

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, MARCH 23, 1999

SESSION OF 1999

183RD OF THE GENERAL ASSEMBLY

No. 19

SENATE

TUESDAY, March 23, 1999

The Senate met at 11:30 a.m., Eastern Standard Time.

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

PRAYER

The Chaplain, Pastor MICHAEL BAILEY, of Grace Covenant Church, Lewistown, offered the following prayer:

Let us pray.

Lord, today we look to You who holds the world in Your hands. Thank You for ordaining a government in our land that respects the rights of all its people as granted by almighty God. Since government without God cannot endure, impress upon each one present today of our accountability to the Creator to act wisely, fairly, and humbly on the behalf of Your people.

Help our officials to enact legislation and oversee the affairs of government justly and righteously. Grant each the grace to lay aside personal agendas for the common good. Give these men and women patience while working together to fulfill their duties. We pray that You would bring a God-ordained unity into the midst of struggles that many times occur in this arena.

With Your guidance, we believe that we can continue the heritage of a great people. Keep us, Our Lord, close to Your heart and mind as we go through this day. In the name of the Father, the Son, and the Holy Spirit. Amen.

The PRESIDENT. The Chair thanks Reverend Bailey, who is the guest today of Senator Corman.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of March 22, 1999.

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

HOUSE MESSAGE

HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION

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

Recess adjournment.

GENERAL COMMUNICATION

RESOLUTION OF ROCHESTER AREA SCHOOL DISTRICT

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

ROCHESTER AREA SCHOOL DISTRICT
540 Reno Street
Rochester, Pennsylvania 15074

March 15, 1999

Mr. Mark Schweiker
Senate President
Senate Post Office - Main Capitol
Harrisburg, PA 17120

Dear Mr. Schweiker:

At the March 8, 1999, meeting of the Rochester Area School District Board of Education, Resolution #I-99 was approved. Resolution #I-99 is in regard to the State Board of Education's adoption of the proposed regulations entitled "Chapter 4: Academic Standards and Assessment." Enclosed is a copy of the approved Resolution #I-99.

Sincerely yours,

Dr. KATHRYN GRUBER
Assistant Superintendent

ROCHESTER AREA SCHOOL DISTRICT
RESOLUTION #I-99

WHEREAS, on October 21, 1998, the State Board of Education of the Commonwealth of Pennsylvania adopted proposed regulations entitled, "Chapter 4: Academic Standards and Assessment," and

WHEREAS, said proposed regulations have been sent to the state Senate's Education Committee, the House of Representatives' Education Committee, and the Independent Regulatory Review Commission for their review and potential approval, and

WHEREAS, as approved by the State Board of Education, Chapter 4 will require the Rochester Area School District to affix either a Pennsylvania Seal of Proficiency or a Pennsylvania Seal of Distinction to all Rochester Area School District diplomas, and

WHEREAS, each Member of the Board of School Directors of the Rochester Area School District has been elected by the citizens of the Rochester Area School District to establish, implement, and maintain an effective and efficient educational program which addresses the educational needs of its students, and

WHEREAS, the Rochester Area School District, and not the Commonwealth of Pennsylvania, is vested with the power and authority to issue diplomas to the graduates of the Rochester Area School District, and

WHEREAS, the State Board of Education's attempt to require the Rochester Area School District to affix a Pennsylvania Seal of Proficiency or a Pennsylvania Seal of Distinction to all Rochester Area School District diplomas is an attempt to circumvent the authority of the Board of School Directors by establishing a "State-sponsored" diploma, and

WHEREAS, such an effort is in direct contradiction to the expressed authority granted to the Board of School Directors of the Rochester Area School District under Pennsylvania School Code.

NOW, THEREFORE, BE IT RESOLVED, that the Board of School Directors of the Rochester Area School District hereby officially advised the State Board of Education, the Senate's and House of Representatives' Education Committees, and the Independent Regulatory Review Commission that it opposes any regulation that requires the Rochester Area School District to affix a Pennsylvania Seal of Proficiency, a Pennsylvania Seal of Distinction, Governor's Seal or any other "State-sponsored" Seal on the Rochester Area School District's diplomas.

THIS RESOLUTION WAS UNANIMOUSLY APPROVED AND ADOPTED BY THE BOARD OF THE SCHOOL DIRECTORS OF THE ROCHESTER AREA SCHOOL DISTRICT AT A DULY ADVERTISED, PUBLIC MEETING OF THE BOARD HELD ON THE 8TH DAY OF MARCH, 1999.

APPOINTMENTS BY PRESIDENT PRO TEMPORE

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

Senator Harold F. Mowery, Jr., as a member of the Intra-Governmental Council on Long-Term Care, and as a member of the Committee on Health of the Assembly on Federal Issues of the National Conference of State Legislatures.

Senator James W. Gerlach as a member of the Committee on Economic and Cultural Development of the Assembly on State Issues of the National Conference of State Legislatures.

Senator Stewart J. Greenleaf as a member of the Committee on Law and Justice of the Assembly on Federal Issues of the National Conference of State Legislatures.

Senator Richard A. Tilghman as a member of the Joint Legislative Air and Water Pollution Control and Conservation Committee.

