

Legislative Journal

TUESDAY, OCTOBER 21, 1997

SESSION OF 1997

181ST OF THE GENERAL ASSEMBLY

No. 51

SENATE

TUESDAY, October 21, 1997

The Senate met at 1 p.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, Reverend JAMES GRUBB, of Grace United Methodist Church, Harrisburg, offered the following prayer:

Let us pray.

Creator God, as we enjoy the beauty of Pennsylvania in this season of nature, it is as if You have assumed the role of skillful artist and chosen our Commonwealth as Your canvas to paint for us a beautiful landscape with colors that bring pleasure and inspire. Thank You for Your wonderful handiwork which enriches our lives and reminds us of Your providential care.

As we begin our work in this Senate today, make us worthy and effective stewards of the task before us. May our labors reflect the same kind of care and purpose and beauty with which You grace us in this season. Indeed, make us co-creators with You in bringing good to our people through legislation which protects and enhances our life together.

As we begin this Session of our Senate, we acknowledge You, God of many names yet one God who creates and sustains us in all good things. Amen.

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

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of October 20, 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.

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.

APPOINTMENT BY MINORITY LEADER

The PRESIDENT. The Chair wishes to announce the Minority Leader has made the following appointment:

Ms. Lauri A. Kavulich to serve on the Pennsylvania Intergovernmental Cooperation Authority.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session to consider Senate Bill No. 279 and certain nominations.

REPORTS FROM COMMITTEES

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

SB 1160 (Pr. No. 1413) (Amended)

An Act providing for the divestiture of airport property; imposing obligations on the Department of Transportation; and making an appropriation.

Senator MOWERY, from the Committee on Public Health and Welfare, reported the following bills:

SB 996 (Pr. No. 1122)

An Act amending the act of July 19, 1979 (P.L. 130, No. 48), entitled Health Care Facilities Act, providing for hospice services.

HB 402 (Pr. No. 1812)

An Act requiring identification tags for providers of direct patient care.

Senator HOLL, from the Committee on Banking and Insurance, reported the following bills:

SB 429 (Pr. No. 1410) (Amended)

An Act amending the act of December 5, 1972 (P.L. 1280, No. 284), entitled Pennsylvania Securities Act of 1972, further providing for the appointment of commissioners; providing for the salaries of commissioners; and making repeals.

SB 1077 (Pr. No. 1266)

An Act providing for property and casualty insurance rate and form filings; providing for the making of rates; providing for powers and duties of the Insurance Commissioner; providing for rating organizations; imposing penalties; and making repeals.

SB 1165 (Pr. No. 1411) (Amended)

An Act providing for the regulation of individual access to health care insurance and for penalties.

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

SB 543 (Pr. No. 1412) (Amended)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the crime of municipal housing code avoidance.

SB 838 (Pr. No. 903)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for criminal victim aid Good Samaritan civil immunity.

SB 1117 (Pr. No. 1309)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for attachment of the property of certain support obligors.

LEGISLATIVE LEAVE

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

Senator LOEPER. Mr. President, I request a legislative leave for today's Session on behalf of Senator Punt.

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

CALENDAR

SENATE RESOLUTION No. 87 CALLED UP OUT OF ORDER AND ADOPTED

Senator LOEPER, without objection, called up from page 4 of the Calendar, as a Special Order of Business, **Senate Resolution No. 87**, entitled:

A Resolution designating the week of October 19 through 25, 1997, as "Forest Products Week" in Pennsylvania.

On the question,
Will the Senate adopt the resolution?

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

Senator SLOCUM. Mr. President, I rise today to offer Senate Resolution No. 87 to proclaim the week of October 19 through 25 as Pennsylvania Forest Products Week. This special designation corresponds with National Hardwood Day, which is recognized on October 24, and with Governor Ridge's proclamation declaring this week as Forest Products Week.

Mr. President, Pennsylvania is the number one producer of hardwood-based material in the nation. Our forest products industry has grown to represent this Commonwealth's fourth largest manufacturing sector, with more than 2,200 employers and 90,000 employees. Therefore, it is appropriate that we recognize this valuable resource which contributes so much to our State and national economy. Pennsylvania's forest land has been a staple of American business since the nation's beginning and has sustained businesses, families, and entire rural communities throughout history. The Commonwealth of Pennsylvania has a rich natural bounty of more than 17 million acres of renewable hardwood forest land. Our forest products industry is meeting the public's increasing demand for wood and wood-related products. And just as importantly, it is simultaneously meeting its stewardship responsibilities by nurturing and sustaining our forest resources for future generations.

Mr. President, this resolution also commends Pennsylvania's forest products industry for its history of care and commitment to responsible use of our natural resources. I would ask for unanimous consent for this resolution proclaiming October 19 through 25 as Pennsylvania Forest Products Week.

Thank you.

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

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

YEA-49

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

NAY-0

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

ANNOUNCEMENT BY MAJORITY LEADER

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

Senator LOEPER. Mr. President, I understand that we may have a few introductions. Before we do that, for the information of the Members and those who may not be on the floor, it is my intention, after we conclude the introductions, to call for the meeting of the Committee on Rules and Executive Nominations in the Rules room at the rear of the Senate Chamber. I know there is some interest regarding some bills that

may be on the agenda there today, and I would just indicate that is the timeframe I would suggest for consideration.

Thank you.

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR JEFFREY E. PICCOLA
PRESENTED TO THE SENATE**

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

Senator PICCOLA. Mr. President, again today I am being shadowed by seniors from the Halifax Area High School. Today we are joined here on the Senate floor by Brenda Bryson and Natalie Nice, who are in the gallery, and they have been following me around today to learn a little bit about how State government operates. If the Senate would give them a warm welcome, I would be very grateful.

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

(Applause.)

RECESS

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

Senator LOEPER. Mr. President, at this time I request a recess of the Senate, first for the purpose of a meeting of the Committee on Rules and Executive Nominations to be held immediately in the Rules Committee room at the rear of the Senate Chamber, then to be followed by a Republican caucus and have all Members report to the Majority Caucus Room on the first floor upon the conclusion of the meeting of the Committee on Rules and Executive Nominations.

The PRESIDENT. For purposes of a meeting of the Committee on Rules and Executive Nominations to begin immediately following this announcement, followed by Republican and Democratic caucuses, this Senate stands in recess.

AFTER RECESS

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

LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, Senator Lemmond and Senator Mowery 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 Mowery, and those leaves are granted.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

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

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

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE
AS AMENDED OVER IN ORDER

HB 1048 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS OVER IN ORDER

SB 97 and **SB 212** -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 263 (Pr. No. 313) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of January 18, 1952 (1951 P.L.2128, No.605), entitled Private Driver Education or Training School Act, further regulating mileage and age of driver training vehicles.

Considered the third time and agreed to,

On the question,

Shall the bill pass finally?

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

YEA-49

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

NAY-0

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

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

BILL OVER IN ORDER

SB 382 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS AMENDED

HB 440 (Pr. No. 2360) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the regulation of combustible and flammable liquids; allocating functions of the Department of Labor and In-

dustry and the Pennsylvania State Police; imposing penalties; and making repeals.

