

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

WEDNESDAY, FEBRUARY 2, 2000

SESSION OF 2000

184TH OF THE GENERAL ASSEMBLY

No. 6

SENATE

WEDNESDAY, February 2, 2000

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

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

PRAYER

The Chaplain, Monsignor ROBERT E. LAWRENCE, of St. Theresa's Catholic Church, New Cumberland, offered the following prayer:

Let us pause to put ourselves in the presence of the Lord, who is always present to us.

Almighty and Eternal God, You have revealed Your glory to all nations. God of power and might, wisdom and justice, through Your authority is rightly administered, laws are enacted, and judgment is decreed. Assist with Your spirit of counsel and fortitude the Governor, Lieutenant Governor, and the Senators of the Commonwealth of Pennsylvania, that they may be instruments of Yours in enacting laws that may be according to Your divine will.

Let the light of Your divine wisdom direct the deliberations of this Senate and shine forth in all the proceedings and laws framed by them for our rule and government. May they seek to preserve peace, promote happiness, and continue to bring us the blessings of liberty and equality. May they encourage due respect for virtue and mercy. May they seek to restrain crime, vice, and immorality. May they continue to realize more deeply that we are a nation under God. May they be enabled by Your powerful protection to discharge their duties with honesty and ability. And, Lord, may everything we do begin with Your inspiration and continue with Your help, so that all prayers and works may begin in You and by You be happily ended.

Glory and praise to You forever and ever. Amen.

The PRESIDENT. The Chair thanks Monsignor Lawrence, who is the guest today of Senator Mowery.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of February 1, 2000.

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

COMMUNICATION FROM THE GOVERNOR

NOMINATION REFERRED TO COMMITTEE

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

CONTROLLER, BUCKS COUNTY

February 1, 2000

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, Raymond F. McHugh, 1496 Nancy Drive, Southampton 18966, Bucks County, Tenth Senatorial District, for appointment as Controller, in and for the County of Bucks, to serve until the first Monday of January 2002, vice Rea Boylan Thomas, Esquire, resigned.

THOMAS J. RIDGE
Governor

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS
TO HOUSE AMENDMENTS TO SENATE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to House amendments to SB 818.

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.

RESOLUTION INTRODUCED AND REFERRED

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

February 1, 2000

Senators MURPHY, SALVATORE, LEMMOND, HART, DENT, MUSTO, O'PAKE, STOUT, COSTA and BOSCOLA presented to the Chair SR 130, entitled:

A Concurrent Resolution directing the Joint State Government Commission to create a stroke prevention task force and advisory committee to promote professional and public education and awareness and to improve the quality of care for stroke victims.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, February 1, 2000.

GENERAL COMMUNICATIONS**REPORT ON CATASTROPHIC LOSS
BENEFITS CONTINUATION FUND**

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

COMMONWEALTH OF PENNSYLVANIA
Insurance Department
1326 Strawberry Square
Harrisburg, PA 17120

Date: January 31, 2000

To: Ted Mazia, Chief Clerk of the House
Mark R. Corrigan, Secretary of the Senate

From: M. DIANE KOKEN,
Insurance Commissioner

ROBERT A. BITTENBENDER
Secretary of the Budget

Subject: Statutory Requirement Reporting the Status of the
Catastrophic Loss Benefits Continuation Fund

We are submitting this report to the General Assembly on the status of the Catastrophic Loss Benefits Continuation Fund and the unfunded liability of the Catastrophic Loss Trust Fund in accordance with Act 24 of July 1, 1989. Thank you for distributing it on our behalf.

The PRESIDENT. This report will be filed in the Library.

PENNSYLVANIA VITAL STATISTICS 1997

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

COMMONWEALTH OF PENNSYLVANIA
Department of Health
Post Office Box 90
Harrisburg, PA 17108

January 28, 2000

The Honorable Mark R. Corrigan
Secretary-Parliamentarian
Senate of Pennsylvania
Room B-51 Main Capitol Building
Harrisburg, Pennsylvania 17120

Dear Secretary Corrigan:

On behalf of the Pennsylvania Department of Health, it is my pleasure to provide you and your office with a copy of *Pennsylvania Vital Statistics 1997*. The report is an annual publication, compiled and released by our Division of Health Statistics. *Pennsylvania Vital Statistics 1997* provides information on such items as population, natality, mortality, abortion, pregnancy, marriage and divorce.

Copies of this report have been delivered to the Chairmen of the House Health and Human Services Committee and the Senate Public Health and Welfare Committee, as well as to select General Assembly leadership. Also, the report has been remitted to the Office of the Chief Clerk in the House and the Office of the Secretary in the Senate. Additional copies are available with each of these offices for members.

If you have any questions, please feel free to contact Deborah M. Griffiths, Director of the Office of Legislative Affairs, at 783-3985.

Sincerely,

ROBERT S. ZIMMERMAN, JR.
Secretary of Health

The PRESIDENT. This report will be filed in the Library.

BILL SIGNED

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

SB 818.

REPORTS FROM COMMITTEE

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

SB 381 (Pr. No. 1637) (Amended)

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for rights of accused in criminal prosecutions and for judicial administration.

HB 1162 (Pr. No. 2737)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for additional methods for the recording and copying of certain records.

HB 1717 (Pr. No. 2888) (Amended)

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for the duration and amendment of protective orders and approved consent agreements.

DISCHARGE PETITION

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

February 2, 2000

A PETITION

To place before the Senate the nomination of Leonard S. Oddo, as a member of the State Board of Examiners, Nursing Home Administrators.

TO: The President Officer of the Senate:

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Leonard S. Oddo, as a member of the State Board of Examiners, Nursing Home Administrators, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

Raphael J. Musto
Robert J. Mellow
Leonard J. Bodack
Richard A. Kasunic
J. Barry Stout

The PRESIDENT. The communication will be laid on the table.

LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, I request legislative leaves on behalf of Senator Salvatore and Senator Tilghman, and temporary Capitol leaves on behalf of Senator Rhoades and Senator Wenger.

The PRESIDENT. Senator Loeper requests temporary Capitol leaves for Senator Rhoades and Senator Wenger, and legislative leaves for Senator Salvatore and Senator Tilghman. Without objection, those leaves are granted.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

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

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

LEAVES OF ABSENCE

Senator LOEPER asked and obtained a leave of absence for Senator PUNT, for today's Session, for personal reasons.

