there. That town never slept. Twenty-four hours a day that mill worked and all the other jobs. Now, my friends, that ground is as level as this floor. Nobody works there except a handful of people. And we are going to go down, the coal mines have been closed in Senator Kasunic's area.

Now we are told to trust those same people who closed those mills, shut those mines down, downsized all the corporations in Pittsburgh basically. They have the answers. This one-half of 1 percent will solve all the problems and we are going to take care of it. You people just get in line and vote

for it. Well, you are going to have to package up this tax pig a lot better than it is now for the voters of those 10 counties. They may not have all the Ph.D.s and all the other business experience, but they can figure out what is going to happen to them because they are going to do the paying but they will not get to do the saying. In all 10 counties the people will have to pay, but they will not have the say.

In Washington County I represent a large area geographically, from the northern part from communities like Avella and all the way down to the southern Greene County line, Zol-larsville, A to Z, and I cannot tell these people if this is approved in Washington County and they are in this thing, where that money is going to go. I think it might be a WAM. Some county commissioner is going to have a WAM. That is a dirty word to say here on the floor. We used to have WAMs and everybody ran away from them, but we have WAMs in different forms, and I understand that, but we are creating another slush fund that is going to be used to take care of certain areas and not the others. So that is what we are creating.

Even some of the supporters have realized that it is not a perfect bill, as none probably ever is, but they realize now that there is no real language in this bill that identifies where the money is going to come from in the private sector. They say, trust me, I will pay you when my hunchback brother straightens up. Now, you know what is going to happen. After it goes through, if it passes, it will be packaged to do that. People are not stupid. They will figure this out. And the stadium debt that a previous speaker spoke about, you know, you never trust government to do anything. We cannot do it right. We are not fiscally responsible. We waste money, all these things, but now we want government to contribute to the stadium plan right now. As he said, that stadium was built 27 years ago for \$25 million. Now 27 years later they owe double what they built it for. Where did the money go? Government was involved with that. What happened there? Out of the regional asset tax we passed for Allegheny County about 4 years ago, they have been putting an amount of \$11 million in for the last 4 years. That is \$44 million. Where did that go?

Well, one of the previous speakers cited the example of Cleveland, and I would ask my good friend, Senator Murphy, where did the Browns go? I think the Browns are now just about an hour's drive south of us in Baltimore and they are now called the Ravens. So Cleveland, I do not think, has the answers to everything. And it is easy to vote for a sin tax if you do not drink or smoke. We say, those people can pay it, and there is no relationship between smoking or drinking relative to financing sports stadiums.

But now we get back to the fact that there is going to be a referendum. This is the sole answer to the problem. So you will have to do a better job, I feel, to convince the voters to support this in the 10-county area. Even the media effort has already started. The media mill is grinding out piles of information, the television and print media, and ironically some of those full-page ads do not even mention stadiums or ballparks, all economic development. This tax, no matter how you dress it up, what you do with it, it is still going to be referred to by

the voters in that 10-county area as the stadium tax. No matter how you want it to go away, it will not happen.

So I realize, and I counted the votes in the House, and just as I told you earlier about the highway funding, which is truly economic development, we only received votes from 5 Members out of the 13 here in the Senate and I think 8 out of 43 in the House, so there was only about 20 percent support from that same 10-county region, and tonight we are looking at about half the Members from that 10-county region who have supported this. Who is going to pass this if it passes, Mr. President? People from other counties who represent a constituency who will not have to pay it. It is easy to vote when you do not have to answer to your constituents why did you vote for this, well, it does not affect any of you, but by the way, we get all these wonderful things in Pittsburgh and these new stadiums, and so forth.

Mr. President, another little thing in that bill that you might not know is an increase in the hotel room tax. So that is something else you are going to get to pay, not only the sales tax but you will pay an additional room tax.

So I ask you again to seriously consider the impact this is going to have on this 10-county region and vote "no" on this legislation. We are not even allowed to amend this bill. This Chamber that represents 12 million people is shut out from the process to offer amendments. This bill came over a couple of hours ago. We could not even suspend the rules in the meeting of the Committee on Rules and Executive Nominations to consider that amendment, but, again, it is participatory democracy. This is a real good example. Vote "no."

Thank you, Mr. President.

