

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

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SESSION OF 1993

177TH OF THE GENERAL ASSEMBLY

No. 1

### SENATE

TUESDAY, January 5, 1993

The PRESIDENT. This is the constitutional day and hour for the convening of this 177th Regular Session of the General Assembly.

The PRESIDENT (Lieutenant Governor Mark S. Singel) called the Senate to order at 12 m., Eastern Standard Time.

### PRAYER

The Chaplain, Reverend JUDITH A. McKEE, Pastor of Grace Lutheran Church, York, offered the following prayer:  
Let us pray.

O God, our Creator, we give You thanks for Your good gift of law by which You create order out of chaos, community out of isolation. Renew the ties of mutual regard which form our civic life. Grant wisdom, integrity, sound reason, enlightened speech, and understanding hearts to our Legislators as they carry out the duties and responsibilities of their office.

We especially ask Your blessings upon those about to take the oath of office this day, that they may be worthy of the ministry of State entrusted to them.

Bless our Commonwealth with good government, honest industry, truthful education, and an honorable way of life. Defend the defenseless. Provide for the poor. Save us from violence, discord, and confusion; from pride and arrogance; prejudice and fear; and from every evil course of action. Make us who come from many traditions, races, and nations a united people, and enable us to seek the common good.

Give us a vision of Your kingdom in which there is justice, righteousness, peace, and freedom for all, and give us the courage to act on that vision.

Bless now this Assembly and the work which it does, that Your will may be done among us.

In Jesus' name. Amen.

The PRESIDENT. The Chair thanks Reverend McKee, who is the guest this day of Senator Mellow and Senator Bortner.

### SPECIAL ORDER OF BUSINESS MUSICAL PRESENTATION BY AMBASSADORS FOR LIFE

The PRESIDENT. At this time, the Chair is very pleased to announce that as a special order of business and through the good graces of Senator Hardy Williams from Philadelphia, we have with us a quartet to sing just a few patriotic selections.

Ladies and gentlemen, the Ambassadors for Life, led by Barbara Chavous and Gwen Foster, Director, who will join us at this time.

(A musical selection, "Battle Hymn of the Republic," was rendered.)

(Applause.)

The PRESIDENT. Once again, the Chair is indebted to Senator Hardy Williams for bringing to us the Ambassadors for Life.

### PRESENTATION OF ELECTION RETURNS

The PRESIDENT. The Chair recognizes the Sergeant-at-Arms.

The SERGEANT-AT-ARMS. Mr. President, I have the honor to present the Secretary of the Commonwealth, Brenda K. Mitchell.

Secretary MITCHELL. Mr. President, I have the honor to present the election returns and the certificate of campaign expense reporting compliance for the Senators, the State Treasurer, the Auditor General, and the Attorney General elected at the General Election held Tuesday, November 3, 1992.

### ELECTION RETURNS FOR STATE TREASURER, AUDITOR GENERAL, AND ATTORNEY GENERAL LAID ON THE TABLE

The PRESIDENT. The Chair thanks Secretary Mitchell for the returns for the State Treasurer, Auditor General, and Attorney General, and these will lay upon the table.

### ELECTION RETURNS OF SENATORS

The PRESIDENT. The returns of the Senators will be read by the Clerk.

The Clerk read the election returns as follows:

	FIRST SENATORIAL DISTRICT	
Philadelphia	Vincent J. Fumo (D)	67,866
	Karl H. Desimone (R)	22,112
	THIRD SENATORIAL DISTRICT	
Philadelphia	Roxanne H. Jones (D)	59,437
	Michael G. Floyd (R)	13,295
	FIFTH SENATORIAL DISTRICT	
Philadelphia	Hank Salvatore (R)	52,211
	Michael J. Stack, III (D)	44,362
	SEVENTH SENATORIAL DISTRICT	
Philadelphia	Chaka Fattah (D)	66,330
	Lawrence R. Watson, II (R)	14,733

	NINTH SENATORIAL DISTRICT	
Delaware	Clarence D. Bell (R)	61,468
	Mary Ellen McLaughlin (D)	37,395
	ELEVENTH SENATORIAL DISTRICT	
Berks	Michael A. O'Pake (D)	60,038
	Joyce O'Brien (R)	27,267
	THIRTEENTH SENATORIAL DISTRICT	
Lancaster	Gibson E. Armstrong (R)	54,478
	Joanne A. Petitto (D)	30,572
	FIFTEENTH SENATORIAL DISTRICT	
Dauphin	John J. Shumaker (R)	56,389
	Dave Tamanini (D)	39,196
	SEVENTEENTH SENATORIAL DISTRICT	
Montgomery	Richard A. Tilghman (R)	66,728
	Joe Gambescia (D)	44,121
	NINETEENTH SENATORIAL DISTRICT	
Chester	Earl M. Baker (R)	66,090
	Joseph S. Magid (D)	37,197
	TWENTY-FIRST SENATORIAL DISTRICT	
Butler	Tim Shaffer (R)	62,628
	Rich Barty (D)	27,734
	TWENTY-THIRD SENATORIAL DISTRICT	
Bradford Union	Roger A. Madigan (R)	60,632
	Harry A. Vansickle (D)	22,938
	TWENTY-FIFTH SENATORIAL DISTRICT	
Venango Clearfield	John E. Peterson (R)	52,137
	Howard Shakespeare (D)	36,341
	TWENTY-SEVENTH SENATORIAL DISTRICT	
Northumberland Montour	Edward W. Helfrick (R)	49,695
	Thomas E. Herman (D)	33,822
	TWENTY-NINTH SENATORIAL DISTRICT	
Schuylkill	James J. Rhoades (D/R)	86,727
	THIRTY-FIRST SENATORIAL DISTRICT	
Cumberland	Hal Mowery (R)	49,755
	Robert H. Fowler (D)	42,350
	THIRTY-THIRD SENATORIAL DISTRICT	
Franklin	Terry Punt (D/R)	79,307
	THIRTY-FIFTH SENATORIAL DISTRICT	
Cambria	William J. Stewart (D)	64,489
	Tony Joseph (R)	28,407
	THIRTY-SEVENTH SENATORIAL DISTRICT	
Allegheny	Mike Fisher (R)	75,312
	Vincent Sortino (D)	37,735
	THIRTY-NINTH SENATORIAL DISTRICT	
Westmoreland	Gene Porterfield (D)	50,624
	Mike Smith (R)	39,883
	FORTY-FIRST SENATORIAL DISTRICT	
Indiana	Patrick J. Stapleton (D)	51,186
	Lance Alexander (R)	36,738
	FORTY-THIRD SENATORIAL DISTRICT	
Allegheny	Michael M. Dawida (D)	71,274
	Linda Dilonardo Schlegel (R)	26,912
	FORTY-FIFTH SENATORIAL DISTRICT	
Allegheny	Albert V. Belan (D)	67,462

	FORTY-SEVENTH SENATORIAL DISTRICT	
Beaver	Gerald J. LaValle (D/R)	92,444
	FORTY-NINTH SENATORIAL DISTRICT	
Erie	Anthony Buzz Andrezeski (D)	54,089
	Steven M. Brooder (R)	43,885

Whereupon, the following named persons were declared duly elected Senators in the General Assembly of the Commonwealth of Pennsylvania:

First District—Vincent J. Fumo  
 Third District—Roxanne H. Jones  
 Fifth District—Hank Salvatore  
 Seventh District—Chaka Fattah  
 Ninth District—Clarence D. Bell  
 Eleventh District—Michael A. O'Pake  
 Thirteenth District—Gibson E. Armstrong  
 Fifteenth District—John J. Shumaker  
 Seventeenth District—Richard A. Tilghman  
 Nineteenth District—Earl M. Baker  
 Twenty-first District—Tim Shaffer  
 Twenty-third District—Roger A. Madigan  
 Twenty-fifth District—John E. Peterson  
 Twenty-seventh District—Edward W. Helfrick  
 Twenty-ninth District—James J. Rhoades  
 Thirty-first District—Hal Mowery  
 Thirty-third District—Terry Punt  
 Thirty-fifth District—William J. Stewart  
 Thirty-seventh District—Mike Fisher  
 Thirty-ninth District—Gene Porterfield  
 Forty-first District—Patrick J. Stapleton  
 Forty-third District—Michael M. Dawida  
 Forty-fifth District—Albert V. Belan  
 Forty-seventh District—Gerald J. LaValle  
 Forty-ninth District—Anthony Buzz Andrezeski

#### STATEMENT BY THE PRESIDENT

The PRESIDENT. For the record, the Chair has been informed by the Secretary of the Commonwealth that all of the Senators-elect have filed in her office the accounts and affidavits as required by the Act of June 3, 1937, P.L. 1333, Section 1632.

#### ADMINISTRATION OF OATH OF OFFICE

The PRESIDENT. The next order of business will be the administration of the oath of office to the newly elected Senators. It is a distinct honor and privilege to have with us two distinguished judges - Judge James R. Kelley of the Commonwealth Court of Pennsylvania, and Judge James R. Cavanaugh of the Superior Court of Pennsylvania. These gentlemen have kindly consented to come here today to administer the oath of office to the Senators-elect and to the officers, in accordance with Article VI, Section 3, of the Constitution of Pennsylvania.

We will now proceed to the administration of the oath of office to the Democratic Senators-elect by Judge Kelley.

Will the Democratic Senators-elect please present themselves in front of the rostrum. Please bring with you the Bibles which have been placed on your desks.

Would all please rise.

I have the honor of presenting Judge Kelley, who will now administer the oath of office to the Democratic Senators-elect.

Judge KELLEY. Thank you, Mr. President.

I do not need to recite the pleasure and honor it is for any jurist to render the oath to those discharging the public trust, and particularly for me, having served here many years, it is a personal honor.

I would ask you, when I ask you to give your name, that you recite it just as the Clerk did in the reading of the certification of elections. And, likewise, the Constitution allows you to either swear or affirm, so when I do that you will make your choice.

I ask you to please place your left hand on your Bible and raise your right hand and repeat after me:

I, (your name), do solemnly swear or affirm that I will obey and defend the Constitution of the United States and the Constitution of Pennsylvania, and that I will discharge the duties of my office with fidelity.

Sworn.

(Applause.)

The PRESIDENT. The Senate will be at ease while photographers come forward to take photographs at this time. If there are those wishing to take still photos of the newly elected Senators, please come forward at this time.

The Senate will be at ease for a few moments.

(The Senate was at ease.)

The PRESIDENT. The next order of business will be the administration of the oath of office to the newly elected Republican Senators. The oath will be administered to the Republican Senators-elect by Judge Cavanaugh.

Will all of the Republican Senators-elect please present themselves in front of the rostrum. Please bring with you the Bibles which have been placed on your desks.

Would all please rise.

It is an honor to present Judge Cavanaugh, who will administer the oath of office to the Republican Senators-elect.

Judge CAVANAUGH. Thank you.

I bring you the greetings of the members of the Superior Court of Pennsylvania, and in recognition of events of late 1992, I also bring you the greetings of our families.

Place your left hand on your Bible and raise your right hand and repeat or affirm after me:

I, (your name), do solemnly swear that I will obey and defend the Constitution of the United States and the Constitution of Pennsylvania, and discharge the duties of my office with fidelity.

(Applause.)

The PRESIDENT. Once again, if the Senate will be at ease, we will allow for some photographs. The Senate will be at ease while some still photographs are taken of any of the Senators.

(The Senate was at ease.)

## SPECIAL ORDER OF BUSINESS

### RESIGNATION OF SENATOR JAMES GREENWOOD

The PRESIDENT. As a special order of business, the Clerk will read the following correspondence from Senator Greenwood:

(The following correspondence was made a part of the record at the request of the President:)

January 4, 1993

Lieutenant Governor Singel  
200 Main Capitol Building  
Harrisburg, Pa 17120

Dear Mark:

As you know, tomorrow at noon I will take the oath of office as a Representative in the United States Congress. Pennsylvania's Constitution prohibits a Member of Congress from serving in the State Senate, so I hereby tender my resignation from the Senate effective at noon, January 5, 1993.

It has been an honor and my great privilege to represent Bucks County in the Senate. I thank you, as well as my colleagues on both sides of the aisle and all of the Senate staff for the help and courtesy extended to me during the past six years.

On behalf of the citizens of the 10th Senate district I respectfully request that you set a special election to select my successor as soon as possible. Because you have resigned from the Senate to take higher office, I know you appreciate the sense of urgency I feel about this matter. My constituents, too, are entitled to the resumption of representation as quickly as possible. I trust you to afford them the same.

Thank you for your friendship and for your performance of duty in the above.

Sincerely,

James C. Greenwood  
State Senator  
10th Senatorial District

### POINT OF INFORMATION

Senator JUBELIRER. Mr. President, I have a point of information.

The PRESIDENT. The gentleman will state his point.

Senator JUBELIRER. Has the President of the Senate issued a writ of election to fill the now existing vacancy in the 10th Senatorial District?

The PRESIDENT. The Chair would indicate that the paperwork is at the desk and the Chair has not yet executed that writ.

Senator LINCOLN. Mr. President, what order of business are we on?

The PRESIDENT. We are on the order of business, almost, of the quorum call.

Senator LINCOLN. Mr. President, I would ask that we stay with the agenda. I see there is nothing to do with the setting of a new election. The resignation letter has been properly read, and I would object to any further discussion.

The PRESIDENT. The Chair thanks both gentlemen, and the next order of business is the quorum.

#### POINT OF INFORMATION

Senator JUBELIRER. Mr. President, I have a point of information. Has the President of the Senate issued a writ of election to fill the vacancy existing in the 44th Senatorial District?

The PRESIDENT. The Chair would be forced to rule that the point is out of order at this point simply because we are attending to the business of establishing a quorum call for the ceremonies today.

#### CONSTITUTIONAL POINT OF ORDER

Senator JUBELIRER. Mr. President, I would then rise to a question of privilege of the House. Under the legislative redistricting plan adopted by the Legislative Reapportionment Commission and approved by the Supreme Court, the 44th Senatorial District is composed of parts of the counties of Berks, Chester, Lehigh, and Montgomery. Under the Constitution, Article II, Section 17, the reapportionment plan has the force of law and was effective on February 14, 1992. No certificate of election has been presented nor a Senator elected from the 44th Senatorial District.

I would, therefore, Mr. President, now raise a constitutional point of order that absent the election of a Senator from the 44th Senatorial District, the 44th Senatorial District is, indeed, vacant, and would ask that you recognize Senator Baker at this time for debate, since this is a debatable point of order.

The PRESIDENT. Senator Jubelirer raises a constitutional point of order with regard to the 44th Senatorial District.

On the question,

Will the Senate sustain the constitutional point of order?

The PRESIDENT. On the constitutional point of order, the Chair recognizes the gentleman from Fayette, Senator Lincoln.

Senator LINCOLN. Mr. President, I was completely surprised that this particular issue would become an issue today. It was determined after a great deal of very acrimonious debate in November when the body, which has the full authority to make that determination, ruled that the Senator in question is constitutionally legal in his position and has the ability to vote, and I would say at this time that I have no idea why the issue is being raised here today, but I would be welcome, when we come to the vote, and will be prepared to debate it.

The PRESIDENT. The Chair thanks the gentleman.

Senator Jubelirer has raised a constitutional point of order, and on the point of order, the Chair would recognize the gentleman from Chester, Senator Baker.

Senator BAKER. Mr. President, it is with great reluctance that I rise at this time normally reserved for ceremonies intended for the opening of a new General Assembly. Only a deep concern with an important constitutional question on behalf of many citizens of this Commonwealth would cause me to speak at this time, but I do feel compelled to do so.

I want to state at the outset there is nothing in the following remarks that is critical of the gentleman from Allegheny, Senator Pecora. I consider him to be a victim of a flawed process, just as I consider the citizens of Chester, Lehigh, Montgomery, and Berks Counties in the new 44th Senatorial District to be victims as well of a process that has resulted in a quarter of a million citizens of the State of Pennsylvania not having their most fundamental constitutional right - that of selecting their Senator in the General Assembly. This is an egregious breach of an American right that traces its origin to the Revolution. In fact, fighting for this right was the most basic reason for our separation from Great Britain more than 200 years ago. I deem it to be just as important today, as important to these citizens, as it was—

Senator LINCOLN. Mr. President.

The PRESIDENT. If the gentleman would yield, the Chair would recognize first the gentleman from Fayette, Senator Lincoln.

Senator LINCOLN. Mr. President, while allowing that there is a reasonable amount of debate on this issue that can be entered into the record, I would ask that the Chair be very, very cautious about the latitude given, and I think the debate ought to stay completely on the issue of the constitutionality of the Senate seat, and I will continue to object, if it takes 20 hours. There will be no debate of this type today, and if there is, it is going to go on for a long time and it is going to get acrimonious again. I ask you to just exercise the power that you have as the President of the Senate to see that the debate stays within a reasonable closeness to the way the rule reads.

The PRESIDENT. The gentleman from Fayette's admonition is well-taken, and the Chair would transfer that to the gentleman from Chester, Senator Baker, and advise the gentleman that in addition to this being a day primarily for celebration and ceremony, that the Chair will hold the gentleman to the constraints of the debate; namely, to the constitutional issue at hand.

#### POINT OF PERSONAL PRIVILEGE

Senator FUMO. Mr. President, point of personal privilege.

I recognize the other side is having a very bitter pill to swallow today, and I had hoped that we would have seen more statesmanlike conduct from them, but I absolutely object to the gentleman referring to Senator Pecora as the gentleman from Allegheny. Senator Pecora lives in Montgomery County. Whether they like it or not, that is where he lives, and he represents the senatorial district, by the way, Mr. President, that that side of the aisle carved out for him and never objected to until he became a Democrat.

The PRESIDENT. The gentleman's point of personal privilege is well-taken, as well, as to Senator Pecora.

The Chair also recognizes the gentleman from Philadelphia. For what purpose does Senator Williams rise?

## PARLIAMENTARY INQUIRY

Senator WILLIAMS. Mr. President, I rise to attempt to move back to the issue before we get into the emotional, political part. Hopefully not.

I would like to know, as a point of parliamentary inquiry, precisely what is the constitutional issue called into question about which there is supposed to be some debate? I am not clear on that and I would like to get some precision on that to determine whether or not we even have a constitutional issue. Just to say that does not, ipso facto, raise it, so I would like to get a precise definition of the issue of constitutionality being raised.

The PRESIDENT. The Chair would respond that it is his understanding that Senator Jubelirer has raised a constitutional point of order with regard to the eligibility of the gentleman from the 44th District to sit as a Senator or a Member of this body.

Is the gentleman stating the gentleman's point correctly?

Senator WILLIAMS. I understand that generally to be so, but specifically—we could say that about anybody—but specifically, what is that based on that raises it to a constitutional question?

The PRESIDENT. The Chair thanks the gentleman for his inquiry, and I would defer to the gentleman from Blair, Senator Jubelirer, to state it as succinctly and as accurately as he wishes.

Senator JUBELIRER. Mr. President, the very simple fact of the matter is we did not raise the personality at all, unlike the charge by Senator Fumo. We—

Senator WILLIAMS. Mr. President, I am not talking about the personality, I am talking about—

Senator JUBELIRER. --raised the issue of a vacancy.

The PRESIDENT. The Chair thanks the gentlemen. The Chair persists in the discourse.

Senator JUBELIRER. We raised the issue of a vacancy in the 44th Senatorial District. That was my initial question to you, Mr. President, and then we raised the constitutional point of order as to the vacancy, the fact that the people of Berks, Lehigh, Chester, and Montgomery Counties in the 44th Senatorial District are not represented. We asked that there be a special election. That is the reason for raising it prior to the roll call, Mr. President, and that, I believe, is perfectly legitimate. I believe that the gentleman from Chester, Senator Baker, has been right on target, has been very germane--

Senator WILLIAMS. Thank you, Mr. President. My point of inquiry has been answered.

Senator JUBELIRER. --and that is the reason for the point of order.

Senator WILLIAMS. I asked a question and it has been answered.

The PRESIDENT. The gentleman has the floor.

Senator WILLIAMS. I would observe, if I might, in response to my constitutional question, the allegation is that there is a vacancy. There is nothing in law or the rules that rises to a constitutional level that the gentleman has stated that this

body should entertain. He has only said that I am talking about a vacancy somewhere. Nowhere in law is that a constitutional issue. Now, he bases that on something that has been cited by a court. We have two fine judges over there. Fine. But I do not believe, Mr. President, that simply because someone says, I raise the constitutional issue, somebody's vacant generalities, it is just a non-learned way to proceed because someone says that, and I submit that the issue of constitutionality is out of order because there has been no statement to the body to have it rise to that level.

One other observation on that question, and I am assuming that this attack is being made to the issue that you called, and that is the question of a quorum. Is that correct?

The PRESIDENT. No.

Senator WILLIAMS. In other words, the agenda that the President put on the record had to do with the roll call of a quorum?

The PRESIDENT. No. The gentleman should be advised that we had not quite reached the point on the agenda for the quorum call. The constitutional point of order was raised previous to that, and a constitutional point of order is permissible at any time for any Member of the Senate.

Senator WILLIAMS. Mr. President, I would say to that part of it, I have said the first part, but just to raise the question in the air without issue to me seems to interrupt a process, number one, and there was no issue on the table. There is no issue of voting or whatever on the table. But aside from that, I suggest that there is a bold-faced allegation and no issue on the floor that raises to a point where the President has to indulge in this debate because there is no issue raised, and I would just hope that you could rule that way.

The PRESIDENT. The Chair appreciates the comments from the gentleman, in his usually incisive legal analysis of the situation. However, the fact of the matter is that the constitutional point that has been raised by the gentleman from Blair, if I am stating it correctly, is that his contention is that there is a vacancy in the 44th Senatorial District. The Chair has, in a de facto way, disagreed, and the Chair would state for the record that it is not the opinion of the Chair that there is such a vacancy. However, constitutional questions are to be determined by the body; hence, the debate. And, in fact, Senator Baker has the floor.

Senator BAKER. Mr. President.

Senator LINCOLN. Mr. President.

The PRESIDENT. The Chair would recognize the gentleman from Fayette, Senator Lincoln.

## PARLIAMENTARY INQUIRY

Senator LINCOLN. Mr. President, a point of inquiry.

The PRESIDENT. The gentleman will state his point.

Senator LINCOLN. Can the Chair explain to me how we are doing any business whatsoever, how we are going to vote, when we have not even established a constitutional quorum that we are in business today? Now, as we have a tendency to do in legislative bodies, we get ahead of ourselves or behind ourselves, and the question in my mind is that right now we

are a little bit ahead of ourselves and I am not sure what we are legally able to do and how this debate has any meaning whatsoever when this body has not officially and legally established a quorum.

The PRESIDENT. The Chair would simply point out that it is not his course of action and it is not the order of events that I would have envisioned. However, a constitutional point of order has legitimately been raised, and it would be the Chair's intention to use the vote on the constitutional point of order both as an instrument to settle the issue and to establish the quorum.

PREVIOUS QUESTION MOVED

Senator LINCOLN. Mr. President, at this time I would move the previous question.

The PRESIDENT. Senator Lincoln moves the previous question, which requires four seconds.

Senator BAKER. Mr. President.

Senator LOEPER. Mr. President.

Senator FUMO. I second it.

Senator FATTAH. I second it.

The PRESIDENT. The Chair is corrected by the Parliamentarian. Since there are no rules that have been adopted, the Chair would exercise his unilateral authority at this point to honor the move for the previous question, and that brings us to the issue at hand, which is limited in its debate.

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

Senator BAKER. Mr. President.

The PRESIDENT. The Chair would first recognize the gentleman from Philadelphia, Senator Fumo.

Senator FUMO. I rise to second the moving of the previous question, Mr. President.

The PRESIDENT. The Chair thanks the gentleman. Even though there are no rules to govern that activity, the gesture is appreciated.

The Chair would recognize the gentleman from Delaware, Senator Loeper.

CONSTITUTIONAL POINT OF ORDER

Senator LOEPER. Mr. President, I wish to raise an additional constitutional point of order, and that would be in deliberating the previous question, under Article III, Section 13, of the Constitution of Pennsylvania, it reads, "A member who has a personal or private interest in any measure or bill proposed or pending before the General Assembly shall disclose the fact to the House of which he is a member, and shall not vote thereon." It is hard to imagine anything more of interest to a Member than a question of his own eligibility.

Senator LINCOLN. Mr. President.

Senator LOEPER. I would therefore raise a constitutional point of order, Mr. President, that Senator Pecora is ineligible to vote on this question--

The PRESIDENT. If the gentleman from Delaware would yield for just a moment, the Chair will listen to the argument from Senator Lincoln.

Senator Lincoln.

Senator LINCOLN. Mr. President, I am operating from this desk under the impression that the previous question has been moved and properly seconded and ruled upon by the Chair. This debate is a continuation of the debate for which we have asked that the question be moved, and I would object strenuously to this. And if this is a new motion, I would move the previous question on the new motion.

Senator JUBELIRER. Mr. President, that--

The PRESIDENT. The Chair finds the gentleman from Fayette's comments well-taken, and again--

Senator JUBELIRER. It is a new constitutional point of order, Mr. President.

The PRESIDENT. The Chair recognizes that and thanks the gentleman. However, there was a previous question called for and seconded, and according to this nether land that we are in before the rules are adopted, the Chair's perception is that we should deal with the immediate question. The question is, shall the question now be put, and that is the sole effect of the previous question motion. The Chair is not inclined to entertain any further points of order or any further debate on the subject until we resolve this matter.

Senator LOEPER. Point of personal privilege, Mr. President.

The PRESIDENT. The question is on the motion for the previous question at this point.

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

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

YEAS—25

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

NAYS—24

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

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

And the question recurring,  
Will the Senate sustain the constitutional point of order?

The PRESIDENT. The only matter before the Senate at this time is the constitutional question on whether or not a vacancy exists in the 44th District.

And the question recurring,  
Will the Senate sustain the constitutional point of order?

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

YEAS—24

Armstrong	Greenleaf	Loeper	Robbins
Baker	Hart	Madigan	Salvatore
Bell	Helfrick	Mowery	Shaffer
Brightbill	Holl	Peterson	Shumaker
Cornman	Jubelirer	Punt	Tilghman
Fisher	Lemmond	Rhoades	Wenger

NAYS—25

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

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

The PRESIDENT. The constitutional point of order fails, and as far as the Chair is concerned, we are ready to proceed to the next order of business, which deals with the election of the President pro tempore and the other officers of the Senate.

The Chair, however, does recognize the gentleman, Senator Loeper. For what purpose does the gentleman rise?

CONSTITUTIONAL POINT OF ORDER CONTINUED

Senator LOEPER. Mr. President, regarding the last vote, the additional constitutional point of order which I raised dealt with the qualifications of the Members of this Senate in order to cast a vote for that particular vote that was before us, and I would like to raise again the qualifications of particularly the Member from the 44th District, if, in fact, that district is vacant at this point, to be eligible to vote on a matter that directly affects him, as related to Article III, Section 13, of the Constitution of Pennsylvania.

The PRESIDENT. The Chair is forced to rule that the gentleman's point of order at this point is redundant because although it may have been asked in a slightly different way, the Senate has just ruled by a majority vote that there is no vacancy in the 44th Senatorial District. Therefore, the gentleman who represents the 44th District is with us, present and fully capable and representing that district. Therefore, the Chair finds the gentleman's point to be completely out of order at this point.

POINT OF ORDER

Senator LOEPER. Mr. President, a point of order.

The PRESIDENT. The gentleman will state his point.

Senator LOEPER. Mr. President, respectfully, I would disagree with your interpretation of the constitutional point of order that I had raised, that the constitutional point of order I raised dealt with the Member's eligibility to cast a vote on that issue since it directly affected him, cited by the section of the Constitution that I had previously cited.

The PRESIDENT. The Chair understands and admits that there is a different twist to the gentleman's point of order, and the Chair would, again, be forced to put the issue to the body, inasmuch as constitutional questions are determined by the body and not the Chair.

On the question,  
Will the Senate sustain the constitutional point of order?

The PRESIDENT. On the constitutional point of order, the Chair recognizes the gentleman from Philadelphia, Senator Fumo.

Senator FUMO. Mr. President, whoever the spokesman is for the other side of the aisle, would they stand for brief interrogation? Senator Jubelirer, I guess.

Senator JUBELIRER. Senator Loeper has made the point.

Senator FUMO. Senator Loeper? Fine.

The PRESIDENT. The gentleman may proceed.

Senator FUMO. Mr. President, how many votes would you like us to take and how long would you like this to take before you recognize that we have 25 and you have 24?

Senator JUBELIRER. Point of order, Mr. President.

Senator FUMO. I do not care how many. I just want to know.

Senator JUBELIRER. Point of order, Mr. President.

Senator FUMO. Point of order, my foot. I have the floor. I asked the question.

The PRESIDENT. If the gentlemen would yield.

Senator JUBELIRER. Point of order, Mr. President.

The PRESIDENT. It is important that harmony prevails, even though that is a consummation devoutly to be wished.

Senator JUBELIRER. Point of order, Mr. President.

The PRESIDENT. If the Senate would come to order for just a moment.

Senator Fumo was in the midst of interrogating Senator Loeper, and the Chair would gingerly restore power to Senator Fumo's microphone. He can zero in on his questions.

Senator FUMO. Mr. President, I gave Senator Jubelirer the opportunity to answer the question. He flipped it to Senator Loeper. So I would just like an answer to my question, how many votes would they like to take?

Senator JUBELIRER. Point of order, Mr. President.

The PRESIDENT. If the gentleman would desist, the Chair would allow first the gentleman from Delaware to answer the question, if he so desires.

Senator LOEPER. Mr. President, the answer to that question is debatable, and that is exactly why we are raising the constitutional point of order, and we believe that the gentleman from the 44th District is not qualified to cast a vote on a matter that directly affects himself.

Senator LINCOLN. Mr. President.

The PRESIDENT. The Chair thanks the gentleman, and the Chair would first recognize the gentleman from Fayette, Senator Lincoln. For what purpose does the gentleman rise?

Senator LINCOLN. Just for a very brief clarification of where we are at and what we are doing at this particular time.

The PRESIDENT. The Chair would point out that we are dealing with a constitutional point of order that has been raised by Senator Loeper dealing with the eligibility of the gentleman from the 44th District to vote.

Senator LINCOLN. Mr. President, did I clearly hear and understand that you ruled Senator Loeper's motion out of order?