Senator MELLOW asked and obtained a leave of absence for Senator O'PAKE, for today's Session, for personal reasons.

CALENDAR

HB 1970 CALLED UP OUT OF ORDER

HB 1970 (Pr. No. 2457) -- Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

HB 1970 (Pr. No. 2457) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 14, 1990 (P.L.62, No.11), known as the Noncontrolled Substances Reporting and Registration Act, further providing for chemicals subject to registration and for penalties.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-48

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

NAY-0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

LEGISLATIVE LEAVE CANCELLED

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

SPECIAL ORDER OF BUSINESS
MISS PENNSYLVANIA 1999-2000
PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentlewoman from Erie, Senator Earll.

Senator EARLL. Mr. President, today it is my distinct pleasure to introduce a very special guest, Miss Pennsylvania, Susan Spafford. Susan is actually a woman who represents all of us around the State these days and does so with an amazing amount of grace and poise. Susan hails from my home community of Erie and, as I said, is this year's Miss Pennsylvania. Interestingly enough, she became Miss Pennsylvania after entering her first beauty pageant, which I think is pretty remarkable. Also, Susan went on to become second runner-up to Miss America in 1999.

Susan is a talented violinist who graduated from Eastman School of Music at the University of Rochester, and is currently studying at Eastman for her master's degree in music performance. Susan is particularly interested in sharing her musical gifts with children around the State, and she is promoting music

education as her community service platform during her year as Miss Pennsylvania.

Mr. President, at this time I would like to present Miss Spafford for a few remarks, and I ask my colleagues to please give her our warm Senate welcome.

The PRESIDENT. Thank you, Senator Earll, and on behalf of the Members of the Senate, I welcome Miss Pennsylvania to the microphone to provide some comments.

(Applause.)

Miss SPAFFORD. Thank you, Senator Earll, for allowing me this chance, and also I appreciate all of you ladies and gentlemen giving me your attention for a few minutes out of what I am sure is a very busy schedule.

I would like to say, first of all, that I realize many of you are probably wondering, if you have not already been familiar with Miss Pennsylvania being here in the past, what brings someone here whom you might consider to be a beauty queen. And let me tell you, that is not what it is about. I am here representing a scholarship organization and, unfortunately, Eastman School of Music is not too impressed by the amount of the scholarship I won, but it will at least help with those student loans for a few years.

The issue, however, that brings me here today is education, and I am speaking of a complete education. That is not possible, it cannot exist, a complete, well-rounded education for the children in this State, without a strong base and foundation in the arts and music programs. Now, before you make a judgment about such a thing as music in education, please consider the full impact and the real truth of what it can offer.

First of all, I am not a subscriber to the fact, the idea, that 10 minutes of Mozart will make you a genius. It does not work that way, and anyone who says that is just overblowing the incredible amount of studies that have proven facts about how it is connected. Yes, music education can help in SAT scores, for example. It has been proven time and time again that over 100 points higher is the statistical norm for those who are music education-based versus students who are not in an arts program.

Also, I think I can speak from personal experience as well as from a student's point of view and a teacher's point of view. Music can give incredible life skills as well. Teamwork skills, confidence, leadership, self-respect, all of these things can come through music and the arts. Also, over 44 percent of medical school applicants, those who are accepted into medical school, have come from a music education undergraduate program. So this proves beyond a doubt, as well as a number of other studies, that music education is not only important for those who are going into the field of music as a profession, it applies to all areas of life, all professions, all academic areas. It is not simply to train people to become a music teacher or a professional musician. I just happen to be one exception in that I am making my life in music, but it is because of all of these different connections that it is so relevant to every person's education, not just someone who chooses to be a teacher, like myself.

Now, I know my time here is limited, and I do not want to keep you from other matters as well, but I would like to take a chance to just possibly offer myself as a resource, as well as a number of other Pennsylvania and national organizations, for

any of you who may still need more factual data, more written statistics, more studies that would help convince you of the importance of what I am here to represent. Music does belong in the core curriculum. It is not just an extracurricular activity. It is not just a luxury of the schools that have a little extra in their budgets. This is something that is important to every person. And if you think about it, music is connected to every part of every person's life.

Now, I do have a few actual requests that I would make on behalf of music education. Instead of just trying to win you over to the cause, there are specifics that need to be done. To begin with, we need to recognize the fact that over 80 percent, I believe the actual number is 88 percent in a recent Gallup Poll, of Americans recognize music as being important enough to be a part of every person's general education. They do believe, 88 percent of Americans, that music should be part of the core curriculum, not just your basic math, reading, writing, science kinds of things anymore.

Also, music has been shown to be most effective when study begins between the ages of 3 and 10 years old. This is when they can reap the most benefits, and it can apply in all areas, especially linguistics, math, spatial reasoning skills, and these are just to name a few. I will not go on and on and take hours to name all the different areas where music education can benefit a person, and especially a child between the ages of 3 and 10. So, when in Pennsylvania do we offer instrumental and vocal lessons? Age 11. This is something I feel desperately needs attention, because if we are going to fully take advantage of what this can offer us, we do need to pay attention to that statistic.

I will admit, of course, that students are not the only group who need regulations and who need stricter and tougher regulations. Our teachers as well, music educators, need attention. I am certified as a string teacher, but my teaching certification says that I cannot only teach strings, being a violinist, but I am also qualified to be hired as a band director, a choral director, a music theory teacher, a piano teacher, you name it, K through 12. I am not actually qualified for that. And we need to make sure that is fixed as well. You would not want a 7th-grade general science teacher teaching your 12th-grade child physics in preparation for college. You would not want the English teacher to be teaching French or Spanish and taking over those programs just because they all fall into the category of language. And in music it should be no different, absolutely no different, if we are going to make this a successful program.

Along with that, of course, we do need better assessment tools as well, because right now music does not have a set assessment program, like our maths and sciences with SATs and national standards, and so on. And if music is to be taken seriously as the tool that it can be for everyone, not just a select few, then it needs to have some sort of assessment program in place as well that is statewide, not local and not districtwide.

