

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, JUNE 21, 1994

SESSION OF 1994

178TH OF THE GENERAL ASSEMBLY

No. 35

SENATE

TUESDAY, June 21, 1994

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

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

PRAYER

The Chaplain, Reverend DAVID B. JOST, Pastor of Zion Evangelical Lutheran Church, Enola, offered the following prayer:

Let us pray.

Almighty God, Our Heavenly Father, bless those who hold office in the government of this Commonwealth, that they may do their work in a spirit of wisdom, kindness, and justice. Help them to use their authority to serve faithfully and to promote the general welfare, preserve our nation in justice and honor that we may lead a peaceable life of integrity.

Grant health and favor to all who bear office in our land, especially to the President of these United States, the Governor of this Commonwealth, and all those who make, administer, and judge our laws, and help them to serve these people according to Your holy will. We ask all of this in Your holy name, our Creator and Sustainer. Amen.

The PRESIDENT. The Chair thanks Reverend Jost, who is the guest today of Senator Mowery.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of June 20, 1994.

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

HOUSE MESSAGES

HOUSE CONCURS IN SENATE BILLS

The Clerk of the House of Representatives returned to the Senate SB 184, SB 185, SB 218, SB 348, SB 441, SB 1229 and SB 1653, with the information the House has passed the same without amendments.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILLS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to HB 194, HB 338, HB 1777, HB 2032 and HB 2467.

HOUSE CONCURS IN SENATE AMENDMENTS BY AMENDING SAID AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate by amending said amendments to HB 1080, in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule XIV, section 5, this bill will be referred to the Committee on Rules and Executive Nominations.

SENATE BILLS RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate SB 690, SB 713, SB 729, SB 1192 and SB 1651, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule XIV, section 5, this bill will be referred to the Committee on Rules and Executive Nominations.

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

June 21, 1994

HB 2791, HB 2792, HB 2793, HB 2794, HB 2795, HB 2796, HB 2797, HB 2798, HB 2799, HB 2800, HB 2801, HB 2802, HB 2803, HB 2804, HB 2805, HB 2806, HB 2807, HB 2808, HB 2809, HB 2810, HB 2811, HB 2812, HB 2813, HB 2814, HB 2815, HB 2816, HB 2817, HB 2818, HB 2819, HB 2820, HB 2821, HB 2822, HB 2823, HB 2824, HB 2825, HB 2826 and HB 2827 -- Committee on Appropriations.

BILLS SIGNED

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

SB 184, SB 185, SB 218, SB 348, SB 441, SB 1229, SB 1653, HB 194, HB 338, HB 1777, HB 2032 and HB 2467.

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

The SECRETARY. Consent has been given for the Committee on Appropriations to meet during today's Session to consider House Bill No. 24, House Bill No. 1717, House Bills No. 2791 through and including House Bill No. 2827, and House Bill No. 2202.

REPORTS FROM COMMITTEES

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

SB 560 (Pr. No. 1299) (Rereported)

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.

SB 1393 (Pr. No. 2227) (Rereported)

An Act authorizing Commonwealth and municipal government entities to enter into guaranteed energy savings contracts.

SB 1746 (Pr. No. 2215) (Rereported)

An Act amending the act of August 14, 1991 (P. L. 342, No. 36), entitled "Lottery Fund Preservation Act," further providing for human service shared-ride transportation services for older adults.

HB 105 (Pr. No. 2173) (Rereported)

An Act amending the act of December 19, 1990 (P.L.1372, No.212), known as the Early Intervention Services System Act, further providing for intervention services for infants, toddlers and eligible young children with disabilities; expanding the membership of the Interagency Coordinating Council; further providing for the expenditure of certain appropriations; and making editorial changes.

HB 1474 (Pr. No. 4002) (Amended) (Rereported)

An Act amending the act of July 3, 1985 (P.L.164, No.45), known as the Emergency Medical Services Act, further providing for certification and recognition of emergency medical services personnel; adding and amending certain definitions; and providing for liability, for suspension and revocation, for advanced life support service and Commonwealth medical directors, for purposes of the operating fund and for regulations.