REPORTS FROM COMMITTEE

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

SB 392 (Pr. No. 690) (Amended)

An Act amending the act of December 5, 1980 (P.L.1107, No.190), entitled Philadelphia Municipal Court Fee Law, increasing the fee for initial service of process.

SB 643 (Pr. No. 680)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the number of judges of the courts of common pleas in certain judicial districts.

LEGISLATIVE LEAVE

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

Senator MELLOW. Mr. President, I request a legislative leave for Senator Stout.

The PRESIDENT. Senator Mellow requests a legislative leave for Senator Stout. Without objection, that leave is granted.

CALENDAR

THIRD CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED, AMENDED

SB 557 (Pr. No. 683) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), entitled Tax Reform Code of 1971, further defining "corporation" in relation to corporate net income tax.

On the question,

Will the Senate agree to the bill on third consideration?

Senator LEMMOND offered the following amendment No. A1030:

Amend Title, page 1, line 11, by removing the period after "tax" and inserting: and "domestic entity" and "foreign entity" in relation to capital stock franchise tax.

Amend Bill, page 3, by inserting between lines 19 and 20:

Section 2. The definitions of "domestic entity" and "foreign entity" in section 601(a) of the act, amended April 23, 1998 (P.L.239, No.45), are amended to read:

Section 601. Definitions and Reports.—(a) The following words, terms and phrases when used in this Article VI shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

* * *

"Domestic entity." Every corporation organized or incorporated by or under any laws of the Commonwealth, other than corporations of the first class and cooperative agricultural associations not having capital stock and not conducted for profit, banks, savings institutions, title insurance or trust companies, building and loan associations and insurance companies is a domestic entity. The term "domestic entity" shall not include:

(1) Any domestic or foreign business trust that qualifies as a real estate investment trust under section 856 of the Internal Revenue Code or a qualified real estate investment trust subsidiary under section 856(i) of the Internal Revenue Code or any related domestic or foreign business trust which confines its activities in this Commonwealth to the maintenance, administration and management of intangible investments and activities of real estate investment trusts or qualified real estate investment trust subsidiaries. A qualified real estate investment trust subsidiary under section 856(i) of the Internal Revenue Code shall be treated as part of the real estate investment trust that owns all of the stock of the qualified real estate investment trust subsidiary.

(2) Any domestic or foreign business trust that qualifies as a regulated investment company under section 851 of the Internal Revenue Code and is registered with the United States Securities and Exchange Commission under the Investment Company Act of 1940 or any related domestic or foreign business trust which confines its activities in this Commonwealth to the maintenance, administration and management of intangible investments and activities of regulated investment companies.

(3) Any corporation, trust or other entity that is an exempt organization as defined by section 501 of the Internal Revenue Code of 1986.

(4) Any corporation, trust or other entity organized as a not-for-profit under the laws of this Commonwealth or the laws of any other state that:

(i) would qualify as an exempt organization as defined by section 501 of the Internal Revenue Code of 1986[.];

(ii) would qualify as a homeowners association as defined by section 528 of the Internal Revenue Code of 1986; or

(iii) is a membership organization qualified to use section 277 of the Internal Revenue Code of 1986 but only if the section 277 membership organization actually operates in good faith as a not-for-profit organization.

"Foreign entity." Every corporation incorporated or organized by or under the laws of any jurisdiction other than the Commonwealth, and doing business in and liable to taxation within the Commonwealth or carrying on activities in the Commonwealth, including solicitation or either owning or having capital or property employed or used in the Commonwealth by or in the name of any limited partnership or joint-stock association, copartnership or copartnerships, person or persons, or in any other manner doing business within and liable to taxation within the Commonwealth other than banks, savings institutions, title insurance or trust companies, building and loan associations and insurance companies is a foreign entity. The term "foreign entity" shall not include:

(1) Any domestic or foreign business trust that qualifies as a real estate investment trust under section 856 of the Internal Revenue Code or a qualified real estate investment trust subsidiary under section 856(i) of the Internal Revenue Code or any related domestic or foreign business trust which confines its activities in this Commonwealth to the maintenance, administration and management of intangible investments and activities of real estate investment trusts or qualified real estate investment trust subsidiaries. A qualified real estate investment trust subsidiary under section 856(i) of the Internal Revenue Code shall be treated as part of the real estate investment trust that owns all of the stock of the qualified real estate investment trust subsidiary.

(2) Any domestic or foreign business trust that qualifies as a regulated investment company under section 851 of the Internal Revenue Code and is registered with the United States Securities and Exchange Commission under the Investment Company Act of 1940 or any related domestic or foreign business trust which confines its activities in this Commonwealth to the maintenance, administration and management of intangible investments and activities of regulated investment companies.

(3) Any corporation, trust or other entity that is an exempt organization as defined by section 501 of the Internal Revenue Code of 1986.

(4) Any corporation, trust or other entity organized as a not-for-profit under the laws of this Commonwealth or the laws of any other state that:

(i) would qualify as an exempt organization as defined by section 501 of the Internal Revenue Code of 1986[.];

(ii) would qualify as a homeowners association as defined by section 528 of the Internal Revenue Code of 1986; or

(iii) is a membership organization qualified to use section 277 of the Internal Revenue Code of 1986 but only if the section 277 membership organization actually operates in good faith as a not-for-profit organization.