Now, perhaps all of these things, and these are just a few, but all of these things perhaps you might think can be addressed by private musical organizations or perhaps through other community groups, but in fact over 60 percent of Pennsylvania students in our public schools have had their musical interest awakened

not through any of these organizations, but through their own public schools. So, if we do not offer this program there, think about the thousands of students who might slip through the cracks, who might need music or an arts program to open up all those doors. I am sure many of you are familiar with Howard Gardner's multiple intelligence theories, which have revolutionized the way education is approached and the way that we teach our students now. There is no one program that will reach every child out there, and music, as one of the intelligences, is a successful way and a different way of reaching out to dozens, hundreds, thousands, millions of children out there who might not otherwise be able to do the things and reach the points and goals that they have set for themselves.

From that same study by the Pennsylvania Coalition for Music Education, over 44 percent of students polled said that one of the main reasons why they stayed interested in school all the way through 12th grade until graduation was because of their school's music program. So, this is yet another way in which music benefits not just those who choose to make music their career, but those who are in all walks of life and choose all different career paths. And I will share just a very brief, quick story to this effect. In an inner-city school in which I was involved where we were founding a music education program, specifically a strings program, in a district that had never had something like this, a district that was riddled with people who were from broken homes, poor economic status situations, families where parents were in jail or had AIDS, and so on and so forth, just incredible amounts of trouble and confusion in these children's lives, they had never had a string program because people thought these kids will not be interested, it is not for them.

We started this there. There was an incident that the principal told us about a couple months after the program started, and this really woke us up as to what exactly it was we were able to do and we were doing successfully, I feel. He was looking out his office window and there was an enormous group of children in an elementary school, third and fourth graders, standing in this big clump, and his immediate first thought, of course, was, uh-oh, I had better go out there and stop this fight before it becomes too bad, or pull these children apart, figure out what is going on, discipline, and this was a very normal occurrence for his school. He went out there to break it up, fought his way through the crowd, and when he got to the center of the group of students, what he found was not a fight in progress, not some sort of confrontation, but a child who was opening up his viola case with all the other children crowding around because they wanted to see what it was, they wanted to find out what was going on, and they were asking, how can I get one? How can I do this? And, boy, that looks like fun. And, oh, I heard you practicing yesterday. I want to be a part of that.

It is that kind of interest that is so important, and it is so important that we provide that opportunity, a complete picture, not just one general music appreciation class. That is not the way to do it. That would be like applying a science program and only offering biology, not offering chemistry and physics, and so on. We must have a complete picture in order to truly, truly reach everyone we can, and to do the justice that we can to the educational system.

I want to thank you, first of all, for giving me time here today. I realize you have many other things on your agenda. And I would offer again that there is the Pennsylvania Coalition, there is the Pennsylvania Music Educators Association, the MENC, the National Association for Music Education, and so many other groups out there that would love to help you out as far as getting you information, statistics, data, the resources, the people around the State, all of these things, if any of you would like to pursue this. And I, myself, again, would also be more than willing to do any of this on your behalf or with you, et cetera.

But, I will finish here with a statement that I think you all have probably run across at one point or another, in that they say to touch the life of even one child during your lifetime is one of the greatest achievements you can hope for. As a teacher, that is one of those opportunities that I am thankful that I have dozens of times every day. And in your role as Senators of our State, you have that chance thousands of times, more than I can ever imagine, every time, and I hope, I sincerely hope, that you will not miss this opportunity to touch not just one child's life but every child's life in this State.

Many of you I am sure recall very vividly the first time you set foot in this Chamber or the first time you set foot in Harrisburg, knowing that this was your State's Capitol, and I can recall my first time, as well. It was many years ago when I was honored to be part of an orchestra that was chosen to come here to perform in a ceremony honoring our Governor. We performed the State song as well as the National Anthem, The Star Spangled Banner, and it was an incredible moment for me, one that I will remember forever, of course. And not only did we get to do that, but we also performed with Sarah Chang, a violinist from Philadelphia who is world-renowned, and a man who was introduced as Fred, but, of course, whom we all know as Mr. Rogers. For centuries music and the arts have been used to honor our government and our country, and today I ask only that now the government honors the arts.

Thank you very much for your time.

The PRESIDENT. Thank you, Senator Earll, for that introduction, and thank you, Miss Pennsylvania, for those insightful words. Thank you.

GUEST OF SENATOR JOHN N. WOZNIAK PRESENTED TO THE SENATE

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

Senator WOZNIAK. Mr. President, to Miss Pennsylvania, she is absolutely correct. I have a son who plays piano, viola, and the trumpet, and he is only 10 years old, and my daughter plays the piano. I have to throw that in there. But today is not the day to boast about my children.

It is my honor today, and I see the good gentleman from Indiana County who represents Punxsutawney on the floor, and we do not know what Punxsutawney Phil did today, whether he saw his shadow or not, but today I have a shadow of my own. Morghan McLaughlin, who is a senior at Richland High School, is here to oversee us today and walk in my shadow, so to speak,

just to see what the Senators and Representatives do on a daily basis. She is in the gallery today with my secretary, Chelle Martin, and I would like her to stand and be recognized.

The PRESIDENT. Would the Senate please offer Morghan McLaughlin a gracious welcome.

(Applause.)

CONSIDERATION OF CALENDAR RESUMED

HB 1971 CALLED UP OUT OF ORDER

HB 1971 (Pr. No. 2458) -- Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1971 (Pr. No. 2458) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, further defining "designer drug"; further providing for prohibited acts; and making an editorial change.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

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

YEA-48

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

NAY-0

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

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

THIRD CONSIDERATION CALENDAR

BILL OVER IN ORDER

SB 359 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL OVER IN ORDER TEMPORARILY

SB 380 -- Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

BILL OVER IN ORDER

SB 1109 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL OVER IN ORDER TEMPORARILY

SB 1184 -- Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

SECOND CONSIDERATION CALENDAR

BILL REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

HB 2057 (Pr. No. 2882) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 19, 1995 (P.L.43, No.4), known as the Industrial Sites Environmental Assessment Act, providing for definitions, for performance-based loans and for annual reports; and making editorial changes.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

HB 182, HB 393 and SB 664 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILLS ON SECOND CONSIDERATION

SB 705 (Pr. No. 765) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 24, 1931 (P.L.1206, No.331), entitled The First Class Township Code, further providing for compensation.

Considered the second time and agreed to,

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

SB 707 (Pr. No. 767) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 24, 1931 (P.L.1206, No.331), entitled The First Class Township Code, further providing for certain reimbursement.

Considered the second time and agreed to,

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

SB 709 (Pr. No. 769) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), entitled The Borough Code, further providing for borough councils' and mayors' salaries.

