

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

THURSDAY, MAY 27, 1993

SESSION OF 1993

177TH OF THE GENERAL ASSEMBLY

No. 32

SENATE

THURSDAY, May 27, 1993

The Senate met at 2:55 p.m., Eastern Daylight Saving Time.

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

PRAYER

The Chaplain, Evangelist DAVID PROVANCE, of Central Christian Church of Enola, West Fairview, offered the following prayer:

Let us pray.

Dear Heavenly Father, we just thank You so much for another day of life, and we thank You for this great Commonwealth in which we live, Pennsylvania.

We ask and pray that You would be with all the Senators and all the staff who are here at the Capitol. Give them the wisdom and the prudence which they need as they carry out the legislation, and help them be able to pass the bills which they need to undertake today.

We just pray all these things in Your Son's holy and most blessed name. Amen.

The PRESIDENT. The Chair thanks Evangelist Provance, who is the guest this day of Senator Mowery.

LEGISLATIVE LEAVES

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

Senator LINCOLN. Mr. President, I request temporary Capitol leaves for Senator Williams and Senator Andrezeski.

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

Senator LOEPER. Mr. President, I request a temporary legislative leave on behalf of Senator Baker.

The PRESIDENT. Senator Loeper requests a temporary legislative leave for Senator Baker.

Senator Lincoln requests temporary Capitol leaves for Senator Williams and Senator Andrezeski.

The Chair hears no objection. Those leaves will be granted.

LEAVE OF ABSENCE

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

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of May 26, 1993.

The Clerk proceeded to read the Journal of the preceding Session.

Senator LINCOLN. Mr. President, I move that further reading of the Journal be dispensed with and that the Journal be approved.

On the question,

Will the Senate agree to the motion?

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

YEAS—48

Afflerbach	Fisher	Loeper	Rhoades
Andrezeski	Fumo	Lynch	Robbins
Armstrong	Greenleaf	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Mowery	Shaffer
Bell	Holl	Musto	Shumaker
Bodack	Jones	O'Pake	Stapleton
Bortner	Jubelirer	Pecora	Stewart
Brightbill	LaValle	Peterson	Stout
Corman	Lemmond	Porterfield	Tilghman
Dawida	Lewis	Punt	Wenger
Fattah	Lincoln	Reibman	Williams

NAYS—0

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

The PRESIDENT. The Journal is approved.

APPOINTMENTS BY PRESIDENT PRO TEMPORE

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

Senator Michael A. O'Pake as a member of the Pennsylvania Heritage Affairs Commission.

Senator J. Barry Stout to serve on the Interstate Rail Passenger Advisory Council.

Senator Hardy Williams as a member of the Primary Health Care to Medically Underserved Areas Advisory Committee.

**SPECIAL ORDER OF BUSINESS
ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. Consent has been given for the Committee on Labor and Industry to meet during today's Session to consider Senate Bill No. 653 and House Bill No. 41.

**REPORT OF COMMITTEE OF CONFERENCE
SUBMITTED AND LAID ON THE TABLE**

Senator MELLOW submitted the Report of Committee of Conference on **HB 815**, which was laid on the table.

RECESS

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

Senator LINCOLN. Mr. President, at the conclusion of my announcement, we are going to recess to the call of the Chair until 9 o'clock this evening, and I will explain that to you as I move through my statement.

We are going to have a Democratic caucus begin at 3:30 p.m. in the caucus room on the first floor, and that caucus will be for one purpose, and that is to discuss the conference committee report on House Bill No. 815, which is the budget.

We definitely will be here at 9 p.m. sharp. At that time, we will be running a couple of bills, one of them for sure is House Bill No. 65, and if that is the only bill we have to run, that is all we are going to do.

If the House has not concluded with their portion of the passage of the budget, we will then recess until 9 o'clock tomorrow morning, and we will come in at 9 a.m., and if we have to accept bills or anything from the House, do that, close the Session, immediately open the new Session, and if we then have the conference committee reports passed by the House and sent to us, we will deal with them. If that is not concluded in the House, we will recess for probably 3 hours, or whatever, until they finally get finished.

I apologize for not being more decisive about the information I am giving you, but I have no control over what the House does, and until they have concluded, we cannot act. So, it will be 9 o'clock tonight. It will probably be a brief Session, if there are no bills before us from the House. It will be 9:00 tomorrow morning. We will either work through the budget at that time or delay Session for whatever time it takes for the bills to get to us. We will have a marked Calendar very shortly, within the next 5 minutes, I hope. I would say to you that I apologize for the delay like this, but most of you have been around here long enough to know that this is just what this system develops into at times.

So, unless there are any questions from the Republican floor leader, I would move to recess to the call of the Chair, with an understanding that we will be recalled at 9 o'clock this evening, with a Democratic caucus to be held at 3:30 p.m., and the gentleman from Blair, Senator Jubelirer, would probably want to make an announcement for his Caucus.

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

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

Senator JUBELIRER. Mr. President, I thank the Majority Leader for the schedule.

For us, Mr. President, I would ask all Members of the Republican Caucus to report to the second floor caucus room immediately, so that we might begin our discussions on the budget document and hopefully have it finished before 9 o'clock tonight.

Thank you, Mr. President.

The PRESIDENT. Senator Lincoln moves that the Senate do recess to the call of the Chair. The Chair would emphasize that the expectation is that we will reconvene here at 9 p.m.

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

The motion was agreed to.

The PRESIDENT. The Senate stands in recess.

AFTER RECESS

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

**SPECIAL ORDER OF BUSINESS
ANNOUNCEMENT BY THE SECRETARY**

The SECRETARY. Consent has been given for the Committee on Appropriations to meet this evening to consider House Bill No. 200.

CALENDAR

FINAL PASSAGE CALENDAR

BILLS OVER IN ORDER

SB 611 and **SB 713** -- Without objection, the bills were passed over in their order at the request of Senator LINCOLN.

THIRD CONSIDERATION CALENDAR

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

SB 176, **SB 508**, **SB 683**, and **SB 684** -- Without objection, the bills were passed over in their order at the request of Senator LINCOLN.

**BILL REREPORTED FROM COMMITTEE
AS AMENDED, AMENDED**

HB 853 (Pr. No. 1974) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, further providing for the sale of real and personal property; providing for fire officers and for appointments to the board of health; permitting interests in firefighters' pension funds to vest after 12 years under certain conditions; provid-

ing for the amount of the retirement allowance benefit vested; adding a definition; and making an editorial change.

On the question,
Will the Senate agree to the bill on third consideration?
Senator LINCOLN, by unanimous consent, offered the following amendment No. A2279:

Amend Sec. 1 (Sec. 2109), page 2, line 22, by inserting after "NONUNION": City
Amend Sec. 1 (Sec. 2109), page 2, lines 22 through 24, by striking out "EXCEPT IN" in line 22, all of line 23 and "FIRE DEPARTMENTS WHO HAVE" in line 24 and inserting: Any fire chief or head of a fire department of a city who has

On the question,
Will the Senate agree to the amendment?
It was agreed to.
Without objection, the bill, as amended, was passed over in its order at the request of Senator LINCOLN.

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

SB 871 (Pr. No. 1325) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 26, 1992 (P. L. 322, No. 64), entitled "Agriculture Education Loan Forgiveness Act," further providing for the expiration of the act.

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

On the question,
Shall the bill pass finally?