The PRESIDENT. The gentleman is correct, and then the gentleman from Delaware rightly corrected the Chair and indicated that he is asking a slightly different constitutional question. We are not dealing with whether or not a vacancy exists now, we are dealing with whether or not the Senator is eligible to vote by virtue of conflict of interest.

Senator LINCOLN. And you have clearly put that question before this body, Mr. President?

The PRESIDENT. If it is not clear enough, let the Chair assist.

Senator Loeper has raised a constitutional point of order based on a conflict of interest that he perceives that the Senator from the 44th District is ineligible to vote.

Senator LINCOLN. And, Mr. President, is that a debatable motion?

The PRESIDENT. It is a debatable motion.

#### PREVIOUS QUESTION MOVED

Senator LINCOLN. Mr. President, I move the previous question on this particular issue.

Senator JUBELIRER. Mr. President.

Senator LOEPER. Mr. President.

The PRESIDENT. Senator Lincoln has moved the previous question on the debate, and the Chair would recognize the gentleman from Philadelphia—

Senator FUMO. I second it.

The PRESIDENT. —who seconds the motion.

On the question,

Will the Senate agree to the motion?

The PRESIDENT. The Chair would remind all of the individuals that it is our custom and has been our rule that in Mason's Manual this is not a debatable motion.

Senator LINCOLN. Mr. President, would you explain a "yes" and a "no" vote, please?

The PRESIDENT. The Chair thanks the gentleman.

A "yes" vote is a vote for the motion on the previous question. It simply answers the question, shall the main question now be put? This is the motion to move to the constitutional point of order directly.

Senator LOEPER. Point of information, Mr. President. Just a clarification.

The PRESIDENT. And the Clerk will call the roll.

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

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

#### YEAS—25

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

#### NAYS—24

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

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

And the question recurring,  
Will the Senate sustain the constitutional point of order?

The PRESIDENT. That brings us immediately to the question before the body, and that is on the eligibility of the Senator from the 44th District to vote.

Senator LINCOLN. Mr. President.

The PRESIDENT. For a point of clarification, the Chair would point out that a constitutional point of order has been raised, and let the Chair state it this way: the gentleman is suggesting that the Senator is not eligible to vote. Therefore, a vote in the negative would be a vote to allow the Senator to vote; a vote in the affirmative would sustain Senator Loeper's contention and effectively deny the gentleman the opportunity to vote.

#### POINT OF INFORMATION

Senator LOEPER. Point of information before the vote, please.

The PRESIDENT. Senator Loeper, if you would state your point.

Senator LOEPER. Mr. President, I just wish to clarify for the members that what we are voting on is not whether, in fact, the Member from the 44th District is qualified to vote here as a Member of the body—

Senator LINCOLN. Mr. President.

Senator LOEPER. —but whether, in fact, he is eligible to vote on this, a question that affects his eligibility.

The PRESIDENT. The Chair thanks the gentleman for his clarification.

Senator Lincoln.

Senator LINCOLN. Mr. President, I believe that the Chair had stated it rather clearly and I would think that is just a kind



of back-door effort to get some debate in, and I am not going to allow that to happen any further and would ask for a roll-call vote.

The PRESIDENT. Does the gentleman from Philadelphia, Senator Williams, have a point to make prior to the roll-call vote?

Senator LINCOLN. Mr. President, before the vote.

The PRESIDENT. Senator Williams.

Senator WILLIAMS. Mr. President, so that we do not return to this, as Senator Reibman observes, every one of us here under reapportionment represents people who did not vote for us. So, we just ought to put that ridiculous—

POINT OF ORDER

Senator JUBELIRER. Point of order, Mr. President. I thought this was not debatable.

The PRESIDENT. The Chair thanks the gentleman.

Senator WILLIAMS. Mr. President, it was in response to the last remark, which will come up again. I think we ought to just settle it.

The PRESIDENT. The Chair thanks the gentleman, but reluctantly I must agree with the gentleman.

Senator LINCOLN. Mr. President, all that is before us is the taking of the roll. Would you state how the vote would be?

The PRESIDENT. The Chair must point out that we need to move directly to the vote, having voted for the motion on the previous question.

A "no" vote contradicts Senator Loeper's constitutional point of order, thereby saying that the gentleman from the 44th District is eligible to vote on this question; an "aye" vote sustains the gentleman from Delaware County's position.

And the question recurring,

Will the Senate sustain the constitutional point of order?

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

YEAS—24

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

NAYS—25

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

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

The PRESIDENT. The constitutional point of order having been rejected, we are ready to proceed with the remaining business before us.

ELECTION OF PRESIDENT PRO TEMPORE

The PRESIDENT. The next order of business is dealing with the election of the President pro tempore and the officers of the Senate. The Chair would like to continue a practice started several Sessions ago. If there is only one candidate for each office, the Chair would dispense with the calling of the roll and ask for a voice vote on the nomination. Is there any objection if, by chance, that should be the case? The Chair hears none.

The next order of business then is the election of a President pro tempore of the Senate for the 1993 Session. This is in accordance with Article II, Section 9, of the Constitution of Pennsylvania.

Senator LINCOLN. Mr. President, the first order of business for our new Session is to elect a President pro tempore. To that end it gives me a great deal of pleasure and satisfaction to nominate my good friend and colleague, Senator Bob Mellow, for that office.

Mr. President, I recognize the acrimony and turbulence of the closing days of the last Session still echo in this Chamber. That should really go down in history. In that final week, control of the Senate changed hands. For the first time in 12 years, we Democrats were in the Majority, in charge of the standing committees and able to move legislation to the floor. It was a heady moment for us, and, understandably, a bitter moment for those of you on the other side of the aisle, which is still rather apparent today.

Emotions were running rampant and the Session could have ended in frustration and a paralyzing gridlock. But that did not happen. Instead, in just 3 days, the Senate passed more than 75 bills, many of them urgently needed by Pennsylvanians. The list includes legislation to provide medical coverage for low-income uninsured children, another to shore up the Lottery-funded PACE program for the elderly, and another to implement the Federal Clean Air Act, assuring the Commonwealth of receiving \$900 million in highway funding that would have been lost to us if we had failed to implement the Federal legislation. We authorized spending for more than \$1 billion on vitally needed bridge and highway projects. We continued to help the Cost Containment Council and the Emergency Mortgage Assistance program. We provided an early retirement incentive for public school employees that could save school districts across this Commonwealth more than \$200 million over the next several years. And the list goes on and on.

Credit for this string of accomplishments should be shared by all of us. Republicans joined Democrats in getting these bills moving, rising above the bitter disappointment of having lost the leadership of this body, voting with us on these bills, and I commend the Republicans for that cooperation. I also commend Bob Mellow, who served as President pro tempore in those last busy closing days. He demonstrated his ability to lead, to work through problems quickly, and to bring this body

together when a job had to be done. He is still a young man—he must be because he is younger than I am—and yet he can rival anyone in this Chamber in terms of legislative experience. He has held leadership positions in my Caucus for more than a decade, rising from Caucus Secretary to Caucus Chairman to Democratic Floor Leader, and, finally, to the honored position of President pro tempore of the Pennsylvania State Senate. That is a lot of experience for a man still that young, still vibrant, still full of enthusiasm for his job.

Bob Mellow's legislative accomplishments are impressive. Say the words "Mellow window," and thousands of State and public school employees know exactly what that means - a humane and creative way of cutting government payroll costs by providing incentives for older employees to retire. Concern for the environment may be a predominant theme in the 1990s, but it was an important issue for Bob Mellow as long as 20 years ago. Since serving as the first chairman of the Senate Committee on Environmental Resources and Energy in 1973, Bob Mellow has been instrumental in the enactment of laws to regulate waste disposal, clean up the State's water supply, implement a trash recycling program, and cleanse the air we breathe. Bob Mellow has the energy, the foresight, the administrative ability to serve this body as an efficient and compassionate President pro tempore. He will do honor to the office and to this Senate.

Mr. President, it is, therefore, a distinct privilege for me to nominate my longtime, best personal friend, Bob Mellow, to serve as the President pro tempore of the Senate of Pennsylvania.

Senator FUMO. Mr. President, it is my deep honor and pleasure to second the nomination of Senator Robert Mellow as President pro tempore of the Pennsylvania Senate. The gentleman from Fayette, Senator Lincoln, has already told you of Senator Mellow's public policy accomplishments, but I now wish to acquaint you with Bob Mellow the man, the father, the husband, the son, and the friend.

I first met Bob Mellow back in the days of Buddy Cianfrani, Marty Murray, and Tom Lamb. He was a freshman Senator and I was a young administration bureaucrat. In those days, Bob Mellow was the boy wonder, one of the youngest Senators ever elected. He was bright and feisty, and we quickly discovered a number of shared interests and became friendly.

In 1978 when I returned here as a newly elected Senator, it was Bob Mellow who came to my defense and also showed me the ropes. During these last 14 years, we have grown from being colleagues to sharing a real friendship. Part of that friendship stems from our strong belief in family. He has always been a good and caring husband who values his family above all else. I have seen the pride of a devoted parent as Senator Mellow introduces his daughters to us here in Harrisburg. He has shared with me the concern of a son for his father. When my dad was sick, it was Bob Mellow who would call to check on my father's condition, and Bob Mellow who gave me the support to handle my father's eventual passing. I also understood the unique satisfaction Senator Mellow felt

when he described his old Italian father's tears of joy upon hearing that his son had been elected President pro tempore of the Senate of Pennsylvania.

Through his years as leader of the Democratic Caucus, his empathy for other people and their views have made him the voice of compromise and reason. In a Caucus which oftentimes seems to have a monopoly on strongly held but divergent points of view, conflicts are frequent. Many times in frustration and exhaustion I would turn to Bob and say, well, you are the leader, you are paid the big bucks, so you deal with it. I will see you later. Let me know how you make out. And in every instance, to my delight, he would continue his calm and thoughtful involvement, take a lot of abuse, and finally reach a satisfactory solution.

Ten years ago, Bob Mellow, Bill Lincoln, and I met in my Philadelphia office and fashioned the long-range plan that brought the Senate Democrats to this day where we again stand in the Majority. Although it took a little bit longer than we had originally expected, and the numbers are a little tighter than we anticipated, it was Senator Bob Mellow who kept us on track. Throughout all those years his steady influence and persistence were the keys to the success we share today.

I say all these things because it is important for all of you to understand Bob Mellow the man, for it will be this person who will be our President pro tempore for the next 2 years. It will be Bob Mellow the husband, father, son, friend, and leader who will guide this august body through the tumultuous years of the '90s. We can all be proud and secure in his leadership.

Thank you, Mr. President, for the opportunity to speak on behalf of my good friend, and I urge all of my colleagues here present today to support Senator Mellow's re-election.

The PRESIDENT. Are there other nominations or seconds?

The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, for the past 8 years Senator Robert C. Jubelirer has served this Senate as its President pro tempore. His tenure during that time was marked by a commitment to fairness, abiding concern for the interests of Members on both sides of the aisle, and a devotion to enhancing this institution, the Senate of Pennsylvania. The experience, the leadership, and guidance that he provided were important as we all worked to meet our responsibilities to our districts and to all Pennsylvanians. His record of professionalizing Senate services, of advocacy of issues, and of ensuring that people were aware of the productive legislative efforts that this body was able to produce earned our respect and support year after year for that period of time.

Mr. President, as we enter this new Session with many critical and difficult issues that are going to be facing us, I believe that this Senate needs the type of distinguished leadership that Senator Jubelirer has consistently provided over the past 8 years. And it is for these reasons, Mr. President, that it is my privilege today to nominate Robert C. Jubelirer of Blair County to serve as President pro tempore for the 1993-94 Session.

Senator FISHER. Mr. President, I rise to second the nomination of Senator Robert C. Jubelirer for the position of President pro tempore of the Senate of Pennsylvania for the 1993-94 Session.

Senator Jubelirer was elected to this Chamber in 1974, the same year in which I was elected to the House of Representatives. I joined him 6 years later in 1980, and since 1984 Senator Jubelirer has served with great distinction as the President pro tempore of the Senate of Pennsylvania. He has done an outstanding job not only in his district representing the people who have elected him, not only representing the people of that area, but representing this entire Commonwealth. He has served also with distinction as the President pro tempore of the Senate.

During his era, we have moved forward tremendously as a body. We have advanced in many ways, and we have seen through that 8-year period this body continue in its deliberative fashion for which we are best known. I say that particularly, and I hope that what we saw here earlier in moving the previous question will not be a hallmark of the next administration, because under the 8 years that Senator Jubelirer served as President pro tempore of this Senate never once did his party move the previous question and cut off debate. We are a deliberative Chamber. We are a Chamber that should debate the issues of importance to the people of Pennsylvania, to the people whom we represent.

Mr. President, I believe that Senator Robert C. Jubelirer is best capable of leading this Chamber, and I am very proud to second his nomination.

The PRESIDENT. Are there further nominations or seconds? If not, then I would now declare that the nominations for President pro tempore be closed.

The candidates for the office of President pro tempore are Senator Robert J. Mellow of Lackawanna County, and Senator Robert C. Jubelirer of Blair County. When the Clerk calls the roll, please indicate the name of your candidate as you respond. That is, call out the name "Mellow" or "Jubelirer" rather than "yea" or "nay."

The vote for the President pro tempore will now be called by the Clerk.

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

MELLOW—25

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

JUBELIRER—24

Armstrong	Greenleaf	Loeper	Robbins
Baker	Hart	Madigan	Salvatore
Bell	Helfrick	Mowery	Shaffer
Brightbill	Holl	Peterson	Shumaker

Corman	Jubelirer	Punt	Tilghman
Fisher	Lemmond	Rhoades	Wenger

The PRESIDENT. The vote for President pro tempore of the Senate is 25 for Senator Mellow, and 24 for Senator Jubelirer. The Chair declares Senator Mellow elected President pro tempore of the Senate.

(Applause.)

**COMMITTEE APPOINTED TO ESCORT  
PRESIDENT PRO TEMPORE-ELECT  
TO THE ROSTRUM**

The PRESIDENT. The Chair would take pleasure in appointing the following committee to escort the President pro-tempore-elect to the rostrum for the administration of the oath of office: the gentleman from Beaver, Senator LaValle; the gentleman from Luzerne, Senator Musto; and the gentleman from Blair, Senator Jubelirer. Will the committee proceed to the performance of their duty, please.

(Whereupon, the President pro tempore-elect was escorted to the rostrum of the Senate.)

**ADMINISTRATION OF OATH OF OFFICE  
TO PRESIDENT PRO TEMPORE-ELECT**

The PRESIDENT. The Chair would thank the committee for performing their duties, and the oath of office will now be administered to Senator Mellow by Judge Kelley.

Please rise.

Judge KELLEY. Senator Jubelirer (sic), are you prepared without mental reservation to take the oath?

Senator MELLOW. Senator Mellow.

(Laughter.)

Judge KELLEY. I suppose everyone understands that I had the honor of swearing in Senator Jubelirer the last time and I guess being a creature of habit it had been subconscious. But it is, indeed, a very, very distinct pleasure, as it was for Senator Jubelirer, but because of my long affiliation in the same Caucus and my tenure here with Senator Mellow, I have a special feeling, as I am sure you all share with me, for this occasion.

Senator Robert J. Mellow, are you prepared without mental reservation to undertake the oath of the constitutional office for President pro tempore of the Senate of the Commonwealth of Pennsylvania?

Senator MELLOW. I am.

Judge KELLEY. With your left hand on the Bible, raise your right hand and repeat after me:

I, Bob Mellow, do solemnly swear, that I will support, obey, and defend the Constitution of the United States and the Constitution of Pennsylvania, and I will discharge the duties of my office with fidelity.

Sworn.

The PRESIDENT pro tempore. Thank you very much.

(Applause.)

The PRESIDENT. Please be seated, and thank you, Judge Cavanaugh (sic).

(Laughter.)

The PRESIDENT. It is now an honor and a distinct privilege for the Chair to recognize the President pro tempore of the Senate of Pennsylvania. You have heard many plaudits, and I can only add to that that Bob Mellow is a friend of mine, he is a friend of Pennsylvania, and he will be an outstanding President pro tempore.

Ladies and gentlemen, the President pro tempore of the Pennsylvania State Senate, Robert J. Mellow.

(Applause.)

#### REMARKS BY THE PRESIDENT PRO TEMPORE

The PRESIDENT pro tempore. Thank you very much.

I think it is important for you to know before we start that prior to coming to the floor at 12 o'clock Judge Kelley, or Senator Kelley, as I like to refer to him, came to my office and he said, Bob, I would like your indulgence on one thing. I said, what is that, Jim? He said, perhaps there will be an opening on the Superior Court in Pennsylvania and maybe I could get Governor Casey to submit my name to the Senate, but I am going to need Republican support through my confirmation. Would you mind in my opening comment if I state that Bob Jubelirer is President pro tempore of the Senate? And I said to Judge Kelley, my good friend, you have my okay and it would be my privilege for you to do that. I think it would be a great gesture. So, Jim, I am glad you did exactly what you said you were going to do.

I also think it is important for Judge Kelley to know—Where are you, Judge?—that when Judge Kelley was a Member of the Pennsylvania State Senate as a Democrat, that our caucuses used to last somewhere in the vicinity of an hour and a half. In the past 4 years, since Senator Kelley has served a Commonwealth Court judgeship, our caucuses now last 45 minutes, and to Judge Kelley we say thank you very much.

I also would like to extend my thank you to our Lieutenant Governor, Mark Singel, for the way he handled the proceedings here today, for his remarks of welcome to the Members of the Senate and to our families and to our guests, and, most importantly, for just being Mark Singel, because Mark has done an outstanding job under some extremely difficult times.

I would also like to make a few acknowledgements of people who are here with us today to celebrate, if you will. First, I would like to introduce a gentleman who had the opportunity of serving in the Senate for a number of years and also served as a Member of the Senate and as the President pro tempore of the Senate. It is Senator Henry Hager, who is seated over here. Senator Hager, would you please stand to be acknowledged.

(Applause.)

The PRESIDENT pro tempore. There is one other gentleman who is no longer a Member of the Senate but also served as President pro tempore of the Senate, and today I would like to acknowledge Senator Bob Flemming, who lives in Allegheny County.

(Applause.)

The PRESIDENT pro tempore. I would also like to acknowledge with us a woman who has done an outstanding job as our State Treasurer, State Treasurer Catherine Baker Knoll. Catherine, would you kindly stand.

(Applause.)

The PRESIDENT pro tempore. And also, the Pennsylvania State Auditor General, Barbara Hafer. Barbara, would you kindly stand.

(Applause.)

The PRESIDENT pro tempore. We are also, indeed, I think very fortunate that in Pennsylvania we may be the benefactors this year of having a Pennsylvania Super Bowl. I think it is extremely possible that the Pittsburgh Steelers could play the Philadelphia Eagles for the Super Bowl in January.

(Applause.)

The PRESIDENT pro tempore. And we have with us a man who is doing an outstanding job as the mayor of the city of Philadelphia, a man whom I support and admire, Mayor Ed Rendell from the city of Philadelphia. Mayor Rendell, would you kindly be acknowledged.

(Applause.)

The PRESIDENT pro tempore. I would like to express my thank you for the invocation that was given to us by the Reverend Judith A. McKee, Pastor of the Grace Lutheran Church of York. Reverend, we say thank you very much.

(Applause.)

The PRESIDENT pro tempore. And I would like to welcome for the first time, at least individually, the fellow who is the newest Member of the Pennsylvania State Senate. Unfortunately, Senator, the only problem about being the newest Member, you also are number 49 in seniority, but I would like to have Senator Hal Mowery stand up and just be recognized for the first time.

(Applause.)

The PRESIDENT pro tempore. And, finally, the last acknowledgement that I would like to make is a very dear and close friend of mine who has traveled from Lackawanna County. He is another judge. His name is Judge Jim Munley. But the unique thing about Jim Munley is not that he serves as a judge from Lackawanna County, but Judge Munley's mother and father both served as Members of the Pennsylvania House of Representatives, and his mother was the only woman to serve as a Secretary of the House. Judge Munley, would you kindly stand and be acknowledged.

(Applause.)

The PRESIDENT pro tempore. You know, my good friends and Members of the Senate, our family members and our loved ones, in all my years that I have spent in this Chamber, with all the speeches and debate in which I have participated, I have never felt more emotion in my heart than I feel today. This is a very joyous and special day for me and for my family.

I would like to thank my two very close friends, Senator Bill Lincoln and Senator Vince Fumo, my two buddies for the last 15 years, where we have worked hand-in-glove hopefully for the betterment of the people of Pennsylvania. I would like to thank them today for their very kind words of support and

for putting my name into nomination. But more importantly, I would like to thank them for their overall support, for their overall patience, and, most importantly, for their overall friendship that they have shared with me over the years.

To my Senate colleagues, both Democratic and Republican, who serve in this great governmental Chamber, I would like to thank you for the honor that you have bestowed upon me today. I would like to thank you for your trust, and I would like to thank you for the confidence that you have expressed in my election as the 52nd President pro tempore of the Pennsylvania State Senate, and the first one who comes from Lackawanna County.

To the people of the 22nd Senatorial District, an office which I hold in trust for them, because no one controls any senatorial district except the people who send us here, I would like to thank them for their continued support and for the confidence that they have always shown in me.

And to my trusted and dedicated staff, not only here in Harrisburg but also in my district office, I would like to thank them and express to them my appreciation for their total commitment, for their total loyalty, and for their extreme hard work in trying to resolve some very difficult issues of our constituents.

And to my family, to my two beautiful daughters, Melissa and Tressa, who are here with me today, I would like to thank them for their understanding. I would like to thank them for their support. I would like to thank them for their sacrifices and for their patience, especially when I had to miss so many very important events for them because I was involved in Senate business.

And especially to my mom and dad for their nurturing, for their discipline, for their belief that they have instilled in me of a very strong work ethic, for their values that they have always shown me of honesty and compassion, and for their love that they have given me throughout my life.

I would also like to pay a special thanks to my brother. Sometimes it is not easy being the older brother of an elected public official, but I would like to thank him for always being there with me and sharing both my good days and my bad days.

On December 10, 1790, at Independence Hall in Philadelphia, the Senate of Pennsylvania met for the first time in Session to go ahead and to put its mark in history, both in Pennsylvania and in this great Nation of ours. And for me it is no small coincidence that December 10 also marks the day of my birth. More than 200 years later, I believe that we can say with pride that for the most part the Senate has addressed the issues with honesty, with equality, and, yes, with courage. To the people of this State who deserve the credit for electing officials who adhere to these standards, I say congratulations.

A number of years ago a young, dynamic President, President John F. Kennedy, said, and I quote, "It is time for a new generation of leadership...For there is a new world to be won." It is now time, my good friends and fellow colleagues, for us to establish our mark in the Pennsylvania Senate. And as the first initiative of this new Majority, we will begin by removing

the prohibition of live television coverage of the proceedings in this Chamber. I am hopeful that today's unprecedented television coverage marks a new beginning in giving government back to the people, because they deserve to have it back. I am asking our Republican colleagues to join with us in a bipartisan effort to implement such a plan that will allow our constituents the opportunity to observe the work being performed by their elected officials.

Moreover, I would like to extend a plea of cooperation to my Republican colleagues in a more general sense, if you will. I want you to know that I personally hold no rancor in my heart for the words that have been spoken, some words that were rather harsh at times, about the new Senate leadership over the last several weeks. My good friends, I understand it is the nature of politics. But to my colleagues, Senator Jubelirer and Senator Loeper and Members of the Republican Caucus, I extend my hand to you on behalf of the new Majority in the Senate. I extend my hand to you, if you will, on behalf of the people of Pennsylvania who yearn for the end of political posturing, who want cooperation in this body and not continual confrontation, who have grown tired of the gridlock and the petty bickering under the guise of debate, and who want results rather than lame political excuses. My good friends, the important issues of the day are not what is the size of a Member's office, or where is it located; what office is my staff working out of, or how much parking space is assigned to our Caucus. There are more critical issues. There are issues that are much more important that must be addressed by this body of 50 individuals - 49 currently. At the top of the list is a fair and equitable workers' compensation reform, one that will promote a solid business climate and allow us to reclaim our competitive edge in the marketplace while yet protecting our workers and sustaining and creating new jobs within the labor force.

It is also important that we pass a family leave bill and that we pass it now with bipartisan support. The time is long overdue, my good friends. The time has come that we must accommodate families and not create undue hardships in the Pennsylvania business community.

There are also many other very important issues that must be dealt with. Late last year we worked with the issue of welfare reform. And welfare reform, my good people, means different things to different individuals. What one individual may take as reform another individual may take as punitive, and that is something that we must address and keep in mind at all times.

We must certainly address the issue of education and how specifically education deals with our children who are in dire need of special education. We must remember that our Constitution guarantees a free, quality public education to our children from K-12 grades, and it is an important issue that we address.

We must build on our record of environmental protection and we must continue on that very important record.

And, yes, perhaps we might show again some intestinal fortitude and talk about tax reform, an issue that people in

Pennsylvania want, making the tax distribution payment more equitable for all Pennsylvanians.

But I think the most important issue that we must deal with over the next 6 months is a timely and well-structured budget, under the direction of our very capable and able chairman of the Committee on Appropriations, Senator Vincent Fumo. That budget must meet the needs of the people of Pennsylvania, but it also must not increase our taxes. I am asking Democrats and Republicans alike that we approach legislation with this philosophy in mind, if you will: Will this legislation benefit the people of Pennsylvania? I ask not, my good friends, to yield to the self-serving themes - Will this be good for my party or will this be politically good for me and my agenda? Our primary purpose and our primary concern should always be the people of Pennsylvania who have sent us here to represent them.

So today as we revel in this day of celebration, as we participate in today's ceremonies and thereby become a part of the Commonwealth's ongoing history, and as we justifiably take pride in the joy and the company of our dear friends and loved ones, let us also use this occasion to remind ourselves of the real reason why we are here, and that is to serve the people of Pennsylvania.

Thank you very much.

(Applause.)

The PRESIDENT. The Chair thanks the gentleman.

### ELECTION OF SECRETARY OF THE SENATE

The PRESIDENT. The next order of business before the Senate is the election of the Secretary of the Senate.

The Chair would recognize the gentleman from Fayette, Senator Lincoln.

Senator LINCOLN. Mr. President, we are fortunate here in the Senate to have an individual who handles the Secretary's job with the skill and grace of an antelope, the power of a bear, and sometimes, I think, the knowledge of Solomon. To handle that position through some of the very hectic days we have had over the period of time that he has been the Secretary I think attests to his having those credentials. The fact that I have served here as a Member of the Minority Party while this gentleman was the Secretary, and on the first day of being in the majority and being the new Majority Leader I have a great deal of pride in standing and nominating Mark Corrigan to continue as the Secretary I think is a testimony to his ability, his fairness, and his ability to handle stress and make good, hard decisions. I think some of those earlier debates we put ourselves through here today probably make people wonder how we could possibly, on this side, nominate a person to be Secretary who had served under the majority of the other party. Fortunately, we have not sunk to the level that we would make these positions one of some of the partisan bickering we get into in a lot of other issues.

I think that Mark Corrigan is someone whom the Senate can point to with a great deal of pride, and I personally feel honored to be able to nominate him to continue in the next Ses-

sion, the Session we are in now, to be the Secretary of the Senate.

Senator JUBELIRER. Mr. President, I am, indeed, pleased to second the nomination of the Honorable Mark Corrigan. Mr. President, over the years when I was holding the gavel, the job was always easier because of the knowledge, the skills, and, frankly, the professionalism of Mark Corrigan, who serves also as our Parliamentarian. He demonstrates the judgment, the tact, and the confidence needed during these times of heated debate when, frankly, motions, objections, points of order and sometimes novel parliamentary moves are being tossed about. You know, Mr. President, we thought it was important as we nominated Mark to perhaps demonstrate today to the audience what that is all about, and we hope that you understand. His fairness and dispassion in offering advice and answers is respected by people on both sides of the aisle.

Mark has also done a superb job of modernizing and administering the Office of Secretary. That operation is, indeed, vital to the smooth functioning of this Senate. Mark's professionalism has ensured that it meets the varied and heavy demands we place upon it.

Mr. President, on behalf of our Caucus, the Senate Republican Caucus, we believe that Mark Corrigan has well-earned our trust, and we are delighted to join with Senator Lincoln and the Senate Democratic Caucus to support this nomination.

### NOMINATIONS CLOSED

The PRESIDENT. Are there any other nominations or seconds? If not, the Chair would declare the nomination for Secretary of the Senate closed.

With the indulgence of the Senate, the Chair is compelled to say that he is reminded of the story of the gentleman who was sitting in the lounge of the Titanic imbibing when the tragedy struck, and he said, I asked for ice but this is ridiculous. Mark Corrigan and I have been through many stormy seas together, and there is nobody in this body who can attest to his skills and his competence and his sense of style more than the Chair, and I am delighted to offer those comments, gratuitous as they are, for the record.

Now, the candidate for the office of the Secretary of the Senate is Mark R. Corrigan of Dauphin County.

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

The PRESIDENT. The Chair declares Mark R. Corrigan unanimously elected Secretary of the Senate.

(Applause.)

### OATH OF OFFICE ADMINISTERED TO THE SECRETARY-ELECT

The PRESIDENT. If the Secretary would approach the rostrum in order that the oath of office may be administered, I would call, once again, on Judge Kelley to perform the oath.

Judge KELLEY. Would you place your left hand on the Bible and raise your right hand and repeat after me, please.

I, Mark R. Corrigan, do solemnly swear that I will support, obey, and defend the Constitution of the United States and the

Constitution of Pennsylvania, and that I shall discharge the duties of my office with fidelity.

Sworn.

(Applause.)

## SENATE RESOLUTIONS

### ADOPTION OF SENATE RULES

The PRESIDENT. The next item of business is the adoption of the rules.

Senator LINCOLN. Mr. President, I would offer a resolution for adoption of the rules and ask for a positive vote.

In the Senate, January 5, 1993

#### RESOLUTION

Providing for the adoption of Rules of the Senate.

RESOLVED, That the Rules of the Senate during the 1993-1994 session be adopted for the government of this 177th and 178th Regular Sessions until amended, repealed or otherwise altered or changed.