Amend Sec. 2, page 3, line 20, by striking out "2. The amendment of section 401(1)" and inserting: 3. The amendment of sections 401(1) and 601

Amend Sec. 3, page 3, line 23, by striking out "3" and inserting: 4

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.

BILL OVER IN ORDER

SB 3 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 167 (Pr. No. 684) -- 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 terroristic threats, for harassment and stalking and for harassment by communication or address, for offenses relating to weapons or implements for escape; and providing for stalking by communication or address.

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

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

NAY-1

Fumo

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.

SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR JAKE CORMAN
PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator CORMAN.

Senator CORMAN. Mr. President, today it is indeed an honor for me to recognize the most successful athletic program in Centre County. No, I am not talking about my beloved Nittany Lion Football Team, but I am referring to the Bald Eagle Area High School Wrestling Team.

Mr. President, under the guidance of head coach Dick Rhoades, the Eagles have developed a tradition in wrestling that is unparalleled in the Commonwealth. From their outstanding youth programs all the way up to the varsity, the kids growing up in Bald Eagle Valley live, eat, and breathe wrestling. They have won 14 PIAA District 6 tournament team championships, including the last 10 in a row; 6 PIAA Class AAA regional tournament championships, including the last 3; and the last 5 PIAA District 6 dual meet championships.

During his 26 years of coaching, Bald Eagle Area wrestlers have won 69 District 6, 43 regional, and 17 PIAA individual State championships. Mr. President, I know the coach would not want me to do this, but let me tell you a little bit about his own record. Coach Rhoades has been named District 6 Coach of the Year by his peers 13 times, twice named PIAA Class AAA Coach of the Year, including this year, has almost an 80 percent winning percentage in his career, over 90 percent since 1987, and Coach Rhoades was inducted into the Pennsylvania Wrestling Coaches Hall of Fame and the Lock Haven University Wrestling Coaches Hall of Fame.

Mr. President, I think it is important to note that this program was not built in Pittsburgh, Philadelphia, or some of the wealthy suburbs with thousands of kids to choose from. In fact, in grades 7 through 12, Bald Eagle Area has an enrollment of fewer than 1,100 kids, who come from communities like Howard, Milesburg, Unionville, Julian, Port Matilda, Snow Shoe, Moshannon, Clarence, and Pine Glen. Most of you have probably never heard of these communities, but because of their commitment and dedication to the sport of wrestling, they have developed something special.

Mr. President, I think it is also important to note that this program, despite all its success, has kept its focus on the student athletes. On this year's team, Mr. President, Bald Eagle Area has a 125-pound wrestler named Mike Maney. Mike amassed a 40-1 record this season and won the district, regional, and State titles, but more importantly, he achieved this tremendous record while maintaining a 3.84 grade point average. Mike is seated over to my right, Mr. President, and I would like the Senate to give him recognition for that great achievement.

The PRESIDENT. I would ask Coach Rhoades and Mike to stand so the Senate may give you its usual warm welcome.

(Applause.)

Senator CORMAN. Mr. President, despite all this rich history, the one thing that eluded the Eagle wrestling program was a State title. The problem with attaining a gold prior to this season was that the PIAA State championship was not decided by who had the best team from top to bottom but whoever was able to amass the most points by a few wrestlers who advanced in the individual championships. But in a rare good move by the PIAA, they created a State team dual championship this year. The Eagles advanced to the finals in Hershey where they took to the mats for the historic first advance against Upper Perkiomen, where they won that match by a score of 53 to 0. Let me repeat that score: 53 to 0. All 13 wrestlers for Bald Eagle who took to the mats that night walked away with a victory, truly a tremendous team championship.

But to show that they could still win the State title the old-fashioned way, they returned to Hershey 2 weeks later with six wrestlers competing in the State tournament, and they walked away with four wrestlers placing, one State champ, Mike, whom we mentioned earlier, and their first ever PIAA State title.

And to complete this magical season for the Eagles, they were declared national champions, let me say that again, national champions by the National Wrestling Coaches Association, USA TODAY, and Wrestling USA Magazine, and named co-national champions by Matside Super 25. That is an amazing accomplishment for a little school in central Pennsylvania.

Mr. President, it is indeed an honor and privilege for me to recognize this outstanding team, the members and their supporters and cheerleaders who are in the gallery today, and I ask the Senate to give a very warm welcome to the best high school wrestling team in the country, the Bald Eagle Area High School Eagles.

The PRESIDENT. Would our Bald Eagle Area wrestling champions and cheerleaders please rise so the Senate may welcome you.

(Applause.)

The PRESIDENT. Senator Corman, thank you for those remarks.

Coach Rhoades, it is nice to have you with us, and we appreciate the many years of commitment and guidance that you offered to the young people of Bald Eagle. You are indeed an accomplished Pennsylvanian.

GUESTS OF SENATOR MICHAEL A. O'PAKE AND SENATOR JAMES W. GERLACH PRESENTED TO THE SENATE

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

Senator O'PAKE. Mr. President, many, many years ago when I was in high school, the Optimist Club of Reading sponsored an annual oratorical contest, and while in high school I was fortunate enough to win that, which won a college scholarship for me.