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

YEAS—48

Afflerbach	Fisher	Loeper	Rhoades
Andrezeski	Fumo	Lynch	Robbins
Armstrong	Greenleaf	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Mowery	Shaffer
Bell	Holl	Musto	Shumaker
Bodack	Jones	O'Pake	Stapleton
Bortner	Jubelirer	Pecora	Stewart
Brightbill	LaValle	Peterson	Stout
Corman	Lemmond	Porterfield	Tilghman
Dawida	Lewis	Punt	Wenger
Fattah	Lincoln	Reibman	Williams

NAYS—0

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

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

BILL REREPORTED FROM COMMITTEE AS AMENDED REREFERRED

HB 878 (Pr. No. 1975) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the distribution of asset maintenance funds; authorizing the creation of a transportation authority to function in each metropolitan area consisting of any county of the first class and all nearby counties within a radius of 20 miles of any such first class county, as a body corporate and politic and as an agency and instrumentality of the Commonwealth for the purpose of establishing an integrated mass transportation system with all pertinent powers, including, but not limited to, leasing, acquiring, owning, operating and maintaining a system for or otherwise providing for the transportation of persons; authorizing the borrowing of money and issuance of bonds therefor and conferring the right of eminent domain on such an authority; altering the jurisdiction of the Pennsylvania Public Utility Commission; authorizing the acceptance of grants from Federal, State and local governments; limiting actions against such an authority and exempting it from taxation; authorizing counties and municipalities to enter into compacts for the financing of each authority and to make appropriations in accordance with such compacts; creating a citizen advisory committee; conferring exclusive jurisdiction upon certain courts with respect to matters relating to such authority and empowering each authority to function outside the metropolitan area under certain terms and conditions; continuing the existence of a presently existing transportation authority; providing for suspensions for offenses involving controlled substances, for certain out-of-State documentations, for reports by courts and for the allocation of oil company franchise tax revenues to the Pennsylvania Turnpike Commission; and making a repeal.

Upon motion of Senator LINCOLN, and agreed to, the bill was rereferred to the Committee on Rules and Executive Nominations.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet imminently in the Rules room to consider House Bill No. 878.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Williams. His temporary Capitol leave will be cancelled.

RECESS

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

Senator LINCOLN. At this time, I would ask for a brief recess of the Senate for a meeting of the Committee on Rules and Executive Nominations to be called off the floor in the Rules Committee room in back of the Chamber.

Upon the conclusion of the meeting of the Committee of Rules and Executive Nominations, I would ask that the Secretary of the Senate call for a meeting of the Committee on State Government in the Rules Committee room.

The PRESIDENT. For the information of the Members, we are about to recess the Senate for a few minutes for a meeting of the Committee on Rules and Executive Nominations, followed by a meeting of the Committee on State Government.

For purposes of those two committee meetings, the Senate will stand in recess.

AFTER RECESS

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

REPORT FROM COMMITTEE

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

HB 878 (Pr. No. 1976) (Amended) (Rereported)

An Act amending Titles 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the distribution of asset maintenance funds; authorizing the creation of a transportation authority to function in each metropolitan area consisting of any county of the first class and all nearby counties within a radius of 20 miles of any such first class county, as a body corporate and politic and as an agency and instrumentality of the Commonwealth for the purpose of establishing an integrated mass transportation system with all pertinent powers, including, but not limited to, leasing, acquiring, owning, operating and maintaining a system for or otherwise providing for the transportation of persons; authorizing the borrowing of money and issuance of bonds therefor and conferring the right of eminent domain on such an authority; altering the jurisdiction of the Pennsylvania Public Utility Commission; authorizing the acceptance of grants from Federal, State and local governments; limiting actions against such an authority and exempting it from taxation; authorizing counties and municipalities to enter into compacts for the financing of each authority and to make appropriations in accordance with such compacts; creating a citizen advisory committee; conferring exclusive jurisdiction upon certain courts with respect to matters relating to such authority and empowering each authority to function outside the metropolitan area under certain terms and conditions; continuing the existence of a presently existing transportation authority; providing for suspensions for offenses involving controlled substances, for certain out-of-State documentations, for reports by courts and for the allocation of oil company franchise tax revenues to the Pennsylvania Turnpike Commission; and making a repeal.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator AFFLERBACH,

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

Which was agreed to.

COMMUNICATIONS FROM THE GOVERNOR RECALL COMMUNICATIONS LAID ON THE TABLE

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 laid on the table:

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

May 27, 1993

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 5, 1993 for the reappointment of Gail A. Zurick, R. D. #2, Box 293, Sunbury 17801, Northumberland County, Twenty-seventh Senatorial District, as a member of the Council of Trustees of Bloomsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 1999, and until her successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY
Governor

SHERIFF, ELK COUNTY

May 27, 1993

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 18, 1993 for the appointment of Edward Lavalle, 230 Laurel Mill, Ridgway 15853, Elk County, Twenty-fifth Senatorial District, as Sheriff, in and for the County of Elk, to serve until the first Monday of January 1994, vice Ray Krasinski, resigned.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY
Governor

COMMUNICATION FROM THE GOVERNOR TAKEN FROM THE TABLE

Senator AFFLERBACH, by unanimous consent, called from the table a communication from His Excellency, the Governor of the Commonwealth, recalling the following nomination, which was read by the Clerk as follows:

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

May 27, 1993

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

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 5, 1993 for the reappointment of Gail A. Zurick, R. D. #2, Box 293, Sunbury 17801, Northumberland County, Twenty-seventh Senatorial District, as a member of the Council of Trustees of Bloomsburg University of Pennsylvania of the State System of Higher

Education, to serve until the third Tuesday of January 1999, and until her successor is appointed and qualified.

I respectfully request the return to me of the official message of nomination on the premises.

ROBERT P. CASEY
Governor

NOMINATION RETURNED TO THE GOVERNOR

Senator AFFLERBACH. Mr. President, I move that the nomination just read by the Clerk be returned to His Excellency, the Governor.

The motion was agreed to.

The PRESIDENT. The nomination will be returned to the Governor.

NOMINATION TAKEN FROM THE TABLE

Senator AFFLERBACH. Mr. President, I call from the table a certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

MEMBER OF THE BOARD OF CLAIMS

March 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, Louis G. O'Brien, 3431 Alinda Circle, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the Board of Claims, to serve until November 15, 1998, and until his successor is appointed and qualified.

ROBERT P. CASEY
Governor

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

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

YEAS—48

Afflerbach	Fisher	Loeper	Rhoades
Andrezeski	Fumo	Lynch	Robbins
Armstrong	Greenleaf	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Mowery	Shaffer
Bell	Holl	Musto	Shumaker
Bodack	Jones	O'Pake	Stapleton
Bortner	Jubelirer	Pecora	Stewart
Brightbill	LaValle	Peterson	Stout
Corman	Lemmond	Porterfield	Tilghman
Dawida	Lewis	Punt	Wenger
Fattah	Lincoln	Reibman	Williams

NAYS—0

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

RECONSIDERATION OF RECALL

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

Senator WENGER. Mr. President, I move that the vote by which the nomination of Gail Zurick was recalled be reconsidered.

The PRESIDENT. Senator Wenger moves that the vote by which the nomination of Gail Zurick was recalled be reconsidered.

On the question,
Will the Senate agree to the motion?
The motion was agreed to.

NOMINATION RETURNED TO THE GOVERNOR

On the question,
Will the Senate honor the recall of the nomination of Gail A. Zurick to the Council of Trustees of Bloomsburg University?

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

Senator WENGER. Mr. President, I ask for a negative vote on the motion to recall.

And the question recurring,
Will the Senate honor the recall of the nomination of Gail A. Zurick to the Council of Trustees of Bloomsburg University?

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

YEAS—27

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

NAYS—21

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

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

The PRESIDENT. The nomination will be returned to the Governor.

NOMINATION TAKEN FROM THE TABLE

Senator AFFLERBACH. Mr. President, I call from the table a certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

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

February 5, 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, 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

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

LEGISLATIVE LEAVES

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

Senator LOEPER. Mr. President, I request a legislative leave on behalf of Senator Bell, and temporary Capitol leaves on behalf of Senator Helfrick and Senator Shaffer.

The PRESIDENT. The Chair recognizes the gentleman from Fayette, Senator Lincoln, for his leaves.

Senator LINCOLN. Mr. President, I would ask for temporary Capitol leaves for Senator Scanlon and Senator Lewis.

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

Senator Lincoln requests temporary Capitol leaves for Senator Scanlon and Senator Lewis.

There being no objection to the leave requests, the leaves will be granted.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Andrezeski is with us on the floor. His temporary Capitol leave will be cancelled.

And the question recurring, Will the Senate advise and consent to the nomination?

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

YEAS—37

Table listing names of Senators who voted 'Yeas': Afflerbach, Andrezeski, Baker, Belan, Bell, Bodack, Fattah, Fisher, Fumo, Greenleaf, Hart, Helfrick, LaValle, Lewis, Lincoln, Lynch, Mellow, Musto, Punt, Reibman, Scanlon, Schwartz, Shumaker, Stapleton.