On the question,

Will the Senate agree to the bill on third consideration?

Senator LOEPER offered the following amendment No. A4240:

Amend Sec. 2, page 2, lines 16 and 17, by striking out ", INCLUDING, BUT NOT LIMITED TO, TANKS USED" and inserting: which shall be deemed to include, but not be limited to, use of tanks

On the question,

Will the Senate agree to the amendment?

It was agreed to.

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

SB 494 (Pr. No. 1367) -- 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, authorizing school districts to impose dress codes and require students to wear standard dress or uniforms.

On the question,

Will the Senate agree to the bill on third consideration?

Senator RHOADES offered the following amendment No. A4137:

Amend Sec. 1 (Sec. 1317.3), page 1, line 14, by striking out "DISTRICT" and inserting: entity

Amend Sec. 1 (Sec. 1317.3), page 1, line 16, by striking out "districtwide" and inserting: applicable throughout the school entity

Amend Sec. 1 (Sec. 1317.3), page 1, line 17, by striking out "district" and inserting: school entity

On the question,

Will the Senate agree to the amendment?

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

Senator RHOADES. Mr. President, this is a technical amendment. In the committee meeting there was a concern that we were defining districts, and that, in essence, would leave some school districts in but certain entities like vocational-technical schools out. What we have done in this amendment is changed the word "district" to "entity" and "districtwide" to "applicable throughout the school entity," so that any school entity can participate in the uniform program.

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

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

Senator SCHWARTZ offered the following amendment No. A4190:

Amend Title, page 1, line 7, by removing the period after "uniforms" and inserting: ; and providing for maximum class size.

Amend Sec. 1, page 1, lines 11 and 12, by striking out "a section" and inserting: sections

Amend Sec. 1, page 1, by inserting between lines 17 and 18:

Section 2115. Maximum Class Size.—(a) No classroom in any public school district shall exceed the maximum class size for the grade levels and after the implementation dates set forth in this section. Except as otherwise provided in this section, the maximum class sizes shall be as follows:

Grade Level	Maximum Class Size	Implementation Date
Kindergarten	20	July 1, 1998
First grade	20	July 1, 1999
Second grade	20	July 1, 2000
Third grade	20	July 1, 2001

(b) This section shall not apply to special education classes established and operated pursuant to 22 Pa. Code Pt. 1 Subpt. A Ch. 14 (relating to special education services and programs) and Pt. XVI Ch. 342 (relating to special education services and programs). Any other special education classes shall utilize a maximum class size that the State Board of Education deems appropriate for the specific nature or special needs of the students being instructed in those special education classes.

(c) The maximum class sizes set forth in subsection (a) shall not apply in instrumental or vocal music classes, or similar classes, unless the effectiveness of the instructional program in those classes would be impaired.

(d) (1) No school district shall utilize split-grade classes in order to comply with this section, unless the board of education for the district gives its prior approval.

(2) This section shall not prohibit a school district from utilizing transitional, ungraded or unstructured classes.

(3) All additional costs incurred by school districts shall be reimbursed from State funds appropriated for this purpose during the school year during which such costs are incurred.

On the question,

Will the Senate agree to the amendment?

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

Senator SCHWARTZ. Mr. President, this amendment addresses an issue that a number of us have talked about, heard about, been hearing about, because a similar amendment has passed by a wide margin in the House fairly recently, although to a different bill. What this amendment would do would be to set a class size, a maximum class size in the early grades, K through 3. What it would do, Mr. President, would be to mandate class size to a maximum of 20, and the State would then pick up the costs of adding what would make the difference in the local districts to do that.

The reason for this, Mr. President, is actually very clear. Increasingly, as we learn more and more about the way children learn, particularly the way children learn in the early grades and the enormous importance of early grade success, that students learn differently, they need more individual attention in kindergarten through third grade, that class sizes of 33 that we have, for example, in Philadelphia, and other class sizes across the State that are much bigger than 20, particularly without aides, really do not enable a teacher to give the kind of personal attention that is needed in the early grades. We also know that success or failure in the early grades is critical to future success or failure. Children who are held back in first and second grade, who fail to read by the third grade, who

have not been able to capture the mathematics that they should, have much less likelihood of succeeding later on.

Mr. President, a number of people certainly will say, is it worth the cost to do this? The answer is that early success means spending far fewer dollars both in education and in many other ways in the future. So with other States we would not exactly be on the cutting edge to do this. Other States are moving ahead. In California, for example, at the Governor's initiative, they have invested \$2 billion over the last 2 years--I know California is a little bigger than Pennsylvania--to reduce the class size of K through 3 to 20. The State funds there go to facility construction and modification and to teacher recruitment efforts, but it is really an enormous effort in California. Nevada has been doing this since 1989. They have a target class size of 15. Tennessee, under Governor Lamar Alexander, who also served as U.S. Secretary of Education, began in 1985 to reduce class size, and it is from Tennessee that we see very significant longitudinal studies that have said this makes the difference.

This is not feel-good legislation. This is not only because parents are demanding it. It is not only because teachers are saying it makes a difference. Mr. President, it is because it makes a difference in children's achievement. Test results, achievement results are truly different, and that is what this all has to be about, improving the achievement of our children. Indiana has been doing this since the mid-1980s.

I would say, Mr. President, that this could be very significant for Pennsylvania, for us to step up to the plate the way the Governor did on technology to say that we are going to invest some real dollars in technology, to help through Link-to-Learn to bring our school districts moving toward the 21st century and enable our teachers and students to have access to technology. That has been very helpful on the local level.

Let me just also refer to, if I may, that during the House discussion the House Republican leadership put out a letter in regard to their support for this, and the letter was signed by John Barley. It is dated September 29, and there in his support for this initiative he talks about the fact that in their estimation this would be phased in over 4 years. They are talking about the first year being kindergarten and moving on from there, that in the 4-year estimates, the first year would be \$30 million.

And while that sounds like a lot to many of our constituents, we know that in a budget the size of ours in Pennsylvania, which is about \$15 billion to \$18 billion, \$30 million is kind of a wise investment of public dollars that could really make a difference on the local level to school districts that are struggling, school districts that want to meet this demand from parents, school districts that want smaller class sizes in K through 3. We can help them do it. And I would say, Mr. President, if there ever was a year when we could do it, this year, when we are fiscally able to, with the kind of surplus the State has been generating and is likely to generate in this current year, we have the opportunity to do this.

So I offer this amendment. It is an amendment that I know others on both sides of the aisle have looked at and have heard

from their constituents on, and I hope that we would seize this opportunity to move forward to improve the level of education, the quality of education, particularly for our youngest children.

Thank you, Mr. President.

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

Senator COSTA. Mr. President, I also rise to support amendment A4190, the one dealing with class size. Many of the points that my colleague from Philadelphia has made I concur in greatly.