Every year the Optimist International sponsors Youth Appreciation Week programs. This week there is a group here from the Daniel Boone Optimist Club around Birdsboro. They are here to spend a day in the Capitol to observe how State government works. Many of them are constituents of the 11th District and many are constituents of Senator Gerlach's district, and Senator Gerlach and I would like the Senate to extend its usual warm welcome to a group of high school students from the Daniel Boone High School in Birdsboro.

They are accompanied by the president of the Daniel Boone Optimist Club, Mr. Mike Karst; by the chairman of this project, the Youth Appreciation Week project, Mr. Tom Kirchner; and another one of the members, Mary Ann Uviary. They are in the gallery, and I would like the Senate of Pennsylvania to welcome the students from Daniel Boone.

The PRESIDENT. Would our Daniel Boone students and project leaders please stand so the Senate may welcome you.

(Applause.)

**GUESTS OF SENATOR LISA M. BOSCOLA
PRESENTED TO THE SENATE**

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

Senator BOSCOLA. Mr. President, I am honored to have guests from the Lehigh Valley here today in the gallery. They are Dagny Danga-Storm and Janet Christall, who are here on behalf of the Lehigh Valley Dieticians Association. I ask the Senate to give them its usual warm welcome.

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

(Applause.)

**GUESTS OF SENATOR DAVID J. BRIGHTBILL
PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Mr. President, we are honored to have as guest Pages Seth and Caela Glass. They are 12 years old and are the son and daughter of Demetrius and Shelly Glass of Annville, Lebanon County. They attend the Hershey Free Evangelical Church, and Seth plays baseball, football, piano and clarinet, and his goal is to be an Eagle Scout. Caela enjoys singing and performing on stage, loves to cook and learn sign language, and her goal is to publish a cookbook for kids, which I think is a terrific idea.

The PRESIDENT. Would our guest Pages please rise so the Senate may welcome you.

(Applause.)

THIRD CONSIDERATION CALENDAR

**BILLS ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 209 (Pr. No. 685) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to convey to East Allen Township, Northampton County, certain land situate in East Allen Township, Northampton County.

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-50

Armstrong	Greenleaf	Mellow	Stout
Belan	Hart	Mowery	Tartaglione

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

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.

SB 390 (Pr. No. 631) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 31, 1965 (P.L.1257, No.511), entitled Local Tax Enabling Act, further defining "net profits."

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-50

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

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.

SB 572 (Pr. No. 686) -- The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of May 7, 1998 (P.L.343, No.52), entitled Capital Budget Project Itemization Act for 1998-1999, itemizing public improvement projects, furniture and equipment projects, transportation

assistance projects, redevelopment assistance and redevelopment assistance capital projects, flood control projects, Keystone Recreation, Park and Conservation projects, forestry bridge projects and drug forfeiture fund projects to be constructed or acquired or assisted by the Department of General Services, the Department of Conservation and Natural Resources, the Department of Environmental Protection, the Department of Community and Economic Development, the Department of Transportation, the Pennsylvania Fish and Boat Commission or the Pennsylvania Game Commission, together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed or acquired or assisted by the Department of General Services, the Department of Conservation and Natural Resources, the Department of Environmental Protection, the Department of Community and Economic Development or the Department of Transportation; stating the estimated useful life of the projects; authorizing certain waivers; making appropriations; and making 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 yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-50

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

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.

SECOND CONSIDERATION CALENDAR

BILL REREFERRED

SB 309 (Pr. No. 538) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for creditable nonschool service and for termination of annuities.

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

BILL OVER IN ORDER

SB 465 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

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

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

SB 557 (Pr. No. 689) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), entitled Tax Reform Code of 1971, further defining "corporation" in relation to corporate net income tax and "domestic entity" and "foreign entity" in relation to capital stock franchise tax.

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-50

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

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.

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 TABLE

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

The Clerk read the nominations as follows:

ADJUTANT GENERAL

February 4, 1999

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, Major General William B. Lynch, RR 2, Box 4482, Jonestown 17038, Lebanon County, Forty-eighth Senatorial District, for appointment as Adjutant General, Pennsylvania National Guard, to serve until the third Tuesday of January 2003 and until his successor shall have been appointed and qualified, vice Brigadier General James W. Mac Vay, Nicholson, retired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE ARCHITECTS
LICENSURE BOARD**

December 14, 1998

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Douglas Verhagen (Public Member), 1418 Silvercreek Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Architects Licensure Board, to serve until April 15, 2001 or until his successor is appointed and qualified, but not longer than six months beyond that period, vice James J. Canova, East McKeesport, resigned.

THOMAS J. RIDGE
Governor

SECRETARY OF THE COMMONWEALTH

February 4, 1999

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, Kim Pizzingrilli, 411 Sioux Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as Secretary of the Commonwealth, to serve until superseded, vice The Honorable Yvette Kane, Mechanicsburg, resigned.

THOMAS J. RIDGE
Governor

**MEMBER OF THE PENNSYLVANIA DRUG,
DEVICE AND COSMETIC BOARD**

January 6, 1999

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, Arthur M. Zucker, 72 East Elizabeth Lane, Richboro 18954, Bucks County, Tenth Senatorial District, for appointment as a member of the Pennsylvania Drug, Device and Cosmetic Board, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice L. Paul Sinotte, Ph.D., North Wales, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE MUNICIPAL POLICE OFFICERS'
EDUCATION AND TRAINING COMMISSION**

February 25, 1999

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, Bart E. Burne, Ed.D., 202 N. Highland Drive, Pittston 18640, Luzerne County, Fourteenth Senatorial District, for reappointment as a member of the Municipal Police Officers' Education and Training Commission, to serve for a term of three years and until his successor is appointed and qualified.