Considered the second time and agreed to,

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

SB 710 (Pr. No. 770) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), entitled The Borough Code, further providing for the State Association of Boroughs and for regional borough associations.

Considered the second time and agreed to,

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

SB 711 (Pr. No. 775) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 1, 1933 (P.L.103, No.69), entitled, as reenacted and amended, The Second Class Township Code, further providing for county associations and the State Association of Township Supervisors.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

SB 805, SB 1088, HB 1423 and HB 1424 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

SB 380 CALLED UP

SB 380 (Pr. No. 1440) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Third Consideration Calendar, by Senator LOEPER.

BILL AMENDED

SB 380 (Pr. No. 1440) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the registration of sexual offenders.

On the question,

Will the Senate agree to the bill on third consideration?

Senator GREENLEAF offered the following amendment No. A4697:

Amend Sec. 1 (Sec. 9792), page 3, lines 19 and 20, by striking out "14 days or for an aggregate period of time exceeding"

Amend Sec. 1 (Sec. 9794), page 27, line 10, by inserting after "OFFENDER": or sexually violent predator

Amend Sec. 1 (Sec. 9794), page 27, line 13, by inserting after "OFFENDER": or sexually violent predator

Amend Sec. 1 (Sec. 9795), page 29, line 9, by inserting after "OFFENDERS": and sexually violent predators

Amend Sec. 1 (Sec. 9795), page 29, line 30, by inserting after "OFFENDER": or sexually violent predator

Amend Sec. 1 (Sec. 9795), page 30, line 2, by inserting after "OFFENDER": or sexually violent predator

Amend Sec. 1 (Sec. 9795.1), page 32, line 12, by striking out "defendant" and inserting: offender

Amend Sec. 1 (Sec. 9795.1), page 32, line 16, by striking out "defendant" and inserting: offender

Amend Sec. 1 (Sec. 9795.1), page 32, line 20, by striking out "defendant" and inserting: offender

Amend Sec. 1 (Sec. 9795.1), page 32, line 22, by striking out "defendant" and inserting: offender

Amend Sec. 1 (Sec. 9795.1), page 32, line 23, by striking out "defendant" and inserting: offender

Amend Sec. 1 (Sec. 9796), page 33, line 11, by inserting brackets before and after "The" and inserting immediately thereafter: Except as provided in subsection (a), the

Amend Sec. 1 (Sec. 9796), page 33, line 15, by inserting after "PREDATORS": on an annual basis

Amend Sec. 1 (Sec. 9796), page 33, line 16, by inserting brackets before and after "residence" and inserting immediately thereafter: nonforwardable

Amend Sec. 1 (Sec. 9796), page 33, line 18, by striking out "annually appear" and inserting: appear within ten days of receipt of the form

Amend Sec. 1 (Sec. 9796), page 33, line 21, by inserting after "offender": or sexually violent predator

Amend Sec. 1 (Sec. 9796), page 33, line 25, by inserting after "offender's": or the sexually violent predator's

Amend Sec. 1 (Sec. 9796), page 33, line 26, by inserting after "offender": or sexually violent predator

Amend Sec. 1 (Sec. 9796), page 33, line 28, by inserting after "offender": or sexually violent predator

Amend Sec. 1 (Sec. 9796), page 33, line 29, by inserting after "offender": or sexually violent predator

Amend Sec. 1 (Sec. 9796), page 34, line 3, by inserting after "offender's": or the sexually violent predator's

Amend Sec. 1 (Sec. 9796), page 34, line 4, by inserting after "offender": or sexually violent predator

Amend Sec. 1 (Sec. 9796), page 34, line 6, by inserting after "offender": or sexually violent predator

Amend Sec. 1 (Sec. 9796), page 34, line 10, by inserting after "offender": or sexually violent predator

Amend Sec. 1 (Sec. 9797), page 34, line 22, by inserting brackets before and after "offender's" and inserting immediately thereafter: sexually violent predator's

Amend Sec. 1 (Sec. 9797), page 34, line 25, by inserting brackets before and after "offender" and inserting immediately thereafter: sexually violent predator

Amend Sec. 1 (Sec. 9797), page 34, line 27, by inserting brackets before and after "offender's" and inserting immediately thereafter: sexually violent predator's

Amend Sec. 1 (Sec. 9798), page 35, line 22, by striking out "or out-of-State offender"

Amend Sec. 1 (Sec. 9798), page 35, lines 29 and 30, by striking out "or out-of-State offender"

Amend Sec. 1 (Sec. 9798), page 36, lines 6 and 7, by striking out "or out-of-State offender"

Amend Sec. 1 (Sec. 9798), page 36, line 10, by striking out "or out-of-State offender"

Amend Sec. 1 (Sec. 9798), page 36, line 18, by striking out "or out-of-State offender's"

Amend Sec. 1 (Sec. 9798), page 37, lines 2 and 3, by striking out "or out-of-State offender's"

Amend Sec. 1 (Sec. 9799), page 37, line 14, by inserting brackets before and after "section"

Amend Sec. 1 (Sec. 9799.1), page 38, line 10, by inserting after "offenders": and sexually violent predators

Amend Sec. 1 (Sec. 9799.1), page 38, line 21, by inserting after "offenders": or the sexually violent predator's

Amend Sec. 1 (Sec. 9799.1), page 38, line 24, by inserting after "offender" where it appears the first time: or sexually violent predator

Amend Sec. 1 (Sec. 9799.1), page 38, line 24, by inserting after "offender" where it appears the second time: or sexually violent predator

Amend Sec. 1 (Sec. 9799.2), page 39, line 20, by inserting after "offenders": and sexually violent predators

Amend Sec. 1 (Sec. 9799.2), page 40, line 2, by inserting after "offender": or sexually violent predator

Amend Sec. 1 (Sec. 9799.4), page 40, line 28, by inserting brackets before and after "offenders" and inserting immediately thereafter: sexually violent predator's

Amend Sec. 1 (Sec. 9799.4), page 41, line 3, by inserting brackets before and after "offenders" and inserting immediately thereafter: sexually violent predator's

Amend Sec. 1 (Sec. 9799.4), page 41, line 20, by inserting brackets before and after "offender" and inserting immediately thereafter: sexually violent predator