(ADOPTED IN SENATE, JANUARY 5, 1993)

(1993-1994)

#### RULES OF THE SENATE OF PENNSYLVANIA I SESSIONS

##### Regular and Special

1. The General Assembly shall be a continuing body during the term for which its Representatives are elected. It shall meet at twelve o'clock noon on the first Tuesday of January each year. Special sessions shall be called by the Governor on petition of a majority of the members elected to each Hest requires. (Const. Art. 2, Sec. 4)

##### Weekly

2. The Senate shall convene its weekly sessions on Monday unless the Senate shall otherwise direct.

#### II PRESIDENT

The Lieutenant Governor shall be President of the Senate. (Const. Art. 4, Sec. 4)

#### III DUTIES OF THE PRESIDENT

1. The President shall -

(a) take the chair on every legislative day precisely at the hour to which the Senate stands adjourned, immediately call the Senators to order, and on the appearance of a quorum proceed with the Order of Business of the Senate;

(b) while in session have general direction of the Senate Chamber. It shall be his duty to preserve order and decorum, and, in case of disturbance or disorderly conduct in the Chamber or galleries, may cause the same to be cleared. When in his opinion there arises a case of extreme disturbance or emergency he shall, with the concurrence of the President Pro Tempore, the Majority and Minority Leaders, adjourn the Senate. Such adjournment shall not extend beyond the limitation imposed by Article 2, Section 14 of the Constitution;

(c) during debate, prevent personal reflections and confine Senators, in debate, to the question;

(d) decide, when two or more Senators arise, who shall be first to speak;

(e) in the presence of the Senate, within one legislative day after receipt or adoption, sign all bills and joint resolutions which have passed both Houses after their titles have been read;

(f) sign resolutions, orders, writs, warrants and subpoenas issued by order of the Senate and shall be attested by the Secretary-Parliamentarian of the Senate, or, in his absence, by the Chief Clerk, the fact of signing shall be entered in the Journal;

(g) refer to the appropriate standing committee, every bill and joint resolution which may be introduced in the Senate or received

from the House of Representatives. Such referral shall be at his convenience but not later than the succeeding legislative day;

(h) decide all points of order, subject to appeal, giving, however, any member called to order the right to extenuate or justify. Debate shall not be permitted unless there be an appeal from a decision of the President in which event he shall submit the question to the whole Senate for decision. He shall submit points of order involving the constitutionality of any matter to the Senate for decision. Questions of order submitted to the Senate may be debated.

#### IV PRESIDENT PRO TEMPORE

1. At the beginning and close of each regular session and at such other times as may be necessary, the Senate shall elect one of its members President Pro Tempore, who shall perform the duties of the Lieutenant Governor in any case of absence or disability of that officer, and whenever said office shall be vacant. (Const. Art. 2, Sec. 9)

#### V DUTIES OF PRESIDENT PRO TEMPORE

1. The President Pro Tempore shall -

(a) appoint the Chairmen, Vice-Chairmen and members of the Standing Committees of the Senate as soon after his election as possible;

(b) appoint members to special committees whenever authorized;

(c) fill all vacancies occurring in standing and special committees;

(d) appoint and have under his direction such Senate employes as are authorized by law;

(e) vote last on all questions when occupying the Chair.

2. He may -

(a) name any Senator to preside in the absence of the President, or if both the President and President Pro Tempore are absent the Majority Leader, or his designee, shall preside. The Majority Leader, during such time, shall be vested with all powers of the President. This authority shall not extend beyond a day's adjournment.

#### VI OTHER OFFICERS

1. Each House shall choose its other officers. (Const. Art. 2, Sec. 9)

#### VII DUTIES OF THE SECRETARY-PARLIAMENTARIAN

1. At the beginning of each regular session convening in an odd-numbered year and at other times as may be necessary, the Senate shall elect a Secretary-Parliamentarian of the Senate.

2. The Secretary-Parliamentarian of the Senate shall -

(a) assist the presiding officer in conducting the business of the session; and

(b) act in the capacity of Parliamentarian.

3. The Secretary-Parliamentarian of the Senate shall, subject to the direction of the President Pro Tempore;

(a) have under his direction the following functions: (1) Amending bills in the Senate; (2) preparing and publishing the Senate Calendar; (3) publication of the Senate History; (4) numbering Senate bills as they are introduced and causing them to be distributed to the chairman of the committee to which they are referred and receiving a receipt for same; (5) printing of bills;

(b) keep a record of the Senate action on a bill on a special record sheet attached to the bill after it has been reported from committee;

(c) transmit all bills, joint resolutions, concurrent resolutions and appropriate memorials to the House of Representatives within twenty-four hours of final passage, and each shall be accompanied by a message stating the title to the measure being transmitted and requesting concurrence of the House;

(d) attest all writs, warrants and subpoenas issued by order of the Senate; certify as to the passage of Senate Bills and the approval of executive nominations;

(e) be in charge of the Senate Library and assist Senators by making reference material available to them;

(f) perform any duties assigned to the Senate Librarian by any statute;

(g) supervise the Chief Sergeant-at-Arms, the Senate Bill Room, the Senate Print Shop, the Official Reporter's Office and the Senate Page Service.

VIII DUTIES OF THE CHIEF CLERK

1. At the beginning of each regular session convening in an odd-numbered year and whenever necessary, the Senate shall elect a Chief Clerk of the Senate.

2. The Chief Clerk shall be the chief fiscal officer of the Senate and, subject to the direction of the President Pro Tempore, shall perform those duties prescribed in section 2.4 of the act of January 10, 1968 (1967 P.L.925, No.417), referred to as the Legislative Officers and Employees Law. In addition he, subject to the direction of the President Pro Tempore, shall perform those powers and duties prescribed in the Financial Operating Rules of the Senate. In the absence of the Secretary-Parliamentarian, the Chief Clerk shall, subject to the direction of the President Pro Tempore, attest all writs, warrants and subpoenas issued by order of the Senate and shall certify as to the passage of Senate Bills and the approval of executive nominations.

IX DUTIES OF THE SERGEANT-AT-ARMS

1. The Chief Sergeant-at-Arms shall -

(a) be constantly in attendance during the sessions of the Senate except when absent in discharging his other duties;

(b) have charge of and direct the work of the Assistant Sergeant-at-Arms;

(c) serve all subpoenas and warrants issued by the Senate or any duly authorized officer or committee;

(d) maintain order, at the direction of the presiding officer, in the Senate Chamber and adjoining rooms;

(e) see that no person, except those authorized to do so, disturbs or interferes with the desks of the Senators or officers, or with books, papers, etc., thereat;

(f) exclude from the floor all persons not entitled to the privilege of the same;

(g) have charge of all entrances to the Chamber during the sessions of the Senate and shall see that the doors are properly attended;

(h) announce, upon recognition by the presiding officer, all important messages and committees;

(i) escort the Senate to all Joint meetings with the mace;

(j) escort the Senate Committee appointed to attend funeral services of members or former members of the Senate with the mace.

X ORDER OF BUSINESS

1. The Order of Business to be observed in taking up business shall be as follows:

- First - Call to Order.
- Second - Prayer by the Chaplain of the Senate.
- Third - Reading of the Journal of the preceding day.
- Fourth - Reading of Communications.
- Fifth - Receiving reports of committees.
- Sixth - Reading of bills in place at which time they shall not be subject to debate or remarks. All bills in place shall be accompanied by four copies of the same. Bills not introduced at this time will be accepted and will be referred to committee and processed not later than the next succeeding legislative day.
- Seventh - Offering of original resolutions.

- Eighth - Asking of leaves of absence. No Senator shall absent himself without leave of the Senate, first obtained, unless prevented from attendance by sickness, or other sufficient cause.
- Ninth - Consideration of Executive Nominations.
- Tenth - Consideration of the Calendar. Any bill or resolution on the calendar not finally acted upon within ten legislative days shall be re-committed to the committee which reported the same to the calendar; any bill or resolution on the calendar which cannot, by its status, be re-committed shall be removed from the calendar and laid on the table, unless the Senate shall otherwise direct.
- Eleventh - Unfinished Business. Reports of Committees. Congratulatory and condolence resolutions.
- Twelfth - First consideration of bills reported from committee and in this State shall not be subject to amendment or a vote thereon
- Thirteenth - Introduction of Petitions and Remonstrances.
- Fourteenth - Announcements by the Secretary-Parliamentarian.
- Fifteenth - Adjournment.

Special Order of Business

2. Any subject may, by a vote of a majority of the members present, be made a special order; and when the time so fixed for its consideration arrives, the presiding officer shall lay it before the Senate.

XI ORDER AND DECORUM

Recognition

1. When any Senator desires to speak or deliver any matter to the Senate, he shall rise at his desk and respectfully address himself to "Mr. President," and on being recognized, may address the Senate preferably at a microphone conveniently located on the floor, and shall confine himself to the question under debate, avoiding personalities.

Speaking Out of Order

2. If any Senator, in speaking or otherwise shall transgress the rules of the Senate, the President shall, or any Senator may through the chair, call him to order.

Time of Speaking

3. No Senator shall speak more than once on one question, to the prevention of any other who has not spoken and is desirous to speak; nor more than twice without leave of the Senate.

Decorum

4. While the President is putting a question no member shall walk out or across the hall nor when a Senator is speaking pass between him and the chair, and during the session of the Senate no Senator shall remain at the clerk's desk during the calling of the roll or the tabulating thereof.

Smoking

4.1. No smoking of cigarettes, cigars, pipes and other tobacco products shall be allowed in the Hall of the Senate.

Order and Privilege

5. No Senator speaking shall be interrupted by another except by a call to order, or by a question of privilege, or by a call for the



previous question, without the consent of the Senator speaking, and no Senator shall speak on a question after it is put to a vote.

#### Questions of Order

6. The presiding officer shall decide all questions of order, subject to appeal by any member. No debate shall be allowed on questions of order, unless there be an appeal. A second point of order on the same general subject, but not the same point, is not in order while an appeal is pending, but when the first appeal is decided, laid on the table or otherwise disposed of, the second point of order is in order and is subject to appeal. While an appeal is pending no other business is in order. It is within the discretion of the presiding officer as to whether he will vacate the chair on an appeal from his decision.

#### Question When Interrupted

7. A question regularly before the Senate can be interrupted only by a call for the previous question, for amendment, postponement, to lay on the table, commitment, or adjournment.

### XII MOTIONS

#### Putting a Motion

1. When a motion is made, it shall, before debate, be stated by the President. Every motion made to the Senate and entertained by the President shall be reduced to writing on the demand of any member, and shall be entered on the Journal with the name of the Senator making it unless it is withdrawn the same day. A motion may be withdrawn by the member making it before amendment, postponement, an order to lie on the table, or decision.

#### Precedence of Motions

2. Motions shall take precedence in the following order:

1. Adjourn.
2. Previous question.
3. Recess.
4. Privilege.
5. Orders of the day.
6. Lay on the table.
7. Limit, close or extend limit on debate.
8. Postpone.
9. Commit or recommit.
10. Amend.
11. Main motion.

#### Non-Debatable Motions

3. Non-debatable motions are:

1. Adjourn or recess.
2. Previous question.
3. Lay on table.
4. Orders of the day.
5. Limit, close or extend limit on debate.

#### Motions Which Permit Limited Debate

4. On the motion to postpone, the question of postponement is open to debate, but the main question is not.

5. The motion to commit or recommit to committee is debatable as to the propriety of the reference, but the main question is not open to debate.

6. The motion to amend is debatable on the amendments only and does not open the main question to debate.

#### Seconding Motions

7. All motions except for the previous questions (which shall be moved by not less than four Senators) may be made without a second.

#### Motion to Adjourn or Recess

8. A motion to adjourn shall always be in order, excepting when on the call for the previous question, the main question shall have been ordered to be now put, or when a Member has the floor and shall be decided without debate.

A motion to adjourn, adopted and not having a reconvening time, the Senate will meet the following day at 10:00 A. M.

#### Motion for Previous Question

9. Pending the consideration of any question before the Senate, a Senator may call for the previous question, and if seconded by four Senators, the President shall submit the question: "Shall the main question now be put?" If a majority vote is in favor of it, the main

question shall be ordered, the effect of which shall cut off all further amendments and debate, and bring the Senate to a direct vote. First upon the pending amendments and motions, if there be any, then upon the main proposition. The previous question may be ordered on any pending amendment or motion before the Senate.

#### Motion to Lay on Table

10. The motion to lay on the table is not debatable and the effect of the adoption of this motion is to place on the table the pending question and everything adhering to it. Questions laid on the table remain there for the entire session unless taken up before the session closes.

#### Motion to Take from Table

11. A motion to take from the table, a bill or other subject, is in order under the same order of business in which the matter was tabled. It shall be decided without debate or amendment.

#### Reconsideration

12. When a question has once been made and carried in the affirmative or negative, it shall be in order for any two members to move the reconsideration thereof. When the Senate has been equally divided on a question, or a bill shall have failed to pass, by reason of not having a constitutional majority, it shall be in order for any two members to move the reconsideration thereof.

Provided, however, that no motion for the reconsideration of any vote shall be in order after a bill, resolution, report, amendment or motion upon which the vote was taken shall have gone out of the possession of the Senate.

Provided, further, that no motion for reconsideration shall be in order unless made on the same day on which the vote was taken, or within the next five days of actual session of the Senate thereafter.

A motion to reconsider the same question cannot be reconsidered a third time. Identical bills cannot be considered at the same session.

When a bill, resolution, report, amendment, order, or message, upon which a vote has been taken, shall have gone out of the possession of the Senate and been communicated to the House of Representatives, or to the Governor, the motion to reconsider shall not be in order until a resolution has been passed to request the House or Governor to return the same and the same shall have been returned to the possession of the Senate.

### XIII BILLS

#### Passage of Bills

1. (a) No law shall be passed except by bill, and no bill shall be so altered or amended, on its passage through either House, as to change its original purpose. (Const. of Penna., Art. 3, Sec. 1)

(b) No alteration or amendment shall be considered which is not appropriate and closely allied to the original purpose of the bill.

#### Reference and Printing

2. No bill shall be considered unless referred to a committee, printed for the use of the members and returned therefrom. (Const. of Penna., Art. 3, Sec. 2)

#### Form of Bills

3. No bill shall be passed containing more than one subject, which shall be clearly expressed in its title, except a general appropriation bill or a bill codifying or compiling the law or a part thereof. (Const. of Penna., Art. 3, Sec. 3)

#### Consideration of Bills

4. Every bill shall be considered on three different days in each House. All amendments made thereto shall be printed for the use of the members before the final vote is taken on the bill and before the final vote is taken, upon written request addressed to the presiding officer of either House by at least twenty-five per cent of the members elected to that House, any bill shall be read at length in that House. No bill shall become a law, unless on its final passage the vote is taken by yeas and nays, the names of the persons voting for and against it are entered on the Journal, and a majority of the members elected to each House is recorded thereon as voting in its favor. (Const. of Penna., Art. 3, Sec. 4)

#### Local and Special Bills

5. No local or special bill shall be passed unless notice of the intention to apply therefor shall have been published in the locality where the matter or the thing to be effected may be situated, which notice shall be at least thirty days prior to the introduction into the General Assembly of such bill and in the manner to be provided by law; the evidence of such notice having been published, shall be exhibited in the General Assembly, before such act shall be passed. (Const. of Penna., Art. 3, Sec. 7)

#### Revenue Bills

6. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose amendments as in other bills. (Const. of Penna., Art. 3, Sec. 10)

#### Appropriation Bills

7. (a) The general appropriation bill shall embrace nothing but appropriations for the executive, legislative and judicial departments of the Commonwealth, for the public debt and for public schools. All other appropriations shall be made by separate bills, each embracing but one subject. (Const. of Penna., Art. 3, Sec. 11)

(b) No appropriation shall be made for charitable, educational or benevolent purposes to any person or community nor to any denomination and sectarian institution, corporation or association: Provided, That appropriations may be made for pensions or gratuities for military service and to blind persons twenty-one years of age and upwards and for assistance to mothers having dependent children and to aged persons without adequate means of support and in the form of scholarship grants or loans for higher educational purposes to residents of the Commonwealth enrolled in institutions of higher learning except that no scholarship, grants or loans for higher educational purposes shall be given to persons enrolled in a theological seminary or school of theology. (Const. of Penna., Art. 3, Sec. 29)

#### Charitable and Educational Appropriations

8. No appropriation shall be made to any charitable or educational institution not under the absolute control of the Commonwealth, other than normal schools established by law for the professional training of teachers for the public schools of the State, except by a vote of two-thirds of all the members elected to each House. (Const. of Penna., Art. 3, Sec. 30)

#### Land Transfer Legislation

8.1. No bills granting or conveying Commonwealth land or taking title thereto shall be reported by any committee of the Senate unless there has been filed with the Secretary-Parliamentarian and the Chairman of the Reporting Committee, a memorandum from the Department of General Services indicating the use to which the property is presently employed, the full consideration for the transfer, if any, a departmental appraisal of the property, including its valuation and a list of recorded liens and encumbrances, if any, the use to which the property will be employed upon its transfer, the date by which the land is needed for its new use, and the senatorial district or districts in which the land is located. The memorandum shall be filed within 60 days after a request is made for same and contain a statement by a responsible person in the Department of General Services indicating whether or not the departments involved favor the transfer which is the subject of the bill under consideration.

#### Consideration - Second Regular Session

9. All bills, joint resolutions, resolutions, concurrent resolutions, or other matters pending before the Senate upon the adjournment sine die of a first regular session convening in an odd-numbered year shall maintain their status and be pending before a second regular session convening in an even-numbered year but not beyond adjournment sine die or November 30th of such year whichever first occurs.

#### Introduction

10. All bills shall be introduced in quintuplicate. A sponsor may be added after a bill has been printed but the addition of sponsors shall not require that the bill be reprinted. All bills shall be examined by the Legislative Reference Bureau for correctness as to form and shall be imprinted with the stamp of the Bureau, before being accepted by the President for introduction.

#### Character of Bills in Place - Et cetera

11. No member shall read in place, nor shall any committee report any bill for the action of the Senate, proposing to legislate upon any of the subjects prohibited by the thirty-second section of the third article of the Constitution; nor shall any bill be read in place or reported from a committee, reviving, amending, or extending the provisions of any law, by reference to its title only, but the whole shall be reenacted in words by such bill.

#### Reference to Committee by President

12. Every bill and joint resolution which may be introduced by a Senator or which may be received from the House of Representatives, shall, after being presented to the Chair, be referred by the President to the appropriate committee, but not later than the succeeding legislative day.

#### Printing of Amended Bills

13. All bills reported or re-reported from committee, if amended by the committee, and all bills on the Calendar, if amended by the Senate, shall be reprinted and a new printer's number assigned thereto before any action is taken thereon.

Any bill or resolution re-reported from committee as amended shall not be finally considered until it has appeared on the Senate Calendar for two legislative days. Such bills shall appear under a separate heading on the Senate Calendar.

#### First Consideration

14. Bills on first consideration shall not be subject to amendment, debate or a vote thereon.

#### Second Consideration

15. Bills on second consideration shall be subject to amendment, debate and a vote thereon.

#### Third Consideration and Final Passage

16. (a) Bills on third consideration shall not be amended unless by unanimous consent and are subject to debate. Bills on final passage may not be amended but are open to debate. The vote on final passage shall be taken by a roll call and the names of the elected Senators voting for and against recorded and entered in the Journal. No bill shall be declared passed unless a majority of all Senators elected to the Senate shall be recorded as voting for the same.

(b) No bill which may require an expenditure of Commonwealth funds or funds of any political subdivision shall be given third consideration reading on the calendar until it has been referred to the Appropriations Committee, and a fiscal note has been attached thereto.

(c) In obtaining the information required by these rules, the Appropriations Committee may utilize the services of the Budget Office and any other State agency as may be necessary.

17. It shall not be in order, by suspension of this rule or otherwise, to consider a bill on final passage unless it is printed, together with amendments, if any, and placed on the desks of the Senators.

#### Appropriation Bills for Charitable Purposes

18. No bills appropriating money for charitable or benevolent purposes shall be considered finally until after the general appropriation bill shall have been reported from committee.

#### Pre-Filing

19. Senators may, on days when the Senate is not in session or in the period between sine die adjournment of a First Regular Session and the convening of a Second Regular Session, introduce bills, joint resolutions and resolutions by filing the same with the Secretary-Parliamentarian of the Senate. The Secretary-Parliamentarian of the Senate shall notify the President of the fact of such filing. The President shall refer the bills, joint resolutions or resolutions to the appropriate committees as soon as possible but not later than two weeks from the time of notification of filing. Upon referral, the Secretary-Parliamentarian of the Senate shall deliver said bills, joint resolutions or resolutions to the committees to which they have been referred. The Secretary-Parliamentarian of the Senate shall have the bills or joint resolutions printed for distribution and notification of such filing shall be given to the Members and news media in the usual manner.

20. Any Member of the Senate or Member-elect of the Senate may file bills with the Secretary-Parliamentarian of the Senate commencing on December 15 of each even numbered year. The Secretary-Parliamentarian of the Senate shall number the bills in the order received, print and distribute such measures in the usual custom and give notification of such filing to the Members and news media.

21. Upon the naming of the committees and subcommittees of the Senate at the convening of a First Regular Session the President shall refer all prefiled measures to the proper committee, announcing the number, sponsors and committee referred to the Senate.

#### XIV AMENDMENTS

##### When in Order

1. Amendments shall be in order when a bill is reported or re-reported from committee, on second consideration and by unanimous consent on third consideration. No amendments shall be received by the presiding officer or considered by the Senate which destroys the general sense of the original bill, or is not appropriate and closely allied to the original purpose of the bill. Any member upon request must be furnished a copy of a proposed amendment and be given a reasonable opportunity to consider same before being required to vote thereon.

2. Amendments offered on the floor shall be read by the clerk and stated by the presiding officer to the Senate before being acted upon. Amendments shall be presented in ten typewritten copies, the original of which shall be signed by the Sponsor.

##### Amendments Reconsidering-Revert to Prior Print

3. Amendments adopted or defeated may not be again considered without reconsidering the vote by which said amendments were adopted or defeated, unless a majority vote of the Senators present shall decide to revert to a prior printer's number. If such a motion is made to a bill on third consideration and carried it shall not be in order to vote on the final passage of said bill until a copy of the reverted printer's number is placed on the Senator's desk.

##### Concurrence in House Amendments

4. No amendments to bills by the House shall be concurred in by the Senate, except by the vote of a majority of the members elected to the Senate, taken by yeas and nays. (Const. of Penna., Art. 3, Sec. 5)

5. Any bill or resolution containing House amendments which is returned to the Senate shall be referred to the Committee on Rules and Executive Nominations immediately upon the reading of the message by the clerk. The consideration of any bill or resolution containing House amendments may include the amendment of House amendments by the Committee on Rules and Executive Nominations. The vote on concurring in amendments by the House to bills or resolutions amended by the House shall not be taken until said bills or resolutions have been favorably reported, as committed or as amended, by the Committee on Rules and Executive Nominations and have been placed on the files of Senators and particularly referred to on their calendars.

#### XV COMMITTEES

1. There shall be the following permanent Standing committees, the Chairmen, the Vice-Chairmen and members thereof to be appointed by the President Pro Tempore as soon as possible after his election in sessions convening in odd-numbered years. The composition of each Standing Committee shall reasonably reflect the party composition of the Senate membership.

Aging and Youth — 12 members

Agriculture and Rural Affairs — 12 members

Appropriations — 20 members

Banking and Insurance — 12 members

Communications and High Technology — 12 members

Community and Economic Development — 12 members

Consumer Protection and Professional Licensure —  
12 members

Education — 12 members

Environmental Resources and Energy — 12 members

Finance — 12 members

Game and Fisheries — 12 members

Intergovernmental Affairs — 12 members

Judiciary — 12 members

Labor and Industry — 12 members

Law and Justice — 12 members

Local Government — 12 members

Public Health and Welfare — 12 members

Rules and Executive Nominations — 15 members

State Government — 12 members

Transportation — 12 members

Urban Affairs and Housing — 12 members

Veterans Affairs and Emergency Preparedness —  
12 members

President Pro Tempore-ex-officio

2. The President Pro Tempore shall be ex-officio and a voting member of all standing committees and subcommittees and not included in the number of committee members herein provided. Except that, the President Pro Tempore shall not be an ex-officio member of the Committee on Ethics and Official Conduct.

##### Committees' Function Between Sessions

3. Permanent standing committees shall exist and function both during and between sessions. Such power shall not extend beyond November 30th of any even-numbered year.

##### Subcommittees

4. Each standing committee or the chairman thereof may appoint, from time to time, a subcommittee to study or investigate a matter falling within the jurisdiction of the standing committee or to consider a bill or resolution referred to it. Subcommittees shall be regulated by the Senate Rules of Procedure and shall be in existence for only that time necessary to complete their assignments and report to their standing committees. Their reports, whether favorable or unfavorable, shall be considered by the standing committee.

##### Powers and Responsibilities

5. Permanent standing committees are authorized:

(a) to maintain a continuous review of the work of the Commonwealth agencies concerned with their subject areas and the performance of the functions of government within each such subject area, and for this purpose to request reports from time to time, in such form as the standing committee or select subcommittee shall designate, concerning the operation of any Commonwealth agency and presenting any proposal or recommendation such agency may have with regard to existing laws or proposed legislation in its subject area. The standing committee or subcommittee is authorized to require public officials and employees and private individuals to appear before the standing committee or subcommittee for the purpose of submitting information to it;

(b) in order to carry out its duties, each standing committee or sub-committee is empowered with the right and authority to inspect and investigate the books, records, papers, documents, data, operation, and physical plant of any public agency in this Commonwealth;

(c) in order to carry out its duties, each standing committee or subcommittee may issue subpoenas duces tecum and other necessary process to compel the attendance of witnesses and the production of any books, letters or other documentary evidence desired by such committee. The Chairman may administer all oaths and affirmations in the manner prescribed by law to witnesses who shall appear before such committee for the purpose of testifying in any matter about which such committee may desire evidence. The Chairman shall administer an oath or affirmation in the manner prescribed by law to all witnesses who shall appear at a formal hearing of such committee to testify in any matter which such committee may desire evidence.

##### Notice of Meetings

6. (a) The chairman of a committee or subcommittee, or, in his absence, the vice-chairman with the approval of the chairman, shall provide each member of the committee with written notice of committee meetings, which shall include the date, time and place of the meeting and the number of each bill which may be considered. During session notice of meetings of standing committee may be published in the daily Calendar. If notice of publication in the daily

Calendar of standing committee or subcommittee meetings has been ordered by a committee chairman such information shall be delivered to the Secretary-Parliamentarian's office in writing by the end of the session on the day preceding its intended publication.

(b) Whenever the Chairman of any Standing Committee shall refuse to call a regular meeting, then a majority plus one of its members of the Standing Committee may vote to call a meeting by giving two days written notice to the Secretary-Parliamentarian of the Senate, setting the time and place for such meeting. Such notice shall be read in the Senate and the same posted by the Secretary-Parliamentarian in the Senate. Thereafter, the meeting shall be held at the time and place specified in the notice. In addition, all provisions of the act of July 3, 1986 (P.L.388, No.84), known as the Sunshine Act, relative to notice of meetings shall be complied with.

(c) When the majority plus one of the members of a Standing Committee believe that a certain bill or resolution in the possession of the Standing Committee should be considered and acted upon by such Committee, they may request the Chairman to include the same as part of the business of a committee meeting. Upon failure of the Chairman to comply with such request, the membership may require that such bill be considered by written motion made and approved by a majority plus one vote of the entire membership to which such committee is entitled.

7. A committee meeting may be held during a session only if approval is granted by the Majority and Minority Leaders and if notice of the bills to be considered is given during session.

8. Before any standing committee or subcommittee of the Senate holds a meeting while the Legislature is in recess, a notice of said meeting, stating date, time and place, shall be filed with the Secretary of the Senate at least seven (7) days prior thereto.

#### Bills Recommitted

9. Any bill or resolution reported by any standing committee without prior notice having been given as required by these rules shall be recommitted to the committee reporting the same.

#### Public Meetings or Hearings

10. (a) The Chairman of a standing committee may hold hearings open to the public and in doing so shall make public announcement of the date, the place, and the subject matter of the hearing in ample time to permit participation by the public. All subcommittees may hold public hearings with the permission of the parent standing committee.

(b) The Chairman of a standing committee shall have the power to designate whether or not a meeting of the committee for the purpose of transacting committee business shall be open to the public or shall be held in executive session and therefore closed to the public but no matters may be considered in executive session for which an open meeting is required under the act of July 3, 1986 (P.L.388, No.84), known as the Sunshine Act.

11. All permanent standing committees, and with permission of the parent committee, subcommittees, may, have their hearings reported and transcribed if payment for such service is being made from committee funds. The Chairman shall contact the Secretary-Parliamentarian to make arrangements for such reporting and transcribing. However, if payment is expected to be made from a source other than committee funds, approval must be first obtained from the President Pro Tempore. The President Pro Tempore shall notify the Secretary-Parliamentarian of the Senate if permission is granted.

#### Subcommittee Reports

12. It shall be the duty of a subcommittee to report all measures referred to them directly to the parent standing committee. The subcommittee shall report all measures either (a) favorably, (b) favorably with amendments, or (c) unfavorably.

13. Such reports shall also reflect (a) the time and place of the meeting at which the action was taken, (b) the name and address of each person (if any) addressing the committee relative to each measure and the interest represented (proponent or opponent), and (c) the vote of each member of the subcommittee on the motion to report each measure.

14. Subcommittee may not report a bill directly to the Senate but must be reported back to the parent committee who in turn shall be authorized to report to the Senate if it is so ordered.

15. When a bill with a favorable report by a subcommittee is considered by the parent committee, no additional testimony of witnesses shall be permitted except upon vote of a majority of members of the parent committee as provided by these rules.

#### Quorum of Committee

16. A committee or subcommittee is actually assembled only when a quorum constituting a majority of the members of that committee is present in person. A majority of the quorum of the whole committee shall be required to report any measure to the floor for action by the whole Senate. Any measure reported in violation of this Rule shall be immediately recommitted by the President when it is called to his attention by a Senator.

#### Discharging Committees

17. (a) No committee shall be discharged from consideration of any measure within ten legislative days of its reference without unanimous consent of the Senate or after such ten-day period except by majority vote of all Members elected to the Senate.

(b) Such discharge shall be by resolution which shall lie over one day for consideration upon introduction and which shall be considered under the Order of Business of Resolutions.

#### XVI COMMITTEE OFFICERS

##### Chairman - Ex-officio

1. The Chairman of each standing committee shall be ex-officio a member of each subcommittee which is part of his standing committee with the right to attend meetings of such subcommittees and vote on any matter before such committees.