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-50

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

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 SENATE RESOLUTIONS ADOPTED

Senators MOWERY, JUBELIRER, LOEPER, BRIGHTBILL, WENGER, SALVATORE, MELLOW, BODACK, O'PAKE, MUSTO, ARMSTRONG, BELAN, BELL, BOSCOLA, CONTI, CORMAN, COSTA, DENT, EARLL, FUMO, GERLACH, GREENLEAF, HART, HELFRICK, HOLL, HUGHES, KASUNIC, KITCHEN, KUKOVICH, LAVALLE, LEMMOND, MADIGAN, MURPHY, PICCOLA, PUNT, RHOADES, ROBBINS, SCHWARTZ, SLOCUM, STAPLETON, STOUT, TARTAGLIONE, THOMPSON, TILGHMAN, TOMLINSON, WAGNER, WAUGH, WHITE, WILLIAMS and WOZNIAC, by unanimous consent, offered **Senate Resolution No. 48**, entitled:

A Resolution memorializing the Congress to support and pass legislation protecting the states from Federal recoupment of tobacco settlement funds or Federal restrictions on the states' spending of tobacco settlement funds.

On the question,
Will the Senate adopt the resolution?

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

Senator LOEPER. Mr. President, I believe that the resolution has not had an opportunity to be circulated among the 50 Members. I think that all 50 Members would probably want to be cosponsors of this resolution, and I request that the resolution be open for such cosponsorship upon its adoption.

The PRESIDENT. Without objection, all 50 Members of the Senate will be added as cosponsors.

The Chair recognizes the gentleman from Cumberland, Senator Mowery.

Senator MOWERY. Mr. President, I think that everyone certainly on this side would like to be added, and I assume that maybe Senator Mellow would like to make the same statement on behalf of the Democratic side.

The PRESIDENT. We will proceed with all Members of the Senate acting as cosponsors of this resolution

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

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

Senators EARLL, HART, JUBELIRER, ARMSTRONG, THOMPSON, MOWERY, ROBBINS, COSTA, KUKOVICH, DENT, GREENLEAF, MURPHY, WAGNER, BRIGHTBILL, LEMMOND, MUSTO, SALVATORE, BELAN, BODACK, WAUGH, SCHWARTZ, RHOADES, SLOCUM, MELLOW and BOSCOLA, by unanimous consent, offered **Senate Resolution No. 49**, entitled:

A Resolution designating March 23, 1999, as "Independent College and University Day" in Pennsylvania.

Which was read, considered and adopted.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. Mervin R. Forry, Mr. and Mrs. Joseph K. Bryson, Mr. and Mrs. Donald Mayer, Mr. and Mrs. Russell William Cory, George A. Hopstetter, Ed Goodhart, John C. Wary, Jr., and to the citizens of the Borough of Mountville by Senator Armstrong.

Congratulations of the Senate were extended to Mr. and Mrs. Thomas A. Hakim, Sr., Patricia Sparico and to Cathy Frasca by Senator Belan.

Congratulations of the Senate were extended to Joseph Asher Sadow by Senator Bell.

Congratulations of the Senate were extended to Mr. and Mrs. Charles Schnorr by Senator Bodack.

Congratulations of the Senate were extended to Kimberly A. Barron, Honorable Sherwood Grigg, John Casilio, Colin DeVault, Reverend Edward C. Bolez, Jason Konn, Michael John Jacobi, Palmer Township Community Moravian Church, New Horizon of Allentown Central Catholic High School and to the Greek-American community of Easton by Senator Boscola.

Congratulations of the Senate were extended to Bob Jarosz, Leonard H. Schott, Andy Panko, Eugene Paine, Robert H. Burris, Mark Gerberich, Robert K. Bowman and to the Rotary Club of Hamburg by Senator Brightbill.

Congratulations of the Senate were extended to Mr. and Mrs. William J. Snyder, Brenton Wiggins, George C. Egly, Jr., and to Wayne Dallas by Senator Conti.

Congratulations of the Senate were extended to John S. Patterson and to Theodora Rapp Graham by Senators Conti and Piccola.

Congratulations of the Senate were extended to Robert B. Flickinger, Robert Lee Confer, Colton D. White, Suzanne P. Paterno, Pauline A. Flickinger, John A. Hall and to the Bellefonte Lions Club by Senator Corman.

Congratulations of the Senate were extended to Janice S. Friedman by Senator Costa.

Congratulations of the Senate were extended to Colin Chadwick, Nathan Lewis Berk, Northwest Little League Girls' Softball Team and to Hilbert's Pharmacy of Whitehall by Senator Dent.

Congratulations of the Senate were extended to Scott Sharrer by Senator Earll.

Congratulations of the Senate were extended to John J. Dougherty by Senator Fumo.

Congratulations of the Senate were extended to Matt Cuneo, Patrick Francis, Brett Glowacki, Joseph Grayeske, William J. Whites and to the Wallace Township Supervisors by Senator Gerlach.