One thing that I would like to mention to my colleagues here is that this past summer I had the opportunity, as many Senators did, to attend the National Conference of State Legislatures held here in Philadelphia. One of the seminars that I attended, and I think some other folks from our caucus and also from this Chamber attended, was the one dealing with class size. We had the opportunity to discuss this very issue with many of the other State legislators and State Senators from other parts of the country that in fact have implemented this reduction in class size. And, Mr. President, I am very happy to report that in the discussions with all these individuals they said unequivocally that it was the right thing to do, that unequivocally it was the appropriate thing to expend the dollars to make certain that our students K through 3, as we implement this process into place, that it was the appropriate thing to do to expend the money now so we are not spending it in the long run.

Classroom size has a direct relationship to test scores, the thing by which we measure our students at later points in time, and I think it is very, very important that we start doing some of the educational reforms that help our students. In my district in particular people have been talking about classroom size. There has been a great debate in some of my school districts even with respect to 25 students in a particular class. They feel that is too many. I have had the benefit, Mr. President, I have a son currently in third grade and a daughter who will be approaching kindergarten in the very near future, and I am very fortunate because I have a wife who works very closely with my children with respect to their school work. Mr. President, I can tell you I experienced first hand the difference that individualized attention makes with an individual child when you have someone there who is able to work with that child or with 20 children, a teacher or two, as opposed to 25 or 30. My other son is in a classroom with 30-some children, and I can tell you there is a significant difference in terms of the teaching that takes place in those particular classrooms with respect to the individualized attention.

So I think it is something that we need to move forward on. As Senator Schwartz indicated, we certainly have the wherewithal to do it this year. Mr. President, I think it is important to note that this is not going to be something that we are going to shove down the school districts' throats. We are going to make certain, and this amendment makes certain, that the costs that we are talking about, the costs for the classrooms, the costs for any additional funds that need to be expended by the school districts for teachers and the like, will come from the State and that we are not passing on these mandates to the

school districts in an unfunded manner. I think that is very important to point out, particularly at a time, as I mentioned earlier, when we have the funds available. I think it is something we clearly should do, and I ask all of my colleagues to support this measure.

Thank you, Mr. President.

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

Senator RHOADES. Mr. President, I would like very much to agree with my colleagues from Philadelphia and Pittsburgh, but I am very tentative about this proposal for a number of different reasons. I think we all like the concept, and on the surface it appears, we would say, evident that smaller classes will make a difference. I think we need a greater analysis of the current research, because I think it lacks the definitiveness and the concreteness which allow us to directly point at the results and say what we want. The results have been somewhat mixed in this process. When we look at Nevada and Tennessee and Indiana, they have applied different class sizes. They are less than the 20, they are down to 14 and 15. They have used some other areas. Some of the results I would say, yeah, they look positive, but some of the results have not.

As a matter of fact, many years ago, and I am going back to the 1960s, I delved in and did some of this research myself. What is the ideal class size? What is good instruction? I found that in 1978 Glass and Smith examined the results of more than 80 studies done on class size since 1900. And if I can paraphrase, results indicate that class size makes little difference in student achievement if classes continue to contain between 20 and 40 students. Well, ERS, the Educational Research Service, published "Class Size Research: A Critique of Recent Analyses." ERS found that Glass and Smith's single-curve graph placed undue importance on the role of general class size reduction. In ERS's opinion, the research did not provide information about how class size affects students with specific abilities in specific grades or in specific subject areas. They also pointed out that the curve was based on only 14 class size studies, with 73 percent of the comparison from four studies.

Robinson and Witterbols of ERS also analyzed 100 class size studies that were done between 1950 and 1985. They found that there was no optimum class size that covers all types of students in all subject areas at all grade levels. They suggested that policymakers look at the research that relates to their specific area of concern and target class size decisions to meet their goals, and I think that is key to what we are trying to do. I think it is admirable that we are looking at smaller class sizes, but just what exactly is that? We have half saying, yes, and we have half saying, no, and I think it is important that we put it together and find out what the actual numbers should be, what the results will be specifically for certain children in certain subjects at certain grade levels in certain situations.

As I am reminded, there is no one optimum class size. It is a function of many factors, including grade level, subject area, instructional methods, skill of teachers and aides, the nature of the pupils, and availability of materials and facilities. Let me

also add to that, too, one of the key things is that in one of the States that did this they found out that even though the class size was reduced, the teachers still continued to teach as if it were the larger class size. What has to be done is you need in-service, professional development to change your techniques from that class of 30 to that class of 20 and that also has to be built in, and I think we have to look at that.

Again, I will also add some other things that I think we have not looked at. California has put this into place, but what we are finding out, too, is that it is creating administrative chaos. Let me look at this. If I have, let us say, scheduling and I have 22 or 23 or 24 boys and girls, and if I could only have 20, what do I do when I have 22? Do I add them to the class and we are saying 20 is the max, or do I split the class in half where it is 23 or 24? So that begins to create a problem for us.

The fiscal impact. I do not think we have looked totally at the fiscal impact, and I think we really have to see what the fiscal ramifications of this will be. Let me just talk about this, because if I take a class of 30 right now and split it down, and let us say I have a school district where I have 30 in five classes and I am going to start splitting down into two, I am going to double where I am because I have to take the 20. So that means a whole new infrastructure requirement. There is regular school equipment that has to be bought, instructional materials that have to be secured.

The other thing, too, is I think we have to allow flexibility and hopefully I would say creativity in the way we schedule, including activities. There are noted changes in here for music class, for physical education class, and that is important. I think from the standpoint of small group instruction to large group instruction to independent study, I think we have to allow all of those different things to be done from time to time.

I would also say it is right, we are going to fund this out of the State, but one of the problems I always see, and I think it holds true with special education, it holds true with basic education, is that we have a tendency to put the mandate in and say we will fund it here and then 3 or 4 years later down the line it becomes an unfunded mandate. And I think if we are going to do this we want to guard against that kind of thing happening.

The last thing I want to say is we have not had any hearings or discussion on it, and I think it is too significant a point and we should consider it as a separate piece of legislation and not as an amendment to another bill.

Thank you, Mr. President.

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

Senator MELLOW. Mr. President, I believe, as do many Members of this body in this Chamber, that if we do nothing to start to improve the quality of education, whether it be public or private, at the secondary level, then we in fact are not doing our job as Members of the General Assembly, and in this particular case, Mr. President, Members of the Pennsylvania State Senate, because what I have heard over and over not only here in Harrisburg but probably equally as important coming out of Washington, D.C., is that we must take every step

possible to improve the quality of education not only in Pennsylvania but throughout the United States.

Mr. President, I very honestly believe that enactment of Senate Bill No. 494, the bill with which we are currently going to deal, when we establish and impose some type of a dress code and require students to wear some type of standard clothing to school is a way in which we can improve the quality of education. It may be only in a very small amount but I think nevertheless it is something that moves forward. But, Mr. President, that in its own right is not enough. And to a certain point I can sympathize with what was said by Senator Rhoades. I can understand the things that he said about various studies that have taken place and where they may or may not have indicated what could happen if we have a reduction in the class size in Pennsylvania.