Table listing names of Senators who voted 'Nays': Bortner, Brightbill, Corman, Dawida, Holl, Jones, Jubelirer, Madigan, Mowery, Peterson, O'Pake, Pecora, Porterfield, Rhoades, Robbins, Shaffer, Stewart, Stout, Williams.

NAYS—11

Table listing names of Senators who voted 'Nays': Armstrong, Lemmond, Loeper, Madigan, Mowery, Peterson, Rhoades, Robbins, Shaffer, Tilghman, Wenger.

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

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Senator AFFLERBACH. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENTS BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on State Government to meet to consider Senate Bill No. 647 this evening, and the Committee on Appropriations to meet to consider House Bill No. 1261 and Senate Bill No. 1032.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Baker. His temporary legislative leave will be cancelled.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR NO. 1

BILL REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

HB 878 -- Without objection, the bill was passed over in its order at the request of Senator LINCOLN.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

BILLS REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 1052 and SB 1066 -- Without objection, the bills were passed over in their order at the request of Senator LINCOLN.

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

SB 1068 (Pr. No. 1369) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for

the Public School Employees' Retirement System and the State Employees' Retirement System; adding and amending certain definitions; further providing for older workers, for eligibility for and the computation of annuities and other retirement benefits, for contributions and other payments made by employers, for the powers and duties of the Public School Employees' Retirement Board and the State Employees' Retirement Board, for the rights and duties of members, for the management of funds and accounts, for taxation, attachment and assignment of funds and for certain domestic relations matters.

Considered the third time and agreed to,

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

On the question,
Shall the bill pass finally?

LEGISLATIVE LEAVE

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

Senator LINCOLN. Mr. President, I request a temporary Capitol leave for Senator Fumo, who has been called to his office.

The PRESIDENT. Senator Lincoln requests a temporary Capitol leave for Senator Fumo. The Chair hears no objection. The leave will be granted.

And the question recurring,
Shall the bill pass finally?

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

Senator MOWERY. Mr. President, I rise in opposition to this bill. The Public Employee Retirement Study Commission Act, Act 66 of 1981, requires that all bills proposing changes relative to public employee pension or retirement plans are to be submitted to the Public Employee Retirement Study Commission for review. In fact, section 7 of the act provides that "No bill proposing any change relative to a public employee pension or retirement plan shall be given second consideration in either House of the General Assembly, until the commission has attached an actuarial note prepared by an enrolled pension actuary which shall include a reliable estimate of the cost and actuarial effect of the proposed change in any such pension or retirement system." The note is to provide a reliable estimate of both the immediate cost and effect of the bill and the long-range actuarial cost and effect of the measure. The act does provide a safeguard to the General Assembly by leaving the requirement of an actuarial note if the commission fails to attach a note within 20 legislative days after the proposal has received first consideration.

Senate Bill No. 1068 has not been submitted to the Public Employee Retirement Study Commission for review. It is apparent that there is no intention to do so, since the bill contains a provision seeking to escape the actuarial review. The changes contemplated in Senate Bill No. 1068 are fundamental, and, in fact, are radical. There are changes in the manner of calculation of employee contribution. The actuary for the Public

School Employees' Retirement System has expressed profound doubt if the Public Employee Retirement Study Commission is to have a meaningful role as in analyzing proposals such as this one. Our teachers, both retired and active, our school districts, and most of all, our taxpayers, would be best served if the time were taken to secure an actuarial analysis. Otherwise, the Commonwealth will likely see a severely underfunded Public School Employees' Retirement System. The system was underfunded in the '70s under Governor Shapp, and it took years to catch up with that underfunding. It would indeed be disheartening to find that Governor Bob Casey's legacy were to be no different.

Retirees are seeking a cost-of-living adjustment. In fact, one of the new contribution calculations contained in this bill virtually assures that sufficient funds will not be able to accumulate to permit enactment of COLAs probably in future years. As a matter of fact, in the brief review when we had a chance to look at this, which was just amended and brought to us this afternoon, it is anticipated that there would be an \$80 million reduction in the contribution to this year's pension fund.

MOTION TO TABLE BILL

Senator MOWERY. For that reason, Mr. President, I would like to ask that this bill be tabled until such time as an actuarial note can be presented by the Public Employee Retirement Study Commission. Therefore, I make a motion to table this bill.

The PRESIDENT. The gentleman from Cumberland, Senator Mowery, moves that Senate Bill No. 1068 be tabled.

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

The PRESIDENT. The motion to table, as the Chair would point out, is not a debatable motion, but the Chair recognizes the gentleman from Fayette, Senator Lincoln.

Senator LINCOLN. Mr. President, I have no intention to debate the issue. I would just ask for a "no" vote on the motion to table.

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

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

YEAS—23

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

NAYS—25

Afflerbach	Fumo	Mellow	Scanlon
Andrezeski	Jones	Musto	Schwartz
Belan	LaValle	O'Pake	Stapleton
Bodack	Lewis	Pecora	Stewart

Bortner
Dawida
Fattah

Lincoln
Lynch

Porterfield
Reibman

Stout
Williams

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

And the question recurring,
Shall the bill pass finally?

POINT OF ORDER

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

Senator MOWERY. Mr. President, I rise to a point of order.

The PRESIDENT. The gentleman from Cumberland, Senator Mowery, will state it.

Senator MOWERY. Mr. President, I would like to ask that the Chair rule on a point of order as far as whether or not it believes that, under Act 66 of 1981, this can be considered by the Senate at this time.

The PRESIDENT. If the gentleman would allow me to be at ease for just a moment while I consult with my eminent Parliamentarian.

(The Senate was at ease.)

The PRESIDENT. After some consultation, the Chair finds that according to Act 66 of 1981, the actual language in that bill says that "no bill proposing any change...shall be given second consideration in either House of the General Assembly." This bill is already on third consideration. Therefore, it is the ruling of the Chair that it does not apply, so the gentleman's point of order is not well-taken.

The Chair recognizes the gentleman from Cumberland, Senator Mowery.

RULING OF CHAIR APPEALED

Senator MOWERY. Mr. President, I enjoyed very much the way that the Chair handled that decision. The only problem is, from my viewpoint, and I am sure from many of the other Senators, I do not believe that it is probably the difference between second and third consideration. I think the law is very clear. You see, Mr. President, I know a little bit about the law because it happened to be my bill that was passed in 1981 to create the Public Employee Retirement Study Commission. I believe the intent of the law is very clear, and I would like to appeal the Chair's decision.

The PRESIDENT. The Chair thanks the gentleman and respects the gentleman's prerogative to do so, and there is an appeal to the ruling of the Chair.

On the question,
Shall the ruling of the Chair be sustained?

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

Senator LINCOLN. Mr. President, would the Chair explain the vote, please?

The PRESIDENT. The gentleman from Cumberland, Senator Mowery, has appealed the ruling of the Chair. An

"aye" vote would be to support Senator Mowery in his appeal; a "no" vote would support the ruling of the Chair. So if you want to vote for me, vote "no."

The Chair recognizes the gentleman from Fayette, Senator Lincoln.

Senator LINCOLN. Mr. President, I would ask for a negative vote.

The PRESIDENT. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lancaster, Senator Armstrong.

Senator ARMSTRONG. Mr. President, is this debatable?

The PRESIDENT. This is debatable.

Senator ARMSTRONG. Mr. President, I desire to interrogate the gentleman from Cumberland, Senator Mowery.

The PRESIDENT. Will the gentleman from Cumberland, Senator Mowery, permit himself to be interrogated?

Senator MOWERY. I will, Mr. President.

Senator ARMSTRONG. Mr. President, when the gentleman was preparing this legislation, what was his intent while writing the bill as far as first consideration, second consideration, or third consideration?

Senator MOWERY. Mr. President, the purpose of the legislation was so that we as legislators would be able to have an outside, independent actuarial note attached to any legislation dealing with our public employee pension plans, so that we as legislators could make an intelligent vote on whatever was being presented before us.