HB 1679 (Pr. No. 2737) (Rereported)

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing for investment of moneys of the Commonwealth.

HB 1730 (Pr. No. 3571) (Rereported)

An Act amending Title 37 (Historical and Museums) of the Pennsylvania Consolidated Statutes, further providing for the definition of "archaeological field investigation"; adding definitions; further providing for the specific powers and duties of the Pennsylvania Historical and Museum Commission; further providing for documents; establishing the Local Government Records Management Improvement Fund; imposing an additional recording fee on certain documents; and further providing for cooperation by public officials with the commission.

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

SB 848 (Pr. No. 921)

An Act providing for automobile theft prevention; establishing the Automobile Theft Prevention Authority and providing for its powers and duties; and creating the Automobile Theft Prevention Trust Fund.

SB 849 (Pr. No. 922)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for insurance fraud.

SB 850 (Pr. No. 923)

An Act providing for insurance fraud prevention; establishing the Insurance Fraud Prevention Authority and providing for its powers and duties; establishing the Insurance Fraud Prevention Trust Fund; establishing the Division of Insurance Fraud within the Office of Attorney General and providing for its powers and duties; and providing for confidentiality and for certain immunities.

SB 1738 (Pr. No. 2290) (Amended)

An Act providing for the use of community rating for all Medicare supplement policies.

SB 1757 (Pr. No. 2238)

An Act mandating health insurance coverage for cancer prevention and early detection programs.

Senator BRIGHTBILL, from the Committee on Environmental Resources and Energy, reported the following bill:

SB 1776 (Pr. No. 2288) (Amended)

An Act amending the act of February 9, 1988 (P. L. 31, No. 12), entitled "Low-Level Radioactive Waste Disposal Act," deleting provisions relating to eminent domain.

Senator SHAFFER, from the Committee on Community and Economic Development, reported the following bill:

HB 1914 (Pr. No. 4001) (Amended)

An Act amending the act of November 26, 1978 (P.L.1309, No.317), referred to as the Public Works Contract Regulation Law, further providing for prompt payment schedules and for bidder lists.

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

SB 79 (Pr. No. 79)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the sentencing proceeding; and providing for restitution for incarceration.

SB 994 (Pr. No. 2291) (Amended)

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," further providing for distribution of moneys received as a result of the commission of a crime; and imposing a penalty.

SB 1778 (Pr. No. 2273)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the issuance of warrants for the sentence of death; and making a repeal.

SB 1779 (Pr. No. 2274)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for sentencing and other matters relating to high risk dangerous offenders.

Senator BELL, from the Committee on Consumer Protection and Professional Licensure, reported the following bills:

SB 52 (Pr. No. 2289) (Amended)

An Act regulating and requiring the licensure of electrical contractors; establishing the State Board of Electrical Contractors and providing for its powers and duties; making an appropriation; and providing penalties.

SB 461 (Pr. No. 489)

An Act requiring that, when motor vehicles are serviced or repaired, any parts replaced must be returned upon request; and providing penalties for noncompliance.

SB 644 (Pr. No. 685)

An Act relating to the rights of purchasers and lessees of defective new motor vehicles; creating a motor vehicle arbitration board; imposing obligations, duties of refund and replacement; making appropriations; and making repeals.

SB 751 (Pr. No. 814)

An Act amending the act of July 1, 1987 (P. L. 187, No. 24), entitled "An act requiring retail gasoline dealers to post

gasoline additive information;....," requiring the Department of Agriculture to establish standards relating to octane levels and additives, to develop a testing program and to enforce the standards established; and making an appropriation.