Now, Mr. President, it has been brought to our attention by public hearings that we on this side of the aisle have been able to hold and going to school districts throughout the State, also in sending out surveys to school administrators throughout the State, in talking to members of the teaching profession and also to school directors as to what do they think that we in Harrisburg could do to improve the quality of education, we all know what the problems are in this State with regard to the equity formula as far as reimbursing school districts for the kind of money that they spend to educate a child in this State.

And I am going to digress just a moment from what is really discussed in the amendment to talk about school funding for just a moment, and only in this capacity, Mr. President. If you have the opportunity of being born in an area in Pennsylvania where there is not only an outstanding commitment to the quality of education and that commitment is based not only on the type of education that they can give but the kind of money that they can provide for that quality of education, then you have been born into a very lucky family and a very lucky area. Case in point, Mr. President, there are certain spots, certain areas, certain school districts in southeastern Pennsylvania that are spending more than \$12,000 per year for an expenditure of one pupil to educate them in the public system, and that is a tremendous amount of money to be spent to educate a child in Pennsylvania. Conversely, Mr. President, we have in other areas of this State less than \$5,500 being spent to educate that same pupil in that school district. The disparity is as much as \$8,000 per year to educate a child in one district vis-a-vis what they spend in another district.

And the point that I am making in that regard, Mr. President, is that if you are going to spend \$13,000 to educate our greatest natural resource, the children of this State, for one particular school year, you are going to have an outstanding form of public education. You are not going to worry about a dress code and you are probably not going to worry about the number of students in that classroom because you have the fiscal responsibility and the fiscal wherewithal within your district to be able to meet the needs of the students within your school districts. But if you, unfortunately, by birth, have been born into a school district that does not have the same degree of affluence, an area where there is no growth, an area where possibly there are a lot of senior citizens, an area where the

people are basically tapped out with regard to paying taxes for the purpose of funding public education, and that school district can only spend \$5,000 or \$5,500 per student, then there is going to be a great impact on the quality of the education.

Now you may say, well, how is that relevant to this particular amendment? Well, it is relevant in this area, Mr. President. It is just not enough for us to say in State government today that we must check the achievement of students in school districts and we cannot say that we are going to mandate that students achieve at a certain level in public schools in Pennsylvania and do nothing to bring that about. One of the first steps in bringing that about, in my opinion, would be to adopt the bill that Senator Rhoades has introduced. I think it is an excellent proposal. It has been worked on by Senator Rhoades and it has been worked on by Senator Schwartz. There has been a great cooperative effort in this Senate to try to improve the quality of public education.

So to establish some type of a dress code at the discretion of the school district I think is a step in the right direction, but it does not go far enough if we want to improve what we consider to be the student achievement tests. We have to look at the class sizes in this State. It is important that in early childhood education we give those students the opportunity, the greatest opportunity that they can possibly have in getting the best form of education. And if a child who is in a school district that does not have the affluence of another school district, he or she may be sitting in a kindergarten class or a first, second, or third grade class that may have 35 or 40 students being taught by one teacher without a teacher's aide, and because of the ability for other school districts to spend a lot of money, that same kindergarten, first, second, or third grade student in another district might be in a classroom that has only 15 or 18 students. Not only do they have a teacher but also a teacher's aide to help in the participation of that educational system.

What Senator Schwartz's amendment does, very clearly, is puts us in the right direction in trying to improve on the achievement of young children, the achievement of children from kindergarten through third grade, by saying we will not allow more than 20 students in any classroom in Pennsylvania if you are from kindergarten through the third grade with a teacher. This is going to give more individual training, it is going to give more individual attention to the student. It is something that we as elected officials must guarantee the students and the families in this great State of ours, Pennsylvania. That is only one way, Mr. President, that we can say when we give standardized tests, when we give student achievement tests and try to find out and figure out why students in one district are doing much better than students in other districts, it is about time that we give them an even playing field in which they can learn. This is that step to give them that even field.

This is an amendment that is being offered for the young people of Pennsylvania to try to give them the opportunity to improve the quality of education, and there is no question in my mind that every Member of this body is interested in the improvement of the quality of education in the district that he or she represents, and this is the first good step not only in

enacting Senate Bill No. 494, but more importantly, or equally as important, in enacting the amendment that has been offered by Senator Schwartz. I stand before you, Mr. President, asking for an affirmative vote on the amendment.

Thank you.

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

Senator LOEPER. Mr. President, just very briefly on the amendment that is before us, I believe that Senator Rhoades has covered extensively some of the reasons and questions that we may have as far as the adoption of this amendment. But I would, for the information of the Members, just refer them that the Commonwealth, as many may realize, does not necessarily collect data from school districts dealing particularly with class size. And therefore, there is really no specific accurate measurement to determine the cost of Senator Schwartz's amendment. However, I would indicate to the Members that the Budget Office has provided the following cost estimates for House Bill No. 601, which essentially contains the exact amendment and class size language as Senator Schwartz has before us today.

The amendment would increase costs to the General Fund by a minimum of \$317 million over the 4-year implementation phase. And I think that the estimate is based on the need for an additional 2,028 teachers statewide, with 507 teachers required for each of the four grade levels. It does not reflect increased costs to the General Fund, which could be required to provide an additional classroom for each additional teacher. At 507 additional teachers for each of the four grade levels, it could be possible that each of the 501 school districts may require at least four additional classrooms per district.

I think, Mr. President, as Senator Mellow has said, we are all concerned about the status of education in Pennsylvania. We are aware of the differences between school districts across this State. But I think again as Senator Mellow reflected on the original intent and content of this bill, that dealing with school uniforms, it provides again the basis for a decision to be made at the local level to make that determination whether in fact it is the local school board that determines that is the decision they want to make in the best interest of their communities. Therefore, Mr. President, due to the cost factor on a statewide basis, I would ask for a negative vote on the amendment.

LEGISLATIVE LEAVE

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

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

The PRESIDENT. Senator Loeper requests a temporary Capitol leave for Senator Hart. Without objection, that leave is granted.

And the question recurring,

Will the Senate agree to the amendment?

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

Senator MELLOW. Mr. President, I would just like to make one additional observation, and that is school uniforms will not do one thing to increase the scores on achievement tests. A reduction in class sizes, kindergarten through third grade, will go a long way in increasing what the results are on achievement tests. School uniforms are a good first step as far as bringing discipline to school districts, but if you want to increase achievement tests, you will not do it through school uniforms. It will be through reduction of classroom size, full-time kindergarten, and many of those other things.

Thank you.

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

Senator SCHWARTZ. Mr. President I, too, just want to say it is always a question of priorities. It is interesting to me, \$300 million over 4 years. I think that is a significant amount of money. But it is the question of whether it is a top priority for us to not just say that we want to improve the quality of education for all of our children but to actually get on with the business of doing so. And there is a lot of discussion we ought to have in the General Assembly about the funding of education in Pennsylvania.