Senator ARMSTRONG. Mr. President, was it the gentleman's intent to keep politics out of fiscal matters such as pensions?

Senator MOWERY. Mr. President, I think that we all know that we have been very fortunate in Pennsylvania, our two large pension plans are probably the best funded pension programs of any State legislature in the Nation. I think we all want to keep it that way, and, most certainly, we as Senators want to make sure that our pension funds are there when and if we decide to use them.

Senator ARMSTRONG. Mr. President, the gentleman said there would be an \$80 million shortfall?

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

Senator LINCOLN. Mr. President, I am going to be here all night anyhow waiting to see what the House does, so I do not really care, but there are other Members who I think have some intention of leaving when we finish the Calendar. I do not mind debate if it were debate on the bill, but I think this debate is moving very rapidly from the question of the appeal of the Chair's ruling, and I would ask that we confine the debate simply to that issue. Then I do not care how long you want to debate the bill, but let us just get the steps done in the right way.

The PRESIDENT. The Chair finds the gentleman's comments to be very well-taken and would suggest that we conclude the colloquy as expeditiously as feasible.

Senator ARMSTRONG. Mr. President, I have no further questions.

The PRESIDENT. That was pretty expeditious. The Chair thanks the gentleman.

There is an appeal to the ruling of the Chair. Again, an "aye" vote is a vote for the appeal to the ruling of the Chair; a "no" vote sustains the ruling of the Chair.

And the question recurring,
Shall the ruling of the Chair be sustained?

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

YEAS—23

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

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.

And the question recurring,
Shall the bill pass finally?

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

Senator MOWERY. Mr. President, I would just like to make a few brief comments regarding the reasons and my concerns.

According to the actuary for PSERS' pension fund, he claims that this could have a devastating effect on the fund for the following reasons: It artificially increases the earnings assumption to an unrealistic level for the year 1993-94; it requires a contribution rate to be set in a manner that is not in compliance with generally accepted actuarial principles; it has the potential to drive up the unfunded liability and reduce contribution rates to a level which underfunds the teachers' retirement fund, thus making future COLAs, as I mentioned previously, unlikely; it reduces PSERS' flexibility in setting the earnings assumption, salary growth assumption, and, most importantly, the contribution rate.

For those of you who may be interested, it should be of interest to you to note that the Pennsylvania Association of School Retirees opposes this provision vigorously.

Finally, this would result in an actuary placing a disclaimer in future projections stating that the above are not acceptable under normal actuarial practices.

Mr. President, this bill carries many other provisions, and having received it and seen it only since this afternoon, I think

it is sending the public a wrong message. You know, so many times we create acts and we pass bills and they become law, and it seems that we in the legislative process want to constantly go around what is good practice for the people of Pennsylvania, the taxpayers.

I ask for a "no" vote and an opportunity to have it properly reviewed by independent actuaries so as to not put us in the position that we put ourselves in over the past few years with the SWIF plan because of not properly funding it and withdrawing money from it, to put it in a position very similar to what this could do to our teachers' retirement program. I ask for a "no" vote.

The PRESIDENT. The Chair recognizes the gentleman from Centre County, Senator Corman.

Senator CORMAN. Mr. President, I, too, rise to ask for a "no" vote on this particular issue.

When I first arrived here in 1977, I recall that we had the same kind of problem. During the Shapp years we had some tough economic times in the Commonwealth and we borrowed from this fund. We did not borrow directly from it, but we borrowed from the fund by underfunding it, just as we are doing today in underfunding the retirement system. I think we underfunded it so badly that we were either \$90 million or \$100 million in debt to the fund, and for maybe 15 years we paid back to the tune of \$7 million, \$9 million to \$10 million a year to try to refurbish that fund. And in those years, you know, we did not have a budget of \$15 billion, it was more in the nature of \$4 billion to \$5 billion, so they were even bigger dollars than what we would be talking about today. Because of that, we put in place what the gentleman from Cumberland, Senator Mowery, spoke of, the Public Employee Retirement Study Commission, to see that this never happens again, that we do not borrow from the peoples' retirement system to so weaken it that cost-of-living increases cannot be granted, so that people might be fearful that the retirement moneys will even be there when it is time for them to retire, and it just is incredible to me that we are going down that same road again that had doom at the end of it once before. We rescued it. Let us not go down that same road again. Let us vote "no" on this particular bill today.

Thank you.

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

Senator RHOADES. Mr. President, I think we all have to admit that we face a great responsibility when we are dealing with other people's money. I think it is very appropriate now at budget time. But I think we all become extremely cautious whenever we start to talk about retirement funds because these are the funds upon which people will live out the remainder of their lives, and we want to make sure the money is there and that they have what they need and can live in peace. That is why we established the retirement boards, to ensure that the investments are made properly, that they are overseen, and that as much money as possible is made. If I remember properly, I guess it was 3 or 3 1/2 years ago that we had a black October when the market fell out. In the process, by establishing

a formula right now, that board will be unable to react to those kinds of market situations, to be able to stop any puncture or flow within those funds. I think it is extremely important that we leave that flexibility with the various retirement boards, in this case the Public School Employees' Retirement Board, the 14 percent cap. Trying to address a \$4.5 billion unfunded liability I think is a grave responsibility.

The other thing, I guess, that I am afraid of or look at with hesitation now is the fact that by limiting this, every 3 or 4 or 5 years we are able to establish a COLA because the fund has made money. By taking this money out, by using this formula, or by putting this cap on, we are, in essence, saying that COLAs may be few and far between, if existing at all.

The last thing I look at, going through all of these gyrations of things we do at budget time, I believe there was an amendment added that said that the aid ratio which will be contributed by the various school districts for the retirement funds is going to be based on the aid ratio. Some of you better look very carefully at what that is going to do to your local school districts, because right now we are funding without any controls. When the aid ratio goes on, if you did not get anything in equity and you did not get anything for a growing district and you did not get anything at all, we are also going to be tapping into you to contribute more through this aid ratio system of retirement.

Lastly, let me read from PSEA in their May 26 hand delivery. I am only going to read the last two paragraphs: "As written, S. B. 1068 would remove the PSERS Board's authority to set contributions rates based on actuarial projections. Instead, rates would be set automatically based on a formula.

"PSEA understands the current fiscal climate, but does not believe that the revenue need necessitates the radical funding changes proposed in S.B. 1068. The proposed changes in methodology do not meet normally accepted actuarial standards. We recommend that S.B. 1068 be adopted for the next fiscal year only. The anticipated savings would be available for this budget year, and your decision would not have long-term negative fiscal impact on the future financial condition of PSERS."

I am at the point, why even risk 1 year? We have a system that is working, is functioning. Let us keep it that way.

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

Senator JUBELIRER. Mr. President, I know the hour is late, but I think this is perhaps one of the most serious issues that we are going to face. It obviously has budgetary ramifications, but it is a matter that needs to get a thorough discussion.

Mr. President, I want to commend the gentleman from Cumberland, Senator Mowery, because I believe he gave as good an explanation and handled the debate as well as it could be handled, and certainly as the author of the legislation in the House of Representatives over a decade ago was instrumental in making sure—at least he thought—making sure that the situation which is existing here tonight could never happen. And with all due respect, I would hope that whether we are on second consideration or third consideration, the thing that is most important about this issue is that it be given consider-

ation, and the consideration should not be just blindly pass this so that we have this extra money in this year's budget. What we are doing is mortgaging the future. Future House and Senate Members are going to have to fill this hole. This absolutely smacks of the same thing that was done with the State Workers Insurance Fund, and now Secretary of Banking Hargrove comes up with a convoluted plan to raise \$90 million from the bank shares tax to fill that hole that was taken from the State Workers Insurance Fund to fill previous budgets. Then we took money from the Pennsylvania Industrial Development Authority. We had to borrow the money and it is \$70 million a year to pay it back, and projects did not get done because money was taken from PIDA to fill budgetary holes. We sat over here and listened to criticism about money that was taken in previous years from the Lottery Fund to the General Fund, the General Fund to the Lottery Fund, whatever it was. I think the fact is that there is a mechanism out there, the gentleman from Cumberland, Senator Mowery, was the author of that mechanism, and that mechanism is there to protect us, frankly, from ourselves so that this thing does not happen, that teachers who have worked hard over the years do not have to worry that their pensions are going to be less than they should be or that a General Assembly is not going to have the money to do this.