SB 1752 (Pr. No. 2233)

An Act amending the act of May 1, 1933 (P. L. 216, No. 76), entitled "The Dental Law," regulating the practice of expanded function dental assistants; and further providing for the powers of the State Board of Dentistry, for fees, for discipline, for penalties, for dentists' privileges, for multiple licensure and for assignment of duties.

HB 2568 (Pr. No. 3618)

An Act amending the act of July 2, 1993 (P.L.437, No.63), entitled "An act providing for the eligibility of certain persons for licensure to practice chiropractic and for colleges' notice as to accreditation; and making a repeal," further providing for licensure eligibility and for expiration.

APPROVAL OF REGULATIONS

Senator BELL, from the Committee on Consumer Protection and Professional Licensure, reports that the committee supports implementation of the 1994-95 Philadelphia taxicab budget request, and the following regulations are reported to the Independent Regulatory Review Commission without objections:

Osteopathic Board Regulation 16A-320; Architects Board Regulation 16A-380; and Social Work Board Regulation 16A-531.

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 Williams.

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

CALENDAR

HOUSE CONCURRENT RESOLUTION No. 263 REREPORTED FROM COMMITTEE AS AMENDED, ADOPTED

Senator LOEPER, without objection, called up out of order from page 14 of the Calendar, as a Special Order of Business, House Concurrent Resolution No. 263, entitled:

A Concurrent Resolution directing the Joint Legislative Air and Water Pollution Control and Conservation Committee to study the issues concerning the regeneration and management of Pennsylvania's forests; and creating a task force.

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

On the question,
Will the Senate concur in the resolution?

LEGISLATIVE LEAVE

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

Senator LOEPER. Mr. President, Senator Fisher has been called to his office, and I would request a temporary Capitol leave on his behalf.

The PRESIDENT. Without objection, a temporary Capitol leave for Senator Fisher will be granted.

And the question recurring,
Will the Senate concur in the resolution?

Senator LOEPER. Mr. President, I move that the Senate do concur in House Concurrent Resolution No. 263.

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

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

YEAS—49

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

NAYS—1

Fattah

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

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

SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR F. JOSEPH LOEPER
PRESENTED TO THE SENATE

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

Senator LOEPER. Mr. President, I am very honored today to have some guest Pages on the floor with us from Springfield, Delaware County. Lori Frio of Springfield is 12 years old and attends St. Mary Magdalene School, and her brother, Joseph, also is with us today as a guest Page. He is 11 years old and attends St. Mary Magdalene School. Also in the gallery with them today is the mother of Joseph and Lori, Mrs.

Sharon Frio, and I would ask the Members of the Senate if they would extend a warm welcome to our guest Pages as well as to their mom.

The PRESIDENT. Would the Senate join me in welcoming our special guests to the floor of the Senate. Would you please rise so that we can congratulate you and welcome you to the Senate of Pennsylvania.

(Applause.)

Senator LOEPER. Mr. President, in addition, I am also pleased to have in attendance with us for the Senate Session today, Mr. and Mrs. Thomas Denelsbeck. Mr. Denelsbeck is a committeeman in Lansdowne Borough in Delaware County. Also here is Edith Bassie, a committeewoman in Lansdowne Borough, accompanied by George Heinly, who is the tax collector of Lansdowne Borough.

I am very pleased to have them here with us in the Senate today and here for a tour of the Capitol and the Governor's Mansion.

The PRESIDENT. Would the guests of Senator Loeper please rise so that we can welcome you to the Senate of Pennsylvania.

(Applause.)

GUESTS OF SENATOR HAROLD F. MOWERY
PRESENTED TO THE SENATE

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

Senator MOWERY. Mr. President, it is a pleasure for me to have as a guest Diana Strupp, who lives in Carlisle. You know, in 1993 Diana won the title of Pennsylvania Junior Representative of the Miss North American Scholastic Pageant. In addition to her scholastic achievements, she was also honored for personality and community service. Her mother, Cindy, and her brother, Christopher, are here with her today, but the interesting thing that I would like to bring to your attention is that Diana is 9 years old, and I think that she ought to walk out front here so we can all see her and then we will give her a warm welcome from the Senate.