But we often do not, Mr. President, really look at whether in fact we have made prudent investments in our future. And if ever there is a situation where we are looking at improvements in the economy of Pennsylvania, we are talking about spending \$400 million to bring 1,000 jobs with potential spin-offs with a shipbuilder coming. I understand the Governor is going to be able to say that deal has been signed. That is a lot of money. But we are saying it is worth it. The Governor is saying it is well worth it because it may stimulate other kinds of jobs. It will stimulate growth of the Navy yard. It will bring back 1,000 jobs potentially, and maybe another 1,000 additional jobs in Pennsylvania. He has even said it may stimulate national shipbuilding and some greater economy. Well, I do not know. That seems rather grand, but maybe that is true.

But I think what we ought to do is make the kinds of investments that truly do matter. This is an investment of dollars, but it is a question of our priorities. We have \$600 million in surplus. We probably will have the same amount this year. Where is that money going? We are making decisions all the time as to how we should spend those dollars. Is this not in fact a good investment? We have spent \$160 million to make sure that we did not do a centralized emissions testing program. I argued about that, and no one blinked an eye on the other side of the aisle about doing that. I would like to see \$160 million going into lower class size in Pennsylvania.

If we are looking at preparing our young people for the jobs of the future, if we are looking at bringing businesses to Pennsylvania, we have to make sure that we educate our children well, that the quality of our education is second to none in this country. That would be something we could stand up and be very proud about, not only because we want to educate our own children, but because we have to educate all the children in Pennsylvania. Every school district in this Commonwealth

talks about the early class size issue, they talk about early education, and I am saying that we can always say the money can be used for something else, but the fact is that we know it ought to be used to improve the quality of education.

We are going to be moving, I hope, to statewide standards. We are hopefully going to move to statewide assessments of those standards. We are going to hold our school districts accountable for the achievement of our children. We want to move to professional development. Senator Rhoades is absolutely correct: class size alone is not the answer, it is one of the answers to improving achievement, and we ought to make sure that professional development happens for our teachers so that they teach appropriately to smaller class sizes.

But what an opportunity we have to do something that does not just feel good. We really do not know what school uniforms will do. We know it probably has very little effect in the elementary school. Maybe there is some feeling it might matter at the senior level with this competition about clothing. We do not really know. But we do know that this could make a difference and we ought to start doing it, and I would hope that Senator Loeper, when he starts to negotiate that budget, builds in some of this, some of these dollars to make sure that we can move ahead on this initiative.

Thank you, Mr. President.

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

Senator BELL. Mr. President, I have listened very carefully to the very learned discourse by the lady from Philadelphia, but I am just a little country boy. She forgot to tell you what new taxes she favors to pay for these costs.

LEGISLATIVE LEAVE

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

Senator MELLOW. Mr. President, I request a temporary Capitol leave for Senator Fumo.

The PRESIDENT. Senator Mellow requests a temporary Capitol leave for Senator Fumo. Without objection, that leave is granted.

And the question recurring,

Will the Senate agree to the amendment?

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

YEA-20

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

NAY-29

Armstrong	Hart	Murphy	Tilghman
Bell	Helfrick	Piccola	Tomlinson
Brightbill	Holl	Punt	Uliana
Corman	Jubelirer	Rhoades	Wenger

Delp	Lemmond	Robbins	White
Earll	Loeper	Salvatore	
Gerlach	Madigan	Slocum	
Greenleaf	Mowery	Thompson	

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

The PRESIDENT. Senate Bill No. 494 will go over in its order, as amended.

BILLS OVER IN ORDER

SB 529 and **SB 577** -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Hart and Senator Mowery have returned, and their temporary Capitol leaves are cancelled.

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 771 (Pr. No. 1346) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the simulation of legal process and related acts; prohibiting the use of unofficial license plates; and imposing penalties.

Considered the third time and agreed to,

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

On the question,

Shall the bill pass finally?

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

YEA-49

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

NAY-0

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

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

BILL OVER IN ORDER

SB 799 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 981 (Pr. No. 1409) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for maintenance, construction and repair contracts to be performed by the Armory Board; and making a repeal.

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

On the question,
Shall the bill pass finally?

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

YEA-49

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

NAY-0

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

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

BILL AMENDED

HB 1475 (Pr. No. 2286) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for self-employment assistance, for eligibility, for costs and for limitation.

On the question,
Will the Senate agree to the bill on third consideration?

Senator LOEPER offered the following amendment No. A4244:

Amend Sec. 11, page 5, line 27, by striking out "Annually by the first day of March, the" and inserting: The

Amend Sec. 11, page 5, line 30, by inserting after "Representatives": by March 1, 1999, and annually by the first day of March thereafter

Amend Sec. 12, page 6, line 19, by inserting after "act": , or on December 31, 2002, whichever is sooner

On the question,
Will the Senate agree to the amendment?
It was agreed to.

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

SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR No. 1BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 494 (Pr. No. 1415) -- 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, authorizing school districts to impose dress codes and require students to wear standard dress or uniforms.

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 Schuylkill, Senator Rhoades.

Senator RHOADES. Mr. President, just a few comments on this bill. I think we all know how significant it can be. We have a manual on school uniforms that was sent out to the 16,000 school districts across this nation by the U.S. Department of Education. Some of the things they point out, and this is from Seattle, Washington, "...this year the demeanor in the school has improved 98 percent, truancy and tardies are down, and we have not had one reported incident of theft." Even the issue, too, and Senator Mellow brought it up from the standpoint of achievement, and I cannot verify this with research because I do not have any, but in Maymont, Virginia, "...improved behavior, an increase in attendance rates, and higher student achievement." This goes on in a number of areas, Memphis, Tennessee, and the rest.

Basically, what we are doing is allowing our school districts to set up either a school district-wide or a school uniform system. Now, it should be developed, and I caution this, and I think this is all important that the manual that we received from the U.S. Department of Education along with the school boards who will put this in place should stress that parents should be involved in the local implementation of the uniform policies, that provisions should be allowed for student expression, and that student expression of religious beliefs should not be abridged. I think the best way to do this is, as we say, in a very collaborative method and manner.

Where it has been put in, it has worked and it has worked well. And all kinds of good things like truancy down, better demeanor, calmness in the class, a sense of pride, competitiveness about who is wearing what is gone. Throwing objects. In

one class they said it was down 68 percent. I do not know how they were watching that. Fighting was down 38 percent, leaving class was down 47 percent. So all of these things have some positive effect, and I say that it is a step in terms of putting order in and I will say a sense of discipline, because without discipline, nothing can really occur.

Thank you, Mr. President.

And the question recurring,
Shall the bill pass finally?

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

YEA-49

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

NAY-0

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

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

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR

**BILLS REREPORTED FROM COMMITTEE
AS AMENDED OVER IN ORDER**

SB 133 and SB 438 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILLS OVER IN ORDER

HB 679, SB 902, SB 950, SB 962 and HB 1065 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

SENATE RESOLUTION No. 86, ADOPTED

Senator LOEPER, without objection, called up from page 4 of the Calendar, **Senate Resolution No. 86**, entitled:

A Resolution declaring the month of October 1997 as "Pennsylvania Firearm Safety Month" and encouraging organizations and the Department of Education to support and use the Eddie Eagle Gun Safety Program.