This is a serious matter, Mr. President, and I would hope that the Members of the Senate are going to listen very carefully to what the previous speaker said. It should not be a partisan issue. It is indeed an issue, it is a governmental issue, it is a humane issue, it is a financial issue and one that cries out for help. If we are going to go the way of SWIF, if we are going to go the way of PIDA, then we ought to say that is what we are doing. But there is no way that anybody can logically justify the action that has taken place in this legislation tonight, and, Mr. President, I would hope that perhaps there might be some consideration and we can put the bill over, discuss the matter, because if we do not, then shame on us, because we have really mortgaged the future of a lot of people who are innocent, who do not have a voice here tonight.

Thank you, Mr. President.

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

Senator FATTAH. Mr. President, I think it is very unfortunate that we come to this hour and that many Members in the Senate are really promulgating the politics of fear. We do have a lot of retirees in our Commonwealth and we would not want them this evening to misconstrue what is taking place. We have our State pension funds in which both the earnings and the balances in those funds are quite substantial. We do not want to rob them in any way. However, we cannot afford to, in this fiscal year, make a contribution in an amount in excess of what is needed. And there is a formula that has been put forward. There is a lot of concern on both sides of the aisle, but the reality is that I think every Member here is prepared, if this formula does not work out in the appropriate way, to rectify it. And as we all know, the Commonwealth stands behind these two funds and if there was any problem, we would

have to make it good and, therefore, no one is going to lose out on their retirement funds under any circumstance, and we should not have tens of thousands of Pennsylvanians worrying needlessly about the rhetoric that has been offered here on the floor this evening. This bill has been offered by a current member of one of the funds, the gentleman from Philadelphia, Senator Fumo. The rationale has been put forward and has been considered in a number of committees in this Chamber. It will necessitate the Governor's signature and passage in the House. I think that is enough consideration, especially since we are the ones who will have to fill the bill if for some reason there is any shortfall.

So I think it is irresponsible for Members to suggest to people who are dependent upon their retirement funds for their living that somehow this evening their livelihoods have been put in any jeopardy. We are trying to make a reasonable response to a fiscal crisis in our State so that we can have future school retirees and future State employee retirees because they need to get paid this fiscal year, and unless we are in a position to vote for additional tax revenues, we have to make reasonable cuts in expenditures. It is a considered opinion among the Members on this side of the aisle that it is a reasonable thing to do to not make an excess contribution into these funds, and so we move forward with caution and with the knowledge that we stand responsible for our actions and we are prepared next year, next month, or next week, if necessary, to rectify it.

Thank you.

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

Senator MOWERY. Mr. President, I would just like to acknowledge the fact that I am sure there are different viewpoints as far as what is actuarially sound, but in order to reduce the contribution this year, in this new legislation they are assuming a 14-percent return on their investments. I think any of you who are aware of basically where we are today with investments and with interest earnings, I would say that is kind of out of line as far as any actuarial calculation is concerned.

Thank you, Mr. President.

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

Senator JUBELIRER. Mr. President, I think I need to at least make a brief response to the remarks of the gentleman from Philadelphia, Senator Fattah, that it is reasonable to do this and if you have to balance the budget to do it, then you have to do it. I heard that with SWIF, I heard that with PIDA. We are now in deep trouble with SWIF and it is just not fair to the other groups that depend upon the State budget to do that. Certainly, with a budget that we learned today, as proposed, has over \$800 million in new spending, I hardly think it is a reasonable thing to do. I am sure if you asked the retired teachers of this State—it is their fund, they contributed to it, even though the State does—whether that is reasonable, I do not think the gentleman from Philadelphia, Senator Fattah, or anybody else would get a positive answer that it is reasonable to do it. I think what is reasonable to do is to look to the act

that the gentleman from Cumberland, Senator Mowery, refers to and let the independent actuaries make that determination. That is what is reasonable, and, unfortunately, we cannot get to that. And if we cannot get to that, then, frankly, I think that we have failed in our mission to advise the taxpayers and the people who contribute to this fund that we have done that.

It has nothing to do with politics of fear. It is a history of what has happened in this body. It just seems that every time we need to spend more, we find a way to do it, and we use the term "smoke and mirrors." This is a classic. You know, the lessons of history are there, and if we do not follow them, as someone certainly has said, we are doomed to repeat them, and that is what we are doing here tonight. I do not think it should be a partisan issue. I cannot imagine it should be a partisan issue that we should be doing this. There is no justification for this in any way or shape whatsoever, and it is certainly not a reasonable thing to do.

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

Senator FATTAH. Mr. President, this is the last comment. I think it is common knowledge that there are literally dozens upon dozens of mutual funds that perform above 14 percent that are clearly available, and people should look at them in response to the comments of the gentleman from Cumberland, Senator Mowery.

These are the same groups of people, these pension fund boards, who determine that it is imprudent and not actuarially sound for these billions of dollars to be invested right here in the Commonwealth for economic development. We are investing our dollars all around the world, rather than doing it here. And I am not trying to criticize those boards other than to say that there is always going to be a very conservative view when you are running a pension fund, and I understand that. However, we are trying to run a budget, and I do not think that the school districts are going to save some \$40 million or the State is going to save another \$40 million. Those same retirees and their loved ones would have to pay additional taxes if we do not make these kinds of adjustments, and, again, we stand ready to correct it if we are found to be incorrect out in the future.

Thank you.

The PRESIDENT. The Chair recognizes, first, the gentleman from Philadelphia, Senator Schwartz.

Senator SCHWARTZ. Mr. President, just very briefly, I would just like to add my support for this bill and to mention that there is an aspect of this bill that also changes the way the retirement boards can make investments by introducing the prudent-person standard. There was bipartisan support for the notion of this when we discussed Senate Bill No. 974 in the Committee on State Government. The feeling was that, in fact, moving from a legal list of investments to a prudent-person standard was advisable. It has been done in other States. It may, in fact, help on the return of the investment and is an important move forward. The boards, as well as legal counsel, all are very supportive of this move, and I think it is an important aspect of this bill, although a minor one in the bill itself,

and I would think it would achieve some bipartisan support for that. I am pleased to see that the prudent-person standard is included in this bill, and I hope that that will encourage some support and will strengthen the ability of the retirement boards to assure that all the retirees have what they need and will protect their futures as well as new retirees as they move into the fund. So I think it is actually a move to the future and not a step backwards at all.

Thank you, Mr. President.

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

Senator ARMSTRONG. Mr. President, we are changing the way we invest based on what happened in the last 10 or 15 years, and we are thinking we can duplicate what we have done in the last 10 to 15 years, which has probably been the most explosive stock market in the history of the United States. We have seen the market go from 600 or 700 to 3500. So we would have to see the market go in the next 10 years from 3,500 to 16,500 to equal that same type of track record. We are asking for big trouble. It is just not going to happen. I guarantee you. I remember the market before it took off and how bad it was. Things are not always this good. We have just seen the market keep going up and up and up. It is not going to continue doing it, and when it does turn around and go the other way, we are going to have to fund the \$80 million plus some more money to fund this program, and I do not think the retired teachers are going to support this. I mean, they do not even know about it. It just came out this afternoon. So I think maybe we should wait a few days and say, hey, pensioners, what do you think of this? Is this a good bill? Do you want us not to fund \$80 million? We are asking for trouble, and I guarantee you if the stock market stops and starts going the other way, we are going to have to come up with a lot more than \$80 million.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Bradford, Senator Madigan.

Senator MADIGAN. Mr. President, I presently serve as a member of this board. I am familiar with the feelings of the active teachers who participate and who are elected and serve on that board. I am familiar with the retired representatives and their concerns. As the gentleman from Lancaster, Senator Armstrong, pointed out, there was a letter that came to all of us yesterday from the retired teachers expressing their concerns with the stability of the fund, and I know in many cases to say that the intent of these board members perhaps cannot be trusted, it happens to be their dollars that are in there. They are very concerned about how their dollars are invested.