Congratulations of the Senate were extended to the Rotary Club of Coatesville by Senators Gerlach and Thompson.

Congratulations of the Senate were extended to Frank L. Campbell, Tom Sellers and to Kenton W. Keiser by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Lawrence Elmen, Mr. and Mrs. Michael Fazekas, Thomas M. Turner, Peter P. Marsico, Sean David Glath, Craig J. Hazelett, James M. Turner, David Mark Bloch, Jr., Jonathan Jordan Miller, Ray N. Ivey, W. Edward Sell, John C. Jordan and to the Springdale Junior-Senior High School Cheerleading Squad by Senator Hart.

Congratulations of the Senate were extended to Mr. and Mrs. Roy Zimmerman, Mr. and Mrs. Robert E. Linn, Justin T. Spangler, Andrew L. Shreck, Thomas W. Kenenitz, Tara Danielle Vance, Joshua Caleb Owens, Christopher R. Hynick, Nicholas L. Johnston, Jared D. Staskiel, Nick Tyler Benjamin, Joseph Glen Funson, Robert Harold Madden, Nathan David Lawrence and to the Kulpmont Senior Action Center by Senator Helfrick.

Congratulations of the Senate were extended to Joseph M. Grayeske, Jeffrey Robert Batzel, Russell Walters Mendel, Jr., Daniel David McCarragher, Sean Hanley, Elizabeth Daft, Ryan Conway and to the Montgomery County Firemen's Association by Senator Holl.

Congratulations of the Senate were extended to Douglas V. Paige and to Ruth Arlyne Price Campbell by Senator Hughes.

Congratulations of the Senate were extended to Mr. and Mrs. Ralph Watson, Mr. and Mrs. Galen Stonerook, Mr. and Mrs. John G. Cherry, Mr. and Mrs. Regis Harber, Derek Tipton, Eric Frick and to Dr. Leo J. Gensante by Senator Jubelirer.

Congratulations of the Senate were extended to Frank Lamanna, Larry J. Russman, Jr., Eva Grim and to The Salvation Army Corps of Uniontown by Senator Kasunic.

Congratulations of the Senate were extended to Alvin E. Echols by Senator Kitchen.

Congratulations of the Senate were extended to Ted Pitzer, Bryan Raygor and to Edward Schmuck by Senator Kukovich.

Congratulations of the Senate were extended to Richard S. and Eloise W. Masters, Reverend Victor Decker, Angela Patla and to Congregation Beth Israel of Wayne County by Senator Lemmond.

Congratulations of the Senate were extended to Keenan S. Laird, Christopher Cunningham, Michael Rady, Darrell Schuler and to the Newtown Square Rotary Club by Senator Loeper.

Congratulations of the Senate were extended to Mr. and Mrs. Charles Huffman, Mr. and Mrs. Ralph Bouse, Angela Zerfing, Helen Spencer, Kenneth C. Patterson, Michelle Bennett and to Gregg Township Municipal Authority by Senator Madigan.

Congratulations of the Senate were extended to Al Scheatzle, Lackawanna Heritage Valley Authority and to the Boys' and Girls' Club of Scranton by Senator Mellow.

Congratulations of the Senate were extended to Dr. Donald B. Freedman by Senator Mowery.

Congratulations of the Senate were extended to the Insurance Industry of Central Pennsylvania by Senator Mowery and others.

Congratulations of the Senate were extended to Michael Patrick Lester Flaherty, Thomas P. O'Malley, Marion Coppola and to Faith Lutheran Church of Upper St. Clair by Senator Murphy.

Congratulations of the Senate were extended to the Bishop Hoban High School Girls' Basketball Team of Wilkes-Barre by Senator Musto.

Congratulations of the Senate were extended to Fred Hartwigsen and to Luzerne County Community College by Senators Musto and Lemmond.

Congratulations of the Senate were extended to the Honorable Eugene F. Wisniewski, Lois Tubiello, National Library Week, Reading Central Catholic Boys' Basketball Teams of 1950 and 1951, Reading Chapter, Order of DeMolay, Saint Catharine of Siena Boys' Basketball Team of Reading and to the City of Reading Human Relations Commission and the Reading-Berks Human Relations Council by Senator O'Pake.

Congratulations of the Senate were extended to Catherine M. Frasca by Senators O'Pake, Bodack, and Costa.

Congratulations of the Senate were extended to Allen Dubbs, Reverend Russell C. Phillips, Jr., Amy M. Goodling, Reverend Donald E. Brantley, Sr., Michael H. DeFrank, Susquehanna Township Lions Club, Capitol Area Sertoma Club of Harrisburg and to Lower Swatara Lions Club by Senator Piccola.

Congratulations of the Senate were extended to Mr. and Mrs. Marvin E. Geist, Christopher Hand, Adam A. Stakem and to John Michael Blundetto by Senator Rhoades.

Congratulations of the Senate were extended to Mr. and Mrs. John Potase, Anthony Stepnowski, Paul L. Archer, John E. Gwinn, Samuel J. Plummer, William T. Probst, Fredrick P. Demask and to Matthew Benjamin Inman by Senator Robbins.

Congratulations of the Senate were extended to West Mt. Airy Neighbors and to MossRehab of Philadelphia by Senator Schwartz.