The PRESIDENT. Welcome, Diana, and we congratulate you and wish you nothing but the best.

(Applause.)

GUEST OF SENATOR MICHAEL A. O'PAKE
PRESENTED TO THE SENATE

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

Senator O'PAKE. Mr. President, also here as a guest Page for today is an outstanding young student from Reading High School, Jeremy King. Last summer Jeremy attended the Governor's School for International Affairs at the University of Pittsburgh. Just last week he was awarded the prize as the outstanding musician in the Reading School District, and he will be going to the University of Richmond on a full scholarship, which he earned on his academic and extracurricular activities.

Mr. President, Mr. Jeremy King from Reading High School. The PRESIDENT. If Jeremy would rise so that we can congratulate you and thank you for your services as a Page. (Applause.)

CONSIDERATION OF CALENDAR RESUMED

SB 416 CALLED UP OUT OF ORDER

SB 416 (Pr. No. 439) -- Without objection, the bill was called up out of order, from page 3 of the Third Consideration Calendar, by Senator LOEPER, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AMENDED

SB 416 (Pr. No. 439) -- The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for spending limitations on the Commonwealth.

On the question,

Will the Senate agree to the bill on third consideration?

Senator RHOADES offered the following amendment No. A3476:

Amend Title, page 1, line 1, by striking out "an amendment" and inserting: amendments

Amend Title, page 1, line 2, by inserting after "Pennsylvania,": authorizing the use of the initiative and referendum as powers reserved to the people; and

Amend Sec. 1, page 1, lines 6 through 8, by striking out all of said lines and inserting:

Section 1. The following amendments to the Constitution of Pennsylvania are proposed in accordance with Article XI:

(1) That Article III be amended by adding a section to read: § 33. Powers reserved to the people.

(a) Powers relating to initiative shall be as follows:

(1) The legislative power of this Commonwealth shall be vested in the Senate and the House of Representatives, but the people reserve to themselves the power to propose laws and amendments to the Constitution, and to adopt or reject the same at the polls, independent of the General Assembly.

(2) The initiative is the power of the electors to propose statutes and amendments to the Constitution and to adopt or reject them.

(3) An initiative measure may be proposed by presenting to the Secretary of the Commonwealth a petition that sets forth the text of the proposed statute or amendment to the Constitution and is certified by the Secretary of the Commonwealth to have been signed by registered electors equal in number to 8%, in the case of the statute, or 10%, in the case of an amendment to the Constitution, of the votes for all candidates for Governor at the last gubernatorial election.

(4) Signatures on initiative petitions must be obtained from at least 5% of the registered electors as of the date of the last gubernatorial election in each of 36 counties in this Commonwealth.

(5) The Secretary of the Commonwealth shall then submit the measure at the next general, municipal, primary or special statewide election held at least 75 days after it qualifies. The Secretary of the Commonwealth shall only certify a measure wherein all signatures on petitions are obtained and affixed to

the petitions for the measure during the same regular session of the General Assembly.

(6) An initiative measure embracing more than one subject may not be submitted to the electors or have any effect.

(7) No measure that relates to religion, religious practices or religious institutions; or to naming an individual to hold office; or naming or identifying a private corporation to perform a function or to have a power or duty, shall be proposed by an initiative petition.

(8) An initiative amendment to the Constitution approved by the electors which requires enabling legislation shall constitute a mandate to the General Assembly to promptly enact the appropriate legislation.

(b) Powers relating to referendum shall be as follows:

(1) The legislative power of this Commonwealth shall be vested in the Senate and the House of Representatives, but the people reserve to themselves the power, at their own option, to approve or reject statutes or parts of statutes passed by the General Assembly.

(2) The referendum is the power of the electors to approve or reject statutes or parts of statutes except urgency statutes or statutes calling elections.