As far as the prudent-person theory that has been involved over the years in pension funds, that is the standard of investments wherever it is until we in the legislature decided that we should make social decisions and not invest in South African stocks, in Northern Ireland stocks. Just a few years ago there was a major scandal because our municipal pension funds were underfunded, and here we go again. No one is watching the

store. Let us take the dollars today and put them back tomorrow, and they never get put back.

The members and the trustees of these funds are very concerned about the future. We are saying they are not qualified to make the decisions of what contribution rates are, we should not look to actuaries to provide them the ability to determine where we want to go. It has been cited that the other funds, SWIF, the whole litany of where we have raided these funds to balance our budgets under this current administration. I think it is a travesty that we are putting upon not only the retirees of this State but also the taxpayers of this State and mortgaging our children's and grandchildren's futures.

And the question recurring,
Shall the bill pass finally?

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

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—23

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

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

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

LEGISLATIVE LEAVE

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

Senator LINCOLN. Mr. President, I request a temporary Capitol leave for Senator Bodack.

The PRESIDENT. Senator Lincoln requests a temporary Capitol leave for Senator Bodack. The Chair hears no objection. That leave will be granted.

THIRD CONSIDERATION CALENDAR RESUMED

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 65 (Pr. No. 1827) — The Senate proceeded to consideration Of the bill, entitled:

An Act amending the act of July 3, 1986 (P.L.388, No.84), known as the Sunshine Act, providing for public comment.

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

On the question,
Shall the bill pass finally?

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

Senator HART. Mr. President, as a sponsor of a similar bill on public comment in the Senate, I rise in strong support of House Bill No. 65. Recent news articles have cited that the public's business is too often not conducted publicly. For those familiar with the State's open meeting law, it is no secret why. This so-called Sunshine Law does not have any teeth. This evening we have the opportunity to make a good law even better by giving it those much needed teeth.

We must give the taxpayers of Pennsylvania a real opportunity to voice their views on the local issues which concern them. These are projects and programs which, after all, they are paying for. In many communities around the State, public comment is encouraged and welcomed. However, in some other areas, residents are completely shut out of the process. This is quite unfortunate for both the citizens and the boards and councils, because the give-and-take of public comment can only improve their local decision making. House Bill No. 65 would ensure that Pennsylvania residents are not denied the chance to offer input on local decisions.

I urge my colleagues tonight to unanimously support me in casting a positive vote on House Bill No. 65.

Thank you, Mr. President.

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

Senator JUBELIRER. Mr. President, it is truly a pleasure, I guess would be the word, and refreshing to recognize that there are substantial votes, if not all votes, on both sides of the aisle for House Bill No. 65, and I join with my colleague, the President pro tempore of the Senate, Senator Mellow, and congratulate him and those in the House of Representatives, the gentlewoman from Allegheny, Senator Hart, and others who are here, as I have been, in sponsoring legislation like this because I, quite frankly, believe this is another bipartisan effort that merits the support of every Member of the Senate. Certainly, for every Pennsylvanian, this one is for them. It is a measure, it is a victory for the people. It is a win for the taxpayers who want a greater say on the decisions government makes. It is a welcome addition to the Sunshine Law, making it a better law. It is something that I certainly have been involved in, as has the President pro tempore, Senator Mellow, for a number of years.

This measure is important as a symbol of reform, but also for its practical benefits. While many jurisdictions already offer their citizens the privilege of public comment, many others, unfortunately, Mr. President, do not. There is no question that whether the subject is taxes, education, waste siting, people have a lot to say and very much want their elected officials to

listen to them. Simply watching the action is not enough. The people want the decision makers to have the benefit of their opinions, their advice, and their concerns, and they want it face to face.

Government truly becomes closer to the people when the people can stand up and say their peace. Open government advocates and local government representatives deserve credit for working to develop a very reasonable, balanced approach. This should not be the end of the reform but the beginning. There are other sunshine issues, other matters of public concern, that deserve our consideration, and I hope that we can continue to do it together. The cooperation, the bipartisan support, the momentum evident here can be directed toward a larger reform agenda, ensuring that the achievement of a public comment period does not stand alone. By voting "yes," we now set the stage for House concurrence and signature by the Governor. Then indeed the people will be assured of their right to be heard as never before.

Thank you, Mr. President.

And the question recurring,
Shall the bill pass finally?

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

YEAS—48

Afflerbach	Fisher	Loeper	Rhoades
Andrezeski	Fumo	Lynch	Robbins
Armstrong	Greenleaf	Madigan	Scanlon
Baker	Hart	Mellow	Schwartz
Belan	Helfrick	Mowery	Shaffer
Bell	Holl	Musto	Shumaker
Bodack	Jones	O'Pake	Stapleton
Bortner	Jubelirer	Pecora	Stewart
Brightbill	LaValle	Peterson	Stout
Corman	Lemmond	Porterfield	Tilghman
Dawida	Lewis	Punt	Wenger
Fattah	Lincoln	Reibman	Williams

NAYS—0

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

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

BILL LAID ON THE TABLE

HB 110 (Pr. No. 1839) — The Senate proceeded to consideration of the bill, entitled:

An Act requiring certain contracts to be written in plain language; and providing remedies and penalties.

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

BILLS OVER IN ORDER

SB 263, SB 314, SB 395 and HB 461 -- Without objection, the bills were passed over in their order at the request of Senator LINCOLN.

BILL LAID ON THE TABLE

SB 601 (Pr. No. 640) -- The Senate proceeded to consideration of the bill, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Secretary of Public Welfare and the Governor, to convey to The Association for Independent Growth, Inc., a tract of land situate in the City of Philadelphia, Philadelphia County.

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

BILLS OVER IN ORDER

SB 607, HB 718, SB 822, SB 827, SB 860, SB 952, SB 970, SB 1014 and SB 1015 -- Without objection, the bills were passed over in their order at the request of Senator LINCOLN.

BILL RECOMMENDED

SB 1032 (Pr. No. 1154) -- The Senate proceeded to consideration of the bill entitled:

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), entitled, as amended, "The Fiscal Code," further providing for the issuance of tax anticipation notes.

Upon motion of Senator LINCOLN, and agreed to, the bill was recommitted to the Committee on Appropriations.

SECOND CONSIDERATION CALENDAR

BILL ON SECOND CONSIDERATION

HB 3 (Pr. No. 1921) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for the crime of stalking and for penalties; and further providing for protective orders and warrantless arrests relative to victim and witness intimidation and for relief relative to protection from abuse.

Considered the second time and agreed to,

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

BILLS ON SECOND CONSIDERATION
AND REREFERRED

HB 6 (Pr. No. 16) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 18, 1974 (P.L.359, No.120), referred to as the Municipal Police Education and Training Law, further defining "police officer" and "police department"; adding a definition; and further providing for powers and duties of the commis-

sion, for police training, for penalties and for reimbursement of training expenses.

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

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

HB 27 (Pr. No. 476) -- The Senate proceeded to consideration of the bill, entitled:

An Act empowering the General Counsel or his designee to issue subpoenas for certain licensing board activities; providing for hearing examiners in the Bureau of Professional and Occupational Affairs; providing additional powers to the Commissioner of Professional and Occupational Affairs; and further providing for civil penalties and license suspension.

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

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

BILL REREFERRED

HB 84 (Pr. No. 93) -- The Senate proceeded to consideration of the bill,

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing protection for public utility employees who report a violation or suspected violation of Federal, State or local law; providing protection for such employees who participate in investigations, hearings, inquiries or court actions; and prescribing remedies and penalties.

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

BILLS OVER IN ORDER

HB 85 and HB 143 -- Without objection, the bills were passed over in their order at the request of Senator LINCOLN.

BILL ON SECOND CONSIDERATION
AND REREFERRED

HB 200 (Pr. No. 1550) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 24, 1937 (P.L.2045, No.397), known as The Support Law, abolishing certain liens and providing for the release therefrom.

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

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

BILL ON SECOND CONSIDERATION

HB 213 (Pr. No. 1904) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, further providing for prescriptions; and providing automatic suspension of practitioners' licenses for conviction of drug offenses.