Congratulations of the Senate were extended to Larry Stark, Robert Anderson, Dick Jones and to Fitzella Brothers of Kane by Senator Slocum.

Congratulations of the Senate were extended to Mr. and Mrs. Joseph Sipos, Mr. and Mrs. Bernard Johns, Mr. and Mrs. Jack Scaife, Mr. and Mrs. Nick Rash and to James A. Catalone by Senator Stapleton.

Congratulations of the Senate were extended to Mr. and Mrs. Bill Orndoff, Mr. and Mrs. N. A. Elias, Mr. and Mrs. Walter Rowland, Mr. and Mrs. J. Wesley Miller, Wilma Clutter, James L. Altman, Ashly L. Hunter and to Perry Como by Senator Stout.

Congratulations of the Senate were extended to Tim Beawgard, Mary Ann Baker Wagner, Jata S. Ghosh and to Sean Gay by Senator Thompson.

Congratulations of the Senate were extended to Thomas Epp, Ora Ann Mollenkof and to Harmonville Fire Company No. 1 by Senator Tilghman.

Congratulations of the Senate were extended to Galen Fitzpatrick, Richard W. Ritter, John M. Fidishun and to Eleanor L. Heil by Senator Tomlinson.

Congratulations of the Senate were extended to Mr. and Mrs. Robert Weaver, Christopher W. McChalicher, Christopher Patric Powell, Dennis C. Harden, Reverend Douglas Winward, Southern Regional Police Department of Shrewsburg, Friendship Elementary School of Glen Rock, Shrewsburg Elementary

School, Southern Elementary School of Glen Rock and to Glenview Alliance Church by Senator Waugh.

Congratulations of the Senate were extended to Kenneth W. Saylor, Terry L. Kauffman, citizens of the Borough of Ephrata, citizens of the Borough of Elizabethtown, citizens of the Borough of Manheim, citizens of the Borough of Mount Joy, citizens of the Borough of Columbia, citizens of the Borough of Marietta and to the citizens of the Borough of Denver by Senator Wenger.

Congratulations of the Senate were extended to the Lancaster County Commissioners by Senators Wenger and Armstrong.

Congratulations of the Senate were extended to David L. Critchlow, John David McCall Shearer, LeGrand Wilson, John M. Aubrey, Rodger Puz, Thomas M. Turner, George Kelly, John F. Jancse, Mel Semenko, William Phero, Clarion Ford Mercury, WWCH Radio 1300 and WCCR C93 FM of Clarion, Dan Estadt's Sporting Goods of Clarion, Clarion Psychiatric Center and to Wal-Mart of Clarion by Senator White.

Congratulations of the Senate were extended to Reginald Clark and to Lincoln University by Senator Williams.

Congratulations of the Senate were extended to Mr. and Mrs. Michael Calafiore, Mr. and Mrs. Fred Savering, Mr. and Mrs. Regis F. Hynes, Sr., Mr. and Mrs. Irvin Kegg, Mr. and Mrs. Robert A. Miles, Mr. and Mrs. Stephen Balamuta, Mr. and Mrs. Teddy J. Wriglesworth, Mr. and Mrs. William J. Miller, Mr. and Mrs. Edward Virostek, John L. Williams, James M. Edwards, Sr., Kenneth M. Hewitt, Bryan R. Sauter, University of Pittsburgh at Johnstown Wrestling Team and to CABLECOMM of Johnstown by Senator Wozniak.

CONDOLENCE RESOLUTIONS

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

Condolences of the Senate were extended to the family of the late Lee E. Williams by Senator Hart.

Condolences of the Senate were extended to the family of the late Edward T. Turchin and to the family of the late Hanford L. Eckman by Senator Lemmond.

Condolences of the Senate were extended to the family of the late John O. Green by Senator Thompson.

POSTHUMOUS CITATIONS

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

A posthumous citation honoring the late Mary Jo McCall was extended to the family by Senator LaValle.

A posthumous citation honoring the late George Bistransin was extended to the family by Senator White.

A posthumous citation honoring the late Charles E. Wessel was extended to the family and a posthumous citation honoring the late Harold F. Lenz was extended to the family by Senator Wozniak.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

SB 392 and SB 643.

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

PETITIONS AND REMONSTRANCES

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

Senator MURPHY. Mr. President, just over 1 year ago a child went to a school dance in the small, safe town of Edinboro, Pennsylvania, and opened fire on the crowd killing a teacher and wounding three other people. It shocked the families, shocked the community, and shocked all of us into wondering how such tragedies could occur. Things like that just do not happen in towns like Edinboro, or at least they seem inconceivable until an act is committed, lives are lost, and the scars are set.

The sad fact is that in the last 2 years at least four safe communities in various parts of the United States have been rocked by similar acts of gun violence in schools. What makes these incidents stand out was the cruel randomness of the acts. These were attacks against other children who were doing no harm to anyone, but the sad, sad truth is that violence against students and teachers in schools is far too common.

Listen to this. According to the November 1998 U.S. Department of Justice report of data from 1996 and 1997, 10 percent of all public schools reported at least one serious violent crime to police. Another 47 percent reported a less serious violent or nonviolent crime. In 1996, students ages 12 to 18 were victims of about 225,000 incidents of serious non-fatal violent crime in school and 671,000 away from school. The percentage of twelfth graders who have been injured at school has not changed notably in the last 20 years, although the percentage who have been threatened has shown some upward trends.