Amend Sec. 1 (Sec. 9799.4), page 41, line 25, by inserting brackets before and after "offender" and inserting immediately thereafter: sexually violent predator

Amend Sec. 1 (Sec. 9799.4), page 41, line 27, by inserting brackets before and after "offender" and inserting immediately thereafter: sexually violent predator

Amend Sec. 1 (Sec. 9799.5), page 42, line 15, by inserting a bracket before "an"

Amend Sec. 1 (Sec. 9799.5), page 42, line 16, by striking out the bracket before "act"

Amend Sec. 1 (Sec. 9799.5), page 42, line 16, by striking out "subchapter" and inserting: a sexually violent predator or an offender who is paroled to this Commonwealth pursuant to the Interstate Compact for the Supervision of Parolees and Probationers

On the question,

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 COSTA, on behalf of Senator MELLOW, offered the following amendment No. A0216:

Amend Sec. 1 (Sec. 9792), page 4, line 15, by inserting after "than": good

Amend Sec. 1 (Sec. 9792), page 4, line 16, by striking out the comma after "faith"

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 1184 CALLED UP

SB 1184 (Pr. No. 1480) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator LOEPER.

BILL AMENDED

SB 1184 (Pr. No. 1480) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further defining "qualified resident"; and further providing for eligibility for educational assistance and for amount of educational assistance grants.

On the question,

Will the Senate agree to the bill on third consideration?

Senator LOEPER offered the following amendment No. A0214:

Amend Sec. 3, page 3, line 21, by striking out "in 60 days" and inserting: July 1, 2000, or immediately, whichever is later

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. 2

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1184 (Pr. No. 1640) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further defining "qualified resident"; and further providing for eligibility for educational assistance and for amount of educational assistance grants.

On the question,

Will the Senate agree to the bill on third consideration?

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

Senator ROBBINS. Mr. President, I rise today in support of Senate Bill No. 1184 which makes significant improvements to the Pennsylvania National Guard Education Assistance Program. Many of our citizens have the notion that the role of the National Guard is limited to that of a weekend warrior who only assists in State emergencies or natural disasters such as floods or snow emergencies. However, being a member of the Pennsylvania National Guard is much more than being a weekend warrior. The role of the Guard continues to change significantly. As our Federal forces continue to downsize, the National Guard is constantly being called upon to do more and more. Within the past year, Army and Air units of the National Guard saw duty not only here at home during Hurricane Floyd, but also in far-away places like Southern Iraq, Kosovo, Bosnia, and Nicaragua. Today, Mr. President, we have the opportunity to assist our guardsmen and women by passing Senate Bill No. 1184 which will make significant improvements to the Pennsylvania Na-

tional Guard Education Assistance Program. Since its implementation in 1996, this outstanding program has been a major recruiting and retention program, thereby allowing our Guard to maintain its strength and competitiveness among other State's Guard units. Today Pennsylvania's 28th Infantry Division is the largest and most active, and I have to make a correction there, Mr. President, the 28th Division Armor today. I am showing my own prejudice. The 28th Infantry Division is the largest and most active of all State Guard units in the United States.

The bill we have before us today has four main components. First, the bill changes the definition of a qualified resident to be a bona fide resident of this Commonwealth prior to the time of application before a grant is made. Current law requires an individual who participates in the National Guard Education Program to be a resident of the Commonwealth 12 months prior to the time an application for a grant is made. This change is necessary for people who are retiring or who are leaving active duty and returning to Pennsylvania, so that they can immediately go from their active duty status to joining the Pennsylvania National Guard.

Secondly, it opens the program to all company and field grade officers in an effort to retain and recruit these vitally important components to the Guard.

Third, it allows individuals who receive the guaranteed reserve-forces duty scholarship to also be eligible to participate in the National Guard Education Assistance Program.

And finally, it increases the grant to individuals participating in the program from two-thirds tuition to 100 percent of the tuition at a member institution within the State System of Higher Education.

Mr. President, these are important changes we are making to assist our guardsmen and women who have volunteered to serve their State and country and also to make sure that Pennsylvania is able to recruit and retain the best guardsmen and women in the United States, and therefore be the best Guard in the United States of America. Therefore, Senate Bill No. 1184 strengthens a good program by making it better to help those who help us.

Mr. President, I want to thank my colleagues for assisting in passing the original Guard Education Assistance Program because we have provided a tremendous service to those who serve us. We need to make this a little better and continue our commitment to them and to say thank you and a job well done. Mr. President, I urge my colleagues to cast a positive vote for our men and women who are serving in the greatest Guard, the Pennsylvania National Guard.

Thank you, Mr. President.

And the question recurring,
Will the Senate agree to the bill on third consideration?
It was agreed to.

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

On the question,
Shall the bill pass finally?

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

YEA-48

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

NAY-0

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

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

UNFINISHED BUSINESS CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. James Darr and to Mr. and Mrs. Preston Kreider by Senator Armstrong.

Congratulations of the Senate were extended to Barbara Freeman by Senator Belan.

Congratulations of the Senate were extended to David Evans, Sylvester Johnson, Western Pennsylvania School for the Deaf (WPSD), Christ the Divine Teacher Catholic Academy of Pittsburgh and to the Emmanuel Lutheran Church of Pittsburgh by Senator Bodack.

Congratulations of the Senate were extended to Mr. and Mrs. William D. Saloky, Mr. and Mrs. Jaime Teles and to Mr. and Mrs. Duane Purdy by Senator Boscola.

Congratulations of the Senate were extended to the Horse-Shoe Trail District of the Pennsylvania Dutch Council Boy Scouts of America by Senator Brightbill.

Congratulations of the Senate were extended to Hogar Crea International of Allentown by Senator Dent.

Congratulations of the Senate were extended to the Archbishop John Mark Gannon Assembly 0943, Knights of Columbus, of Erie, by Senator Earll.

Congratulations of the Senate were extended to Edward O. Stauch, Jr., Ukrainian American Senior Citizens Association of Philadelphia and to the Ukrainian Educational and Cultural Center of Philadelphia by Senator Greenleaf.

Congratulations of the Senate were extended to Roy Albert, Sam Hoak, Don Wise and to Theodore Wolf by Senator Hart.

Congratulations of the Senate were extended to James D. Cortellini and to the Borough of Norristown Black History Month Committee by Senator Holl.

Congratulations of the Senate were extended to Mr. and Mrs. Fred Gerhart, Rosa Maria Zang and to Eugene Cypher by Senator Jubelirer.