Considered the second time and agreed to,

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

BILL OVER IN ORDER

SB 320 -- Without objection, the bill was passed over in its order at the request of Senator LINCOLN.

BILL ON SECOND CONSIDERATION

HB 343 (Pr. No. 367) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, eliminating the transfer of funds to the Enforcement Officers' Retirement Account; providing for the transfer of funds remaining in the account; and providing for the transfer of excess funds transferred to the Enforcement Officers' Benefit Account in the State Employees' Retirement Fund.

Considered the second time and agreed to,

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

BILL REREFERRED

SB 560 (Pr. No. 1299) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for household hazardous waste collection programs; further providing for the Recycling Fund; making a fund transfer; providing for a grant program; and making an appropriation.

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

BILL OVER IN ORDER

HB 576 -- Without objection, the bill was passed over in its order at the request of Senator LINCOLN.

BILL ON SECOND CONSIDERATION AND REREFERRED

SB 627 (Pr. No. 1300) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for the regulation of public bathing places; and creating the Safe Bathing Place Fund.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

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

BILL OVER IN ORDER

SB 678 -- Without objection, the bill was passed over in its order at the request of Senator LINCOLN.

BILL ON SECOND CONSIDERATION

SB 689 (Pr. No. 1328) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), entitled, as amended, "The Fiscal Code," redefining "Redevelopment Assistance Capital Project"; further providing for project eligibility; and increasing the limitation on redevelopment assistance capital projects.

Considered the second time and agreed to,

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

BILLS OVER IN ORDER

HB 712, SB 740, SB 818 and SB 838 -- Without objection, the bills were passed over in their order at the request of Senator LINCOLN.

BILL ON SECOND CONSIDERATION AND REREFERRED

SB 867 (Pr. No. 945) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 8, 1982 (P. L. 303, No. 85), entitled "Second Class County Prothonotary Fee Act," providing for the establishment and modification of fees and for the imposition of an additional fee.

Considered the second time and agreed to,

Ordered, To be printed for third consideration.

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

BILLS ON SECOND CONSIDERATION

HB 887 (Pr. No. 966) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for the qualifications for and the issuance of junior hunting or furtaker licenses.

Considered the second time and agreed to,

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

SB 955 (Pr. No. 1046) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 27, 1966 (1st Sp. Sess., P. L. 31, No. 1), entitled "The Bituminous Mine Subsidence and Land Conservation Act," providing for the restoration or replacement of water supplies materially affected by mining; further providing for the replacement or repair of certain structures affected by mine subsidence; further providing for appeals and departmental action; and making repeals.

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

**BILL ON SECOND CONSIDERATION
AND REREFERRED**

SB 974 (Pr. No. 1342) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, revising provisions relating to investments of the Public School Employees' Retirement Board and the State Employees' Retirement Board, respectively; excepting such boards from terms, conditions, limitations and restrictions imposed on other administrative boards of the Commonwealth in making investments; and adopting prudent-person rule in lieu of specific "legal list" of authorized investments.

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

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

BILL OVER IN ORDER

HB 986 -- Without objection, the bill was passed over in its order at the request of Senator LINCOLN.

BILL ON SECOND CONSIDERATION

SB 1051 (Pr. No. 1173) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 1, 1909 (P. L. 91, No. 53), entitled "An act relating to deeds for conveying or releasing lands, construing words and phrases used therein, and prescribing a form of deed and acknowledgment which may be used for conveying or releasing lands," prohibiting racially-based restraints on alienation in deeds; and prohibiting certain persons from requiring execution of affidavits relating to racially-based restraints on alienation.

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

BILLS OVER IN ORDER

SB 1059 and **SB 1091** -- Without objection, the bills were passed over in their order at the request of Senator LINCOLN.

BILLS ON SECOND CONSIDERATION

SB 1098 (Pr. No. 1329) -- The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of (P. L. , No.), entitled "Capital Budget Project Itemization Act for 1993-1994," itemizing public improvement projects, furniture and equipment projects, transportation assistance projects, flood control projects and redevelopment assistance projects to be constructed or acquired or assisted by the Department of General Services, the Department of Environmental Resources, the Department of Community Affairs or the Department of Transportation, together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for

the purpose of financing the projects to be constructed or acquired or assisted by the Department of General Services, the Department of Environmental Resources, the Department of Community Affairs or the Department of Transportation; stating the estimated useful life of the projects; authorizing certain waivers; and making appropriations.

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

SB 1132 (Pr. No. 1330) -- The Senate proceeded to consideration of the bill, entitled:

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

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

UNFINISHED BUSINESS

REPORTS FROM COMMITTEES

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

SB 647 (Pr. No. 1381) (Amended)

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

Senator BELAN, from the Committee on Labor and Industry, reported the following bills:

SB 653 (Pr. No. 694)

An Act amending the act of July 31, 1941 (P. L. 616, No. 261), entitled "Employment Agency Law," further providing for the advertisement of fees.

HB 41 (Pr. No. 1696)

An Act amending the act of July 2, 1984 (P.L.561, No.112), known as the Pennsylvania Conservation Corps Act, further providing for definitions, for duties of the Secretary of Labor and Industry, for projects, for eligibility for program, for compensation, for supervisors, for appropriations and for expiration of the Pennsylvania Conservation Corps and the act; making a repeal; and making editorial changes.

SENATE CONCURRENT RESOLUTION

RECESS ADJOURNMENT

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

In the Senate, May 24, 1993

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, June 7, 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, June 7, 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.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Dr. Daniel Lee by Senator Baker.

Congratulations of the Senate were extended to the Department of Electrical and Computer Engineering of The Pennsylvania State University by Senator Corman.

Congratulations of the Senate were extended to Christopher John Kruljac, Brian John Mawhinney and to Jesse David Moose by Senator Hart.

Congratulations of the Senate were extended to Mr. and Mrs. Franklin Timm, Laura May Baldwin and to Irene Bryant by Senator Lemmond.

Congratulations of the Senate were extended to Mr. and Mrs. James S. Starr, Mr. and Mrs. Kenneth E. Meyer, Mr. and Mrs. Carl Berry, Mr. and Mrs. Harry Herbst, Sr., and to Edith Vader by Senator Madigan.

Congratulations of the Senate were extended to Jeremy Sacco and to the National Management Association of Eynon by Senator Mellow.

Congratulations of the Senate were extended to Mr. and Mrs. Clyde Darling by Senator Peterson.

Congratulations of the Senate were extended to the National Safe Boating Council, Incorporated, by Senator Punt.

Congratulations of the Senate were extended to Timothy D. Graber by Senator Reibman.

Congratulations of the Senate were extended to Mary Bello Vero by Senator Shaffer.

Congratulations of the Senate were extended to Agnes Bauman by Senator Stapleton.

Congratulations of the Senate were extended to Patton Borough by Senator Stewart.

Congratulations of the Senate were extended to Mr. and Mrs. Frank Yoders and to Mr. and Mrs. Thomas G. Hughes by Senator Stout.

BILLS ON FIRST CONSIDERATION

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

The motion was agreed to.

The bills were as follows:

SB 647, SB 653 and HB 41.

And said bills having been considered for the first time,

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

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

FRIDAY, MAY 28, 1993

1:30 p.m.	TRANSPORTATION (to consider Regulations on Enhanced Emission Inspection)	Room 461 4th Floor North Wing
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WEDNESDAY, JUNE 9, 1993

9:30 A.M.	PUBLIC HEALTH AND WELFARE (Public Hearing on Managed Care and Substance Abuse)	Rm. 8E-B Hearing Room East Wing
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FRIDAY, JUNE 11, 1993

9:30 A.M.	URBAN AFFAIRS AND HOUSING (to consider the Homeowner's Emergency Mortgage Assistance Program)	Temple Univ. Kiva Auditorium, Phila. PA.
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RECESS

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

Senator LINCOLN. Mr. President, I have an announcement for the Members. We are going to recess in a very brief moment. We are not going to adjourn, we are going to recess and keep the desk open to the call of the Chair. We will be called back at 9:00 tomorrow morning. I would suggest that if the House has concluded their business, we will be prepared to attempt to deal with whatever they send us. If not, we may recess and give them a little while longer, but we will remain in today's Session through the night until 9:00 tomorrow morning. At that point in time, we will adjourn and go to Friday's Session, as we did today. I would suggest to the Members to be here promptly at 9:00, because if we do have an opportunity to conclude the business of the week, we will do it as expeditiously as possible, and a timely start helps that.