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

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

YEA-36

Afflerbach	Hart	Madigan	Schwartz
Armstrong	Heckler	Mellow	Slocum
Bodack	Helfrick	Mowery	Tartaglione
Brightbill	Holl	Murphy	Thompson
Corman	Hughes	Piccola	Tilghman
Costa	Jubelirer	Punt	Wagner
Delp	Kukovich	Rhoades	Wenger
Earll	Lemmond	Robbins	Williams
Greenleaf	Loeper	Salvatore	Wozniak

NAY-12

Belan	Kasunic	Musto	Tomlinson
Bell	Kitchen	Stapleton	Uliana
Gerlach	LaValle	Stout	White

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

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

THIRD CONSIDERATION CALENDAR RESUMED

HB 86 CALLED UP

HB 86 (Pr. No. 2021) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator LOEPER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 86 (Pr. No. 2021) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, repealing provisions relating to the Judicial Computer System Augmentation Account; further providing for the duty of a judgment creditor to enter satisfaction; and empowering the Governor to authorize the transfer of certain convicted offenders pursuant to outstanding treaties.

Considered the third time and agreed to,
And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

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

YEA-48

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

NAY-0

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

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

RECESS

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

Senator LOEPER. Mr. President, I request a very brief recess of the Senate for a meeting of the Committee on Finance in the Rules room at the rear of the Senate Chamber.

The PRESIDENT. For the purpose of a meeting of the Committee on Finance, the Senate stands in recess.

AFTER RECESS

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

PETITIONS AND REMONSTRANCES

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

Senator RHOADES. Mr. President, I know the hour is late, it has been a long 3 days, but I just would not feel right if I did not bring to the attention of my colleagues a headline that appeared in my local Pottsville Republican which said, "Joulwan's in the running. Pottsville's general a leading contender to chair Joint Chiefs."

I would add to this that I personally know General Joulwan. He graduated from Pottsville High School 2 years ahead of me in 1957. His background is extensive. Not only he is a United States Military Academy graduate, but his military training ranges from infantry officer basic course to armored officer advanced course to Command and General Staff College to the Army War College.

In Vietnam he had two tours of duty. His first tour was as a company commander and operations officer, 1st Battalion, 26th Infantry Division. His second tour was as a brigade operations officer and deputy division operations officer, 101st Airborne.

I think what we are looking at here is a 4-star general who in Washington, D.C., in his first tour, was an aide-de-camp to the vice chief of staff of the U.S. Army, then a special assistant to the President. In his second tour in Washington, he was the executive officer to the chairman of the Joint Chiefs of Staff, then director of force requirements, Office of The Deputy Chief of Staff for Operations and Plans, Department of Army.

He has been in Europe for 17 years in all. He commanded the forces at every level from a platoon leader, then a commander of a company, a battalion, brigade, division, and corps. At Supreme Allied Headquarters in Europe, he commanded the 3rd Armored Division and V Corps from 1988 to 1990 during the historic period of the collapse and fall of the Berlin Wall and Iron Curtain.

He was promoted to his present rank of 4-star general in November 1990 and served as Commander-in-Chief of the U.S. Southern Command, which was in Panama. He was named the Supreme Allied Commander for Europe and Commander-in-Chief of the United States European Command on October 22, 1993.

I read that to tell you of his qualifications. We in Schuylkill County are extremely proud of him. There is even a draft out in terms of letters to go to the President to please consider General George A. Joulwan for chairman of the Joint Chiefs of Staff. I do not know of anyone who I would say would be better qualified or better capable to fill this very responsible position, having known General Joulwan personally.

As a matter of fact, only about 3 or 4 weeks ago he served as the honorary chairman of a monument drive for our Vietnam veterans. He came in from his command in Europe to be there at the ceremony dedicating the monument, and I am going to say this: He may be a 4-star general, but he has as much feeling and heart for the men and women who serve under him as any leader I have ever seen.

I say this because I am asking anyone within, shall we say, hearing or seeing distance, if you get the urge to want to send a letter to the President to recommend a man of the caliber of General George A. Joulwan, I would be glad to give you his recommendations, his qualifications, and his background, because not only is he a Pottsvillian and a Schuylkill Countian, but he is a Pennsylvanian, and I think it would be a credit not only to him and Pottsville and Schuylkill County, but to our great Commonwealth to have a man of such caliber as chairman of the Joint Chiefs of Staff.