##### Calling Committee to Order

2. The Chairman, or, in his absence, the Majority Vice-Chairman shall call the committee to order at the hour provided by these Rules. Upon the appearance of a quorum, the committee shall proceed with the order of business. Any member of the committee may question the existence of a quorum.

##### The Chairman Control of the Committee Room

3. The Chairman or Vice-Chairman shall preserve order and decorum and shall have general control of the committee room. In case of a disturbance or disorderly conduct in the committee room, he may cause the same to be cleared.

##### Chairman's Authority to Sign Notices, etc.

##### Decide Questions of Order

4. The Chairman shall sign all notices, vouchers, subpoenas or reports required or permitted by these Rules. He shall decide all questions of order relative to parliamentary procedure, subject to an appeal by any Senator to the committee.

##### Vote of Chairman, Vice-Chairman

5. The Chairman and Vice-Chairman shall vote on all matters before such committee provided that the name of the Chairman shall be called last.

##### Temporary Appointment of Alternate to Chairman

6. The Chairman may name any member of the committee to perform the duties of the Chair provided that such substitution shall not extend beyond such meeting. In his absence and omission to make such appointment, the Vice-Chairman shall act during his absence.

##### Performance of Duties by Vice-Chairman

7. Upon the death of the Chairman, the Vice-Chairman shall perform the duties of the office until and unless the President Pro Tempore shall appoint a successor. Upon and during disability, or incapacity of the Chairman, the Vice-Chairman shall perform his duties.

##### Chairman's Duty to Report

8. The Chairman shall report any bill to the floor of the Senate within four legislative days of the committee's vote to report it.

#### XVII COMMITTEE MEMBERS

##### Members, Attendance, Voting

1. Every member of a committee shall be in attendance during each of its meetings, unless excused or necessarily prevented and shall vote on each question, except that no member of a committee

shall be required or permitted to vote on any questions immediately concerning his private rights as distinct from the public interest.

2. The Chairman may excuse any Senator for just cause from attendance on the meetings of his committee for any stated period, and such excused absence shall be noted on the records of such committee.

3. Any member of a committee who is otherwise engaged in legislative duties may have his vote recorded on measures pending before the committee by communicating in writing to the chairman: (a) the nature of the legislative duties that prohibits his attendance and; (b) the manner in which he desires to be voted on such measures pending before the committee.

#### XVIII COMMITTEE VOTING

##### Taking the Vote

1. The Chairman shall declare all votes and the said votes and the results thereof shall be open to the public. In all cases where the committee shall be equally divided, the question shall be lost.

#### XIX MOTIONS IN COMMITTEES

1. All motions made in committee shall be governed and take the same precedence as those set forth in these Rules.

#### XX CONFERENCE COMMITTEES

1. The President Pro Tempore shall appoint three Senators to comprise a Committee of Conference. Two shall be from the majority party and one from the minority party.

2. The deliberations of the committee shall be confined to the subject of difference between the two houses, unless both Houses shall direct a free conference, and if their authority has been exceeded it shall be the duty of the presiding officer to call it to the attention of the Senate who shall then decide the question by a majority vote of those present.

##### Report of Conference Committee

3. Reports of Conference Committees shall be prepared in triplicate by the Legislative Reference Bureau and shall be signed by the members or a majority of the members of the committee. Every report of a committee of conference shall be printed together with the bill as amended by the committee, placed on the files of Senators and particularly referred to on their calendars before action shall be taken on such report.

##### Report of Conference Committee - Adoption

4. Reports of committees of conference shall be adopted only by the vote of a majority of the Members elected to the Senate, taken by yeas and nays. (Const. of Penna., Art. 3, Sec. 5)

#### XXI VOTING

##### Must be Present and Vote

1. (a) Except as may be otherwise provided by this rule, no Senator shall be permitted to vote on any question unless he or she is present in the Senate Chamber at the time the roll is being called, or prior to the announcement of the vote:

##### Harrisburg Assignment

(b) A Senator who is performing a legislative assignment in the Harrisburg area (as defined in the Financial Operating Rules of the Senate) on behalf of the body of the Senate and to which he or she was duly appointed by the Senate or the appropriate officer thereof, may be voted by his or her respective floor leader. A specific reason must be given by the Senator and it must be announced by the respective floor leader.

##### Legislative Leave

(c) A Senator who is performing a legislative assignment outside of the Harrisburg area on behalf of the body of the Senate and to which he or she was duly appointed by the Senate or the appropriate officer thereof, may be voted by his or her respective floor leader. A specific reason for the legislative leave must be given in writing by the Senator and it must be announced by the respective floor leader.

##### Personal or Private Interest

2. Senators who have a personal or private interest in any measure or bill proposed or pending before the Senate shall disclose the fact to the Senate, and shall not vote thereon.

##### Senators Must be Present

3. Every Senator shall be present within the Senate Chamber during the sessions of the Senate, unless duly excused or necessarily prevented, and shall be recorded as voting on each question stated from the Chair which requires a roll call vote unless excused by the Senate. The refusal of any Senator to vote shall be deemed a contempt unless he be excused by the Senate or unless he has a direct personal or pecuniary interest in connection with the pending question.

##### Excused from Voting

4. A Senator desiring to be excused from voting shall, when his name is called, make a brief statement of the reasons for making such request, and the question on excusing him shall then be decided by the Chair without debate.

##### Changing Vote

5. No Senator may vote or change his vote after the result is announced by the Chair. Before the announcement of the final result, however, a Senator may change his vote, or may vote, if previously absent from the Chamber. Should a Senator be erroneously recorded on any vote, he may at any time, with the permission of the Senate, make a statement to that effect which shall be entered in the Journal. Similarly, should the Senator be absent when a vote is taken on any question, he may later, with the permission of the Senate, make a statement for entry upon the Journal, indicating how he would have voted had he been present when the roll was taken and the reasons therefor shall be submitted in writing or delivered orally not to exceed five minutes.

##### Persons Allowed at Desk During Roll Call

6. No Senator or other person, except the majority or minority leader or other persons designated by them, shall be permitted at the Reading Clerk's desk during the recording, counting or verification of a roll call vote.

##### Two-Thirds Vote

7. When bills or other matters, which require a two-thirds vote are under consideration the concurrence of two-thirds of all the Senators elected shall not be requisite to decide any question or amendment short of the final question and on any question short of the final one, a majority of Senators voting shall be sufficient to pass the same.

##### Majority Vote Defined

8. A majority of the Senators elected shall mean a majority of the Senators elected, living, sworn and seated.

##### Majority Vote

9. When bills or other matters, which require a vote of the majority of all Senators elected are under consideration, the concurrence of a majority of all the Senators elected shall not be requisite to decide any question or amendment short of the final question; and on any question short of a final one a majority of Senators voting shall be sufficient to pass the same.

##### Announcement of Vote

10. Upon completion of a roll call vote or a voice vote the result shall be announced immediately unless the majority or minority leader requests a delay.

##### Explanation of Vote

11. Any Senator may, with the consent of the Senate, make an explanation of his vote on any question and have the explanation printed in the Journal.

##### Tie Vote

12. In the case of a tie vote the President of the Senate may cast his vote to break such tie so long as by doing so it does not violate any provisions of the Constitution of Pennsylvania. In the event there is a tie vote on a question requiring a constitutional majority, the question falls.

##### Verifying Vote

13. Any Senator may demand a verification of a vote immediately upon the completion of a roll call or after the announcement of vote by the presiding officer. In verifying a vote the Clerk shall first read the affirmative roll at which time any additions or corrections shall be made. Upon the completion and verification of the affirmative roll call, the Clerk shall proceed with the reading of

the negative roll at which time any additions or corrections shall be made. Upon the completion and verification of the negative roll call the roll call shall be declared verified. It shall not be in order for a Senator to change his vote after the verified roll call is announced. A demand for a verification shall not be in order when all Senators vote one way. The demand for a verification of a vote is not debatable.

#### Voice Vote

14. Unless otherwise ordered or demanded, a voice vote may be taken. Any Senator who doubts the accuracy of a voice vote may demand a roll call vote. Such request must be made immediately upon the announcement of the vote by the presiding officer and shall not be in order after other business has intervened. The demand for a verification of a voice vote shall not be in order.

#### XXII CORRESPONDENTS Admission to Press Gallery - Committee on Correspondents

1. Admission to and administration of the Press Galleries of the Senate and House of Representatives shall be vested in a Committee on Correspondents consisting of the President Pro Tempore of the Senate, or his designee; the Speaker of the House of Representatives, or his designee; the Supervisor of the Capitol Newsroom; the President of the Pennsylvania Legislative Correspondents' Association, or his designee and the Executive Director of the Pennsylvania Association of Broadcasters, or his designee.

#### Application to Press Gallery

2. Persons desiring admission to the press sections of the Senate and House of Representatives shall make application to the Chairman of the Committee on Correspondents. Such applications shall state the newspaper, press association or licensed radio or television station, its location, times of publication or hours of broadcasting, and be signed by the applicant.

#### Committee to Verify Statement

3. The Committee on Correspondents shall verify the statements made in such application, and, if the application is approved by the Committee, shall issue a correspondent's card signed by the members of the Committee.

#### Exclusive Use of Gallery

4. The Gallery on the Senate floor assigned to newspaper correspondents or recognized press association correspondents or representatives of licensed radio and television stations, systems or news-gathering agencies shall be for their exclusive use and persons not holding correspondents cards shall not be entitled to admission thereto. Representatives and employes of state departments, boards, commissions and agencies, visitors and members of the families of correspondents entitled to admission to the press gallery shall, at no time, be permitted to occupy seats or be entitled to the privilege of the press gallery. Employes of the Senate may be permitted to occupy seats and be entitled to the privilege of the press section of the Senate Gallery when not in use by accredited press representatives.

#### Photographs in Senate Chamber - Hearings

5. Accredited media photographers may be authorized by the President Pro Tempore to take still photographs in the Senate, and by the Speaker of the House to take still photographs in the House of Representatives. Applications to take still photographs at public hearings of committees must be approved by the Committee Chairman or Co-chairman conducting such hearing.

#### Photographs - Notice to be Given

6. No still photographs shall be taken in the Senate or House of Representatives during sessions, being at ease or recessed, without prior notice to the Senators in the Senate or the Representatives in the House of Representatives. When possible, such notice shall be given at the beginning of the session, at ease or recess, during which the still photographs are scheduled to be taken.

#### Correspondents - Number Limited

7. No more than one representative of each newspaper, press association or licensed radio or television station, system or news-gathering agency shall be admitted to the press gallery at one time. Members of the Pennsylvania Legislative Correspondents' Association and representatives of licensed radio and television stations, systems

or news-gathering agencies, assigned to the Senate and/or House of Representatives on a daily basis shall have permanent assigned seating in the press gallery with identification plates. Visiting representatives of daily newspapers, press associations, Sunday newspapers as well as radio and television stations, systems or news-gathering agencies shall coordinate seating accommodations with the supervisor of the Capitol Newsroom.

#### Order and Decorum of Press

8. Persons assigned to the press gallery on a permanent or temporary basis, shall, at all times, refrain from loud talking or causing any disturbance which tends to interrupt the proceedings of the Senate or House of Representatives.

9. Persons assigned to the press gallery on a permanent or temporary basis shall not walk onto the floor of the Senate or House of Representatives nor approach the rostrum or the clerks desks during session or while being at ease.

10. Persons assigned to the press gallery on a permanent or temporary basis wishing to confer with a Senator or Representative shall disclose this fact by having a message delivered by a Page to the Senator or Representative. Such conversation shall be conducted off the floor of the Senate or House of Representatives.

#### XXIII RADIO AND TELEVISION

1. Filming, taping, televising or broadcasting of any sessions of the Senate, within the Senate Chamber shall be allowed as provided for by resolution, reported from the Committee on Rules and adopted by the Senate.

#### XXIV RECORDS OF THE SENATE

1. The records of the Senate may be inspected by the Members, but no paper shall be withdrawn therefrom without the consent of the Senate.

#### XXV WHO PRIVILEGED TO THE FLOOR OF THE SENATE

1. No person shall be admitted within the Senate Chamber (galleries and press boxes excepted) during its sessions, unless invited by the President or a Member of the Senate, except the Members and staff authorized by the majority and minority leader. Such authorized staff shall be restricted to the area immediate to the majority and minority leaders' desks and shall be allowed to advise members being interrogated only when such member is using the microphones at the leaders' desks.

#### Rear Entrance Closed During Session

2. No person or persons shall, during a session, be permitted to enter through the rear door of the Senate Chamber nor be present in the rooms immediately to the rear of the Senate Chamber except Senators, officers and employes expressly authorized.

#### Telephone Facilities

3. No person or persons other than Senators or their staff shall, at any time, be permitted to use the telephone facilities in or adjacent to the Senate Chamber.

#### XXVI RULES

1. These rules shall be in full force and effect until altered, changed, amended or repealed as provided herein.

#### Dispensing with Rules

2. The consent of a majority of the Senators elected shall be necessary to suspend any Rule except that part of the Rule which requires unanimous consent to be given to consider the confirmation of a nomination which has been reported from a committee on that day shall not be suspended.

#### Altering, Changing or Amending - Vote

3. The consent of a majority of the Senators elected shall be necessary to alter, change or amend these Rules.

#### Alterations, Changing or Amending - Resolution

4. All alterations, changes or amendments to Senate Rules shall be by resolution which shall not be considered unless first referred to and reported from the Rules Committee.

#### XXVII MASON'S MANUAL OF LEGISLATIVE PROCEDURE TO GOVERN SENATE

1. The Rules of Parliamentary Practice comprised in Mason's Manual of Legislative Procedure shall govern the Senate in all cases

to which they are applicable, and in which they are not inconsistent with the Standing Rules and Orders of the Senate.

#### XXVIII QUORUM

##### Majority Constitutes a Quorum

1. A majority of Senators elected shall constitute a quorum, but a smaller number may adjourn from day to day, and compel the attendance of absent members. (Const. Art. 2, Sec. 10)

##### When Less than a Quorum is Present

2. When, upon a call, which may be demanded by not less than four Senators, it is found that less than a quorum is present, it shall be the duty of the President to order the doors of the Senate to be closed, and to direct the clerk to call the roll of the Senate and note the absentees after which the names of the absentees shall be again called, and those for whose absence no excuse, or an insufficient excuse is made, may by order of a majority of the Senators present, be sent for and taken into custody by the sergeant-at-arms, or his assistants appointed for the purpose, and brought before the bar of the Senate, where, unless excused by a majority of the Senators present they shall be reproved by the President for neglect of duty.

##### When Less than a Quorum Vote But Present

3. When less than a quorum vote upon any subject under the consideration of the Senate not less than four Senators may demand a call of the Senate, when it shall be the duty of the President forthwith to order the doors of the Senate to be closed, the roll of the Senators to be called, and if it is ascertained that a quorum is present, either by answering to their names, or by their presence in the Senate, the President shall again order the yeas and nays, and if any Senator or Senators present refuse to vote the name or names of such Senator or Senators shall be entered on the Journal as "Present but not voting," and such refusal to vote shall be deemed a contempt, and, unless purged, the President shall direct the Sergeant-at-Arms to bring such Senator or Senators before the bar of the Senate, where he or they shall be publicly reprimanded by the President.

#### XXIX EXECUTIVE NOMINATIONS

##### Presentation and Reference

1. All nominations by the Governor or the Attorney General shall be submitted to the Secretary-Parliamentarian of the Senate. All nominees shall file the financial statements required pursuant to the act of October 4, 1978 (P.L.883, No.170), referred to as the Public Official and Employee Ethics Law, with the Secretary-Parliamentarian of the Senate. Copies of the nominations and financial statements shall be furnished by the Secretary-Parliamentarian of the Senate to the Majority and Minority Caucus Secretaries or their designees.

2. Nominations shall, after being read, without a motion, be referred by the presiding officer to the Committee on Rules and Executive Nominations. After having been reported by the committee, the final question on every nomination shall be: "Will the Senate advise and consent to this nomination?" Which question shall not be put on the day on which the nomination or nominations are reported from committee, unless by unanimous consent.

3. The Committee on Rules and Executive Nominations shall refer nominations to appropriate standing committees of the Senate, which shall hold public hearings for all nominees for offices which have Statewide jurisdiction and to which salaries are attached; scrutinize the qualifications of nominees and report back their recommendations. Public hearings may be held for nominees for any other office.

##### Information Concerning Nominations

4. All information, communication or remarks made by a Senator when acting upon nominations in committee, concerning the character or qualifications of the person nominated, shall be kept secret. If, however, charges shall be made against a person nominated, the committee may, in its discretion, notify such nominee thereof, but the name of the person making such charges shall not be disclosed.

##### Consideration

5. When the consideration of executive nominations is reached in the order of business, a Senator may make a motion to go into executive session for the purpose of confirming the nominations which have been reported from a committee at a previous session and,

if unanimous consent be given, also those which may be reported on the day the motion is made; and on the motion being agreed to, such nomination or nominations shall be considered the first order of the day until finally disposed of, unless the same shall be postponed by a majority of the Senate; but such business when once commenced shall not be postponed for more than five days, except in case of an adjournment of the Senate for a longer period.

##### Executive Session

6. When in executive session, no message shall be received from the Governor, unless it be relative to the nomination under consideration, nor from the House of Representatives, nor shall any other business be considered, except executive business, and the executive session shall not adjourn pending the consideration of the nomination until a time fixed by a majority vote of those present for the next meeting of the executive session to resume the consideration thereof.

##### Reconsideration

7. When a nomination is confirmed or rejected by the Senate, any two Senators may move for a reconsideration on the same day on which the vote was taken, or on either of the next two days of actual session of the Senate; but if a notification of the confirmation or rejection of a nomination shall have been sent to the Governor before the expiration of the time within which a motion to reconsider may be made, the motion to reconsider shall be accompanied by a motion to request the Governor to return such notification to the Senate. A motion to reconsider the vote on a nomination may be laid on the table without prejudice to the nomination.

#### XXX RESOLUTIONS

##### Introduction

1. All resolutions, Senate and concurrent, shall be introduced by presenting ten copies thereof to the President.

##### Consideration

2. The following resolutions after they have been read, shall be referred to an appropriate committee, without debate (unless by unanimous consent the Senate shall otherwise direct) and if favorably reported by the committee, shall lie over one day for consideration, after which they may be called up as, of course, under their appropriate order of business;

3. All Senate and House concurrent resolutions, excepting resolutions in reference to adjournments and those recalling bills from the Governor which shall be regarded as privileged;

4. Resolutions containing calls for information from the heads of departments, or to alter the rules;

5. Resolutions giving rise to debate, except such as relate to the disposition of matters immediately before the Senate, such as relate to the business of the day on which they were offered, and such as relate to adjournment or taking a recess.

##### Printing in Senate History

6. Congratulatory and condolence resolutions shall be given to the Secretary-Parliamentarian and shall be considered under the order of unfinished business in the daily order of business;

7. All resolutions shall be adopted by a majority vote of the Senators present.

##### Joint Resolutions

8. Joint Resolutions shall be limited to constitutional amendments and shall be adopted by a vote of a majority of the Senators elected to the Senate;

A joint resolution when passed by both Houses, shall not be transmitted to the Governor for his approval or disapproval but shall be filed in the Office of the Secretary of the Commonwealth in accordance with Article 9, Section 1 of the Constitution of Pennsylvania.

#### XXXI LOUNGING IN THE SENATE PROHIBITED

1. The Secretary-Parliamentarian of the Senate shall cause the doors of the Senate Chamber closed to all persons except persons who are entitled under the rule of the Senate; and he shall call on any officer of the Senate to aid him in enforcing this order; and on days when the Senate is not in session the officers are hereby required to strictly prohibit any lounging within the Senate Chamber by any

person not connected with the Legislature, and that henceforth no officer, nor any other person, be permitted to occupy the seat of a Senator at any time; it shall be the duty of the President to see that this rule is enforced, and a persistent disregard of it by any officer shall be cause of dismissal by the President.

#### XXXII VETO

##### Passing over Veto

1. When any bill is not approved by the Governor he shall return it with his objection to the House in which such bill originated. Thereupon such House shall enter the objections upon their Journal and proceed to reconsider it. If after such reconsideration, two-thirds of all the Members elected to that House shall agree to pass the bill, it shall be sent with the objections to the other House by which likewise it shall be reconsidered, and if approved by two-thirds of all the members elected to that House it shall become a law. (Const. of Penna., Art. 4, Sec. 15)

2. A bill vetoed in a first regular session and not finally acted upon may be brought up for consideration in a second regular session.

#### XXXIII DIVISION OF A QUESTION

1. Any Senator may call for a division of a question by the Senate if the question includes points so distinct and separate that, one of them being taken away, the other will stand as a complete proposition. The motion to strike out and insert is strictly one proposition, and, therefore indivisible.

#### XXXIV SENATE EXPENDITURES

1. Counsel employed by a committee chairman or minority chairman for the committee may not represent the committee chairman or a member of the chairman's staff, or any member of the committee or of a committee member's staff, in any private legal proceeding while employed by the Senate. Nor may any Senate funds be used to pay private legal counsel for any Senator, officer or staff member.

#### XXXV COMMITTEE ON ETHICS AND OFFICIAL CONDUCT

1. In addition to the committees created by Rule XV, there shall be a Committee on Ethics and Official Conduct which shall be composed of six members appointed by the President Pro Tempore. Three members shall be of the Majority Party and three members shall be of the Minority Party. The Minority Party members will be appointed on the recommendation of the Minority Leader.

2. The President pro tempore shall appoint one of the Majority Party members as Chairman and, on the recommendation of the Minority Leader, one of the Minority Party members as Vice-Chairman. A quorum for this committee shall be four members and the committee shall have such duties, powers, procedure and jurisdiction as are prescribed and authorized in this Rule.

3. The committee shall receive complaints against members, officers and employees of the Senate alleging illegal or unethical conduct or violation of any statute, rule or regulation governing the use of moneys appropriated to the Senate. Any such complaint must be in writing, verified by the person filing the complaint and must set forth in detail the conduct in question and the section of the "Legislative Code of Ethics" or the statute, rule or regulation violated. The committee shall make a preliminary investigation of the complaint, and if it is determined by a majority of the committee that a violation may have occurred, the person against whom the complaint has been brought shall be notified in writing and given a copy of the complaint. Within ten days after receipt of the complaint, such person may file a written answer thereto with the committee. Upon receipt of the answer, by vote of a majority of the committee, the committee shall either dismiss the complaint within ten days or proceed with a formal investigation, which may include hearings, not more than twenty days after notice in writing to the persons so charged. Failure of the person charged to file an answer shall not be deemed to be an admission or create an inference or presumption that the complaint is true, and such failure to file an answer shall not prohibit a majority of the committee from either proceeding with a formal investigation or dismissing the complaint.

4. In addition to action on formal complaints as provided in section 3, a majority of the committee may initiate a preliminary investigation of a suspected violation of the "Legislative Code of Ethics" or a violation of any other statute, rule or regulation governing the use of moneys appropriated to the Senate by a member, officer or employee of the Senate. If it is determined by a majority of the committee that a violation may have occurred, the person in question shall be notified in writing of the conduct in question and the section of the "Legislative Code of Ethics" or other statute, rule or regulation violated. Within ten days, such person may file a written answer thereto. Upon receipt of the answer, by vote of a majority of the committee, the committee shall either dismiss the charges within ten days or proceed with a formal investigation which may include hearings, not more than twenty days after notice in writing to the person so charged. Failure of the person charged to file an answer shall not be deemed to be an admission or create an inference or presumption that the charge is true, and such failure to file an answer shall not prohibit a majority of the committee from either proceeding with a formal investigation or dismissing the charge.

5. The chairman shall notify all members of the committee at least twenty-four hours in advance of the date, time and place of a regular meeting. Whenever the chairman shall refuse to call a regular meeting, a majority of the committee may call a meeting by giving two days' written notice to the Majority and Minority Leaders of the Senate setting forth the time and place for such meeting. Thereafter, the meeting shall be held at the time and place specified in such notice.

The committee shall conduct its investigations, hearings and meetings relating to a specific investigation or a specific member, officer or employee of the Senate in closed session and the fact that such investigation is being conducted or is to be conducted or that hearings or such meetings are being held or are to be held shall be confidential information unless the person subject to investigation advises the committee in writing that he elects that such meetings or hearings shall be held publicly: Provided, however, That whenever the committee is conducting an investigation of an employee of the Senate the committee shall inform the Senator or officer supervising such employee of the investigation. In the event of such an election, the committee shall furnish such person a public meeting or hearing. All other meetings of the committee shall be open to the public and notice of such meetings shall be given as generally provided in these rules for the convening of committees.

In the event that the committee shall elect to proceed with a formal investigation of the conduct of any member, officer or employee of the Senate, the committee may employ independent counsel.

All constitutional rights of any person under investigation shall be preserved, and such person shall be entitled to present evidence, cross-examine witnesses, face the accuser, and be represented by counsel.

The chairman may continue any hearing for reasonable cause, and upon the vote of a majority of the committee or upon the request of the person subject to investigation, the chairman shall issue subpoenas for the attendance and testimony of witnesses and the production of documentary evidence relating to any matter under formal investigation by the committee. The committee may administer oaths or affirmations and examine and receive evidence.

6. All testimony, documents, records, data, statements or information received by the committee in the course of any investigation shall be private and confidential except in the case of public meetings or hearings or in a report to the Senate. No report shall be made to the Senate unless a majority of the committee has made a finding of unethical or illegal conduct or violation of the statutes, rules and regulations relating to Senate funds on the part of the person under investigation. No finding of unethical or illegal conduct or violation of the statutes, rules and regulations relating to Senate funds shall be valid unless signed by at least a majority of the committee. Any such report may include a minority report. No action shall be taken on any finding of illegal or unethical conduct or



violation of the statutes, rules or regulations relating to Senate funds nor shall such finding or report containing such finding be made public sooner than seven days after a copy of the finding is sent by certified mail to the member, officer or employee under investigation.

7. In the event, the committee finds that a member, officer, or employee of the Senate has violated a statute, rule or regulation relating to use of Senate funds, the committee may order such member, officer, or employee to reimburse the Senate for the funds wrongly expended and to take other remedial action. If the member, officer, or employee, does reimburse the Senate or take such other remedial action as may have been required, no formal report shall be made to the Senate unless the committee is requested in writing to file a formal report by the member, officer, or employee who is the subject of the order. If the member, officer, or employee fails to reimburse the Senate or take the required remedial action within seven days of receipt of the order, the committee, unless it shall, by majority vote thereof, extend such time for good cause, shall within seven days file its formal report with the Senate along with its recommendation of action by the Senate to secure reimbursement, effect the recommended remedial action, or initiate appropriate disciplinary action.

Any member, officer, or employee of the Senate who is the subject of an order of reimbursement or remedial action, may appeal the committee's order to the Senate within seven days of receipt of the order, by filing notice thereof with the Secretary-Parliamentarian of the Senate who shall cause such notice to be distributed to the members of the Senate along with a copy of the report of the committee involving such member, officer, or employee.

Notice of the appeal shall be placed on the Senate Calendar and shall be acted on by the Senate within ten legislative days. A vote by a majority of the members elected shall be necessary to sustain an appeal or modify the committee report or order; otherwise it shall become effective and the members, officers, and employees of the Senate shall take such action as is necessary to secure compliance.

8. The committee, whether or not at the request of a member, officer or employee concerned about an ethical problem or question concerning the use of Senate funds relating to himself alone or in conjunction with others, may render advisory opinions with regard to questions pertaining to legislative ethics, decorum, or use of Senate funds. Such advisory opinions, with such deletions and changes as shall be necessary to protect the identity of the persons involved or seeking them, may be published and shall be distributed to all members, officers and employees of the Senate. No order for reimbursement or remedial action may be made when the member, officer, or employee has relied on a written advisory opinion, whether addressed to him or not, which is reasonably construed as being applicable to the complained of conduct.

9. In the event that a member of the committee shall be under investigation, said member shall be temporarily replaced on the committee in a like manner as said member's original appointment.

Any member of the committee breaching the confidentiality of materials and events as set forth in this Rule shall be removed immediately from the committee and replaced by another member of the Senate appointed in a like manner as said member's original appointment.

10. The committee may adopt rules of procedure for the orderly conduct of its affairs, investigations, hearings and meetings, which rules are not inconsistent with this Rule.

11. The committee may meet with a committee of the House of Representatives to hold investigations or hearings involving employees of the two Houses jointly, or officers or employees of the Legislative Reference Bureau, the Joint State Government Commission, the Local Government Commission, the Joint Legislative Air, Soil and Water

Conservation and Control Commission, the Legislative Budget and Finance Committee and the Legislative Data Processing Committee: Provided, however, That no action may be taken at a joint meeting unless it is approved by a majority of each committee.

12. The Legislative Audit Advisory Commission shall submit copies of its reports to the committee which shall review them and proceed, where appropriate, as provided in section 7.

13. Whenever the committee shall employ independent counsel or shall incur other expenses pursuant to its duties under this rule, payment of costs of such independent counsel or other expenses incurred by the committee pursuant to this rule, shall be paid by the Chief Clerk upon submission of vouchers and necessary documentation which vouchers shall be signed by both the chairman and vice chairman of the committee. Included in such allowable expense items shall be travel and per diem for the members of the committee. The Chief Clerk shall pay such expenses out of funds appropriated to the Chief Clerk for incidental expenses.

#### XXXVI STATUS OF MEMBERS INDICTED OR CONVICTED OF A CRIME

1. When an indictment is returned against a member of the Senate, and the gravamen of the indictment is directly related to the member's conduct as a committee chairman, ranking minority committee member or in a position of leadership, the member shall be relieved of such committee chairmanship, ranking minority committee member status, or leadership position until the indictment is disposed of, but the member shall otherwise continue to function as a Senator, including voting, and shall continue to be paid.

2. If, during the same legislative session, the indictment is quashed, or the court finds that the member is not guilty of the offense alleged, the member shall immediately be restored to the committee chairmanship, ranking minority committee member status, or leadership position retroactively from which he was suspended.

3. Upon a finding or verdict of guilt by a judge or jury, plea or admission of guilt or plea of nolo contendere of a member of the Senate of a crime, the gravamen of which relates to the member's conduct as a Senator, and upon imposition of sentence, the Secretary-Parliamentarian of the Senate shall prepare a resolution of expulsion under the sponsorship of the Chairman and Vice-Chairman of the Senate Committee on Ethics and Official Conduct. The resolution shall be printed and placed on the calendar for the next day of Senate session.