These are very sobering statistics for our children, but the situation is not much better for teachers. Over a 5-year period from 1992 through 1996, teachers were victims of 1,581,000 non-fatal crimes in school, including rape, assault, robbery, and aggravated assault. This translates into 316,000 non-fatal crimes per year. The toughest place for teachers is in middle schools, with high schools and elementary schools next in order.

In terms of fatalities, during the two school terms between 1992 and 1994, the latest period for which we have reliable data, 76 children were murdered or committed suicide at school.

Most murders and suicides appear off of school grounds. In fact, if you look at the 1992 to 1993 calendar years, there were over 7,000 murders and 4,000 suicides in all locations. Although all these were tragic, at least there is some comfort in knowing that our children and teachers are safer in school than outside of school.

Unfortunately, some children are turning to guns and knives as solutions to their emotional crises, for revenge, for motives we cannot understand, and on face value these incidents appear chilling enough, but it is even more terrifying to realize that these young people committed calculated acts of murder. In one case I am sure we are all familiar with, a student set off a fire alarm in order to draw his targets out into the open while he waited behind a cover of trees.

Now, what drives children to commit such unspeakable acts against each other? In some cases it is gangs. In some cases it is bullying. In some cases it is jealousy. In many cases it is the ultimate outburst of the angry child. Let me list some of the characteristics of angry children. Children who are angry repeatedly and often unknowingly set themselves up for conflicts. These are children who blame others for their problems. These are children who have little skill in understanding how to think through or solve problems effectively. These are children who misunderstand their own feelings that trigger anger. These are children who are insensitive to the feelings of others, children who try to solve their problems through intimidation and attack, children who are master manipulators and controllers, children who keep their own anger at the flash-point level through angry self-talk that over and over again rehearses the angry events in their minds. These are children who can slip through the cracks of being identified because they can be very nice when they want to be, and these are children who have very confused self-esteem.

But more so, they also come from families which help breed some of this anger. They may be troubled families in which the child's anger is the voice of pain. They may come from frenzied families that are simply too busy to respond to the child's needs, and in those cases the anger is the voice of stress. They may come from angry families in which the child learns that anger is the way to get things done, and in those circumstances children learn that anger is the voice of power. Or they may come from families that simply indulge the child's threats and intimidations, and these children learn that anger is the voice of desire.

In terms of some of the things that psychologists and psychiatrists diagnose these children as, oftentimes they are called conduct disorders, with symptoms such as bullying others, intimidating others, using weapons, physically being cruel to people or animals. They may steal from other victims, confront them. It is quite sad to note that many insurance companies absolutely refuse to pay for children to get treatment who have these diagnoses, children who may later on commit these crimes and unspeakable acts.

And another element that children have to face is that by the time they turn 18, they will spend about 11,000 hours in school but about 15,000 hours watching television. Now, I do not think television is the cause of all problems of violence in children,

but let us face it, in that same amount of time a child can go through medical school and law school and have finished their residency, and so we have to admit that that kind of time can have an impact upon a child. And by the time a child has turned age 13, they have already witnessed some 22,000 acts of violence on television and some 80,000 by the time they are 18. Overall, these are not simple problems to solve, and as such we must be careful to avoid simplistic responses. The challenge is to act and not to overreact.

Mr. President, today several of my colleagues in the Senate and I introduced a legislative package that tries to make our schools more secure places to learn without transforming them into prisons, because you cannot keep children safe or make them feel safe by blockading them in a fortress, and you cannot promote learning when classes are conducted in a shadow of fear. Instead, our legislative package, which contains 10 bills, would bring together parents, teachers, schools, and communities to ensure that we are all vigilant and that we are all working off the same page when it comes to combating this problem of school violence.

Most importantly, the package provides clear directions to local schools so parents are working closely with educators to discipline students and mitigate this behavior before it escalates into violence. Teachers will be trained to identify potentially violent behavior and resolve student conflicts, and schools will finally gain consistent codes of student conduct as well as policies to address drug and alcohol abuse and guidelines to follow for reporting serious acts of violence to law enforcement officials.

We are seeking to establish parent involvement policies at schools to train teachers, to train students, and draw law enforcement officials and community residents into this effort by creating mandatory reporting requirements and school safety committees. Our current patchwork approach to this problem is not enough. For any program to work well, we must work together as a unit. Parents, teachers, administrators, students, and members of the community must recognize this is our problem. We must be proactive and preventive and not just reactive and punitive.

Mr. President, we need to face facts. America will never be the safe place that we wax nostalgic about. Our kids will probably never be as innocent or naive as they were a few decades ago, but our schools and playgrounds can be much, much safer for children and for teachers. It will take some new laws, some greater vigilance, and a more uniform approach to the problem, but safe schools are an achievable goal if we work together. This legislative package represents that first step.

Finally, we know full well that we cannot legislate, the courts cannot adjudicate, and no law can successfully mandate to get parents working together to help turn this around in our children. We must act to do so with compassion in our hearts, but fired by a passionate desire to save lives and to save learning and to save our children and teachers in our schools.

Thank you, Mr. President.

ADJOURNMENT

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

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Monday, April 12, 1999, at 2 p.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 12:23 p.m., Eastern Standard Time.