On the question,
Will the Senate adopt the resolution?

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

Senator ROBBINS. Mr. President, the start of another hunting season brings to mind many traditional images in Pennsylvania: the beautiful outdoors, healthy exercise, parents and adolescents sharing in the heritage of safe sportsmanship.

Unfortunately, as with all recreational activities, these images are sometimes marred by accidents, and any accident involving a firearm, whether at home or in the field, is one too many. As we all know, the best method of accident prevention is education and awareness. That is why I have introduced Senate Resolution No. 86 to declare October as Pennsylvania Firearms Safety Month and encourage community organizations and schools to support and use the Eddie Eagle Gun Safety Program. The Eddie Eagle Firearms Safety Program is aimed at children in pre-kindergarten through sixth grade. Since the program began in 1988, it has reached nearly 10 million children. Thousands of law enforcement agencies, school systems, and civic groups in all 50 States, Canada, and Puerto Rico have participated.

This program has received honors from the National Safety Council, the National School Public Relations Association, and the American Legion Child Welfare Foundation for its effort to promote safety and save lives.

Mr. President, I ask that the Pennsylvania Senate approve this resolution to show that this body supports the belief that teaching children about firearm safety is an important step in an effort to reduce the number of firearm accidents. In addition to declaring October 1997 as Pennsylvania Firearm Safety Month, passage of this resolution will encourage community service organizations to help support the Eddie Eagle Gun Safety Program at the local level. It will encourage using the program in schools where children are taught various important safety measures and procedures.

Mr. President, more than a dozen other States have made statements to recognize the valuable service of this vital firearms safety education effort through similar resolutions. Mr. President, I ask that we add Pennsylvania's voice to those who are encouraging firearms safety education. The hunting season beginning this month represents a long tradition in Pennsylvania. With that tradition comes a responsibility: Responsibility to use effective programs like Eddie Eagle to teach our children that firearms are not toys; responsibility that will ensure that our sporting traditions can be safely handed down to future generations.

Thank you.

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

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

SENATE RESOLUTION No. 72, ADOPTED

Senator LOEPER, without objection, called up from page 4 of the Calendar, **Senate Resolution No. 72**, entitled:

A Resolution designating the week of October 19 through 25, 1997, as "School Bus Safety Week" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

SENATE RESOLUTION No. 78, ADOPTED

Senator LOEPER, without objection, called up from page 4 of the Calendar, **Senate Resolution No. 78**, entitled:

A Resolution declaring October 19 through 26, 1997, as "Reflexology Week" in Pennsylvania.

On the question,

Will the Senate adopt the resolution?

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

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator SALVATORE,

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

Which was agreed to.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

MEMBER OF THE COUNCIL OF TRUSTEES OF CALIFORNIA UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

September 10, 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, Robert J. Wetzel, 404 Victor Drive, Uniontown 15401, Fayette County, Thirty-second Senatorial District, for appointment as a member of the Council of Trustees of California University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2003, and until his successor is appointed and qualified, vice William F. Barry, Uniontown, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA HOUSING FINANCE AGENCY

September 10, 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, Kenneth L. Rall, 142 Scott Ridge Road, Harmony 16037, Butler County, Twenty-first Senatorial District, for appointment as a member of the Pennsylvania Housing

Finance Agency, to serve until July 20, 2003 and until his successor is appointed and qualified, vice Hillard Madway, Narberth, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA INDUSTRIAL DEVELOPMENT AUTHORITY

September 2, 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, David E. Barenfeld, P. O. Box 889, Ellwood City 16117, Beaver County, Forty-seventh Senatorial District, for appointment as a member of the Pennsylvania Industrial Development Authority, to serve for a term of seven years and until his successor is appointed and qualified, pursuant to Act 58, approved June 27, 1996.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF TRUSTEES OF MAYVIEW STATE HOSPITAL

June 2, 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, Elaine M. McGraw, 1258 Oak Ridge Road, McDonald 15057, Allegheny County, Thirty-seventh Senatorial District, for reappointment as a member of the Board of Trustees of Mayview State Hospital, to serve until the third Tuesday of January 2003, and until her successor is appointed and qualified.

THOMAS J. RIDGE
Governor

MEMBER OF THE BOARD OF TRUSTEES OF MAYVIEW STATE HOSPITAL

June 2, 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, Dr. Niles Norman, 1213 Satellite Circle, Pittsburgh 15241, Allegheny County, Thirty-seventh Senatorial District, for reappointment as a member of the Board of Trustees of Mayview State Hospital, to serve until the third Tuesday of January 2003, and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE BOARD OF OPTOMETRY

June 30, 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, James K. Hanna (Public Member), 5196 Priscilla Drive, Bethel Park 15102, Allegheny County, Thirty-seventh Senatorial District, for appointment as a member of the State Board of Optometry, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Julianne Nolan, Topton, resigned.

THOMAS J. RIDGE
Governor

DISTRICT JUSTICE

September 24, 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, Allen W. Sinclair, 515 North Eleventh Street, Philipsburg 16866, Centre County, Thirty-fourth Senatorial District, for appointment as District Justice, in and for the County of Centre, Magisterial District 49-3-03, to serve until the first Monday of January 2000, vice Robert A. Shoff, resigned.

THOMAS J. RIDGE
Governor

DISTRICT JUSTICE

September 29, 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, James S. Miner, 70 Oakhill Drive, Hanover 17331, York County, Twenty-eighth Senatorial District, for appointment as District Justice, in and for the County of York, Magisterial District 19-3-05, to serve until the first Monday of January 2000, vice Margaret L. Klinedinst, resigned.

THOMAS J. RIDGE
Governor

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

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

YEA-49

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

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.
Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Senator SALVATORE. Mr. President, I move that the Executive Session do now rise.
The motion was agreed to.

UNFINISHED BUSINESS
REPORTS FROM COMMITTEES

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

SB 279 (Pr. No. 1414) (Amended) (Rereported) (Concurrence)

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for duties of agents and for protective equipment for motorcycle riders and for the use of sun screening; designating a highway and a bridge; and designating S.R. 981 in Unity Township, Westmoreland County, as Technology Way.

Senator HELFRICK, from the Committee on Game and Fisheries, reported the following bills:

SB 56 (Pr. No. 55)

An Act amending the act of June 2, 1988 (P.L.452, No.74), entitled "An act exempting owners of shooting ranges from any civil or criminal actions relating to noise pollution," further defining the granted immunity from nuisance actions.

HB 13 (Pr. No. 2469) (Amended)

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, further providing for clarification of the status of members of the Pennsylvania Fish and Boat Commission, its Boating Advisory Board and deputy waterways patrolmen, providing for a volunteer program; and further providing for classification of offenses and penalties, for boating under the influence and for Class A regulated fishing lakes.