Congratulations of the Senate were extended to William Steindl by Senator Kasunic.

Congratulations of the Senate were extended to the American College of Health Care Administrators by Senator Kukovich.

Congratulations of the Senate were extended to Mr. and Mrs. Pasquale Deli and to Mr. and Mrs. Dan Carney by Senator LaValle.

Congratulations of the Senate were extended to Mr. and Mrs. Clifford L. Garris, Russell Charles DeLong and to Rave's Nursery of Shavertown by Senator Lemmond.

Congratulations of the Senate were extended to Mr. and Mrs. R. Jack Agnor, Mr. and Mrs. Ralph R. Gee and to Anne Clark by Senator Madigan.

Congratulations of the Senate were extended to Vance H. Kyle, Nicole Killian and to Floyd D. Kefford by Senator Mowery.

Congratulations of the Senate were extended to Philip R. Spicuzza by Senator Murphy.

Congratulations of the Senate were extended to Salvatore Zanta by Senator Musto.

Congratulations of the Senate were extended to the Economic Development Council of Northeastern Pennsylvania (EDCNP) by Senators Musto, Lemmond, and Mellow.

Congratulations of the Senate were extended to Chester Meisenhelter by Senator Punt.

Congratulations of the Senate were extended to Shannon Marie Heffner by Senator Rhoades.

Congratulations of the Senate were extended to Nazareth Hospital of Philadelphia by Senator Salvatore.

Congratulations of the Senate were extended to Reverend Randall E. McCaskill by Senator Schwartz.

Congratulations of the Senate were extended to Linda M. Morrison and to Michael D. Morrison by Senator Slocum.

Congratulations of the Senate were extended to Mr. and Mrs. Frank J. Insana, Mr. and Mrs. Charles Ott, Mr. and Mrs. Nick A. Aloisi, Benjamin C. Lawrence, Michael Shaun Quinlan and to Heath Vavrek by Senator Stout.

Congratulations of the Senate were extended to John W. Dougherty, Sr., Kevin A. Hall and to the Octorara Area High School Soccer Team of Atglen by Senator Thompson.

Congratulations of the Senate were extended to Angel Myers by Senator Waugh.

Congratulations of the Senate were extended to Zelia M. Martin by Senator White.

Congratulations of the Senate were extended to Mr. and Mrs. Edward J. Kaiser, Mr. and Mrs. Merrill Rager and to Bertha Fedore 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 Mark R. Kristovensky by Senator Brightbill.

Condolences of the Senate were extended to the family of the late Steve Little by Senator O'Pake.

BILLS ON FIRST CONSIDERATION

Senator WAGNER. 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 381, HB 1162 and HB 1717.

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 Schuylkill, Senator Rhoades.

Senator RHOADES. Mr. President, today I introduced Senate Bill No. 1282 with 31 cosponsors. I would like to acknowledge and thank my colleagues for their sponsorship of this bill. Our proposal has two goals. First, to give Pennsylvanians easier access to the acupuncture healing system which has been practiced in the Orient, and I guess we can go back 2,000 or 5,000 or more years beyond; and, second, to allow acupuncturists the ability to govern their affairs and to act as independent, responsible health care practitioners. The present law passed in 1986 requires that acupuncturists have a medical supervisor. The supervision process, which requires that acupuncture clients see the supervisor prior to the treatment, has proven to be burdensome, ineffective, and expensive, and all involved medical parties recognize this limitation to service and also the additional costs.

Therefore, Mr. President, Senate Bill No. 1282 would, one, allow the public direct access to acupuncture treatment; two, remove the burden of medical supervision from acupuncturists and their patients and change the process to patient advice and consent; three, it would create an independent State board of acupuncture; four, it would change acupuncturists' registration to licensure. And I would also add, too, that the acupuncturists are not asking for reimbursement; notice I said are not asking for insurance or insured reimbursement.

Again, I thank my 31 colleagues who have cosponsored this bill. This bill will continue to protect the health, safety, and welfare of the citizens of Pennsylvania, while at the same time allow our constituents access to their health care treatment.

Thank you, Mr. President.

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

Senator WAGNER. Mr. President, approximately 6 months ago Senate Democrats proposed a property tax rebate program called Home-STAR. Mr. President, many of us feel that was a great idea designed by the Democratic Caucus, our staff, our research people, and it is based on exceeding a 1-percent surplus in the budget. It would basically return one-half of the surplus

beyond the 1 percent each and every year that Pennsylvania had a surplus. And it would do that with 3 million homeowners in Pennsylvania, or 3 million-plus homeowners.

For example, Mr. President, with our budget surplus last year of almost \$700 million, it would have returned \$129 for each homeowner. Now, some would say that is not a lot of money. I would say for over 3 million homeowners in Pennsylvania it is a lot of money, and if you were to calculate and figure out that maybe each homeowner who buys a loaf of bread at a cost of \$1.00 or \$1.30 per loaf, you could put 100-plus loaves of bread on the table in a home for a year. So, it is a lot of money. It would literally put bread on the table of many homeowners in Pennsylvania throughout the year.

Mr. President, within the last couple of days we have heard that Governor Ridge will propose in his budget a property tax rebate or a tax rebate, I really do not know the details of that rebate, of approximately \$100 next Tuesday when he proposes his budget. We are delighted to hear that. My compliments to the Governor. We think we are moving in the right direction with the rebate going back to the average Pennsylvania homeowner under this proposed budget of the year 2000-01. However, Mr. President, we still stand, and I stand today, to promote what we think is a permanent rebate if we have a surplus under the program called Home-STAR.

Now, it is important to talk a little bit about the surplus because that is really the basis of our program and why we think it is such a darn good program. If you look at the economy in this country, many would say that our economy is as healthy as it has ever been in the last 30 years. I would say it is as healthy as the economy has been in the history of this country, because when they say 30 years ago, 1970, 1969, 1968, they are really talking about a time during the Vietnam War when our economy was funneled by a war economy, and that is not a good economy. Even though unemployment was very low then, even though everyone was working, even though there were plenty of jobs, it really was a bad time in America. The last several years in America, however, in comparison, have been much better. Our economy is booming not just nationally but here in Pennsylvania, and for 6 consecutive years we have had budget surpluses exceeding in total \$2 billion over the last 5 or 6 years, and we also know that in addition to that, we have a \$1 billion sum of money in a Rainy Day Fund.