#### XXXVII STATUS OF OFFICERS OR EMPLOYEES INDICTED OR CONVICTED OF A CRIME

1. Whenever any officer or employee of the Senate is indicted or otherwise charged before a court of record with the commission of a felony or misdemeanor the gravamen of which relates to the officer's or employee's conduct or status as an officer or employee of the Commonwealth or the disposition of public funds, such employee shall immediately be suspended without pay and benefits by the Chief Clerk. After a finding or a verdict of guilt by a judge or a jury, plea or admission of guilt, or plea of nolo contendere, and upon imposition of sentence, the employment shall be terminated.

2. If the indictment is quashed, or the court finds that the officer or employee is not guilty of the offense alleged, the suspension without pay shall be terminated, and the officer or employee shall receive compensation for the period of time during which the officer or employee was suspended which compensation shall be reduced by the amount of any compensation said officer or employee earned from other employment during the period of suspension.

3. If the officer or employee or the supervising Senator of such employee disagrees with the decision of the Chief Clerk as to whether an indictment for particular conduct shall be a crime requiring suspension or dismissal, the officer or employee in question or the supervising Senator, may appeal the suspension to the Committee on Ethics and Official Conduct which shall determine whether the conduct charged is an offense requiring suspension. Whenever an appeal of a suspension shall be taken to the committee, the suspension shall remain effective pending a decision by the committee.

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

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

### ADOPTION OF FINANCIAL OPERATING RULES OF THE SENATE

Senator LINCOLN. Mr. President, I offer a resolution for the adoption of the financial operating rules and ask for its adoption.

In the Senate, January 5, 1993

#### RESOLUTION

Providing for the Financial Operating Rules of the Senate.

RESOLVED, That the Financial Operating Rules of the Senate during the 1993-1994 Session be adopted for the government of this 177th and 178th Regular Session until amended, repealed or otherwise altered or changed.

(ADOPTED, JANUARY 5, 1993)  
(1993-1994)

#### FINANCIAL OPERATING RULES OF THE SENATE I. PERSONNEL

##### 1. Central Office.

The office of the Chief Clerk of the Senate shall serve as the central office of the Senate for all personnel and payroll matters.

##### 2. Employees of the Senate.

###### (a) Personnel Files.

Before any person is placed on any payroll of the Senate, there must be in the office of the Chief Clerk a payroll file containing:

- (1) Full name of employee.
- (2) Full address including county.
- (3) Date of employment/termination/or job transfer.
- (4) Actual functional job title or description to include general hours of work, general job responsibilities and job location.
- (5) The name of the Senator or Officer responsible for monitoring the employee's performance.
- (6) Letter of appointment signed by the authorizing Senator or Officer including a delineation of the account from which the employee is to be paid.
- (7) The current compensation level with signature approval of the authorizing Senator or Officer. Overtime payments may be authorized only in emergency maintenance and security situations with the signature approvals of the Senator or Officer responsible for monitoring performance, the authorizing Senator or Officer and the President Pro Tempore.
- (8) All information necessary for tax withholding and benefit eligibility.
- (9) Employment Eligibility Verification Form.

###### (b) Maintenance of the Personnel Files.

It is the responsibility of the Chief Clerk to develop procedures necessary to maintain this payroll file information on a current basis. All payroll changes shall be reflected by the next appropriate payroll period providing said change is received in the office of the Chief Clerk prior to processing of the payroll.

###### (c) Reclassification of Employees.

Any reclassification of employees under the Senate of Pennsylvania Pay Plan and Job Classifications shall be submitted by the Member or Officer authorizing such reclassification to the Committee on Management Operations for approval or disapproval. The Committee on Management Operations established a bi-partisan subcommittee of the members of the Committee on Management Operations to consider and approve or disapprove all such requests subject to an appeal by the Member or Officer for consideration of the reclassification by the Committee on Management Operations.

##### 3. Personal Service Contracts.

###### (a) Personal Contract Files.

For any person retained on a contractual basis by any Officer or Member of the Senate, there shall be in the office of the Chief Clerk a file containing:

(1) A copy of the contract signed by the authorizing Senator or Officer including:

- (i) Full name, address, including county and social security number of person (or Federal tax identification number) from whom the services are contracted.
- (ii) Duration of the contract. No contract may extend beyond the expiration of the term of the Member or Officer.
- (iii) Cost of the contract and terms of payment.
- (iv) Clear, detailed description of the type of service to be performed or product to be delivered.

(2) The name of the Senator or Officer responsible for monitoring the contractor's performance.

###### (b) Contract Review.

All personal service contracts shall be submitted to the Chief Clerk for review and approval regarding conformity with applicable laws and rules.

###### (c) Payment.

Payments under contract shall be made in accordance with provisions of the contract provided that a voucher for such payment is received in the office of the Chief Clerk before the applicable deadline date. Contractor performance shall be reviewed by the monitoring individual so named in the file (Rule I.3.(a)(2)), who under conditions of satisfactory performance and conformity to the contract shall approve the voucher prior to processing.

##### 4. Authorized Accounts.

Salaries, wages and related benefits shall be paid from accounts so authorized by the General Appropriation Act. Such accounts also may pay expenses related to personal service contracts.

#### II. TRAVEL ALLOWANCES AND REIMBURSEMENTS

##### 1. Member Travel.

Travel allowances or reimbursements may be paid to a Member who is engaged in travel in the performance of legislative duties. Travel payments may be claimed in connection with the following:

- (1) One round trip between home district and Harrisburg for each week a Member is in actual attendance at a session of the Legislature ("Session Mileage").
- (2) Round trip travel between home district and Harrisburg for other legislative activities.
- (3) All travel on intradistrict and interdistrict legislative business.
- (4) All travel to attend committee meetings, hearings, conferences and seminars.

##### 2. Employee Travel.

Travel reimbursement may be paid to employees engaged in travel from their work place to the place of legislative business provided that the travel is necessary for the performance of official business. Except as provided in Rule II.3.(c), employees are not authorized to lease vehicles on a long-term basis, and no payments will be made with respect to long-term lease vehicle expenses incurred by employees. When away from the Harrisburg area and from their work place, employees may rent cars on a short-term basis for a period not in excess of that needed to carry out official business.

##### 3. Rental of Vehicle or Conveyance.

###### (a) Long-Term Rental.

A Member who leases a vehicle or conveyance on a long-term basis may be reimbursed for 95% of the cost of such lease payments, a net amount not to exceed such amount as may be authorized by the Senate Committee on Management Operations. Expenses attributable to insurance and operation of the vehicle or conveyance are not included in determining the cost of the lease. No lease reimbursements will be made for any period after a Member has left office. For rules regarding reimbursement of expenses of operation, see Rule II.4.(a)(3). No reimbursement is permitted for lease purchase agreements.

###### (b) Short-Term Rental of Vehicle or Conveyance.

A Member whose long-term rental is unavailable may be reimbursed 95% of actual expenses for a short-term rental. A Member or employee who rents a vehicle or conveyance on a short-term basis (other than a Member's temporary replacement of a long-term rental) may be reimbursed only on an actual cost basis for the cost of the rental payments and expenses of operation.

(c) Vehicle Rental by Chief Clerk.

The Chief Clerk is authorized to lease no more than three vehicles for the operation of the Senate. The actual expenses of the lease and operation shall be paid by the Senate's Incidental Expense Account.

4. Allowable Transportation Expenses.

(a) General.

(1) Common or Chartered Carrier. A Member or employee may be reimbursed for reasonable actual costs of carriage when traveling by common or chartered carrier, including expenses for parking, taxis, limousines and tolls. Claims for payment based on miles travelled cannot be paid.

(2) Personal Vehicle and Noncommercial Conveyance. A Member or employee who uses a personal vehicle may be reimbursed on such mileage basis as may be established by the Senate Committee on Management Operations. Reimbursement for use of other noncommercial vehicles or noncommercial aircraft shall be made on such basis as may be established by the Senate Committee on Management Operations.

(3) Leased Vehicle. A Member who uses a vehicle leased on a long-term basis may elect to be reimbursed either on a mileage basis (Rule II.4.(a)(2)) or an actual cost basis. However, having elected to receive reimbursement on a mileage basis after having been reimbursed on an actual cost basis, the member shall offset against future expense claims an amount equal to the paid but unused portion of automobile insurance for that vehicle. Such Member may be reimbursed only for up to 95% of the actual vehicle operating expenses. Actual vehicle operating expenses shall include gasoline, oil, lubrication, repairs, tires, supplies, insurance, maintenance and other reasonable incidental items necessary to the operation of the vehicle. A Member may not be reimbursed for the use of a personal vehicle during any period of time that the Member is being reimbursed for a leased vehicle, except when the leased vehicle is unavailable for reasons beyond the control of the Member.

(4) Session Mileage. The mileage rate for Session Mileage payments under Rule II.1.(1) shall be as set forth by law.

(5) Out-of-State Travel.

(i) Nonmember Officers of the Senate and their employees may claim expenses for travel outside the Commonwealth, provided that such travel is approved in the manner described in Rule XI. All claims for Members' and employees' travel outside the Commonwealth shall be filed with the Office of the Chief Clerk in the manner described in Rule XI.

(ii) Members of the Senate may claim expenses for travel outside the Commonwealth provided that the travel is necessary to attend a conference, seminar or meeting regularly or specially scheduled by an organization which conference, seminar or meeting has a legislative purpose. Members shall submit a copy of a registration and agenda, in addition to any other documentation required by these rules.

(iii) Members of the Senate may also claim expenses for travel outside the Commonwealth when the travel has a legislative purpose, but is not for attending a conference, seminar or meeting, provided the purpose is approved by the Committee on Management Operations, and provided further that approval is not required for legislative business in Washington, DC.

(b) No Duplication.

(1) Session Mileage. Members claiming reimbursement for actual expenses of leased vehicle operation shall reduce such

claim by an amount equal to the "session mileage" entitlement for the same period. Likewise, a Member electing to travel to the session by common carrier shall reduce such claim by an amount to the "session mileage" entitlement.

(2) Reimbursement From One Source. If a Member or employee is entitled to reimbursement from more than one source for legislative business performed on behalf of more than one committee or group, payment shall be received from only one source.

5. Documentation.

(a) Expense Voucher.

All requests for travel payments must be made on an expense voucher showing:

(1) Dates of travel.

(2) Legislative purpose of travel described in reasonable specificity. For all claims involving out-of-state travel, the voucher must be supported by sufficient documentation to describe the legislative purpose of the travel. Claims for out-of-state travel shall also include such information as may be required under Section 4.(a).

(3) The number of miles travelled when claiming reimbursement on a mileage basis. Such mileage claims also should reflect an itinerary including point of origin, furthest destination, and intermediate points except travel within a Member's district.

(b) Receipts.

Receipts must be submitted to support the cost association with claims for:

(1) Travel by common or chartered carrier.

(2) Leased vehicle or conveyance operation. Receipts for gasoline and maintenance shall include the license number of the vehicle and the location of the purchase. In addition, a copy of such lease and vehicle registration certificate must be on file with the Office of the Chief Clerk.

(3) Parking, limousine, toll charges and other miscellaneous incidental items when any of these items exceed \$10.

6. Authorized Accounts.

Travel payments can be made from any of the following accounts. Long-term vehicle or conveyance rental payments may be made from all accounts except (3) and (6). Authorized accounts are:

(1) Leadership Operations Accounts.

(2) Appropriations Committee Accounts.

(3) Legislative Management Committee Accounts, exclusive of expenses for leased car.

(4) Senators' Legislative Accountable Expense Accounts.

(5) Contingent Accounts.

(6) Senators' Mileage and Expense Accounts for "session mileage" travel.

(7) Senators' District Office Expense Accounts.

(8) Incidental Expense Account.

III. MEALS AND LODGING

1. General.

A Member may receive payments attributable to ordinary and necessary expenses for meals, lodging and incidental items provided that the Member is engaged in the performance of legislative duties. Depending on the nature and location of the activity, as explained below, payments may be made in one of the following forms: per diem allowance; reimbursement for actual costs incurred; or, in the case of lodging rental payments, a combination of partial per diem allowance and reimbursement of the cost of lodging rental.

2. Lodging Rental in the Harrisburg Area.

A Member who resides outside of Harrisburg and who rents lodging in the Harrisburg area may claim payments for the cost of the lodging lease and related expenses. No lodging rental payments will be made for any period after a Member's term expires.

3. Per Diem Allowance.

(a) Per Diem Entitlement.

A Member is entitled to receive a per diem allowance for each day the Member is in the performance of legislative duties while in the Harrisburg area (defined as within Dauphin County or otherwise

within a 10-mile radius of the Capitol) or elsewhere in the Commonwealth but away from home. Specific legislative duties include attendance at sessions of the Senate, attendance at official committee meetings and participation in all other activities necessary or appropriate to the carrying out of the responsibilities of the Member.

(b) Types of Per Diem Allowance.

(1) Full Per Diem. A full per diem allowance not to exceed such amount as may be established by the Senate Committee on Management Operations may be claimed as an allowance for meals and lodging.

(2) Partial Per Diem. A Member who claims the cost of lodging rental as provided in Rule III.2., may not receive a full per diem allowance except when the per diem entitlement derives from attendance at official committee meetings outside of the Harrisburg area. When the per diem entitlement derives from the performance in the Harrisburg area of the specified legislative duties defined in Rule III.3.(a), a Member may receive a partial per diem allowance up to an amount established by the Senate Committee on Management Operations for meals and incidentals.

4. Actual Costs.

A Member may claim actual costs for lodging, meals and other incidental items incurred in the performance of legislative duties. Expense claims for costs of lodging, meals and other incidental expenses incurred in the performance of legislative duties outside of the Commonwealth shall only be by claims for actual costs and shall not be through a claim of per diem.

5. Employees' Travel.

If an employee is engaged in travel away from the normally assigned place of work necessary for the performance of official business, the employee may be reimbursed for reasonable actual cost of lodging, meals and other incidental items. For rules regarding Out-of-State travel, see Rule XI.

6. Payment From One Source.

If a Member is entitled to a meal and lodging claim from more than one source for legislative business performed on behalf of more than one committee or group, payments shall be received from only one source.

7. Review.

All authorized and approved meals and lodging claims shall be reviewed for inadvertent duplication by the Office of the Chief Clerk prior to processing and payment.

8. Record Keeping.

Where a per diem allowance or reimbursement is paid by a legislative service agency cofunded between both Houses of the General Assembly, a copy of the approved claim shall be furnished to the Office of the Chief Clerk.

9. Documentation.

(a) Per Diem Allowance.

For payment of a per diem allowance, a Member must submit a voucher showing the date, the legislative activity in which the Member was engaged on that date, and the location of the activity.

(b) Actual Expenses of a Member or an Employee.

For payment of actual expenses, a Member or employee must submit a voucher showing the date, amount, place and the legislative activity in which the Member or employee was engaged and must submit a vendor or credit card receipt or invoice for each item exceeding \$10.

(c) Lodging Rental.

A copy of each lease must be on file with the Office of the Chief Clerk. A Member must submit a voucher and, if appropriate, an invoice or receipt for any related expenses.

10. Authorized Accounts.

(a) Incidental Expense Account.

Payments shall be made from the Incidental Expense Account for authorized Per Diem Allowances only for attendance at sessions of the Senate during which roll call votes are recorded.

(b) Accountable Expense Account.

Payments shall be made from Senator's Legislative Accountable Expense Account for lodging rental payment.

(c) Other Accounts.

Payment may be made from the following accounts for other authorized per diem meal and lodging claims:

- (1) Leadership Operations Accounts.
- (2) Appropriations Committee Accounts.
- (3) Legislative Management Committee Accounts.
- (4) Senators' Legislative Accountable Expense Accounts.
- (5) Contingent Accounts.
- (6) Senators' District Office Expense Accounts, meals only.
- (7) Incidental Expense Account.

IV. EQUIPMENT AND FURNISHING CONTROL AND INVENTORY

1. Office of Chief Clerk Sole Agent.

The Office of the Chief Clerk shall act as the sole agent for improvements or renovations to Senate facilities at the Capitol Complex and for the purchase, rental, control and inventory of durable equipment, furniture and furnishings with a useful life of one year or more and a cost greater than the limit established by the Committee on Management Operations for utilization in both the Capitol and District Offices. Nonrecoverable items including, but not limited to, carpeting, draperies and air conditioners for use in and improvements or renovations to district office facilities shall be purchased pursuant to standards developed by the Senate Committee on Management Operations. The Chief Clerk shall serve as the sole agent for the purchase of United States and Pennsylvania flags.

2. Approval of Purchase or Rental.

All requests for the purchase or rental of such equipment, furniture and furnishings must be reviewed and approved by the Chief Clerk. When due for renewal, rental contracts entered into prior to July 1, 1981 shall be reviewed by the Chief Clerk and if approved funded only as provided in Rule IV.8.

3. Inventory.

All approved requests shall be processed by the office of the Chief Clerk, which shall maintain a full and current inventory of all durable equipment, furniture and furnishings secured on behalf of a Member, Officer or employee of the Senate.

4. Lowest Available Price.

The Chief Clerk shall take all necessary and reasonable steps to ensure that the purchase or rental of durable equipment, furniture and furnishings with a useful life of one year or more and a cost greater than the limit established by the Committee on Management Operations shall be transacted at the lowest available price for the quality, compatibility and service of the items being purchased or leased.

5. Educational or Informational Literature.

The Secretary of the Senate shall provide for the publication and dissemination of educational or informational literature pertaining to the Senate of Pennsylvania, the Commonwealth of Pennsylvania or the Government of the United States.

6. Public Records.

The records of the Secretary of the Senate and the Chief Clerk shall be considered public records and be available for public inspection in the manner similar to that provided in these Rules.

7. Documentation Required.

(a) Request for Purchase or Rental Showing:

- (1) Date of request.
- (2) Item requested.
- (3) By whom request made.
- (4) Purpose.
- (5) Signature approvals.
- (6) Record of Rule IV.4. actions taken.

(b) Vendor's invoice or receipt detailing:

- (1) Date of purchase or rental.
- (2) Vendor's identity.
- (3) Description of item purchased or rented.
- (4) Length of rental contract when applicable.
- (5) Cost and payment terms of the purchase or rental.

## 8. Authorized Accounts.

(a) Legislative and Printing Expense Account as provided in General Appropriations Act.

(b) The account as provided in the General Appropriations Act for the purchase of flags.

(c) Senators District Office Expense Accounts and Senators Legislative Accountable Expense Accounts for the purchase of flags and for the rental of durable equipment, furniture and furnishings.

## V. DISTRICT OFFICE EXPENSES

## 1. Authorized Expenses.

Expenses authorized shall include:

(1) Aggregate office rental and utilities other than telephone totaling up to such monthly amount for one or more offices as may be established by the Senate Committee on Management Operations. Whenever a Member or any of his immediate family has an equity interest in a district office, the Member shall obtain an independent appraisal of the office rental cost which shall be filed with the Chief Clerk.

- (2) Insurance
- (3) Printing services.
- (4) Telephone and answering services.
- (5) Postage and mailing services.
- (6) Publications and subscriptions.
- (7) Nondurable supplies.
- (8) Member and employee parking.
- (9) Janitorial maintenance and cleaning services.

## 2. Documentation Required.

A copy of the district office lease indicating the amount and payment terms shall be filed with the office of the Chief Clerk. Such copy may be referenced on the voucher and serve as appropriate documentation of the expense. Vouchers appropriately documenting expenses and legislative purpose for each expenditure. Receipts or invoices shall be included for all expenditures in excess of \$25 per occurrence.

## 3. Authorized Accounts.

Accounts authorized include:

- (1) Senators' Legislative Accountable Expense Accounts.
- (2) Senators' District Office Expense Accounts.

## VI. CAPITAL OFFICE EXPENSES

## 1. Authorized Expenses.

Expenses authorized shall include:

- (1) Utility services.
- (2) Insurance.
- (3) Printing services.
- (4) Telephone and answering services.
- (5) Postage and mailing services.
- (6) Publications and subscriptions.
- (7) Nondurable supplies.
- (8) Employee parking.
- (9) Janitorial maintenance and cleaning services.
- (10) Other items authorized for expenses as defined in the

General Appropriations Act.

## 2. Documentation Required.

Documentation required shall include vouchers appropriately documenting expenses and legislative purpose for each expenditure. Receipts or invoices shall be included for all expenditures in excess of \$25 per occurrence.

## 3. Authorized Accounts.

Accounts authorized include:

- (1) Legislative Printing and Expense Account.
- (2) Postage Account of Chief Clerk (for postage only).
- (3) Senators' Legislative Accountable Expense Accounts.
- (4) Contingent Accounts and Incidental Expense Accounts.
- (5) Leadership Operations Accounts, exclusive of office rental.
- (6) Appropriations Committee Accounts, exclusive of office rental.
- (7) Legislative Management Committee Accounts, exclusive of office rental.

## VII. OFFICIAL EXPENSES

## 1. General.

While engaged in the performance of legislative duties, a Member, Officer or employee expressly authorized by a Member may claim actual expenses as set forth below.

## 2. Participation in Conferences and Seminars.

Expenses, such as registration fees, incurred in participating in legislative conferences and seminars may be claimed. Related travel expenses incurred are discussed in Rule II. Related meals and lodging expenses incurred are discussed in Rule III.

## 3. Conducting Meetings.

Expenses attributable to conducting legislative meetings may be claimed. Such expenses may include: food and refreshment, meeting room rental, and incidental items.

## 4. Entertainment.

Expenses incurred in connection with business entertainment may be claimed. Such expenses may include: meals, refreshments, and related items which are ordinary to the performance of a Member's legislative duties, and for which there is a legislative purpose. In general, these entertainment expenses will be incurred during, immediately preceding or immediately following a substantial and bona fide legislative business discussion.

## 5. Documentation.

## (a) Participation in Conferences and Seminars.

Vouchers shall show the amount, date, place and legislative purpose. Registration or other receipts must be attached.

## (b) Conducting Meetings.

Vouchers shall show or reference to records which show the amount, date, place and legislative purpose. Restaurant, hotel, or credit card receipt or invoices must be attached.

## (c) Entertainment.

Vouchers shall show or reference to records which show the amount, date, place, legislative purpose and if claimed by a Member, the portion of the amount attributable to his entertainment expense. Restaurant, hotel or credit card receipt or invoices must be attached.

## (d) Claims by Nonofficer Employees.

Vouchers involving any official expenses claimed by non-officer employees shall reflect the formal authorization by a Member.

## 6. Authorized Accounts.

Payments shall be made from the following accounts:

- (1) Leadership Operations Accounts.
- (2) Appropriations Committee Accounts.
- (3) Legislative Management Committee Accounts.
- (4) Senator's Legislative Accountable Expense Accounts.
- (5) Senator's District Office Expense Accounts.
- (6) Contingent Accounts.
- (7) Incidental Expense Account.

## VIII. SPECIAL EXPENSES

## 1. Authorized Expenses.

Expenses authorized include:

(1) Flowers, baskets of fruit or other appropriate items or memorial contributions to designated charities not to exceed \$35. Recipients are limited to instances of death or illness for Members, Officers, employees or their immediate families, or former Members or their immediate families or dignitaries including both incumbent or former elected or appointed officials or their immediate families.

(2) Rental of common carrier and other expenditures inherent thereto for attendance at funerals of a Member or members of a Member's immediate family, former Members, dignitaries, or Officers.

## 2. Documentation Required.

Documentation required shall include receipt, vendor invoice and general invoice showing: recipient, instance, description of items delivered, date delivered and cost.

## 3. Authorized Accounts.

Payment shall be made only from Contingent Accounts or the Incidental Expense Account.

## IX. MISCELLANEOUS EXPENSES OF

## STANDING AND SPECIAL COMMITTEES

## 1. Committee Proceedings.

Rental of meeting rooms and hearing facilities and payments to qualified court reporters or stenographers to record the proceedings authorized by the chairman of a standing or special committee of the Senate, including the cost of transcripts. Witnesses served with a subpoena to testify before such proceedings shall be paid witness fees and travel expenses as provided by Section 5903 of the Judicial Code.

## 2. Printing and Mailing.

Committee printing and mailing costs for mailings relating to legislative business.

## 3. Publications and Subscriptions.

Publications and subscriptions.

## 4. Documentation Required.

Vouchers or vendors receipts or invoices stating vendor's name, services or amount of postage, date, place, and total amount due or paid. Postage purchases shall require a receipt stamped by the Postmaster.

## 5. Authorized Accounts.

Accounts authorized include:

- (1) Legislative Management Committees Accounts.
- (2) Leadership Operation Accounts.
- (3) Appropriations Committee Accounts.

## X. COMMITTEE ON MANAGEMENT OPERATIONS

## 1. Duties.

In addition to duties imposed by law or otherwise by these rules, the duties of the Senate Committee on Management Operations shall be:

(1) To arbitrate a decision of the Secretary or Chief Clerk of the Senate relating to these Rules, in the event that a Member, Officer or employee shall disagree with a decision of the Secretary or Chief Clerk of the Senate.

(2) To make a final decision in case of a dispute on a question of legislative intent or legislative purpose regarding an expenditure.

(3) To make a continuing review of these Rules as to expenditures and the reporting of expenditures, and, from time to time, to make such recommendations as are appropriate.

## 2. Records.

A record of the committee's decisions shall be maintained. The Chief Clerk shall be responsible for maintaining such records.

## XI. OUT-OF-STATE TRAVEL

## 1. Request for Approval.

No nonmember Officer of the Senate or any employee of any nonmember Officer shall be reimbursed nor shall any of his or her expenses be paid for any travel outside the Commonwealth unless such travel has been approved by a majority of the membership of the Committee on Management Operations. All requests for such approval shall be made on forms, provided by the Chief Clerk, and shall include information relating to the destination, the estimated cost of such travel, the number of days involved, and the relationship that the travel has to the duties of the Officer or employee making the request. In the case of an employee, the request shall also be approved by the Officer.

## 2. Approval of Request.

All Members of the committee who approve such travel shall indicate their approval by signing the request form. Should any Member disapprove of the request, he or she shall note such disapproval on the form and provide an explanation.

## 3. Filing of Request.

All such requests, whether approved or disapproved, shall be filed with the office of the Chief Clerk and shall be made available for public information on request to the Office of the Chief Clerk.

## 4. Time Limit for Filing.

A copy of any request for reimbursement or for the payment of any expenses relating to out-of-state travel by a Senator or employee assigned to a Senator shall be filed with the Office of the Chief Clerk within 30 days of such travel. Copies of these requests shall be made

available for public information on request of the Office of the Chief Clerk.

## XII. LIST OF EMPLOYEES

## 1. Publication and Distribution.

(1) The Chief Clerk shall have published quarterly and shall mail to each Member's residence a listing of all employees of the Senate or any of its Officers, Committee Chairmen, and Members and all persons holding purchase of service contracts with the Senate or any of its Officers, Committee Chairmen and Members. The list for employees shall contain the full name of the employee, county of residence, the job title of the employee, the compensation of the employee, and the name of the Senator or Officer for such employee. For individuals holding purchase of service contracts with the Senate, the list shall contain the name of the contractor, the address of the contractor, a statement of the nature of the duties of the contractor, and the fee of the contractor as well as the name of the Senator or Officer responsible for monitoring the performance of the contractor.

(2) The list shall be submitted by February 1, for the quarter ending December 31; by May 1, for the quarter ending March 31; by August 1, for the quarter ending June 30; and by November 1, for the quarter ending September 30. Said list shall also be updated on a monthly basis including additions and deletions and shall be available for public inspection in the office of the Chief Clerk.

## 2. Public Inspection of Vouchers and Requisitions.

All vouchers and requisitions relating to all expenditures, expenses, disbursements and other obligations out of all appropriated funds of the Senate shall be available for public inspection during regular business hours in the office of the Chief Clerk or at such other location within the Capitol as the Chief Clerk shall prescribe.

## 3. Request to Review Vouchers and Requisitions.

All requests to review payroll and independent contractor records of the Senate or any other vouchers or requisitions for funds appropriated to the Senate shall be made to the Chief Clerk, in writing, at least three working days prior to the date on which the review is requested. The request shall be signed by the party who will be making the review and it shall indicate the name of the organization or entity employing such individual. The Chief Clerk shall establish a time during normal business hours for the review to occur and he shall provide that the review shall not interfere with the necessary functioning of the Chief Clerk's Office.

## 4. Photocopies of Records.

Photocopies of financial records maintained in the office of the Chief Clerk shall be limited to the vouchers which are normally submitted by the Members on a monthly basis. Cost of copies will be determined by the Chief Clerk.

## 5. Monthly Accounting of Other Disbursements.

For any appropriation to any Officer or Member for which the records are not maintained in the office of the Chief Clerk, the Officer or Member receiving the appropriation shall monthly file with the Chief Clerk an accounting of all disbursements made from the fund which shall include a separate listing for each expenditure and the address of the payee and which shall include as a minimum the information required for public review by this section. Such accounting shall be filed monthly in the office of the Chief Clerk not later than 15 days after the end of the month. Such accounting shall be open for public inspection as in the case of other records provided for herein.

## XIII. PERSONNEL POLICIES

## 1. Preparation of Rules and Regulations.

The Senate Committee on Management Operations created pursuant to Section 1.1 of Act No. 417 of 1967 is authorized to prepare and adopt rules and regulations for uniform personnel policies and procedures, job specification and pay plans including periodic increments for Senate Officers and employees.

## 2. Approval of Rules and Regulations.

Each such rule or regulation or any amendment thereto shall be prepared in resolution form and shall be placed on the Senate

calendar for final approval or disapproval. The committee may when approved by at least four members of the committee and by both Floor Leaders implement such rules and regulations pending final Senate consideration of them. Such resolution shall have the force and effect of law in accordance with its terms when it has been approved by the full Senate.

#### XIV. ACCOUNTING AND OPERATIONS MANUAL

##### 1. Preparation and Approval.

The Chief Clerk shall prepare an Accounting and Operations Manual with separate sections applicable to Members and their employees and fund custodians. This Manual shall be submitted to the Senate Committee on Management Operations for its approval.

##### 2. Distribution.

Upon approval applicable sections of the Accounting and Operations Manual shall be distributed to all Members and Officers. A complete manual shall be forwarded to the Legislative Audit Advisory Commission.