SENATE RESOLUTION ADOPTED

Senators TOMLINSON, MURPHY, LAVALLE, TILGHMAN, LOEPER, ROBBINS, KUKOVICH, BELL, EARLL, BRIGHTBILL, BODACK, JUBELIRER, HOLL, THOMPSON, STOUT, WENGER, WHITE, SALVATORE, GREENLEAF, HART, BELAN, SLOCUM, COSTA, O'PAKE, MOWERY, CORMAN, MADIGAN, MUSTO, GERLACH, DELP, RHOADES, ULIANA, PICCOLA, PUNT, ARMSTRONG, LEMMOND, HELFRICK, STAPLETON, TARTAGLIONE, WAGNER, KITCHEN, KASUNIC, HUGHES, MELLOW and WOZNIAK, by unanimous consent, offered **Senate Resolution No. 89**, entitled:

A Concurrent Resolution memorializing Congress and the Environmental Protection Agency to halt implementation of proposed changes in the National Ambient Air Quality Standards for ground-level ozone and particulate and to take other actions to reduce pollution coming into this Commonwealth.

On the question,
Will the Senate adopt the resolution?

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

Senator TOMLINSON. Mr. President, Pennsylvania is under siege from the bureaucrats and the Federal Environmental Protection Agency, and the situation is getting out of hand. Without any solid scientific backing for its claims that it will enjoy significantly cleaner air as a result of these new mandates, the EPA has made auto emissions testing more stringent and expensive in Pennsylvania. In July the EPA reduced the standards for ground level ozone pollution from 120 parts per billion to 80 parts per billion. This is going to have a negative impact on our industries without having any definitive positive impact on our air quality.

The agency admits there is no clear point at which ozone pollution impacts public health. Yet the agency irresponsibly moved ahead on this new standard. To make matters worse, the study by the environmental experts in the 37 States has confirmed that Pennsylvania's air quality is lowered in large part by pollution that originates outside our borders. A report by the Ozone Transport Assessment Group found that one-third of Pennsylvania's air pollution woes come from other States. Yet Pennsylvania citizens and businesses are paying for EPA mandates, while those in other States continue polluting.

This situation is frustrating to all of us who are trying to improve Pennsylvania's economy and protect our environment. Pennsylvania-based utilities and businesses are already at a competitive disadvantage with industries to the west, which are held to a lower environmental standard. The Ozone Transport Assessment Group has recommended the EPA adopt a uniform region-wide standard for reducing ozone emissions that would span a 37-State area. But the EPA has provided no assurance that other States will be required to control ozone causing pollutants. That is why I am asking my colleagues in the House and Senate to approve a resolution that I have introduced requesting that Congress and the EPA halt this imposition of the national ambient air quality standard and reconsider the decision to impose even more stringent standards upon certain regions of the State until further studies are completed.

Pennsylvania deserves a level playing field. Our drivers and factories are already doing their part to control pollution. Let us tell Congress and the EPA that we should not be held to a different set of unfairly high standards than those applied to other States.

Mr. President, I am urging that we ask for environmental justice, and I want to thank Senator Murphy and Senator LaValle for joining me in this effort to wake up EPA and to ask our Congress in the fight to help bring about some fairness in this. We have tried very, very hard in Pennsylvania to clean up our air. Nobody wants dirty air and everybody wants the air clean, but when you find out through tests that the air coming into this State is already out of compliance, that we cannot meet the standards that they have set for us because of the quality of the air coming into the State, I think it is time to go to EPA and it is time to ask our Congressmen for some help in this unfair disadvantage. I ask for your support on this measure.

Thank you.

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

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

Senator MURPHY. Mr. President, I also rise to ask for unanimous support for this resolution that deals with the problems of air pollution. I, too, am aware of the great concerns we all must have when dealing with air pollution. We know that asthma rates are up dramatically and the particulates are of great concern to our children, our elderly, and healthy adults. But Pennsylvania has gone a long way. I know recently Governor Ridge has said in his responses that Pennsylvania cannot meet the current ozone standards without significant reductions in nitrogen and oxide emissions from States to our west and south. He went on to also state that Pennsylvania has already adopted a package of ozone pollution controls that go beyond the controls adopted by almost all the States that contribute to our ozone pollution violations. We also know that nationwide States and governments have spent about \$45 billion to \$50 billion each year to clean up the air, and yet we continue on with some of these problems.

Now, certainly we like the fact that the EPA is continuing to look out for our health and we applaud them for that, and yet I am concerned that bad science makes bad policy. And what we find, especially in southwestern Pennsylvania, is EPA is somehow using a geographic boundary of where the border of Pennsylvania is and saying that that would be in one ozone area or one pollution area and Ohio and West Virginia would be another. It does not look to the source of the pollution, it does not look to the source of the problems.

I am reminded of the story of the gentleman who is out one evening late at night on the sidewalk under a streetlight on his hands and knees. A policeman comes over to him and says, what are you doing? He says, I am looking for my car keys. The policeman said, let me help you, did you lose them here? He said, no, I lost them back in that dark alley over there. And the policeman said, why are you looking here? And the gentleman said, because there is more light here.

I think we are in a similar position here with rules that just do not seem to make sense and defy logic. Instead what I think we need to do is focus on reducing the source of the pollution at its source upwind, not downwind where our measurement devices are. It may be easier to simply look at the higher numbers on the measurement devices in communities, but we ought to be looking at the smokestacks that spew them. And so specifically we would like to ask the EPA to enforce the existing Clean Air Act provisions that require upwind States to prevent emissions from coming to downwind areas and causing ozone excesses.

We also ask the EPA and Congress to remove southwestern Pennsylvania from the Northeast Ozone Transport Region until a more equitable national solution is reached. We would also like to ask that Congress consider changing the Clean Air Act in other ways that would require the EPA to conduct adequate

and appropriate monitoring and scientific research to assure that any new standards for ozone and particulate matter are based upon sound scientific information on the causes of health effects. Some of these recommendations come not only from myself and concerned citizens but also the Advanced Manufacturing Network, who themselves are very concerned with what is happening with jobs and what is happening with the health of our citizens.

And so again, noting that bad science makes bad policy, I would like to ask all Members of the Pennsylvania Senate to be unanimous in their calling upon the EPA and Congress to say, let us get down to the work of making some sound decisions for the health and safety of our citizens.

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, and the resolution was adopted.

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 the Austrian-Hungarian Veterans Society of Allentown and to Northampton Liederkrantz by Senator Afflerbach.

Congratulations of the Senate were extended to Mack Trucks, Inc., of Allentown and to the Musselman Advertising Agency of Allentown by Senators Afflerbach and Brightbill.

Congratulations of the Senate were extended to Douglas John Ivanac by Senator Belan.

Congratulations of the Senate were extended to Kevin F. Askew and to the Knights of Columbus, Duquesne Council No. 264, by Senator Costa.

Congratulations of the Senate were extended to Eric Kenneth Holtzapple by Senator Delp.