I move now that we recess to the call of the Chair, with the expectation of being back on the floor at 9 a.m.

The PRESIDENT. Senator Lincoln moves that the Senate do now recess to the call of the Chair, and it is likely that the Chair will call us in at about 9 o'clock.

On the question,

Will the Senate agree to the motion?

The motion was agreed to.

The PRESIDENT. The Senate stands in recess.

AFTER RECESS

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

HOUSE MESSAGES**HOUSE NONCONCURS IN SENATE
AMENDMENTS TO HB 438**

The Clerk of the House of Representatives informed the Senate that the House has nonconcurred in amendments made by the Senate to **HB 438**.

**HOUSE INSISTS UPON ITS NONCONCURRENCE
IN SENATE AMENDMENTS TO HB 438,
AND APPOINTS COMMITTEE OF CONFERENCE**

The Clerk of the House of Representatives informed the Senate that the House insists upon nonconcurrence in Senate amendments to **HB 438**, and has appointed Messrs. COWELL, EVANS and STAIRS as a Committee of Conference to confer with a similar committee of the Senate, if the Senate shall appoint such committee, to consider the differences existing between the two houses in relation to said bill.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR NO. 3****BILL WHICH HOUSE HAS NONCONCURRED
IN SENATE AMENDMENTS****MOTION TO INSIST ON SENATE
AMENDMENTS AND APPOINT COMMITTEE
OF CONFERENCE ON HB 438**

HB 438 (Pr. No. 1982) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, requiring a report of certain racial and ethnic groupings; authorizing the board of school directors of certain school districts to levy different rates of taxation for school purposes on land and on buildings; providing for instructional support, for payments to intermediate units and for special education payments to school districts; and creating a fund for payments to approved private schools.

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

Senator LINCOLN. Mr. President, I move that the Senate do insist upon the amendments placed in House Bill No. 438 and form a conference committee with the conferees being named from the suggestions already made on my part, and I believe the gentleman from Blair, Senator Jubelirer, has a suggestion to make.

The PRESIDENT. Senator Lincoln moves that the Senate do insist on its amendments in House Bill No. 438, and that a conference committee be appointed.

On the question,
Will the Senate agree to the motion?
The motion was agreed to.

**COMMITTEE OF CONFERENCE
APPOINTED ON HB 438**

The PRESIDENT. The Chair announces, on behalf of the President pro tempore, the appointment of Senator J. William LINCOLN, Senator Chaka FATTAH, and Senator F. Joseph LOEPER to confer with a similar committee of the House, already appointed, to consider the differences existing between the two Houses in relation to House Bill No. 438.

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

RECESS

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

Senator LINCOLN. Mr. President, we will be having a meeting of the Committee on Appropriations, which I would like to have the Secretary call immediately after the recess. At that point in time, we will remain in recess until 9:45, where we will come back and accept the report of committee and any other business that has to be done in this Session. We will adjourn this Session that we are now in and immediately begin the Friday, May 28 Session, and at that point in time we will have a Calendar available. There are certain bills that are going to be dealt with today either in conjunction with the anticipated passage of the budget or other issues that are of interest to the Members and are good pieces of legislation to deal with. We will confer with the floor leader on the other side with a marked Calendar. If it necessitates a caucus, we will, at that time, caucus. If it does not, we will continue with the business of the Senate. At whatever time the House passes the necessary legislation, the conference reports, we will immediately take them up. I cannot predict when that will be. I expect it would be early in the morning, early in the day, or I suspect it may not be, period. So, I think by the time we get done with our Calendar, we will have some idea.

The PRESIDENT. The Chair thanks the gentleman.

Senator LINCOLN. Mr. President, if there are any questions, I would be glad to answer them before we go to the meeting of the Committee on Appropriations.

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

Senator JUBELIRER. Mr. President, I would just ask the Republican Members of the Senate to stand at ease and be prepared to come back to the floor at the 9:45 p.m. appointed time and we will have further information at that time in order to direct the Members.

The PRESIDENT. For the purpose of a meeting of the Committee on Appropriations, the Senate will stand in recess. Would the Members of the Committee on Appropriations please meet in the Rules room at the rear of the Senate Chamber.

The Senate will stand in recess.

AFTER RECESS

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

REPORTS FROM COMMITTEE

Senator FUMO, from the Committee on Appropriations, reported the following bills:

SB 1032 (Pr. No. 1380) (Amended) (Rereported)

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), entitled, as amended, "The Fiscal Code," further providing for interest on overpayments, for payment of credit and effect upon right of resettlement, review and appeal and for project eligibility; increasing the limitation on redevelopment assistance capital projects; further providing for the issuance of tax anticipation notes; and making a repeal.

HB 200 (Pr. No. 1550) (Rereported)

An Act amending the act of June 24, 1937 (P.L.2045, No.397), known as The Support Law, abolishing certain liens and providing for the release therefrom.

HB 1261 (Pr. No. 1983) (Amended)

An Act amending the act of April 9, 1929 (P. L. 343, No. 176), known as The Fiscal Code, further providing for redevelopment assistance capital projects.

BILL ON FIRST CONSIDERATION

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

The motion was agreed to.

The bill was as follows:

HB 1261.

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

**REPORT OF COMMITTEE OF CONFERENCE
SUBMITTED AND LAID ON THE TABLE**

Senator LINCOLN submitted the Report of Committee of Conference on **HB 438**, which was laid on the table.

**SPECIAL ORDER OF BUSINESS
SUPPLEMENTAL CALENDAR NO. 2****THIRD CONSIDERATION CALENDAR****BILL OVER IN ORDER**

SB 1032 -- Without objection, the bill was passed over in its order at the request of Senator LINCOLN.

EXECUTIVE NOMINATION**EXECUTIVE SESSION**

Motion was made by Senator AFFLERBACH,

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

Which was agreed to.

NOMINATION TAKEN FROM THE TABLE

Senator AFFLERBACH. Mr. President, I call from the table a certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

**MEMBER OF THE BOARD OF TRUSTEES
OF HAVERFORD STATE HOSPITAL**

February 8, 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, Reverend Barnabas W. Glenn, 1503 East Johnson Street, Philadelphia 19138-1109, Philadelphia County, Fourth Senatorial District, for appointment as a member of the Board of Trustees of Haverford State Hospital, to serve until the third Tuesday of January 1995, and until his successor is appointed and qualified, vice Reverend Thomas Logan, Sr., Yeadon, resigned.

ROBERT P. CASEY
Governor

NOMINATION LAID ON THE TABLE

Senator AFFLERBACH. Mr. President, I request that the nomination just read by the Clerk be laid on the table.

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

EXECUTIVE SESSION RISES

Senator AFFLERBACH. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

LEGISLATIVE LEAVES CANCELLED

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

Senator LOEPER. Mr. President, I ask that you recognize the presence on the floor of Senator Helfrick, and that his temporary Capitol leave be cancelled.

The PRESIDENT. Senator Helfrick is with us. His temporary Capitol leave will, in fact, be cancelled.

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

Senator LOEPER. Mr. President, before we adjourn, I ask that you note the presence of Senator Bell on the floor, and that his legislative leave be cancelled.

The PRESIDENT. The Chair thanks the gentleman. Senator Bell is indeed with us. His legislative leave will be cancelled.

ADJOURNMENT

The PRESIDENT. That completes the business of Thursday, May 27, and the Chair would entertain a motion that we adjourn at this point to move with vigor into Friday.

The Chair recognizes the gentleman from Fayette, Senator Lincoln.

Senator LINCOLN. Mr. President, if you have completed all the necessary mechanical work that you have to do, I would now move to adjourn the Thursday Session until Friday, May 28, at 10:30 a.m.

The PRESIDENT. Senator Lincoln moves that the Senate do now adjourn until Friday, May 28, at 10:30 a.m.

The motion was agreed to.

The Senate adjourned at 11:59 p.m., Eastern Daylight Saving Time.