##### 3. Maintenance and Updating.

The Chief Clerk shall be responsible for maintaining and updating this manual as a result of revisions or amendments promulgated by the Senate Committee on Management Operations or the Subcommittee of the Committee on Rules and Executive Nominations.

#### XV. DURATION TO RULES

These rules shall be in full force and effect until altered, changed, amended or repealed as provided herein.

#### XVI. CHANGES TO RULES

The consent of a majority of the Senators elected shall be necessary to alter, change or amend these rules.

#### XVII. PROCEDURE FOR CHANGING RULES

All alterations, changes or amendments to these rules shall be by resolution which shall not be considered until first referred to and reported from the Committee on Rules and Executive Nominations.

On the question,

Will the Senate agree to the resolution?

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

#### POINT OF ORDER

Senator JUBELIRER. Point of order, Mr. President.

The PRESIDENT. The Chair would recognize the gentleman from Blair, Senator Jubelirer.

Senator JUBELIRER. Mr. President, noting that we have just adopted the Rules of the Senate, including revised Rule XXIII, which authorized the broadcast of the Session of the Senate so long as such broadcast is allowed by the adoption of resolution of the Senate, I would therefore ask unanimous consent for the suspension of Rule XXIII so that broadcasting of this day's Session of the Senate may indeed continue and that such broadcasting be continued until the final adjournment of today's Session.

The PRESIDENT. The Chair thanks the gentleman.

Senator Jubelirer asks for unanimous consent so that we can be totally in conformance with the rules just adopted, and the Chair recognizes the gentleman from Fayette, Senator Lincoln.

Senator LINCOLN. Mr. President, I am in total agreement with Senator Jubelirer and would second the motion and ask for adoption of his motion.

The PRESIDENT. Without objection, so ordered.

#### ANNOUNCEMENT OF MAJORITY AND MINORITY LEADERSHIP

The PRESIDENT. The Chair has been informed by the Majority Caucus that they have elected the following: as Majority Leader, Senator J. William Lincoln of Fayette County; as Whip, Senator Leonard J. Bodack of Allegheny County; as Caucus Chairman, Senator Michael A. O'Pake of Berks County; as Caucus Secretary, Senator Roy C. Afflerbach of Lehigh County; as Majority Policy Committee Chairman, Senator Patrick J. Stapleton of Indiana County; and as Caucus Administrator, Senator Jeanette F. Reibman of Northampton County.

The Chair has also been informed by the Minority Caucus that they have elected the following: as Minority Leader, Senator Robert C. Jubelirer of Blair County; as Whip, Senator F. Joseph Loeper of Delaware County; as Caucus Chairman, Senator D. Michael Fisher of Allegheny County; as Caucus Secretary, Senator Noah Wenger of Lancaster County; as Minority Policy Committee Chairman, Senator J. Doyle Corman of Centre County; and as Caucus Administrator, Senator Frank A. Salvatore of Philadelphia County.

#### STATEMENT BY THE PRESIDENT

The PRESIDENT. We are now ready to notify the House that the Senate is organized.

#### SENATE RESOLUTION

##### NOTIFICATION TO THE HOUSE

Senator STAPLETON offered the following resolution, which was read, considered, and adopted:

In the Senate, January 5, 1993

RESOLVED, That a committee of three Senators be appointed to inform the House of Representatives that the Senate is organized in Regular Session and is ready to proceed to business.

#### APPOINTMENT OF COMMITTEE TO NOTIFY THE HOUSE

The PRESIDENT. Pursuant to the resolution just adopted, the Chair wishes to announce the following committee to notify the House that the Senate is organized: the gentleman from Indiana County, Senator Stapleton, serving as chairman of the committee; the gentleman from York County, Senator Bortner; and the gentleman from Cumberland County, Senator Mowery.

The committee will leave immediately to discharge its duties.

#### SENATE RESOLUTION

##### NOTIFICATION TO HIS EXCELLENCY, THE GOVERNOR

Senator LINCOLN offered the following resolution, which was read, considered, and adopted:

In the Senate, January 5, 1993

RESOLVED, That a committee of three Senators be appointed to inform His Excellency, the Governor, that the Senate is organized and ready to receive any communications he may be pleased to make.

### HOUSE NOTIFIES THE SENATE

The PRESIDENT. At this point the Chair would interrupt the proceedings to recognize the Sergeant-at-Arms.

The SERGEANT-AT-ARMS. Mr. President, I have the honor to present a committee on behalf of the House of Representatives.

The PRESIDENT. Would you bring the committee forward, please.

The SERGEANT-AT-ARMS. Mr. President, I have the honor to present the chairman of the committee, Representative Babette Josephs.

Representative JOSEPHS. Mr. President, we have been appointed as a committee by the House to inform the Senate that the House is organized and is ready to proceed with the business of the Session.

The PRESIDENT. The Chair thanks Chairperson Josephs and the committee from the House, and we appreciate your discharging your duties.

### APPOINTMENT OF COMMITTEE TO NOTIFY THE GOVERNOR

The PRESIDENT. Pursuant to the resolution just adopted by the Senate, the Chair wishes to announce the following committee to notify the Governor that the Senate is organized: the gentleman from Allegheny, Senator Bodack, as chairman; the gentlewoman from Northampton, Senator Reibman; and the gentleman from Dauphin, Senator Shumaker.

Would those Senators please convene in the center of the Chamber and discharge their duties in the Governor's Office.

### SENATE RESOLUTIONS

#### THANKS OF SENATE TENDERED TO THE HONORABLE JAMES R. KELLEY FOR ADMINISTERING OATH OF OFFICE TO NEWLY ELECTED DEMOCRATIC SENATORS

Senator LINCOLN. Mr. President, I offer the next resolution with a little bit of a remark to go with it. The resolution is one thanking Judge Kelley for honoring us today with his presence and doing the official oath of office and swearing in of the Democratic Members.

Serving with Jim Kelley over the past 10 or 15 years and getting to know him well, I think it is an honor for us to have him. He is an outstanding individual. He was a Senator who had a better knowledge of the operating rules and constitutional procedure of this body than probably anyone who ever served in the Senate. He is distinguishing himself as a jurist, and I personally thank him on behalf of the Senate for his taking time to be with us today and performing those duties, and I would offer the following resolution and ask for its adoption.

Senator LINCOLN offered the following resolution, which was read, considered and adopted:

In the Senate, January 5, 1993

RESOLVED, That the thanks of the Senate is hereby tendered to the Honorable James R. Kelley, Judge of the Commonwealth Court of Pennsylvania, for his services in qualifying the newly elected Democratic Senators and Officer.

#### THANKS OF SENATE TENDERED TO THE HONORABLE JAMES R. CAVANAUGH FOR FOR ADMINISTERING OATH OF OFFICE TO NEWLY ELECTED REPUBLICAN SENATORS

Senator SALVATORE. Mr. President, I offer the following resolution and want to thank Judge Jim Cavanaugh for his participation in today's ceremonies.

Senator SALVATORE offered the following resolution, which was read, considered, and adopted:

In the Senate, January 5, 1993

RESOLVED, That the thanks of the Senate is hereby tendered to the Honorable James R. Cavanaugh, Judge of the Superior Court of Pennsylvania, for his services in qualifying the newly elected Republican Senators.

### SENATE CONCURRENT RESOLUTIONS RECESS ADJOURNMENT

Senator LINCOLN offered the following resolution, which was read, considered, and adopted:

In the Senate, January 5, 1993

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, January 25, 1993, unless sooner recalled by the President pro tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, January 25, 1993, unless sooner recalled by the Speaker of the House of Representatives.

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

Senator LINCOLN. Mr. President, at this time I would ask that the Chair recognize Senator Jubelirer for brief remarks.

The PRESIDENT. With the gentleman's indulgence, the recommendation from the Parliamentarian is that we deal with one more resolution so that we can proceed with the Joint Session, if the gentleman does not mind.

Senator LINCOLN. Mr. President after the glowing remarks that I made about the Secretary, who acts as our Parliamentarian, it would be very difficult for me to object to his ruling.

Senator JUBELIRER. Mr. President, I would have to join in that.

### JOINT SESSION

Senator LINCOLN offered the following resolution, which was read, considered, and adopted:



In the Senate, January 5, 1993

RESOLVED, (the House of Representatives concurring), That the Senate and House of Representatives meet in Joint Session, Tuesday January 5, 1993 at 2:15 p.m. in the Hall of the House of Representatives for the purpose of witnessing the opening, counting, and computing the official returns of the election for State Treasurer, Auditor General, and Attorney General, held on Tuesday, November 3, 1992 in the several counties of the Commonwealth and to elect a Director of the Legislative Reference Bureau.

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

### SENATE RESOLUTION

#### TELLER TO COMPUTE AND COUNT VOTE FOR STATE TREASURER, AUDITOR GENERAL, AND ATTORNEY GENERAL

Senator LINCOLN offered the following resolution, which was read, considered, and adopted:

In the Senate, January 5, 1993

RESOLVED, That the lady from Philadelphia County, Senator Jones, be appointed Teller on the part of the Senate for the purpose of witnessing the opening, computing, and counting of the vote for State Treasurer, Auditor General, and Attorney General.

#### REMARKS BY MINORITY LEADER

Senator JUBELIRER. Mr. President, let me express my appreciation on behalf of this Caucus to the Majority Leader for his cooperation in letting this Caucus, through these remarks, for the first time speak on opening day and present what we believe to be our role in this Senate. Mr. President, since this role is indeed new to us on the Republican side, I want to offer some brief observations about the challenges facing Pennsylvania and the Senate Republican commitment to meeting those challenges.

Change is the anthem of American life as we enter 1993. In business and education and politics we face increased competition, rising customer dissatisfaction, tougher problems, less time for decision. In 1992, the General Assembly of Pennsylvania could claim about a dozen major successes, including curbs on school strikes, child health care, and clean air compliance. While noteworthy, the list falls short of the agenda we set out to achieve, and, most importantly, short of what the public expects from us. So we will be judged, Mr. President, not by what we say on opening day but by what happens in this Chamber, in the committees, in negotiations in the months ahead. As Henry Ford once warned, you cannot build a reputation on what you are going to do.

The glow of this day, the warmth of friends, flowers, and festivity will give way to the enduring problems that demand our attention - workers' compensation, welfare, health care, education, local taxes, the judiciary - many of which were mentioned by President pro tempore Robert Mellow. All demand solutions bearing the label of reform. All should receive the full illumination of consideration and debate. As one man-

agement professor observed in a national commentary, doing well means continually challenging the premise of your business. It means having a vision and being restless and discontented with the status quo. Challenging the premise of our business, focusing on results for the people is clearly our charge.

In recent years, unfortunately, the General Assembly has proved more adept at political competition than in ensuring Pennsylvania's ability to compete. That must change. The last time I checked, no one was awarding skill points for parliamentary agility, but we certainly lose points for failing to score legislative successes, no matter the extent of our efforts.

I see all sorts of optimism, Mr. President, in print about how the change in Senate control means turning on the tap of legislation. This will only happen if the other players in the process become less obsessed with running State government solely on their terms. In recent years, many good ideas have emerged from this Senate, some Republican, some bipartisan, some from the Democrats on the other side of the aisle. Too many have had hopes snuffed out somewhere deep in House committees. In this new Session, Mr. President, perhaps the other parties to the legislative process will recognize that the Senate has frequently acted on important measures and that our action has been marked by both imagination and responsibility.

The other caution relates to the nature of the agenda. Some of the speculation suggests an outpouring of social legislation. Merely passing legislation, measures that further imperil competitiveness at cost or throwing more logs on the fires of unfunded mandates will not move this Commonwealth forward. Our goal must not be to just build a numerical scorecard but to look to the quality and the wisdom of our actions. To do any less would be a great disappointment to the public. The cost of our mistakes or misplaced generosity endures long after everyone has forgotten the scramble for credit.

There have been some unflattering suggestions as to the role that we Republicans intend to play. It is, of course, misinformed opinion. We will be advocates, as we were during the 12 years of our Majority. We will aggressively seek every opportunity to influence decisionmaking, for surely that is part of our role. We will neither ignore problems nor obstruct the process, nor will we surrender our prerogatives, for we will assuredly fight for the interests of the people who elected us. We will work to see our good ideas become sound law.

No one yet knows what sort of help our State or any State will see as a result of the new Clinton administration. That is just as well, Mr. President, because in most cases the responsibility for decision rests right here in State government. Pennsylvania does not have an incoming Chief Executive in a honeymoon period to serve as a catalyst for action. We face the same problems, hold the same cards in our hands, if you will. Given the significant carryover issues such as workers' compensation, special education funding, and an overhaul of welfare, and given the urgency of solution, my, oh my, Mr. President, it is indeed hoped that the Majority in this Chamber will not have to devote too much time to consolidating their slender

hold. Our economy, our schools, our environment, none of these critical matters easily tolerate political dalliance.

Although only half the Members of the Senate stood for reelection or election in 1992, we were all out there on the campaign trail, and, boy, oh boy, did we get a message. We heard an awful lot of things, what the people had to say, and, frankly, it was not congratulations for a collective job well done, and I think we all know that. They want more attention given to everyday concerns - what is happening in the schools; what is happening in the communities with gangs, with drugs, with assaults, and carjackings; what is happening with the economy. They want jobs, Mr. President. They are worried about public safety, not political safety.

Harry Truman was probably the most quoted person of 1992, and it was quite ecumenical as candidates on all sides freely expropriated his wisdom. Truman, as President, did the job that needed to be done rather than worrying every morning about his poll ratings. His popularity was low at the end of his Presidency, but, frankly, Mr. President, the respect for his honesty, his integrity, and his responsibility has grown markedly over the years. Truman noted that it is amazing what you can accomplish if you do not care who gets the credit. My, we should certainly take a lesson from that. In 1993, from the Governor on down, those elected and appointed need to concentrate more on accomplishment and less on getting the credit and then, maybe, just maybe, Mr. President, our image, like Truman's, just might be resurrected.

Pennsylvania is not lacking in assets. We have tremendous assets. We have a tremendous body of people who will support us if we earn it, but it needs political leadership to help employ those assets to the very greatest advantage. It is up to us to provide that leadership in 1993.

Let me speak for my Caucus when I say to each and every Member of the Senate, to the families, to the friends, and to all the people here and to all the people of Pennsylvania, we wish everyone the very happiest and healthiest of New Years in 1993. I cannot tell you that 1992 was the best year I ever put in, and I was looking forward to 1993 for many reasons, but I know that 1993 is, indeed, going to be better. And, certainly, on behalf of myself and my family, to each and every one of you we wish a very healthy and happy New Year. Let us bring on 1993 in its fullest, fullest terms and have a great year.

Thank you, Mr. President, and thank you, Mr. Majority Leader.

(Applause.)

Senator LINCOLN. Mr. President, I thank the gentleman from Blair, Senator Jubelirer, and look forward to working with him to bring about some of the results to which both he and Senator Mellow spoke in their remarks.

I thank the gentleman.

#### **REPORT OF COMMITTEE TO NOTIFY THE HOUSE**

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Stapleton, who has returned from his mission

to the House, and would call upon the gentleman to offer us his report.

Senator STAPLETON. Mr. President, I have the honor to report that the committee appointed by the President pro tempore to inform the House of Representatives that the Senate is convened and organized in regular Session has performed this duty.

The PRESIDENT. The Chair thanks the chairman and the members of his committee for performing their duty.

#### **REPORT OF COMMITTEE TO NOTIFY THE GOVERNOR**

The PRESIDENT. The Chair would recognize the gentleman from Allegheny, Senator Bodack, who returns to us from his adventure to the Governor's Office.

Senator BODACK. Mr. President, I have the honor to report that the committee appointed by the President pro tempore to inform the Governor that the Senate is convened and organized in regular Session has performed this duty.

The PRESIDENT. The Chair thanks the gentleman, the gentlewoman from Northampton, and the gentleman from Dauphin for their services.

#### **HOUSE MESSAGE**

#### **HOUSE CONCURS IN SENATE CONCURRENT RESOLUTION**

The Clerk of the House of Representatives being introduced informed that the House has concurred in the Resolution from the Senate as follows:

In the Senate, January 5, 1993

RESOLVED, (the House of Representatives concurring), That the Senate and House of Representatives meet in Joint Session, Tuesday, January 5, 1993 at 2:15 p.m. in the Hall of the House of Representatives for the purpose of witnessing the opening, counting and computing the official returns of the election for State Treasurer, Auditor General and Attorney General, held on Tuesday, November 3, 1992 in the several counties of the Commonwealth and to elect a Director of the Legislative Reference Bureau.

#### **SPECIAL ORDER OF BUSINESS**

#### **MUSICAL PRESENTATION BY AMBASSADORS FOR LIFE**

The PRESIDENT. At this point the Chair would advise all of the Members of the Senate and all of the guests that we are about to conclude here and recess to the Joint Session and then return after about a half an hour's worth of activities in the House Chamber. The Chair, once again, would thank everybody for their patience and appreciates everybody's indulgence, and it is only fitting that before we leave for the Joint Session we recognize once again our distinguished group of vocalists from the city of Philadelphia, the Ambassadors for Life.

(A musical presentation was rendered.)

**HOUSE COMMITTEE TO ESCORT  
SENATE PRESENTED**

The PRESIDENT. The Chair recognizes the Sergeant-at-Arms.

The SERGEANT-AT-ARMS. Mr. President, I have the honor to present to you a committee on behalf of the House of Representatives.

The PRESIDENT. Would you bring the committee forth, please.

The SERGEANT-AT-ARMS. Mr. President, I have the honor to present the chairman of the committee, the Honorable Gordon Linton.

Mr. LINTON. Mr. President, we are a committee of the House appointed to inform the Senate that the House is ready to receive the Members of the Senate for a Joint Session and to escort the Senate to the Hall of the House.

The PRESIDENT. The Chair thanks Representative Linton and his colleagues for joining us in the Senate. We thank you for performing your duties.

**RECESS**

The PRESIDENT. And now would the Members of the Senate please convene in the center aisle immediately behind the Sergeant-at-Arms in order that we may proceed to the Joint Session. Would all the Senators join me for the Joint Session.

The Chair now declares the Senate in recess for one-half hour.

**AFTER RECESS**

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

**COMMUNICATIONS FROM THE GOVERNOR**

**NOMINATIONS BY THE GOVERNOR  
REFERRED TO COMMITTEE**

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

**MEMBER OF THE BOARD OF CLAIMS**

December 2, 1992

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James W. Harris, 6113 Charing Cross, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Board of Claims, to serve until November 15, 2000 and until his successor is appointed and qualified, vice Stanley A. Miller, Harrisburg, whose term expired.

ROBERT P. CASEY  
Governor

**JUDGE, COURT OF COMMON PLEAS,  
LUZERNE COUNTY**

December 3, 1992

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, Joseph J. Musto, Esquire, 7 Prospect Place, Pittston City 18640, Luzerne County, Fourteenth Senatorial District, for appointment as Judge of the Court of Common Pleas of Luzerne County, to serve until the first Monday of January, 1994, vice The Honorable Bernard C. Brominski, mandatory retirement.

ROBERT P. CASEY  
Governor

**JUDGE, MUNICIPAL COURT OF PHILADELPHIA**

December 3, 1992

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, Aaron Charles Finestone, 9921 Bustleton Avenue, Apartment J-12, Philadelphia 19115, Philadelphia County, Fifth Senatorial District, for appointment as Judge of the Municipal Court of Philadelphia, to serve until the first Monday of January, 1994, vice The Honorable William J. Brady, Jr., mandatory retirement.

ROBERT P. CASEY  
Governor

**JUDGE, COURT OF COMMON PLEAS,  
DELAWARE COUNTY**

December 4, 1992

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, Patricia Hedley Jenkins, Esquire, 8 Roscommon Road, Newtown Square 19073, County, Twenty-sixth Senatorial District, for appointment as Judge of the Court of Common Pleas of Delaware County, to serve until the first Monday of January, 1994, vice The Honorable Melvin G. Levy, resigned.

ROBERT P. CASEY  
Governor

**MEMBER OF THE STATE BOARD  
OF ACCOUNTANCY**

December 8, 1992

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Steven J. Shotz, 7 Windsor

Avenue, Melrose Park 19126, Montgomery County, Fourth Senatorial District, for reappointment as a member of the State Board of Accountancy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY  
Governor

MEMBER OF THE BOARD OF TRUSTEES OF THE  
CENTRAL YOUTH DEVELOPMENT CENTERS

December 8, 1992

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, Susan J. Cameron, 3138 North Fifth Street, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Board of Trustees of The Central Youth Development Centers, to serve until the third Tuesday of January 1995, and until her successor is appointed and qualified, vice Calvin Robinson, Harrisburg, whose term expired.

ROBERT P. CASEY  
Governor

MEMBER OF THE BOARD OF TRUSTEES OF THE  
CENTRAL YOUTH DEVELOPMENT CENTERS

December 8, 1992

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Dr. Winston E. Cleland, 2011 Longs Gap Road, Carlisle 17013, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Board of Trustees of The Central Youth Development Centers, to serve until the third Tuesday of January 1993, and until his successor is appointed and qualified, vice Charles Adonizio, Pittston, whose term expired.

ROBERT P. CASEY  
Governor

MEMBER OF THE BOARD OF TRUSTEES OF THE  
CENTRAL YOUTH DEVELOPMENT CENTERS

December 8, 1992

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Allen E. Hench, Esquire, 220 Market Street, Newport 17074, Perry County, Thirty-fourth Senatorial District, for appointment as a member of the Board of Trustees of The Central Youth Development Centers, to serve until the third Tuesday of January, 1993, and until his successor is appointed and qualified, vice Dr. Ralph C. Swan, New Bloomfield, whose term expired.

ROBERT P. CASEY  
Governor

MEMBER OF THE BOARD OF TRUSTEES OF THE  
CENTRAL YOUTH DEVELOPMENT CENTERS

December 8, 1992

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, Gloria J. McPherson, Esquire, R. D. 1, Box 462, Landisburg 17040, Perry County, Thirty-first Senatorial District, for appointment as a member of the Board of Trustees of The Central Youth Development Centers, to serve until the third Tuesday of January 1997, and until her successor is appointed and qualified, vice Joan Holman, New Bloomfield, whose term expired.

ROBERT P. CASEY  
Governor

MEMBER OF THE BOARD OF TRUSTEES OF THE  
CENTRAL YOUTH DEVELOPMENT CENTERS

December 8, 1992

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, Stephen J. Suknaic, 1704 Letchworth Road, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Board of Trustees of The Central Youth Development Centers, to serve until the third Tuesday of January 1997, and until his successor is appointed and qualified, vice Marcia Myers, New Cumberland, whose term expired.

ROBERT P. CASEY  
Governor

CORONER, MONTOUR COUNTY

December 8, 1992

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, Scott Lynn, R. D. #1, Box 205A, Danville 17821, Montour County, Twenty-seventh Senatorial District, for appointment as Coroner, in and for the County of Montour, to serve until the first Monday of January 1994, vice James C. Rodenhaver, resigned.

ROBERT P. CASEY  
Governor

MEMBER OF THE DELAWARE VALLEY  
REGIONAL PLANNING COMMISSION

December 8, 1992

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, Louis J. Gambaccini, 604

Washington Square South, Philadelphia 19106, Philadelphia County, First Senatorial District, for appointment as a member of the Delaware Valley Regional Planning Commission, to serve until terminated, vice Thomas G. McCloskey, Esquire, Philadelphia, resigned.

ROBERT P. CASEY  
Governor

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

December 8, 1992

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, John D. Catone, 217 Crescent Drive, Hershey 17033, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Council of Trustees of Edinboro University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 1997, and until his successor is appointed and qualified, vice Lawrence W. Krespan, D.M.D., Warren, whose term expired.

ROBERT P. CASEY  
Governor

MEMBER OF THE BOARD OF TRUSTEES  
OF EMBREEVILLE CENTER

December 8, 1992

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, Grace S. Ovelman, 608 Howard Road, West Chester 19380, Chester County, Nineteenth Senatorial District, for appointment as a member of the Board of Trustees of Embreeville Center, to serve until the third Tuesday of January 1997 and until her successor is appointed and qualified, vice Lorraine Gray, Havertown, resigned.

ROBERT P. CASEY  
Governor

MEMBER OF THE PENNSYLVANIA  
FISH AND BOAT COMMISSION

December 8, 1992

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, Stephen A. Shabbick (District 7), 61 Franklin Avenue, Tunkhannock 18657, Wyoming County, Twentieth Senatorial District, for appointment as a member of the Pennsylvania Fish and Boat Commission, to serve until the second Tuesday of January, 2000, and until his successor is appointed and qualified, vice Leon H. Reed, Jr., Honesdale, whose term expired.

ROBERT P. CASEY  
Governor

MEMBER OF THE STATE BOARD  
OF FUNERAL DIRECTORS

December 8, 1992

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, Neil W. Regan, 1900 Pittston Avenue, Scranton 18505, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the State Board of Funeral Directors, to serve for a term of five years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Henry J. Nimmons, Philadelphia, whose term expired.

ROBERT P. CASEY  
Governor

MEMBER OF THE PENNSYLVANIA  
HOUSING FINANCE AGENCY

December 8, 1992

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, Thomas I. Vanaskie, 102 Possum Way, Clarks Green 18411, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Pennsylvania Housing Finance Agency, to serve until July 20, 1996, and until his successor is appointed and qualified, vice Kenneth Ross, terminated.

ROBERT P. CASEY  
Governor

MEMBER OF THE PENNSYLVANIA  
HUMAN RELATIONS COMMISSION

December 8, 1992

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, Wilbert D. Chrisner, III, 506 Lloyd Street, Pittsburgh 15208, Allegheny County, Forty-third Senatorial District, for appointment as a member of the Pennsylvania Human Relations Commission, to serve until February 21, 1994 or until his successor is appointed and qualified, vice Linda Weaver, Johnstown, resigned.

ROBERT P. CASEY  
Governor

MEMBER OF THE PENNSYLVANIA  
HUMAN RELATIONS COMMISSION

December 8, 1992

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, Russell S. Howell, 164 Petersburg Road, Lititz 17543, Lancaster County, Thirty-sixth Senatorial District, for reappointment as a member of the Pennsylvania Human Relations Commission, to serve until February 21, 1996 or until his successor is appointed and qualified.

ROBERT P. CASEY  
Governor

MEMBER OF THE COUNCIL OF TRUSTEES  
OF INDIANA UNIVERSITY OF PENNSYLVANIA

December 8, 1992

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert S. Dougherty, Esquire, 138 North Seventh Street, Indiana 15701, Indiana County, Forty-first Senatorial District, for appointment as a member of the Council of Trustees of Indiana University of Pennsylvania, to serve until the third Tuesday of January 1997, and until his successor is appointed and qualified, vice Frank Gorell, Indiana, whose term expired.

ROBERT P. CASEY  
Governor

MEMBER OF THE PENNSYLVANIA  
INDUSTRIAL DEVELOPMENT AUTHORITY

December 8, 1992

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert L. Pitts, 1335 Franklin Avenue, Wilksburg 15221, Allegheny County, Thirty-eighth Senatorial District, for appointment as a member of the Pennsylvania Industrial Development Authority, to serve until July 24, 1997, and until his successor is appointed and qualified, vice Nate Smith, Pittsburgh, whose term expired.

ROBERT P. CASEY  
Governor

MEMBER OF THE PENNSYLVANIA  
INDUSTRIAL DEVELOPMENT AUTHORITY

December 8, 1992

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 J. Rooney, II, Esquire, 1300 Inverness Avenue, Pittsburgh 15217, Allegheny County, Forty-third Senatorial District, for appointment as a member of the Pennsylvania Industrial Development Authority, to serve until August 10, 1994, and until his successor is appointed and qualified, vice Lawrence F. Klima, Erie, whose term expired.

ROBERT P. CASEY  
Governor

INSURANCE COMMISSIONER

December 8, 1992

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, Cynthia Maria Maleski, Esquire, 137 Oak Manor Drive, Natrona Heights 15065, Allegheny County, Fortieth Senatorial District, for appointment as Insurance Commissioner, to serve until the third Tuesday of January 1995 and until her successor shall have been appointed and qualified, vice The Honorable Constance Foster, Hershey, resigned.

ROBERT P. CASEY  
Governor

MEMBER OF THE STATE BOARD  
OF LANDSCAPE ARCHITECTS

December 8, 1992

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, Larry L. Ridenour, 736 Jefferson Drive, Pittsburgh 15229, Allegheny County, Fortieth Senatorial District, for reappointment as a member of the State Board of Landscape Architects, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY  
Governor

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

December 8, 1992

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, Thomas R. Horn, 8 State Street, Towanda 18848, Bradford County, Twenty-third Senatorial District, for appointment as a member of the Council of Trustees of Mansfield University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 1997, and until his successor is appointed and qualified, vice Robert M. Jones, Sr., Blossburg, whose term expired.

ROBERT P. CASEY  
Governor

MEMBER OF THE STATE BOARD  
OF EXAMINERS OF NURSING  
HOME ADMINISTRATORS

December 8, 1992

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, Nicholas D. Cafarelli, 1982 Hessian Road, Reading 19602, Berks County, Eleventh Senatorial District, for appointment as a member of the State Board of Examiners of Nursing Home Administrators, 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 Robert Slencak, New Cumberland, whose term expired.

ROBERT P. CASEY  
Governor

MEMBER OF THE STATE BOARD OF  
OCCUPATIONAL THERAPY EDUCATION  
AND LICENSURE

December 8, 1992

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, Marilyn Michael (Public Member), 1332 Hickory Road, Macungie 18062, Lehigh County, Forty-fourth Senatorial District, for appointment as a member of the State Board of Occupational Therapy Education and Licensure, to serve for a term of three years and until her successor is appointed and qualified, vice Samuel E. Bishop, Philadelphia, whose term expired.

ROBERT P. CASEY  
Governor

MEMBER OF THE STATE BOARD  
OF OPTOMETRY

December 8, 1992

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, Lawrence A. Ceisler, Esquire, 314 Catharine Street, Apartment 402, Philadelphia 19147, Philadelphia County, First Senatorial District, for appointment as a member of the State Board of Optometry, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Janet P. Goodson, Bethlehem, whose term expired.

ROBERT P. CASEY  
Governor

MEMBER OF THE STATE BOARD  
OF OSTEOPATHIC MEDICINE

December 8, 1992

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, Quentin C. Weaver (Public Member), 405 Drew Avenue, Swarthmore 19081, Delaware County,

Twenty-sixth Senatorial District, for appointment as a member of the State Board of Osteopathic Medicine, 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 Raymond G. Herr, Willow Street, whose term expired.