Congratulations of the Senate were extended to Ella Cochran and to Congregation Brith Shalom of Erie by Senator Earll.

Congratulations of the Senate were extended to Mr. and Mrs. Bill Curran, Thomas Arthur Baker, Jeremy C. Dietterick, Seth Alexander Flook, Adam Michael Fluck, Robert Joseph Gair, Andrew Joel Heacock, William Henry Hummel, Jr., Michael Terry Mathes and to Christopher Charles Steenburg II by Senator Helfrick.

Congratulations of the Senate were extended to Loretta Romanowski by Senator Holl.

Congratulations of the Senate were extended to Mary Hale and to Carl R. Nordberg by Senator Jubelirer.

Congratulations of the Senate were extended to Paul J. Fitzgerald and to Christopher M. Parfitt by Senator Kasunic.

Congratulations of the Senate were extended to Stephen William Sherwin and to the Stewartsville Lions Club by Senator Kukovich.

Congratulations of the Senate were extended to the Pennsylvania Association of School Retirees by Senator Loeper.

Congratulations of the Senate were extended to Garrett R. Nell, Miriam Reynolds and to Ryan Andrew Salsman by Senator Mowery.

Congratulations of the Senate were extended to David M. Blaze, Timothy John Patterson and to Neil Nightingale by Senator Murphy.

Congratulations of the Senate were extended to Nick Kuharcik and to St. Peter's Lutheran Church of Hughestown by Senator Musto.

Congratulations of the Senate were extended to Mr. and Mrs. Cameron Parsons and to Paul H. Craig by Senator Piccola.

Congratulations of the Senate were extended to Samuel W. Aubel, Paul F. Burns, Jr., Amber Chambers, Nikki Kurt and to Donald Minnis by Senator Robbins.

Congratulations of the Senate were extended to Fred Mercer by Senators Robbins and Slocum.

Congratulations of the Senate were extended to Dr. Ernestyne James Adams and to Catherine Lyons by Senator Schwartz.

Congratulations of the Senate were extended to Sandy Geelen and to Krista Losey by Senator Slocum.

Congratulations of the Senate were extended to Gary Dille, Nicholas P. Dubina, John McGary, Graham Miller, Daniel Morris, George Swierczek and to Thomas Schneck by Senator Stout.

Congratulations of the Senate were extended to IMPACT Services Corporation of Philadelphia by Senator Tartaglione.

Congratulations of the Senate were extended to Scott Guiser by Senator Tomlinson.

Congratulations of the Senate were extended to Clyde and Thelma Braun, Jane E. Long, Jason R. Cashmere and to the Kiwanis Club of Butler by Senator White.

Congratulations of the Senate were extended to Alice Ayres Terry by Senator Williams.

CONDOLENCE RESOLUTION

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

Condolences of the Senate were extended to the family of the late Paul W. Martin by Senator Uliana.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

SB 56, SB 429, SB 543, SB 838, SB 996, SB 1077, SB 1117, SB 1160, SB 1165, HB 13 and HB 402.

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

PETITIONS AND REMONSTRANCES

The PRESIDING OFFICER. The Chair recognizes the gentleman from Fayette, Senator Kasunic.

Senator KASUNIC. Mr. President, as chairman of the Democratic Policy Committee, at this time I would like to announce action that we, the Senate Democrats, are taking on the shady investment practices that have taken place around the Commonwealth of Pennsylvania. We are still searching for the number of school districts that are involved in this particular issue. We have been unable at this time to find out how many school districts are actually involved, but we know there are several school districts and we are looking at approximately \$71 million perhaps being lost. These are taxpayers' dollars, Mr. President, and I think it would be negligent on our part if we did not move forward to investigate and look into, as I said, the shady investment practices that have taken place around the Commonwealth.

Therefore, we have decided that we will hold hearings concerning this issue, the first hearing of which will be held on November 3 in the Pittsburgh area. We are looking at a variety of people to speak and give testimony concerning how this happened, why it happened, and certainly we are looking for answers to avoid this ever happening again. And hopefully out of this we will develop the necessary legislation that will prevent the taxpayers' dollars from being ripped off.

There is much concern, Mr. President, as to how this money will be made up, if ever, and at what cost, at what cost to our local taxpayers, \$71 million. Mr. President, this is something that should not happen, should not be allowed to happen, and should never happen again in this Commonwealth. We certainly would welcome all input from the other side of the aisle, and certainly we want the taxpayers to know here in the Commonwealth of Pennsylvania that the Senate is concerned and we want to do something about this and we want to work together in a joint effort to solve this situation and, as I said, to avoid it from ever happening again. We will have people testifying from business managers from school districts, school superintendents, investment bankers, and academia from the University of Pittsburgh coming in to talk to us about this very important issue. We look forward to the input and a resolve to this very important issue.

As I said, once again, we must guarantee that these kinds of things will not go on in Pennsylvania. We will not tolerate it and we will never let it happen again.

Thank you, Mr. President.

COMMUNICATION FROM THE GOVERNOR

NOMINATION REFERRED TO COMMITTEE

The PRESIDING OFFICER 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 APPALACHIAN STATES
LOW-LEVEL RADIOACTIVE WASTE COMMISSION**

October 21, 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, Samuel A. McCullough (Voting Member), Old Lauer's Lane, Wyomissing 19610, Berks County, Forty-eighth Senatorial District, for appointment as a member of the Appalachian States Low-Level Radioactive Waste Commission, to serve at the pleasure of the Governor, vice Thomas B. Hagen, Erie, resigned.

THOMAS J. RIDGE
Governor

HOUSE MESSAGE

**HOUSE NONCONCURS IN SENATE
AMENDMENTS TO HOUSE BILL**

The Clerk of the House of Representatives informed the Senate that the House has nonconcurred in amendments made by the Senate to **HB 1476**.

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

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, OCTOBER 22, 1997

1:00 P.M.	AGING AND YOUTH (public hearing on long-term care public financing and the role of area agencies on aging on assessments)	Room 8E-B East Wing
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TUESDAY, OCTOBER 28, 1997

9:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider Senate Bills No. 457, 847 and 922; House Bill No. 507; BPOA Final Regulations No. 16A-439, 16A-443, 16A-537, 16A-468, 16A-475, 16A-481, 16A-494, 16A-512, 16A-517, 16A-526, 16A-546, 16A-532 and 16-15; and PUC Final Regulations No. 57-168, 57-169, 57-179, 57-164 and 57-166)	Room 8E-B East Wing
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9:45 A.M.	LOCAL GOVERNMENT (to consider Senate Bills No. 270, 826, 828 and 1047; House Bills No. 1111, 1113, 1114 and 1116)	Room 8E-A East Wing
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THURSDAY, OCTOBER 30, 1997

1:00	EDUCATION (public hearing on Senate Bill No. 1049)	Bucks County Comm. College
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ADJOURNMENT

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Wednesday, October 22, 1997, at 11 a.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 4:20 p.m., Eastern Daylight Saving Time.