Thank you, Mr. President.

The PRESIDING OFFICER (Timothy F. Murphy) in the Chair.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Washington, Senator Stout.

Senator STOUT. Mr. President, it is good to see a fellow Washington Countian in the Chair as Presiding Officer.

I know it has been a long evening. It is not my intention to drag it out, because it might not look like it but I like to eat a little bit once in a while, and we will have to get to that.

I congratulate those who managed the regional renaissance bill here in the General Assembly, those people who actively worked the halls and worked the aisles, and so forth, to get the necessary votes, and I recognize that they won this battle tonight by a vote of 36 to 12. As I said in my closing remarks, Mr. President, it will be people from outside the 10-county region who will decide that. So 29 of those 36 votes came from people outside of the 10-county region. The Senators in this Chamber who represent the 10-county area were split on the vote tonight.

I am sure that in the months ahead there will be a very heated public debate on this issue by the high-priced media with the referendum approval being advocated by the best talent writing the ads and developing the videos, and you know it will basically be a campaign of fear to scare every voter: right now outside Three Rivers Stadium we have trailer trucks and moving vans and if you do not approve this on the first Tuesday of November, they are going to go around the stadium and it will all be over. That will be the message sent to the voters of the 10-county region.

Unfortunately, the voters out there, the ones who will pay this tax, will not have the millions of dollars to pay for the fancy ads and the high technology to do that message. I guess they will have to rely on leaders within their community and their counties and the legislative leaders from that area to provide them with the information, the true information on what this legislation does.

So as I said, Mr. President, they won the war here in the Senate tonight, but it remains to be seen if they really win the

war. They won the battle, but it is for them to see if they win the war in November. And if this referendum is approved, then we have to proceed to try to get the safeguards that were mentioned here this evening by guaranteeing private investment, some local input, and control over what projects would be approved.

So I thank those who supported my position this evening. I did it because I truly believed that when I saw the support for roads and bridges and economic development, that it sent me the message that people were not interested in that anymore. Now 2 months later, we think they are going to be interested in these referendum proposals. So I thank you, Mr. President, for this opportunity, and all I can tell people is please stay tuned.

UNFINISHED BUSINESS REPORT FROM COMMITTEE

Senator HART, from the Committee on Finance, reported the following bill:

HB 1160 (Pr. No. 1981)

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further defining "enforcement officer" for purposes of State employees' retirement; and providing for the establishment and treatment of a special vestee classification to cover certain employees affected by mergers in the medical treatment fields.

BILL ON FIRST CONSIDERATION

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

The motion was agreed to.

The bill was as follows:

HB 1160.

And said bill having been considered for the first time,

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

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Paul W. Anderson by Senator Corman.

Congratulations of the Senate were extended to Mr. and Mrs. Fred Rinehart by Senator Delp.

Congratulations of the Senate were extended to Edward Driebe by Senator Fumo.

Congratulations of the Senate were extended to Mr. and Mrs. Frederick Becker, Sr., and to Ryan Michael John by Senator Greenleaf.

Congratulations of the Senate were extended to Janie Summers Harris and to Judith B. Williams by Senator Hughes.

Congratulations of the Senate were extended to Mr. and Mrs. Lester Bennett and to John P. Judge by Senator Lemmond.

Congratulations of the Senate were extended to Walter M. Blackledge, Frances M. Cecci and to Geraldine P. Evanko by Senator Mellow.

Congratulations of the Senate were extended to Mr. and Mrs. John Fletcher by Senator Rhoades.

Congratulations of the Senate were extended to Brian A. Cavallaro, Harry Smith and to the citizens of the Borough of Parkesburg by Senator Thompson.

Congratulations of the Senate were extended to Heath Alan Hines by Senator Uliana.

Congratulations of the Senate were extended to Neill J. Dekker by Senator Uliana and others.

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:

Weekly adjournment.

BILL SIGNED

The PRESIDING OFFICER. The Chair announces that the President (Lieutenant Governor Mark S. Schweiker) in the presence of the Senate signed the following bill:

SB 125.

ADJOURNMENT

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Monday, June 16, 1997, at 2 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 9:45 p.m., Eastern Daylight Saving Time.