ROBERT P. CASEY  
Governor

MEMBER OF THE BOARD OF TRUSTEES OF  
THE PENNSYLVANIA STATE UNIVERSITY

December 8, 1992

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, The Honorable Chaka Fattah, 2639 Lenape Street, Philadelphia 19151, Philadelphia County, Seventh Senatorial District, for appointment as a member of the Board of Trustees of The Pennsylvania State University, to serve until July 1, 1993 and until his successor is appointed and qualified, vice The Honorable Edward P. Zemprelli, Clairton, whose term expired.

ROBERT P. CASEY  
Governor

MEMBER OF THE BOARD OF TRUSTEES OF  
THE PENNSYLVANIA STATE UNIVERSITY

December 8, 1992

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, Thomas M. Nardo, D.M.D., 150 Brandywine Drive, State College 16801, Centre County, Thirty-fourth Senatorial District, for appointment as a member of the Board of Trustees of The Pennsylvania State University, to serve until July 1, 1994 and until his successor is appointed and qualified, vice Samuel A. Breene, Esquire, Oil City, deceased.

ROBERT P. CASEY  
Governor

MEMBER OF THE BOARD OF TRUSTEES OF  
THE PENNSYLVANIA STATE UNIVERSITY

December 8, 1992

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, Richard M. Walsh, 1739 North Washington Avenue, Scranton 18509, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Board of Trustees of The Pennsylvania State University, to serve until July 1, 1995 and until his successor is appointed and qualified, vice William Schreyer, resigned.

ROBERT P. CASEY  
Governor

**MEMBER OF THE STATE BOARD  
OF PHARMACY**

December 8, 1992

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, John P. Mariani, 410 Buggy Lane, Mifflinburg 17844, Union County, Twenty-seventh Senatorial District, for appointment as a member of the State Board of Pharmacy, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Frederick H. Wendte, Palmyra, whose term expired.

ROBERT P. CASEY  
Governor

**PROTHONOTARY, CARBON COUNTY**

December 8, 1992

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, William J. O'Gurek, 228 West Hazard Street, Summit Hill 18250, Carbon County, Twenty-ninth Senatorial District, for appointment as Prothonotary, in and for the County of Carbon, to serve until the first Monday of January 1994, vice Patrick E. Gallagher, resigned.

ROBERT P. CASEY  
Governor

**MEMBER OF THE STATE BOARD  
OF PSYCHOLOGY**

December 8, 1992

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, Alvin I. Gerstein, Ph.D., 1123 Hagysford Road, Penn Valley 19072, Montgomery County, Seventeenth Senatorial District, for appointment as a member of the State Board of Psychology, 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 Paula Bram Amar, Ph.D., Ambler, resigned.

ROBERT P. CASEY  
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF  
SCRANTON STATE SCHOOL FOR THE DEAF**

December 8, 1992

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, Harry W. Wilson, Jr., R. D. 3, Hilltop Drive, Tunkhannock 18657, Wyoming County, Twentieth

Senatorial District, for reappointment as a member of the Board of Trustees of Scranton State School for the Deaf, to serve until the third Tuesday of January 1997, and until his successor is appointed and qualified.

ROBERT P. CASEY  
Governor

**MEMBER OF THE BOARD OF TRUSTEES  
OF SELINGSGROVE CENTER**

December 8, 1992

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James A. Zurick, Esquire, 6 East Lincoln Street, Shamokin 17872, Northumberland County, Twenty-seventh Senatorial District, for appointment as a member of the Board of Trustees of Selingsgrove Center, to serve until the third Tuesday of January 1997, and until his successor is appointed and qualified, vice Robert M. Singer, Selingsgrove, whose term expired.

ROBERT P. CASEY  
Governor

**MEMBER OF THE STATE BOARD OF  
SOCIAL WORK EXAMINERS**

December 8, 1992

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, John R. Baublitz (Public Member), 1011 Cranberry Street, Erie 16502, Erie County, Forty-ninth Senatorial District, for reappointment as a member of the State Board of Social Work Examiners, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY  
Governor

**MEMBER OF THE STATE BOARD OF  
EXAMINERS IN SPEECH-LANGUAGE AND HEARING**

December 8, 1992

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, Joyce A. Skowronski, 262 Main Street, Duryea 18642, Luzerne County, Twenty-second Senatorial District, for appointment as a member of the State Board of Examiners in Speech-Language and Hearing, to serve for a term of three years and until her successor is appointed and qualified, but not longer than six months beyond that period, vice Molly M. Daly, Pittsburgh, whose term expired.

ROBERT P. CASEY  
Governor



MEMBER OF THE STATE  
TRANSPORTATION COMMISSION

December 8, 1992

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert P. Daday, R. D. 7, Colesville Road, Bethlehem 18015, Northampton County, Eighteenth Senatorial District, for appointment as a member of the State Transportation Commission, to serve for a term of six years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Roy O. Christman, Hamburg, whose term expired.

ROBERT P. CASEY  
Governor

MEMBER OF THE STATE  
TRANSPORTATION COMMISSION

December 8, 1992

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, Frank M. Henry, R. D. 3, Box 142, Dallas 18612, Luzerne County, Twentieth Senatorial District, for reappointment as a member of the State Transportation Commission, to serve for a term of six years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY  
Governor

MEMBER OF THE STATE  
TRANSPORTATION COMMISSION

December 8, 1992

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, Isadore A. Shrager, Esquire, 4920 Locust Street, Philadelphia 19139, Philadelphia County, Eighth Senatorial District, for reappointment as a member of the State Transportation Commission, to serve for a term of six years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY  
Governor

MEMBER OF THE STATE BOARD OF VEHICLE  
MANUFACTURERS, DEALERS AND SALESPERSONS

December 8, 1992

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, Clarence R. Kozura, 615 Sunbury Street, Minersville 17954, Schuylkill County, Twenty-ninth

Senatorial District, for appointment as a member of the State Board of Vehicle Manufacturers, Dealers and Salespersons, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Lawrence J. O'Connor, Villanova, deceased.

ROBERT P. CASEY  
Governor

MEMBER OF THE STATE BOARD OF  
VETERINARY MEDICINE

December 8, 1992

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, Dean C. Rishel (Public Member), Box 65, Coburn 16832, Centre County, Thirty-fourth Senatorial District, for reappointment as a member of the State Board of Veterinary Medicine, 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.

ROBERT P. CASEY  
Governor

MEMBER OF THE BOARD OF TRUSTEES OF  
THE WESTERN YOUTH DEVELOPMENT CENTERS

December 8, 1992

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, Cheryl Allen Craig, 102 Elena Court, Pittsburgh 15201, Allegheny County, Thirty-eighth Senatorial District, for appointment as a member of the Board of Trustees of The Western Youth Development Centers, to serve until the third Tuesday of January 1995, and until her successor is appointed and qualified, vice Charlotte Arnold, Pittsburgh, whose term expired.

ROBERT P. CASEY  
Governor

MEMBER OF THE BOARD OF TRUSTEES OF  
THE WESTERN YOUTH DEVELOPMENT CENTERS

December 8, 1992

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, The Honorable Frank A. LaGrotta, 412 Patricia Drive, Ellwood City 16117, Lawrence County, Forty-seventh Senatorial District, for appointment as a member of the Board of Trustees of The Western Youth Development Centers, to serve until the third Tuesday of January 1993, and until his successor is appointed and qualified, vice G. Russell Gibson, New Castle, whose term expired.

ROBERT P. CASEY  
Governor

MEMBER OF THE CAMERON COUNTY  
BOARD OF ASSISTANCE

December 8, 1992

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, Anthony J. Grimone (Democrat), 220 East Allegheny Avenue, Emporium 15834, Cameron County, Twenty-fifth Senatorial District, for appointment as a member of the Cameron County Board of Assistance, to serve until December 31, 1994, and until his successor is appointed and qualified, vice Ruth L. Runco, Emporium, resigned.

ROBERT P. CASEY  
Governor

MEMBER OF THE CENTRE COUNTY  
BOARD OF ASSISTANCE

December 8, 1992

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, Rhonda E. Walker (Democrat), 125 Clover Road, State College 16801, Centre County, Thirty-fourth Senatorial District, for appointment as a member of the Centre County Board of Assistance, to serve until December 31, 1994, and until her successor is appointed and qualified, vice Harry R. Burd, Aaronsburg, whose term expired.

ROBERT P. CASEY  
Governor

MEMBER OF THE CRAWFORD COUNTY  
BOARD OF ASSISTANCE

December 8, 1992

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, Kerry D. Corbett (Democrat), R. D. #1, Cambridge 16403, Crawford County, Fiftieth Senatorial District, for appointment as a member of the Crawford County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified, vice Nancy B. Roeder, whose term expired.

ROBERT P. CASEY  
Governor

MEMBER OF THE MCKEAN COUNTY  
BOARD OF ASSISTANCE

December 8, 1992

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, Dana M. Bentley (Independent), 54 Euclid Avenue, Bradford 16701, McKean County, Twenty-fifth Senatorial District, for appointment as a member of the McKean County Board of Assistance, to serve until December 31, 1994, and until his successor is appointed and qualified, vice Kenneth Jadowiec, Bradford, whose term expired.

ROBERT P. CASEY  
Governor

MEMBER OF THE MCKEAN COUNTY  
BOARD OF ASSISTANCE

December 8, 1992

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, Karen K. Dougherty (Democrat), 585 Seaward Avenue, Bradford 16701, McKean County, Twenty-fifth Senatorial District, for appointment as a member of the McKean County Board of Assistance, to serve until December 31, 1994, and until her successor is appointed and qualified, vice Mary D. Mackowski, Bradford, resigned.

ROBERT P. CASEY  
Governor

MEMBER OF THE MCKEAN COUNTY  
BOARD OF ASSISTANCE

December 8, 1992

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, Audrey L. Lane (Democrat), R. D. 1, Box 65, Turtlepoint 16750, McKean County, Twenty-fifth Senatorial District, for appointment as a member of the McKean County Board of Assistance, to serve until December 31, 1993, and until her successor is appointed and qualified, vice Audrey Troutman, Mount Jewett, whose term expired.

ROBERT P. CASEY  
Governor

MEMBER OF THE MCKEAN COUNTY  
BOARD OF ASSISTANCE

December 8, 1992

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, Walter M. Makin (Democrat), 139 Gates Hollow, Bradford 16701, McKean County, Twenty-fifth Senatorial District, for appointment as a member of the McKean County Board of Assistance, to serve until December 31, 1994, and until his successor is appointed and qualified, vice Virginia Hinaman, Bradford, whose term expired.

ROBERT P. CASEY  
Governor

MEMBER OF THE PIKE COUNTY  
BOARD OF ASSISTANCE

December 8, 1992

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, Elise F. Lehde (Democrat), 112 Blackberry Alley, Milford 18337, Pike County, Twentieth Senatorial District, for appointment as a member of the Pike County Board of Assistance, to serve until December 31, 1994, and until her successor is appointed and qualified, vice Beverly J. Gallagher, Milford, resigned.

ROBERT P. CASEY  
Governor

MEMBER OF THE WAYNE COUNTY  
BOARD OF ASSISTANCE

December 8, 1992

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert Edwards (Democrat), R. R. 1, Box 1461, Waymart 18472, Wayne County, Twentieth Senatorial District, for appointment as a member of the Wayne County Board of Assistance, to serve until December 31, 1993, and until his successor is appointed and qualified, vice John P. Garrah, Honesdale, whose term expired.

ROBERT P. CASEY  
Governor

MEMBER OF THE STATE HARNESS  
RACING COMMISSION

December 9, 1992

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, John R. Reap, Jr., Esquire, 125 Parke Street, West Pittston 18643, Luzerne County, Fourteenth Senatorial District, for reappointment as a member of the State Harness Racing Commission, to serve for a term of three years and until his successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY  
Governor

MEMBER OF THE STATE BOARD  
OF PHARMACY

December 9, 1992

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, Ethel S. Walker (Public Member), 720 Harding Avenue, Williamsport 17701-2403, Lycoming County, Twenty-third Senatorial District, for reappointment as a member of the State Board of Pharmacy, to serve for a term of six years or until her successor is appointed and qualified, but not longer than six months beyond that period.

ROBERT P. CASEY  
Governor

MEMBER OF THE ENVIRONMENTAL  
HEARING BOARD

December 10, 1992

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, Andrea Quigley, 323 Short Street, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Environmental Hearing Board, to serve for a term of six years or until her successor is appointed and qualified, vice Terrance J. Fitzpatrick, Esquire, Hummelstown, resigned.

ROBERT P. CASEY  
Governor

MEMBER OF THE STATE TAX  
EQUALIZATION BOARD

December 10, 1992

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, James E. Bach, R. D. #3, Shickshinny 18655, Luzerne County, Twentieth Senatorial District, for appointment as a member of the State Tax Equalization Board, to serve until November 14, 1995, or until his successor is appointed and qualified, vice Gus A. Pedicone, Philadelphia, whose term expired.

ROBERT P. CASEY  
Governor

MEMBER OF THE PUBLIC EMPLOYEE  
RETIREMENT COMMISSION

December 15, 1992

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, The Honorable A. Carville Foster, Jr., R. D. #2, Seven Valleys 15622, Fayette County, Thirty-second Senatorial District, for appointment as a member of the Public Employee Retirement Commission, to serve until October 27, 1998, and until his successor is appointed and qualified, vice John W. Ingram, Camp Hill, deceased.

ROBERT P. CASEY  
Governor

MEMBER OF THE PENNSYLVANIA PUBLIC  
TELEVISION NETWORK COMMISSION

December 15, 1992

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, David A. Atkinson, 2024 Rock Fall Road, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Pennsylvania Public Television Network Commission, to serve for a term of six years and until his successor is appointed and qualified, vice Joseph D. Hughes, Esquire, Pittsburgh, resigned.

ROBERT P. CASEY  
Governor

MEMBER OF THE PENNSYLVANIA PUBLIC  
TELEVISION NETWORK COMMISSION

December 15, 1992

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, Joseph F. Leeson, Jr., Esquire, 3355 Camelot Drive, Bethlehem 18017, Northampton County, Eighteenth Senatorial District, for appointment as a member of the Pennsylvania Public Television Network Commission, to serve for a term of six years and until his successor is appointed and qualified, vice Bart H. Cavanagh, Sr., Media, whose term expired.

ROBERT P. CASEY  
Governor

DISTRICT JUSTICE

December 15, 1992

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, Thomas Carney, 1322 West 31st Street, Erie 16508, Erie County, Forty-ninth Senatorial District, for appointment as District Justice in and for the County of Erie, Magisterial District 6-1-05, to serve until the first Monday of January 1994, vice Larry R. Fabrizi, deceased.

ROBERT P. CASEY  
Governor

MEMBER OF THE BOARD OF TRUSTEES  
OF HARRISBURG STATE HOSPITAL

December 18, 1992

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, Willie M. Cooney, 4419 Venus

Avenue, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Board of Trustees of Harrisburg State Hospital, to serve until the third Tuesday of January 1997, and until her successor is appointed and qualified, vice Harry Judy, Jr., Middletown, resigned.

ROBERT P. CASEY  
Governor

JUDGE, COURT OF COMMON PLEAS,  
SCHUYLKILL COUNTY

December 18, 1992

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, Maryann D. Conway, Esquire, 1908 Mahantongo Street, Pottsville 17901, Schuylkill County, Twenty-ninth Senatorial District, for appointment as Judge of the Court of Common Pleas of Schuylkill County, to serve until the first Monday of January, 1994, vice The Honorable Wilbur H. Rubright, mandatory retirement.

ROBERT P. CASEY  
Governor

DISTRICT JUSTICE

December 18, 1992

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, Mark Vrahas, 200 East Second Avenue, DuBois 15801, Clearfield County, Twenty-fifth Senatorial District, for appointment as District Justice in and for the County of Clearfield, Magisterial District 46-3-01, to serve until the first Monday of January, 1994, vice Wesley J. Read, resigned.

ROBERT P. CASEY  
Governor

MEMBER OF THE BOARD OF TRUSTEES  
OF HAMBURG CENTER

December 21, 1992

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, Andrea M. Quigley, 323 Short Street, Harrisburg 17112, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Board of Trustees of Hamburg Center, to serve until third Tuesday of January 1997, and until her successor is appointed and qualified, vice Bertha E. Wahmann, Lebanon, resigned.

ROBERT P. CASEY  
Governor

MEMBER OF THE BOARD OF GOVERNORS OF  
THE STATE SYSTEM OF HIGHER EDUCATION

December 24, 1992

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, Irvin J. Hartman, Jr., 2223 North Fifth Street, Philadelphia 19133, Philadelphia County, Second Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until graduated or separated, vice Patrick J. Geho, Baden, graduated.

ROBERT P. CASEY  
Governor

MEMBER OF THE BOARD OF GOVERNORS OF  
THE STATE SYSTEM OF HIGHER EDUCATION

December 24, 1992

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, Janice L. Michaud, 19 Lawnside Drive, Lawrenceville, New Jersey 08648, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until graduated or separated, vice Kimberly Allen, Warrington, graduated.

ROBERT P. CASEY  
Governor

MEMBER OF THE BOARD OF GOVERNORS OF  
THE STATE SYSTEM OF HIGHER EDUCATION

December 24, 1992

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, Stephen E. Whitby, 2117 Highland Street, Allentown 18104, Lehigh County, Sixteenth Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until graduated or separated, vice Monica A. Douglas, Elizabeth, graduated.

ROBERT P. CASEY  
Governor

DISTRICT JUSTICE

December 29, 1992

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, D. Dodie DeGruttola, 222 South Morrow Street, Blairsville 15717, Indiana County, Forty-first Senatorial District, for appointment District Justice in and for the County of Indiana, Magisterial District 40-3-03, to serve until first

Monday of January, 1994, vice Angelo Cravotta, mandatory retirement.

ROBERT P. CASEY  
Governor

MEMBER OF THE CAMERON COUNTY  
BOARD OF ASSISTANCE

January 4, 1993

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 L. Berry (Democrat), R. D. 1, Box 251, Emporium 15834, Cameron County, Twenty-fifth Senatorial District, for appointment as a member of the Cameron County Board of Assistance, to serve until December 31, 1995, and until his successor is appointed and qualified, to add to complement.

ROBERT P. CASEY  
Governor

MEMBER OF THE CAMERON COUNTY  
BOARD OF ASSISTANCE

January 4, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, David A. Brown (Republican), 104 East Second Street, Emporium 15834, Cameron County, Twenty-fifth Senatorial District, for appointment as a member of the Cameron County Board of Assistance, to serve until December 31, 1995, and until his successor is appointed and qualified, to add to complement.

ROBERT P. CASEY  
Governor

MEMBER OF THE CARBON COUNTY  
BOARD OF ASSISTANCE

January 4, 1993

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, Pearl Dugan (Democrat), 60 Broadway, Jim Thorpe 18229, Carbon County, Twenty-ninth Senatorial District, for appointment as a member of the Carbon County Board of Assistance, to serve until December 31, 1995, and until her successor is appointed and qualified, to add to complement.

ROBERT P. CASEY  
Governor

MEMBER OF THE CARBON COUNTY  
BOARD OF ASSISTANCE

January 4, 1993

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, Randall L. Smith (Democrat), 1212 Center Street, Jim Thorpe 18229, Carbon County, Twenty-ninth Senatorial District, for appointment as a member of the Carbon County Board of Assistance, to serve until December 31, 1995, and until his successor is appointed and qualified, to add to complement.

ROBERT P. CASEY  
Governor

MEMBER OF THE CARBON COUNTY  
BOARD OF ASSISTANCE

January 4, 1993

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, Edward H. Vermillion, Esquire (Democrat), 616 Iron Street, Lehighton 18235, Carbon County, Twenty-ninth Senatorial District, for appointment as a member of the Carbon County Board of Assistance, to serve until December 31, 1995, and until his successor is appointed and qualified, to add to complement.

ROBERT P. CASEY  
Governor

MEMBER OF THE CENTRE COUNTY  
BOARD OF ASSISTANCE

January 4, 1993

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, Madeline H. Bryan Kundts (Republican), R. D. 2, Box 281, Howard 16841, Centre County, Thirty-fourth Senatorial District, for appointment as a member of the Centre County Board of Assistance, to serve until December 31, 1995, and until her successor is appointed and qualified, vice Mildred M. Carra, Snow Shoe, whose term expired.

ROBERT P. CASEY  
Governor

MEMBER OF THE CLINTON COUNTY  
BOARD OF ASSISTANCE

January 4, 1993

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, Nancy Crissman (Republican), Box 25, Castanea 17726, Clinton County, Thirty-fourth Senatorial District, for appointment as a member of the Clinton County Board of Assistance, to serve until December 31, 1995, and until her successor is appointed and qualified, to add to complement.

ROBERT P. CASEY  
Governor

MEMBER OF THE CLINTON COUNTY  
BOARD OF ASSISTANCE

January 4, 1993

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, Joseph A. Ordway (Republican), 307 First Avenue, Lock Haven 17745, Clinton County, Thirty-fourth Senatorial District, for appointment as a member of the Clinton County Board of Assistance, to serve until December 31, 1995, and until his successor is appointed and qualified, to add to complement.

ROBERT P. CASEY  
Governor

MEMBER OF THE COLUMBIA COUNTY  
BOARD OF ASSISTANCE

January 4, 1993

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, Patricia A. Hanson (Democrat), R. R. 2, Box 86, Bloomsburg 17815, Columbia County, Twenty-seventh Senatorial District, for appointment as a member of the Columbia County Board of Assistance, to serve until December 31, 1995, and until her successor is appointed and qualified, to add to complement.

ROBERT P. CASEY  
Governor

MEMBER OF THE COLUMBIA COUNTY  
BOARD OF ASSISTANCE

January 4, 1993

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Robert J. Matthews (Democrat), 408 Drinker Street, Bloomsburg 17815, Columbia County, Twenty-seventh Senatorial District, for appointment as a member of the Columbia County Board of Assistance, to serve until December 31, 1995, and until his successor is appointed and qualified, to add to complement.

ROBERT P. CASEY  
Governor

MEMBER OF THE DAUPHIN COUNTY  
BOARD OF ASSISTANCE

January 4, 1993

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, Barbara Umbrell Shields (Non-Partisan), 5517 Partridge Court, Harrisburg 17111, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Dauphin County Board of Assistance, to serve until December 31, 1995, and until her successor is appointed and qualified, to add to complement.

ROBERT P. CASEY  
Governor

MEMBER OF THE DELAWARE COUNTY  
BOARD OF ASSISTANCE

January 4, 1993

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, Ruth H. Craig (Democrat), 644 Old Lancaster Road, Bryn Mawr 19010, Delaware County, Seventeenth Senatorial District, for appointment as a member of the Delaware County Board of Assistance, to serve until December 31, 1995, and until her successor is appointed and qualified, to add to complement.

ROBERT P. CASEY  
Governor

MEMBER OF THE LUZERNE COUNTY  
BOARD OF ASSISTANCE

January 4, 1993

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, Ann Marie C. Adonizio (Democrat), 118 Parnell Street, Pittston Township 18640, Luzerne County, Fourteenth Senatorial District, for appointment as a member of the Luzerne County Board of Assistance, to serve until December 31, 1995, and until her successor is appointed and qualified, vice Dr. Andrew Shaw, Jr., Dallas, whose term expired.

ROBERT P. CASEY  
Governor

MEMBER OF THE MCKEAN COUNTY  
BOARD OF ASSISTANCE

January 4, 1993

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, Edward L. McElwee (Democrat), 121 Forest Avenue, Smethport 16749, McKean County, Twenty-fifth Senatorial District, for appointment as a member of the McKean County Board of Assistance, to serve until December 31, 1995, and until his successor is appointed and qualified, to add to complement.

ROBERT P. CASEY  
Governor

MEMBER OF THE MERCER COUNTY  
BOARD OF ASSISTANCE

January 4, 1993

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, Ann V. Hammond (Democrat), 333 Hamilton Avenue, Farrell 16121, Mercer County, Fiftieth Senatorial District, for appointment as a member of the Mercer County Board of Assistance, to serve until December 31, 1995 and until her successor is appointed and qualified, vice Doris Milheim, Sharon, resigned.

ROBERT P. CASEY  
Governor

MEMBER OF THE MIFFLIN COUNTY  
BOARD OF ASSISTANCE

January 4, 1993

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, Ronald E. Notestine (Democrat), 2 Winding Way, Lewistown 17044, Mifflin County, Thirty-fourth Senatorial District, for appointment as a member of the Mifflin County Board of Assistance, to serve until December 31, 1995, and until his successor is appointed and qualified, to add to complement.

ROBERT P. CASEY  
Governor

MEMBER OF THE MONROE COUNTY  
BOARD OF ASSISTANCE

January 4, 1993

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, Christie E. Bower, Esquire (Democrat), 218 Wilderness Acres, East Stroudsburg 18301, Monroe County, Eighteenth Senatorial District, for appointment as a member of the Carbon County Board of Assistance, to serve until December 31, 1995, and until her successor is appointed and qualified, to add to complement.

ROBERT P. CASEY  
Governor

MEMBER OF THE MONTOUR COUNTY  
BOARD OF ASSISTANCE

January 4, 1993

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, Jane VonBlohn (Democrat), 300 Honeymoon Street, Danville 17821, Montour County, Twenty-seventh Senatorial District, for appointment as a member of the Montour County Board of Assistance, to serve until December 31, 1995, and until her successor is appointed and qualified, to add to complement.

ROBERT P. CASEY  
Governor

MEMBER OF THE SUSQUEHANNA COUNTY  
BOARD OF ASSISTANCE

January 4, 1993

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, Catherine T. Hough (Democrat), 414 Pine Street, Susquehanna 18847, Susquehanna County, Twentieth Senatorial District, for appointment as a member of the Susquehanna County Board of Assistance, to serve until December 31, 1995, and until her successor is appointed and qualified, to add to complement.

ROBERT P. CASEY  
Governor

MEMBER OF THE SUSQUEHANNA COUNTY  
BOARD OF ASSISTANCE

January 4, 1993

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, Isabell Plonski (Democrat), R. D. 1, Box 60, Thompson 18465, County, Twentieth Senatorial District, for appointment as a member of the Susquehanna County Board of Assistance, to serve until December 31, 1995, and until her successor is appointed and qualified, to add to complement.

ROBERT P. CASEY  
Governor

MEMBER OF THE UNION COUNTY  
BOARD OF ASSISTANCE

January 4, 1993

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, Annalisa G. Foulds (Democrat), Bridge Avenue, Allenwood 17810, Union County, Twenty-third Senatorial District, for appointment as a member of the Union County Board of Assistance, to serve until December 31, 1995, and until her successor is appointed and qualified, to add to complement.

ROBERT P. CASEY  
Governor

MEMBER OF THE VENANGO COUNTY  
BOARD OF ASSISTANCE

January 4, 1993

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, Creeta Y. Owens (Democrat), 806 West First Street, Oil City 16301, Venango County, Twenty-fifth Senatorial District, for appointment as a member of the Venango County Board of Assistance, to serve until December 31, 1995 and until her successor is appointed and qualified, to add to complement.

ROBERT P. CASEY  
Governor

MEMBER OF THE WAYNE COUNTY  
BOARD OF ASSISTANCE

January 4, 1993

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, Theresa L. Henderson (Republican), HC 1, Box 1482, Milanville 18443, Wayne County, Twentieth Senatorial District, for appointment as a member of the Wayne County Board of Assistance, to serve until December 31, 1995, and until her successor is appointed and qualified, to add to complement.

ROBERT P. CASEY  
Governor

MEMBER OF THE WAYNE COUNTY  
BOARD OF ASSISTANCE

January 4, 1993

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, Joseph E. Sheridan, Jr. (Democrat), 211 Spruce Avenue, Hawley 18428, Wayne County, Twentieth Senatorial District, for reappointment as a member of the Wayne County Board of Assistance, to serve until December 31, 1995, and until his successor is appointed and qualified.

ROBERT P. CASEY  
Governor

HOUSE MESSAGE

HOUSE CONCURS IN SENATE  
CONCURRENT RESOLUTION

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

Weekly Adjournment.



**STANDING COMMITTEES APPOINTED**

The PRESIDENT. The Chair wishes to announce that a communication has been received from the President pro tempore designating the appointment of the Standing Committees of the Senate for the 1993-1994 Session.