(3) A referendum measure may be proposed by presenting to the Secretary of the Commonwealth, within 120 days after the enactment date of the statute, a petition certified to have been signed by registered electors equal in number to 8% of the votes for all candidates for Governor at the last gubernatorial election asking that the statute or part of it be submitted to the electors.

(4) Signatures on referendum petitions must be obtained from at least 5% of the registered electors as of the date of the last gubernatorial election in each of 36 counties in this Commonwealth.

(5) The Secretary of the Commonwealth shall submit the measure at the next general, municipal, primary or special statewide election held at least 75 days after it qualifies.

(c) Provisions governing both initiative and referendum shall be as follows:

(1) The General Assembly shall provide the manner in which petitions shall be circulated, presented and certified, and require by law measures to insure full disclosure of disbursements made and receipts obtained by parties who have an interest in initiative and referendum measures and who have exceeded a statutory threshold for such disbursements and receipts for any one initiative or referendum measure in each election. The General Assembly shall also require by law reasonable limits on contributions made to parties who have an interest in the passage or defeat of an initiative or referendum measure for each measure and in each election. The General Assembly shall also require by law the full disclosure of any disbursements made by a person or corporation from another state to advocate the passage or defeat of an initiative or referendum measure.

(2) An initiative or referendum petition, in order to be eligible for certification by the Secretary of the Commonwealth, shall first be signed by 200 registered electors of the Commonwealth, who shall pay an administrative fee not exceeding the fee required by law for the filing of nomination petitions by candidates for public office to be filled by the electors of the State-at-large. If the Secretary of the Commonwealth shall certify that the petition contains the entire text of the measure; that the measure is not, either affirmatively or negatively, substantially the same as any measure which has been submitted to the electors in the previous five years; and that it contains only one subject which is not excluded from

consideration under this section, then the Secretary of the Commonwealth shall provide blanks for the use of subsequent signers, and shall print at the top of each blank a fair, concise summary, as determined by the Legislative Reference Bureau, of the proposed measure as such summary will appear on the ballot.

(3) The Legislative Reference Bureau shall, within ten days of the certification of an initiative or referendum petition upon which the required number of signatures have been affixed, prepare an explanation or argument, or both, for, and also an explanation or argument, or both, against, the same. The Secretary of the Commonwealth shall then publish the summary and explanations and arguments, together with the entire text of the measure, in as many newspapers of general circulation as deemed by the Secretary of the Commonwealth to be sufficient to give notice throughout the Commonwealth at least 20 days before the election in which the measure is presented to the electors. This information shall also be made available to the general public in printed form.

(4) The Secretary of the Commonwealth shall certify no more than four initiative or referendum measures in an election. Each measure shall be limited to only one subject. If more than four measures are submitted to the Secretary of the Commonwealth in one election, the four measures with the largest numbers of signatures shall be certified. If two or more measures are substantially similar in subject matter, whether or not they conflict, only the measure with the largest number of signatures shall be certified.

(5) An initiative statute or amendment to the Constitution or a referendum approved by a majority of votes thereon takes effect the date after the election unless the measure provides otherwise.

(6) No measure shall appear on the ballot in an election more often than once in five years.

(7) The General Assembly may amend or repeal an initiative or referendum statute only upon a vote of two-thirds of the members elected to the Senate and the House of Representatives.

(8) The veto power of the Governor shall not extend to an initiative or referendum statute approved by the electors.

Amend Sec. 1, page 1, line 9, by inserting before "That": (2)

On the question,

Will the Senate agree to the amendment?

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

Senator RHOADES. Mr. President, this proposed amendment would amend the Pennsylvania Constitution by providing for initiative and referendum as powers reserved to the people.

I think we are all aware that with the advent of local tax reform, as we have discussed over the past weeks and months the issue of a referendum on adoption and/or changes at both the county, school district, and local levels, but I think the opportunity also is afforded to us to give the people of the Commonwealth the right at the State level. In order to place a measure on the ballot in the next election, initiative or referendum petitions must contain the signatures of registered voters equal to 8 percent of the votes cast for Governor in the last gubernatorial election to make or amend the law and 10 percent to change the State Constitution.