Basically, Mr. President, what that is saying is that the average taxpayer for Pennsylvania is paying too much. And I used the analogy with the loaf of bread, let me use one with a gallon of milk. If you pay \$2.98 for a gallon of milk, which is what I recently paid, in essence, Pennsylvania taxpayers are paying about \$3.15 or \$3.20 for a gallon of milk, if you compare that to the taxes being paid in Pennsylvania. In other words, they are paying too much to the Commonwealth in taxes. And it is one of the reasons why we have the huge surplus that we have. Many of us have been saying that it is time to share that surplus with Pennsylvanians, average Pennsylvanians, and we are saying specifically under the Home-STAR program, Senate Bill No. 1230, that we should be sharing these dollars with the average homeowner taxpayer in Pennsylvania.

Now, in the last few years under the Ridge administration, we have had numerous business tax cuts. I have supported every one of them, Mr. President, and I believe they have been quality positive initiatives that have helped the business community in Pennsylvania. The problem is that we have not done anything permanent to help the average homeowner, and that is really what Home-STAR is all about. It is time to give back the money to average Pennsylvanians based on the taxes they are paying if in fact there is a surplus. And to my understanding, that is what the Governor's proposal will do for 1 year. Home-STAR will do that on a permanent basis, and that is the reason why this program is such a good program. It is different from the Governor's proposal. It will require giving back the money. Mr. President, under Senate Bill No. 1230, Home-STAR will not be a 1-year proposal, it will be an every year proposal. Under Senate Bill No. 1230, it will be tax relief every year we have a surplus, just not 1 year. Mr. President, Senate Bill No. 1230 is tax relief every year if we have a surplus, not just 1 year.

I recall the statement that the Governor made under one of the previous budget proposals: Taxpayers do not send us their credit cards, they send us their hard-earned dollars. And the Governor is absolutely right. They do that just not 1 year or each year, they do that every year.

Mr. President, we have a grand opportunity with this upcoming budget cycle. We have the opportunity to break the cycle, to break the cycle of previous budgets going into this budget cycle to change the process by which a surplus is returned to Pennsylvania taxpayers. We have an opportunity to be more sensitive to the needs of the people, the taxpayers of Pennsylvania. And I am suggesting that we need to do more than 1 year with a rebate, we need to adopt Home-STAR, which is an every year rebate if we have a surplus. So, Mr. President, I again stand before this Senate, and I am sure some of my colleagues will join me, promoting Senate Bill No. 1230 to give Pennsylvania taxpayers a tax rebate each and every year we have a surplus.

Thank you, Mr. President.

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

Senator KASUNIC. Mr. President, over the last 6 months Senate Democrats have appealed to our Republican colleagues to see the wisdom in our Home-STAR property tax relief plan. We tried everything. We tried logic, we tried compassion, we tried fiscal responsibility. But I guess maybe we should have tried to play election year politics instead.

But whatever the reasons, Mr. President, our colleagues have joined us in calling for homeowner property tax relief, and I, for one, am grateful, grateful and pleased. The plan that the Governor will include in his budget proposal does not quite measure up to our original Home-STAR design, in my opinion. Rather than guarantee that half of the significant budget surplus will be returned to homeowners each and every year, the Governor will ask for a one-time rebate of \$100 per homeowner. And our proposal that the budget surplus be certified by an independent panel each and every year is not being addressed in this proposal. Nevertheless, Mr. President, it appears that the homeowners of Pennsylvania, whose hard work and sacrifice helped create Pennsylvania's current healthy economic condition, will

finally see some benefits. I choose to see this proposal by the Governor, which many people have taken to calling Home-STAR Lite, as the first step, the very first step in the process that I hope will lead us to full-scale, permanent property tax relief. It is apparent that we all agree that something needs to be done, whatever the reasons are. As we embark on this process, Mr. President, I hope that we can keep foremost in our minds the people who stand to gain or lose the most from the eventual outcome - the homeowners who have sacrificed to provide an education for Pennsylvania's children.

Thank you very much, Mr. President.

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

Senator COSTA. Mr. President, I, too, want to rise and support my colleagues with respect to the Home-STAR program, and I just want to take a few moments not to reiterate what they have stated, but more importantly to talk about the fiscal impact of this particular legislation.

Mr. President, there was some discussion about last year's budget surplus. Just to put those numbers into perspective for the Members, last year the budget surplus was approximately some \$770 million. If Home-STAR would have been in effect last year, as was stated by my colleague from Allegheny County, 3 million Pennsylvania homeowners would have received \$129 back from their school district property tax. Of that \$770 million, approximately \$100 million would have gone into the Rainy Day Fund. That is the 15 percent that is required of Pennsylvania to put aside for that rainy day, the day that, hopefully, does not come, but a day that we may have to address finding ways to raise additional revenues.

But, Mr. President, that amount of money, that Rainy Day Fund that we have today, is over a billion dollars, and when you add another \$100 million, it brings it to \$1.1 billion, or more. Clearly more than enough than we need to have in that particular fund. From beyond that point, Mr. President, you then take one-half of the remaining surplus, which is about \$345 million, will go into the Home-STAR fund. The other \$345 million still left at our disposal will be able to be used by the Members of the General Assembly and the Governor to implement various other tax cuts or to implement various other programs across Pennsylvania, and that is what is significant here.

This year again, we are going to have a significant budget surplus of about at least \$400 million, some people say \$700 million. Let us cut the difference and say it is going to be around \$600 million. In that case, we put \$90 million more into the Rainy Day Fund, which takes us up to \$1.2 billion, and let us take the other \$240 million and put it into the Home-STAR Program, and again we have another \$240 million to work with in this General Assembly.

We have the money in Pennsylvania to give back to the people who helped create the surpluses, and when you do the math and look at the numbers, there is more than enough money to do it. I think the time has come to do it, and it looks as if we are going to do it this year and this year only, and that is unfortunate. We need to do it this year and every other year when we have a budget surplus that exceeds 1 percent of the State budget.

So, I encourage my colleagues to adopt Home-STAR. It is a very reasonable and responsible program. Again, it is only triggered if Pennsylvania is enjoying good times. We have been very fortunate. We have enjoyed good times for a number of years, and now it is time to give the money back to the people. Mr. President, I encourage my colleagues to give it back.