**STANDING COMMITTEES OF THE  
SENATE OF PENNSYLVANIA  
SESSIONS OF 1993-1994**

**AGING AND YOUTH—12**

ANDREZESKI, Chairman

Belan	O'Pake	Rhoades
Jones	Schwartz	Baker
LaValle	Salvatore*	Mowery
Lynch	Loeper	Mellow, ex-officio

**AGRICULTURE AND RURAL AFFAIRS-12**

STAPLETON, Chairman

Afflerbach	Porterfield	Rhoades
Bortner	Stout	Wenger
Lincoln	Madigan*	Punt
O'Pake	Helfrick	Mellow, ex-officio

**APPROPRIATIONS—20**

FUMO, Chairman

Andrezeski	Schwartz	Holl
Bodack	Stapleton	Loeper
Lewis	Stewart	Fisher
Lincoln	Stout	Wenger
Musto	Williams	Peterson
O'Pake	Tilghman*	Mellow, ex-officio
Scanlon	Bell	

**BANKING AND INSURANCE—12**

SCANLON, Chairman

Bodack	O'Pake	Loeper
Dawida	Pecora	Shaffer
LaValle	Holl*	Salvatore
Lewis	Corman	Mellow, ex-officio

**COMMUNICATIONS AND HIGH TECHNOLOGY - 12**

BORTNER, Chairman

Afflerbach	LaValle	Corman
Dawida	Lincoln	Peterson
Fattah	Armstrong*	Lemmond

Fumo

Tilghman

Mellow,  
ex-officio

**COMMUNITY AND  
ECONOMIC DEVELOPMENT—12**

STEWART, Chairman

Fattah	Reibman	Punt
Jones	Schwartz	Robbins
LaValle	Shaffer*	Hart
Porterfield	Peterson	Mellow, ex-officio

**CONSUMER PROTECTION AND  
PROFESSIONAL LICENSURE—12**

PORTERFIELD, Chairman

Afflerbach	Lynch	Shaffer
Andrezeski	Reibman	Shumaker
Bortner	Bell*	Robbins
LaValle	Greenleaf	Mellow, ex-officio

**EDUCATION—12**

FATTAH, Chairman

Bortner	Schwartz	Shumaker
Lincoln	Stout	Armstrong
Lynch	Rhoades*	Hart
Reibman	Greenleaf	Mellow, ex-officio

**ENVIRONMENTAL RESOURCES  
AND ENERGY—12**

MUSTO, Chairman

Jones	Stewart	Greenleaf
Lincoln	Stout	Fisher
Pecora	Brightbill*	Rhoades
Stapleton	Holl	Mellow, ex-officio

**FINANCE—12**

DAWIDA, Chairman

Afflerbach	Lewis	Armstrong
Andrezeski	Williams	Lemmond
Belan	Hart*	Mowery
Fattah	Helfrick	Mellow, ex-officio

**GAME AND FISHERIES—12**

LINCOLN, Chairman

Afflerbach	Reibman	Rhoades
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Bodack	Stapleton	Madigan
Fumo	Helfrick*	Robbins
O'Pake	Jubelirer	Mellow, ex-officio

INTERGOVERNMENTAL AFFAIRS—12

O'PAKE, Chairman

Afflerbach	Reibman	Fisher
Fumo	Stewart	Salvatore
Lynch	Mowery*	Baker
Pecora	Loeper	Mellow, ex-officio

JUDICIARY—12

LEWIS, Chairman

Bortner	Scanlon	Brightbill
Fumo	Williams	Shumaker
O'Pake	Greenleaf*	Lemmond
Reibman	Fisher	Mellow, ex-officio

LABOR AND INDUSTRY—12

BELAN, Chairman

Bodack	Reibman	Madigan
Lynch	Stapleton	Punt
Musto	Baker*	Mowery
Porterfield	Brightbill	Mellow ex-officio

LAW AND JUSTICE—12

LYNCH, Chairman

Andrezeski	Scanlon	Helfrick
Belan	Stewart	Shaffer
Fattah	Shumaker*	Salvatore
LaValle	Fisher	Mellow, ex-officio

LOCAL GOVERNMENT—12

PECORA, Chairman

Bortner	Stewart	Madigan
Jones	Stout	Lemmond
Lewis	Robbins*	Baker
Porterfield	Corman	Mellow, ex-officio

PUBLIC HEALTH AND WELFARE—12

WILLIAMS, Chairman

Afflerbach	Pecora	Brightbill
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Dawida	Schwartz	Hart
Jones	Peterson*	Mowery
Musto	Corman	Mellow, ex-officio

RULES AND EXECUTIVE  
NOMINATIONS—15

LINCOLN, Chairman

Afflerbach	Reibman	Bell
Bodack	Stapleton	Holl
Fumo	Stout	Wenger
Musto	Williams	Brightbill
O'Pake	Jubelirer*	Mellow, ex-officio

STATE GOVERNMENT—12

SCHWARTZ, Chairman

Andrezeski	Stewart	Wenger
Fattah	Williams	Shumaker
Lewis	Lemmond*	Punt
Pecora	Bell	Mellow, ex-officio

TRANSPORTATION—12

STOUT, Chairman

Bodack	O'Pake	Armstrong
LaValle	Stapleton	Peterson
Lincoln	Corman*	Baker
Lynch	Shaffer	Mellow ex-officio

URBAN AFFAIRS AND HOUSING—12

JONES, Chairman

Dawida	Scanlon	Salvatore
Fumo	Schwartz	Armstrong
Musto	Wenger*	Hart
Porterfield	Tilghman	Mellow, ex-officio

VETERANS AFFAIRS AND  
EMERGENCY PREPAREDNESS

LaVALLE, Chairman

Belan	Stewart	Helfrick
Dawida	Williams	Madigan
Musto	Punt*	Robbins
Pecora	Bell	Mellow, ex-officio

\*Minority Chairman

### APPOINTMENTS BY PRESIDENT PRO TEMPORE

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

Senator Allyson Y. Schwartz to serve on the Health Committee of the State Federal Assembly of the NCSL.

Mr. Don Ernst to serve on the Constable Education and Training Board.

### APPOINTMENTS BY MINORITY LEADER

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

Senator David J. Brightbill as a member of the Environmental Quality Board.

Mr. Michael S. Long to serve as Staff Administrator for the Minority Caucus.

### BILLS INTRODUCED AND REFERRED

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

January 5, 1993

Senators MELLOW and MADIGAN presented to the Chair SB 1, entitled:

An Act amending the act of June 2, 1915 (P. L. 736, No. 338), entitled, as reenacted and amended, "The Pennsylvania Workmen's Compensation Act," adding and amending certain definitions; redesignating referees as workers' compensation judges; further providing for contractors, for insurance and self-insurance, for compensation and for payments for medical services; providing for coordinated care organizations; further providing for procedures for the payment of compensation and for medical services and for procedures of the department, referees and the board; adding provisions relating to insurance, self-insurance pooling, self-insurance guaranty fund, health and safety and the prevention of insurance fraud; further providing for certain penalties; making repeals; and making editorial changes.

Which was committed to the Committee on LABOR AND INDUSTRY, January 5, 1993.

Senators LINCOLN, PETERSON, SALVATORE, STOUT, SCANLON, HELFRICK, MUSTO, MADIGAN, ARMSTRONG, STAPLETON, STEWART, FUMO, BAKER, WENGER, PUNT, PORTERFIELD and LOEPER presented to the Chair SB 2, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for an alternative form of regulation of telecommunications services.

Which was committed to the Committee on COMMUNICATIONS AND HIGH TECHNOLOGY, January 5, 1993.

Senators SCHWARTZ, MELLOW, LINCOLN, BODACK, AFFLERBACH, REIBMAN, FUMO, BELAN, ANDREZESKI, DAWIDA, STEWART, SCANLON, LEWIS, BORTNER, BELL, JONES, STOUT, MUSTO,

HELFRICK, WILLIAMS, LYNCH and FATTAH presented to the Chair SB 3, entitled:

An Act providing for the entitlement of family leave for employees in certain cases involving a birth, an adoption or a serious health condition and to temporary medical leave in certain cases involving a serious health condition, with adequate protection of the employee's employment and benefit rights.

Which was committed to the Committee on LABOR AND INDUSTRY, January 5, 1993.

Senators FUMO, PECORA, MELLOW and MUSTO presented to the Chair SB 4, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, relating to laws that require political subdivisions to spend funds or that limit the ability of political subdivisions to raise revenue.

Which was committed to the Committee on LABOR AND INDUSTRY, January 5, 1993.

Senators FUMO, MELLOW, LINCOLN, BODACK, AFFLERBACH, STAPLETON, REIBMAN and MUSTO presented to the Chair SB 5, entitled:

An Act granting tax credits to certain employers who invest in efforts to provide education and training for their existing work force.

Which was committed to the Committee on LABOR AND INDUSTRY, January 5, 1993.

Senators FUMO, STEWART, REIBMAN and MUSTO presented to the Chair SB 6, entitled:

An Act establishing a Statewide youth apprenticeship program; creating the State Youth Apprenticeship Council as a subcommittee of the State Board of Education; designating the Department of Education as the administrative agency for the State Youth Apprenticeship Council; outlining the creation and participation of regional councils to support the development of youth apprenticeship programs; and providing guidelines for the administration and operation of the program.

Which was committed to the Committee on EDUCATION, January 5, 1993.

Senator MELLOW presented to the Chair SB 7, entitled:

An Act amending the act of January 14, 1952 (1951 P. L. 1898, No. 522), entitled, as amended, "Funeral Director Law," providing for prohibitions.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, January 5, 1993.

Senator MELLOW presented to the Chair SB 8, entitled:

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), entitled "The County Code," further providing for coroners' handling of property of decedents.

Which was committed to the Committee on LOCAL GOVERNMENT, January 5, 1993.

Senator MELLOW presented to the Chair SB 9, entitled:

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for eligibility of personal representatives.

Which was committed to the Committee on JUDICIARY, January 5, 1993.

Senator MELLOW presented to the Chair **SB 10**, entitled:

An Act amending the act of August 9, 1955 (P. L. 323, No. 130), entitled "The County Code," authorizing replacement of coroners with medical examiners; and prescribing qualifications for medical examiners.

Which was committed to the Committee on LOCAL GOVERNMENT, January 5, 1993.

### WRIT OF ELECTION

The PRESIDENT. The Chair wishes to announce at this time that in accordance with Article II, Section 2, of the Constitution of Pennsylvania, I have this day signed a writ of election addressed to the Secretary of the Commonwealth and to the Bucks County Board of Election to cause a special election to be held on Tuesday, July 13, 1993, to fill the vacancy in the 10th Senatorial District.

### TELLER'S REPORT OF PROCEEDINGS OF JOINT SESSION OF SENATE AND HOUSE OF REPRESENTATIVES FOR THE OPENING, COUNTING AND PUBLISHING OF VOTES FOR STATE TREASURER, AUDITOR GENERAL, ATTORNEY GENERAL AND THE ELECTION OF A DIRECTOR OF THE LEGISLATIVE REFERENCE BUREAU

Senator JONES. Mr. President, the President and Members of the Senate, and the Speaker and Members of the House of Representatives, met in the Hall of the House of Representatives on this day, and with the President of the Senate, Mark S. Singel, presiding, and pursuant to the Constitution and laws of this Commonwealth, did then and there proceed to open, count, and publish the official returns of the election of State Treasurer, Auditor General, and Attorney General, held on the third day of November, anno domini one thousand nine hundred and ninety-two, in the city of Philadelphia and several counties of the Commonwealth.

Also, Mr. President, I beg to report that during the Joint Session of the Senate and the House of Representatives, in accordance with the provisions of Section 2 of the act approved the seventh day of May, one thousand nine hundred and twenty-three, (P.L. 158), entitled, "An Act creating a Legislative Reference Bureau, providing for the election of the Director by the General Assembly, designating the officers and employees of such bureau, defining their duties, fixing their salaries, abolishing the present Legislative Reference Bureau, and making an appropriation," the Senate and House of Representatives in Joint Session today assembled elected John W. Hartman as Director of the Legislative Reference Bureau, and the oath of office was administered to John W. Hartman.

Thank you, Mr. President.

The PRESIDENT. The Chair thanks the teller for her report, and her report will be spread upon the record.

### PETITIONS AND REMONSTRANCES

The PRESIDENT. The Chair recognizes Senator Belan, who submits remarks for the record.

(The following prepared remarks were made a part of the record at the request of the gentleman from Allegheny, Senator BELAN:)

"Today, as we opened another session of the Legislature, I saw in the eyes of my granddaughter, Sarah Elizabeth, the future...

"A future that promises tremendous opportunity for growth...a future that challenges each one of us to reach beyond our potential...a future unlimited in possibilities...

"Today, in this Legislature we have to begin to envision the hopes that our children and grandchildren see...

"We have to understand that as the torch passes to the next generation, we can no longer passively go about our business.

"For Sarah's sake, we have to be renewed with the sense of purpose, rekindled with a firm resolve to change things for the better, and recharged with an optimism that our political system too can reflect these convictions...

"As a man who has spent a great portion of my life in public service, I have seen this commitment before...

"I have seen other children like Sarah energize a nation and a community to great heights...

Health care for children, jobs for our young and an educational system which is second to none are goals which are attainable...

"They can't be dreams which never come true...not for my granddaughter's sake.

"Because of Sarah, and other children who see us as teachers, we must light a new path.

"We cannot pass unresolved problems to the next person in line.

"I saw in my granddaughter's eyes this morning a duty that we seem to forget...we have a responsibility to act on behalf of the defenseless and protect those less fortunate.

"We can't shirk this challenge. We can't shy away.

"Sarah Belan Jadwin is living proof that God intended for life to go on...

"As public servants, we must prove that we are up to the job at hand...that success is the hallmark of greatness.

"Sarah Belan Jadwin—all of six months old who came to Harrisburg from Columbus, Ohio—is what our future means to me...

"I am honored to have my only granddaughter here to share this day...

"It's a new beginning and a new day, let us begin it with Sarah in mind...

"Each of us have a Sarah to guide us: to inspire us to a new level...

"Let us leave this place just a little better than it is now.

"Mr. President, I thank you."

Senator FISHER. Mr. President, on the constitutional point of order that was raised by Senator Jubelirer, the first constitu-

tional point of order, had the previous question not been moved, I would have asked to have been recognized for the purpose of making certain remarks. At this time I would like to submit those remarks for the record.

The PRESIDENT. Without objection, these remarks will be spread upon the record.

(The following prepared remarks were made a part of the record at the request of the gentleman from Allegheny, Senator FISHER:)

"It is unfortunate we are in this position today but reapportionment put us here. It seems clear that the 44th District is vacant because no election has been held there but also because Senator Pecora while he claims to represent that district, is not a resident there. He lives and resides in Allegheny County just as I do, just as five other Members of this Senate do. Residence in Pennsylvania has been equated with domicile. It is clear that Senator Pecora has been, and continues to be, domiciled in Allegheny County at his home at 5970 Poketa Drive, Penn Hills.

"Let's look at what has happened since the reapportionment plan became effective on February 14, 1992:

"Senator Pecora became a candidate for Congress in Allegheny County.

"He filed candidate affidavit with the Commonwealth stating a residence in Allegheny County.

"He filed candidate material with the Federal Election Commission indicating a residence in Allegheny County.

"Senator Pecora voted in Allegheny County in the fall of 1992 and his team has continued to file reports with the Federal Election Commission carrying an address in Allegheny County. The most recent of which reports was filed only last month.

"That he considers Allegheny County his home is made abundantly clear by what is attributed to him as recently as last week in the West Chester Times: 'He has already rented an apartment in Pottstown and plans to live in Montgomery County during the week. He will go home to Allegheny County on the weekend to see his family'. Making one's home in an area defines residence.

"As the Election Code states: 'A person shall not be considered to have gained a residence in any election district in this state into which he comes for temporary purposes only, without the intention of making such election district his permanent place of abode.'

"The Election Code also notes that the place where the family of a married man or woman resides shall be considered, and held to be his or her place of residence. It further provides:

"'A person will not be considered to have lost his residence who leaves his home and goes into another state or election district for temporary purposes only with the intention of returning.'

"By his own conduct, by his own admission, Frank Pecora has made it clear that he is not a resident of the present 44th Senatorial District. But he is a Pittsburgher just like me. The issue here, however, is not Frank Pecora, but the issue is

whether the 250,000 people of the 44th Senatorial District in parts of Chester, Berks, Montgomery and Lehigh Counties will be represented by someone in this Senate.

"The district is therefore vacant and the constitutional point of order that was raised should have been sustained."

Senator BAKER. Mr. President, I am amused at the comments that we heard today from the Majority. In fact, there is an old saying, "actions speak louder than words," and the words of the Majority have a very hollow ring because they demonstrated that they do not want to hear debate, they do not want to hear substance. They would rather try to use parliamentary maneuvers to avoid facts, and perhaps there is a fear of the truth coming out in the debate. It is a shame we have to observe that in the Senate, Mr. President, after a record that this side provided of openness of debate. But, nonetheless, by allowing the remarks to be distributed by Pages, I was able to be heard in another medium. Nonetheless, I would like to, at this time, point out that more time was consumed by the Majority in their parliamentary confusion than would have been taken up by simply listening to the substance of the debate and the point that I wished to make on the constitutional point of order that was made, and apparently they wish to avoid having any real discussion of that because of the weakness of their case. It is a great disappointment to have opponents like that who do not want to hear what anybody else has to say. It is a mark of weakness. It is a sign of the inability to come to grips with the people's representatives who have come here.

The point that I was making is that there are 250,000 Pennsylvanians who today are unrepresented. They did not have a chance to vote for their Senator in the General Assembly. That kind of simple truth and that basic American right, perhaps it was no wonder the Majority did not want to have that discussed, because it is a principle so fundamentally sound - that each of these people should be represented in the Senate by someone elected by them - that they did not actually want to discuss that point.

I ask for consent that the remarks, some of which I made in part, be printed in their entirety, and I am glad that there is an ability for those to find out, other than just by muzzling debate, as to the points that Senators wish to make in the General Assembly. It is an inauspicious start to the new administration. Their words ring in a very hollow manner, and I think that they had a chance to demonstrate otherwise and did not choose to take it.

Thank you, Mr. President.

(The following prepared remarks were made a part of the record at the request of the gentleman from Chester, Senator BAKER.)

"Mr. President, it is with great reluctance that I rise at this time normally reserved for the ceremonies attendant to the opening of the new General Assembly.

"Only a deep concern with an important constitutional question on behalf of many citizens of this Commonwealth would cause me speak at this time and I feel compelled to do so.

"I might state at the outset that there is little in my following remarks which is critical of the gentleman from Allegheny, Senator Pecora. I consider him to be a victim of a flawed process just as I consider the citizens of Chester and other counties in the new 44th Senatorial District to be victims of a process that has resulted in approximately a quarter of a million citizens of the State of Pennsylvania not having the opportunity to vote for their representative in this General Assembly and the Senate in particular—an egregious breach of an American right that traces its origin to the Revolution. In fact, fighting for this right was one of the most basic reasons for our separation from Great Britain more than two-hundred years ago.

"I deem it to be just as important to these citizens as it was to those Americans who raised the standard of 'No Taxation Without Representation.'

"It is certainly no secret that partisanship pervades this Capitol. As someone who recognizes the necessary and valuable part played in our governmental system by political parties, my remarks do not question the practice by political parties of seeking their own advantage. It is inherent in the process.

"Yet there comes a time when partisanship becomes the sine qua non of the structuring of the process that we may ask whether it has gone too far. Whether building a system of representation around an advantage to one political party over another does not distort and subvert the ability of the system to operate in its normal manner.

"In an unprecedented move to my knowledge, the Reapportionment Commission in 1992, decided to move a district from one part of the State to another where the population so dictated. That is not unprecedented. What is, is moving a district with someone in it!

"Since there is no logical reason to move an occupied district when one which was up for election could have been moved, the deduction is apparent that it was done to favor the party of the deciding vote of the commission in fact, the party of the affiliation of nearly every judge in the very court which later upheld this opinion. The normal distance from political choices of the court in this case was clearly not applicable since through partisan maneuvering, the appointment of the individual on the commission was done by the very body which later chose—not unexpectedly!—to uphold this decision.

"By depriving these people of that choice the stage was set for someone who was assigned to this district who has actually resided hundreds of miles away and who under no color of argument can be said to be familiar with, understand or be acquainted with the people in that district.

"Is it any wonder that he is disgruntled with the system? Disgruntled enough that he would out of chagrin take a step that would show his disdain for the process and for any of those involved in the process with whom he feels he can take issue.

"I think not. Yet in balancing our understanding of his wish to lash out at a system which deprived him of his own constituency and potentially his office, we cannot overlook the more pervasive interests of those who can certainly view his placement in their district as more that (sic) a 'minor incon-

venience', the residue of a Reapportionment Commission members (sic) conscious choice to change the basis of representation based on pure partisanship.

"There are many Mr. President who feel that the court suit filed by residents of the new 44th District calling for a special election, is doomed to failure because of the court's up to now, reluctance to intervene in this process. While not a lawyer and foregoing the temptation to give my own personal legal opinion, it certainly seems fundamentally fair to me to expect the Federal courts—given the responsibility of upholding the Constitution of the United States—to remedy this situation.

"In my opinion a special election should be held as soon as possible under order of the court. I do not undertake to prescribe the way in which Mr. Pecora should be dealt with, but it seems to me a court could and should take extraordinary measures to protect his rights even while giving the citizens of (sic) new 44th theirs.

"However, in bringing these comments to apply in today's proceedings it seems clear to me that the residents of the new 44th District are being deducted from the equation of representation in this Chamber today and they should be afforded that opportunity."

Senator LINCOLN. Mr. President, the previous speaker made reference to confusion, and the only thing I would say in response to that is if there had to be confusion, I would rather it be my confusion than his. And that was what happened here today.

I think the criticism that the gentleman from Chester, Senator Baker, just leveled is a little bit hard for me personally to deal with because for the first time in 202 years, or at least in the recorded history that we could find, the Minority Party was permitted to make remarks in the regular agenda of this particular Session. They were uncensored. There was a great deal of trust displayed between Senator Jubelirer and myself, and for that I am hopeful and I am appreciative because I think the hope means that there can and will be days when we will accomplish things in this Senate, and I am appreciative because he and I have developed a friendship and a feeling of trust in one another that I believe today was not violated.

I think the fact that there have been references made to people being unrepresented are just absolutely, completely false. If we look at the reapportionment plan that was put into place, all 50 Senate districts had people who were different than what they were elected to represent. The process will continue, as it did in the cases of the November elections, and in November of 1994 there will be an election in the 44th District that is legal by law, by the Constitution, and then there will either be the same person representing that district or a different one, as happens in every election that takes place in this State and in this country. I think that is the strength of this system of government that we have, and I personally maybe do not always agree with it, but I think in the long run the system is better and more intelligent than most of the people who talk about it.

I would say that Petitions and Remonstrances is the place to get these things off your chest. Today I would suggest that

is probably precisely what took place. I do not think there was any more meaning to what Senator Baker said than just getting it off his chest.

Senator JUBELIRER. Mr. President, it is most difficult for me to come forward as a new Minority Leader and in my first Petitions and Remonstrances, frankly, say to you as the President of the Senate and as the Lieutenant Governor of this State that you have not done the right thing by calling a special election for the people of Bucks County on Tuesday, July 13. How you defend that, Mr. President, is beyond comprehension to me. I cannot understand why the people of Bucks County are second-class citizens in your eyes and the people in Cambria County are first-class citizens.

Let me read some things to you, Mr. President.

Senator LINCOLN. Mr. President.

Senator JUBELIRER. This is Petitions and Remonstrances.

The PRESIDENT. The Chair would recognize the gentleman from Fayette, Senator Lincoln.

Senator LINCOLN. In Petitions and Remonstrances there still are rules of the Senate that you must abide by, and impugning the integrity of the President of the Senate is not in the rules.

The PRESIDENT. If the gentleman would yield.

The gentleman from Fayette has a right to make his point. For what purpose does the gentleman rise?

Senator LINCOLN. Mr. President, I can understand the emotion, I can understand the anger, I can understand a lot of things, but the rules of the Senate say that you cannot impugn the integrity or the motives of a person who makes a decision here, whether it be one of the 50—or right now 49—Senators or the President of the Senate, who is a Member of this body by virtue of the office he holds. I do not believe that Senator Jubelirer intends to do that, but I am not going to stand by and allow him to, if that is his intention.

The PRESIDENT. The Chair thanks the gentleman, and as much as I am inclined to agree with your point, and I am, I would simply suggest to the gentleman from Blair, Senator Jubelirer, that neither Senator Lincoln nor the Lieutenant Governor are inclined to accept personal attacks. However, it is the gentleman's right to issue some statements under Petitions and Remonstrances. I respect that.

And the Chair recognizes the gentleman from Blair, Senator Jubelirer.

Senator JUBELIRER. Mr. President, you called an election for July 13, 1993, for the people of Bucks County to elect a State Senator where there is a vacancy right now. It was only yesterday when you indicated to the Harrisburg Patriot, "I am inclined to schedule a special election that coincides with the regularly scheduled election to save \$200,000 in taxation." Translation: May 18. Mr. President, how anyone, anyone, could justify the calling of this special election on July 13 is beyond comprehension.

Let me quote to you, Mr. President, the Johnstown Tribune-Democrat dated March 13, 1987.

"Lt. Gov. Mark Singel on Thursday answered criticism about the special election set for March 24 to fill his seat in the state Senate.

"The next few months are critical for the direction of Pennsylvania, not just for the next year or the next four years, but the next eight years and maybe for the next generation,' he said at a Democratic rally to promote state Rep. William Stewart's candidacy for the position. 'If the Senate seat remains vacant until May (the primary election date), it would be a tremendous disservice for the people of this area'.

"Mr. Singel resigned from the Senate seat when he was sworn in as lieutenant governor."

Mr. President, it is up to you to defend this action which you have taken today. It is up to you to defend to the people of Pennsylvania why you have to wait until July 13 when you could call that election as early as March 9. It is up to you to explain how you said to the media of this State that you were inclined to call this with the next regular election, which would have been May 18, which I still think would have been too late. But, certainly, to justify a July 13 date, frankly, Mr. President, with all due respect—and I think you know of my friendship and my respect for you—I believe that this was nothing more than a blatant political act as an arm of the Democratic Caucus who obviously had some input into when this would be. There is no question that the people of Bucks County in the 10th Senatorial District have been dealt a severe blow today, Democrats and Republicans alike.

The three commissioners of Bucks County, joining together, have sent to you, Lieutenant Governor Singel, a letter asking for the earliest possible date for a special election. The township supervisors of Bucks County, Republican and Democrat alike, have asked you for the earliest possible consideration of a special election. The Democratic County Chairman, as well as the Republican County Chairman, of Bucks County have asked you, Lieutenant Governor Singel, for the earliest possible consideration of a special election in Bucks County. Why the people of Bucks County in the 10th Senatorial District should be treated so poorly, only you can answer. The only possible answer is it is blatant political action, waiting until after the budget season, and then and then only.

There is an opportunity. You said you were going to do the right thing, Mr. President. And, frankly, I think it is going to be for the people of Pennsylvania and the people of Bucks County to judge whether the Lieutenant Governor, the constitutional officer of this Senate who has the authority to set that date, did indeed do the right thing. I have no doubt that this is not only going to become an issue in that election as to when you set the date for that special election but it is certainly going to become a more difficult matter on this Senate floor to recognize that you chose political expediency over doing the right thing.

Thank you, Mr. President.

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

Senator LINCOLN. Mr. President, I would commend you for your ability to withstand a clear violation of the rules and

a very emotional statement based purely on the opinion of the person making that statement and not on any facts. If the Democratic Caucus would have had any input into this it would have been November, or November of 1994, and that is a political decision and I am not ashamed of making it, and if it would have been my call, that is when it would have been.

The fact remains that there is a challenge in front of this Senate to deal with issues, and having a special election at any time prior to the end of June would have disrupted the flow of what we would be doing here. We would have bogged ourselves down in the silly partisan politics that this Republican leadership over the past 12 years has led us into - the bitter namecalling, the fighting, never getting anything done. That is the legacy of 12 years of Republican leadership in this Senate. And I personally will take all the abuse that can be heaped on me for a July 13 special election, even though I would prefer to have it in November, on the 4th or 5th, whatever that Tuesday is. I think that the Minority Leader in this particular instance would do well to maybe give some thought to any further statements on this, make a determination to be a leader of his Caucus and deal with the issues that he spoke so very laudably about earlier today and prepare for that election, because that is when it is going to be, whether they agree on that side or not.

Fortunately, for the people of this country, there are all kinds of opinions and there are different people who get to make decisions, and I believe that I would be very uncomfortable if it were my decision on when that election would be or if it were Senator Jubelirer's, and even though I am not 100-percent thrilled with July 13—I would have much rather had November—I laud the Lieutenant Governor for the courage it took to make that decision. I think that we now in the Senate, especially the Democratic Caucus, have a responsibility to fulfill some of the obligations that have been left standing for years, get things done and have a budget passed, and then we can concentrate completely on finding out who is going to fill that seat.

Senator JUBELIRER. Mr. President.

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

Senator JUBELIRER. Mr. President, in response to the remarks made by the Majority Leader, let me remind him that six out of the last nine special elections were held less than 3 months after a vacancy occurred, including elections where there were solid Democratic seats called by Lieutenant Governor Bill Scranton, a Republican at that time. Jim Lloyd's comes to mind very quickly. This is unprecedented, this so-called act of courage, to take it in the middle of the summer, to announce it when the television cameras are off, when it is open Senate and the television cameras are off and we are here with one reporter sitting in the back of the Chamber. You may call it an act of courage, Mr. Majority Leader, but I suggest it is something a lot less than that. I think it is politics the way things were done. I think it was one of the reasons that people were criticizing—it was one of the reasons, certainly, that the Lieutenant Governor jumped at a Philadelphia Inquirer editorial

during his campaign when he was running for the office of United States Senate—

The PRESIDENT. If the gentleman would yield.

Senator JUBELIRER. I cannot understand, Mr. President—

The PRESIDENT. The Chair is willing to listen to legitimate Petitions and Remonstrances.

Senator JUBELIRER. —why the people of Bucks County—

The PRESIDENT. I am not going to stand and get beaten up by the Minority Leader any further.

The Chair would entertain a motion to adjourn from the gentleman from Fayette.

Senator JUBELIRER. That is the way things are going to be done.

Senator LINCOLN. Mr. President, I would move that this Senate now adjourn until 2 p.m.—

Senator JUBELIRER. Roll call. Roll call. I want a roll call, Mr. President, or are we going to avoid that, too? I want a roll call on adjournment.

Senator LINCOLN. Mr. President, I would withdraw the motion to adjourn and move that we recess to the call of the Chair, or are we going to circumvent that, too?

Senator JUBELIRER. Mr. President, I want a roll call on the motion to recess to the call of the Chair.

The PRESIDENT. Senator Lincoln, would you withdraw the motion at this point to see if we can ameliorate the situation?

Senator JUBELIRER. Mr. President—

The PRESIDENT. Senator Jubelirer, if you care to complete your remarks, the Chair would simply appreciate the common courtesy of recognizing that the Chair is sitting here defenseless, unable to respond. I intend to respond, but I do not feel any need to respond to the gentleman from Blair.

Senator JUBELIRER. Mr. President—

The PRESIDENT. If the gentleman keeps his remarks within the bounds of propriety, he may proceed.

Senator JUBELIRER. Mr. President, if you would wish to call a joint news conference on this, I would be happy to join with you and let you explain to the media how you want to do it.

Senator LINCOLN. Mr. President.

Senator JUBELIRER. Mr. President, the bottom line is that the people of the 10th Senatorial District in Bucks County will have no say in that budget and how that money is going to be spent. You took that away from them by calling it in the middle of the summer, July 13. That is the real issue. Why do the people of Bucks County have to be treated different than the people of Cambria County?

The PRESIDENT. The Chair thanks the gentleman.

Senator JUBELIRER. No, Mr. President, I do not think it was an act of courage.

Senator LINCOLN. Mr. President.

The PRESIDENT. Senator Lincoln.

## ADJOURNMENT

Senator LINCOLN. Mr. President, I would now move that the Senate do adjourn until Monday, January 25, 1993, at 2 p.m., Eastern Standard Time.



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The motion was agreed to.

The Senate adjourned at 3:05 p.m. Eastern Standard Time.