Further, signatures must be obtained from at least 5 percent of the registered voters in each of 36 counties, which are counted toward the total signature requirements. I would note that we have 36 counties required so that not one area of this State or one concentration of signatures would influence. This would be an issue which would have to be addressed throughout the Commonwealth. Only four unrelated measures with the highest number of signatures can be placed on the ballot in any single election, and a given measure cannot appear on the ballot more than once in 5 years. The legislature can amend initiative and referendum measures that pass, but only by a two-thirds vote, and the Governor cannot veto an initiative or referendum statute approved by the electorate. Measures pertaining to religion cannot be placed on the ballot.

The petition process would begin when 200 registered voters sign a preliminary petition containing the entire measure and pay a \$200 administrative fee. After the Secretary of State certifies that the measure meets legal requirements, he or she refers the measure to the Legislative Reference Bureau, where a fair, concise summary of the measure is prepared. The summary will then be affixed to an official petition blank printed and distributed by the Secretary. This summary will also be the language that appears on the ballot. Signatures on initiative petitions are only valid during the 2-year legislative Session in which the petitions are filed, and both initiative and referendum petitions can only be placed on a ballot in an election 75 days after they are certified. Referendum petitions must gain the required signatures within 120 days after the passage of the law which the referendum addresses.

After the Secretary certifies that an official petition contains the necessary signatures, the Legislative Reference Bureau will prepare arguments for and against the measure, which along with the summary and text of the summary will be published by the Secretary in a number of newspapers at least 20 days before the election. The information would also be made available to the general public in printed form. Spending on initiative and referendum ballot questions, particularly out-of-State spending, must be disclosed, and contributions to initiative and referendum campaigns must be limited by law.

I present this amendment to our body with the full intent that as we are interested in having people participate in the government process at all levels, that we, too, would afford that opportunity to the people of the Commonwealth to participate in an initiative and referendum for the entire Commonwealth of Pennsylvania.

Thank you, Mr. President.

RECESS

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

Senator LOEPER. Mr. President, because of the nature of the substance of this amendment and because we have not had an opportunity as a Caucus to caucus on the amendment, before any further consideration of it at this time, I would ask for a recess of the Senate for the purpose of a Republican caucus to begin immediately in the first floor caucus room.

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

Senator LINCOLN. Mr. President, I concur wholeheartedly with the gentleman from Delaware. I believe there should be some discussion on this issue as it is serious, and I would request that the Members of the Democratic Caucus report immediately to the caucus room at the rear of the Chamber upon the recess.

Senator LOEPER. Mr. President, if I could amend my original request to recess to indicate that prior to convening the caucus I would request reconvening the meeting of the Committee on Appropriations in the Rules room at the rear of the Senate Chamber, immediately followed by a Republican caucus in the Majority Caucus Room, with an expectation of trying to return to the floor by approximately 3 o'clock.

The PRESIDENT. For purposes of a meeting of the Committee on Appropriations to reconvene in the Rules room at the rear of the Senate Chamber, followed by Republican and Democratic caucuses, with the expectation of returning to the floor by approximately 3 o'clock, the Senate will stand in recess.

AFTER RECESS

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

The PRESIDENT. The question recurs on the Rhoades amendment. We have an amendment pending to Senate Bill No. 416.

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

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

Senator LINCOLN. Mr. President, I ask for a negative vote on the amendment. I think the example that we see in California and the condition of that State can be very clearly followed if you would follow the pattern of their initiatives and referendums, how badly that State has been damaged by some of the issues that they have ended up having on their referendum votes.