Thank you.

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

Senator BOSCOLA. Mr. President, 6 months ago Democratic Senators across the State actually came to the Lehigh Valley to talk about cutting property taxes for working families in Bethlehem and throughout Pennsylvania. And at that hearing we heard from small business owners, school board members, and honest-to-God taxpayers who all agreed on one thing: property taxes are too high. And I am here to tell taxpayers today in the Lehigh Valley and throughout this Commonwealth that their voices are finally being heard loud and clear in Harrisburg. After months and months of Democrats talking about property tax cuts for working families and senior citizens, it now appears to the Governor and my colleagues on the other side of the aisle that we have to do something to address this pocketbook issue; we, being Democrats and Republicans alike.

Recently, Governor Ridge announced that he will include a \$330 million one-time property tax rebate in his budget proposal next week. Mr. President, everybody agrees that comprehensive local tax reform is the ultimate goal to protect taxpayer's pocketbooks, but I am pleased, very pleased that this administration has at least acknowledged the fact that homeowners deserve a tax cut too. Middle-class working families, and especially our senior citizens who live on fixed incomes, have waited long enough to receive their fair share of Pennsylvania's billion dollar budget surplus. For the past 6 years, we have cut taxes for businesses and we made it possible for low-income families to pay no State income tax at all. And I voted for all those measures, I supported those measures, I am proud that I voted for those measures. But now it is time that we did something for the middle class, middle-class homeowners who have paid for everybody's tax break but their own.

I still believe that the Democratic plan to guarantee homeowners a share of the budget surplus and automatically reduce their property tax burden is still the best way to go. I still believe that a Special Session of this legislature is necessary to address long-term lasting tax reform. And as we prepare to begin budget hearings in the Senate, I am glad that we are finally out there going to help working families who struggle and keep pace every day with the increasing burden that they have in their property taxes. There is no better time to take some of our surplus revenues out of the hands of the bureaucrats in Harrisburg and send those tax dollars back to middle-class homeowners. Rising property taxes are punishing seniors for wanting to live in their own homes. They want to live in their own homes. My grandmother was one of those individuals. Thank God my mother and father and my family helped support her during that tough time, but some seniors do not have family members to rely on to help pay for their increasing property taxes.

We also want young families to enjoy and finally be able to afford building their own homes. I am happy and excited, really excited that the Governor is joining this fight. I mean, we are in a fight right now in this Commonwealth to help our homeowners who are literally being taxed out of their own homes. This is a joint effort. Democrats and Republicans alike need to forge unity on this issue, get together and finally provide the tax relief that is needed, especially when we are experiencing these budget surpluses like we have over the last 5 years.

Thank you, Mr. President.

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

**BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE**

SB 380 (Pr. No. 1639) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the registration of sexual offenders.

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

The PRESIDENT. The Chair recognizes the gentleman from Montgomery, Senator Greenleaf.

Senator GREENLEAF. Mr. President, Senate Bill No. 380 amends Megan's Law to reflect the Federal requirements in a recent Pennsylvania Supreme Court decision. It is all the more important that the Senate vote on this bill now, since the United States Supreme Court has refused to hear the appeal from the decision of the Pennsylvania Supreme Court.

This measure restores protections for potential victims of sexual assault across the Commonwealth, especially to children and to women. It provides for neighbor awareness of the presence of a sexual predator in the vicinity. In order to comply with Federal law, a new registration requirement has been added. For those offenders convicted of a sex crime in which penetration was involved and for offenders convicted of multiple offenses, Senate Bill No. 380 requires lifetime registration and, in addition, this measure clarifies the list of offenses that require a 10-year registration period.

Furthermore, Senate Bill No. 380 insures applicability of the law to out-of-State offenders who move to Pennsylvania. Additionally, this revised version requires that offenders appear in person to register at a State Police station to reverify addresses at scheduled intervals and to have ID photos taken. Most critically, for the sake of constitutionality, this measure places the burden of proof on the Commonwealth to prove beyond a reasonable doubt that an eligible offender is a sexually violent predator, thus triggering community notification. The shifting of the burden of proof should answer those who are concerned about the civil liberties of convicted sex offenders. No one can deny, however, the fact that sexual offenders have a high degree of recidivism. The public deserves whatever protection this leg-

islature can provide against victimization by repeat offenders. If such criminals are to be released, they should not be released on an unsuspecting public. What happened in the neighborhood of Megan Kanka to an innocent child and an unsuspecting family should never happen again, and certainly should not happen in Pennsylvania.

I urge a "yes" vote for this bill. Its revisions should satisfy concerns about the burden of proof, while arming law-abiding citizens with knowledge that may save them or a loved one, while giving law enforcement a tool to better investigate and prosecute crimes of sexual predators.

Thank you.

And the question recurring,
Will the Senate agree to the bill on third consideration?
It was agreed to.

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

On the question,
Shall the bill pass finally?

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

YEA-48

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

NAY-0

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

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

**SPECIAL ORDER OF BUSINESS
GUEST OF SENATOR MIKE WAUGH
PRESENTED TO THE SENATE**

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

Senator WAUGH. Mr. President, I would like to introduce to the Senate a guest who is in my office today, Allison Gianneschi, who is a 12th grade student at Dallastown Area Senior High School. She is here today shadowing me and my office staff on behalf of Junior Leadership of York. Allison, this is an interesting note, would like to go to college in Washington, D.C., to study international relations, and she has received several awards at Dallastown, including the Gold Key Award

for creative writing. If we could give Allison our usual warm welcome.

The PRESIDENT. Allison, please stand so the Senate may welcome you.

(Applause.)

ANNOUNCEMENT BY THE SECRETARY

The following announcement was read by the Secretary of the Senate:

SENATE OF PENNSYLVANIA

COMMITTEE MEETING

THURSDAY, FEBRUARY 3, 2000

10:00 A.M.	EDUCATION (joint informational meeting with the House Education Committee to receive presentations on issues related to current and pending shortages of principals, full-time classroom teachers and substitute teachers)	Room 140 House Maj. Caucus Rm.
------------	--	--------------------------------------

ADJOURNMENT

Senator LOEPER. Mr. President, at this time I move that the Senate do now adjourn until Monday, February 7, 2000, at 2 p.m., Eastern Standard Time.

The motion was agreed to.

The Senate adjourned at 12:27 p.m., Eastern Standard Time.