Plus, I was going to save this whole argument for the bill itself, but I think that here is a clear example of every Member who serves here filed a petition, they asked to be nominated by their own party, they were successful at that point, they were nominated for the November election representing either the Democratic or Republican Party and they were victorious. They then came here the January following that November election, stood up at the railing at the front of the Senate with everybody here, put their hands up, put their left hand on the Bible, or whatever they used, put their right hand in the air and swore to uphold certain constitutional obligations and swore they would fulfill their duties with fidelity and responsibility. Using a referendum and initiative issue is like saying I do not really want to do my job, and I think that we should have the courage, we should have the feeling of responsibility, and we

should be responsible enough to do our job. I think that applies to this whole bill, not just this amendment, and I think it is a very dangerous and foolish step to take. I would ask for a negative vote.

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

Senator RHOADES. Mr. President, just some quick points of clarification. There are major differences between this initiative and referendum proposed for Pennsylvania and California. Qualifying number of petition signatures are equal to a percentage of votes cast for Governor. For a statute, it is 8 percent; for a constitutional amendment, it is 10 percent. In California, it is only 5 percent, so we are requiring 3 percent more. For the constitutional amendment in California, it is 8 percent and we are requiring 10 percent. That is 2 percent more. Petition signatures required from half of the counties: in Pennsylvania, yes; California, no. Petitions only valid during the 2-year legislative Session in which they are filed: in Pennsylvania, yes; in California, no. Number of measures allowed on same ballot limited: in Pennsylvania, yes, we limit it to 4 percent. In California, no, it is unlimited. Similar measures on the same ballot prohibited: in Pennsylvania, yes; in California, no. Churches and judiciary exempted: in Pennsylvania, yes; in California, no. Full disclosure of money raised and spent on initiative and referendum campaigns including out-of-State contributions: in Pennsylvania, yes; in California, no. Limits on contributions to initiative and referendum campaigns: in Pennsylvania, yes; in California, no. Measure can be recycled only once in 5 years: in Pennsylvania, yes; in California, no. A legislature can amend or repeal initiative and referendum measures: in Pennsylvania it would take a two-thirds vote; in California it would take a majority vote, plus a referendum. Local initiative and referendum: Pennsylvania, no; in California, yes. But I would note if we look at House Bill No. 2202, there are a number of local referenda that are being offered and proposed.

I think, too, yes, I did take my oath to defend the right of all citizens to the right of initiative and referendum and redress and participation in their government. I think the initiative and referendum is a step in that direction to offer people that opportunity. I do not, nor does anyone else, nor do we collectively have all the answers, and I think when we ask the people to participate through all the things that they do, this is their opportunity, this is their chance to open government up to all the people for all the time.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Lehigh, Senator Afflerbach.

Senator AFFLERBACH. Mr. President, the idea of initiative and referendum has a great populist ring to it and, indeed, many people on first blush might well say that this is something that, in fact, should occur in Pennsylvania and all other States. The fact is, however, that in other States that have had experience with initiative and referendum, they have discovered that it is not the populist panacea that many people believe that it might be or could be. In fact, the United States

Supreme Court has already ruled—and this is perhaps why California no longer restricts the amount of money that may be contributed to a third party entity that is arguing for or against a referendum—that those contributions cannot be limited, nor can the amount of money spent to promote a referendum either way, for or against, be limited. That violates free speech according to the Supreme Court and, therefore, should this amendment pass and should Pennsylvania move into the realm of initiative and referendum, in my opinion we are providing an opportunity for the special interest groups, through their mass-marketing techniques, to truly control the issues in this Commonwealth. They do not have that opportunity at the moment. They have to come to this legislature, this Senate, this House of Representatives and the Governor's Office to present their viewpoint, and they have to convince us to accept that viewpoint. With initiative and referendum they will be free to spend whatever they care to spend, to utilize the most modern mass-marketing techniques through all of the media available to them to sell their idea. Believe me, Mr. President, the experience in California and other States has demonstrated that that is exactly what will happen.

Furthermore, not only do we have the difficulty of that situation, but we also have the difficulty of people simply trying to understand the number of referenda that may appear at one time on the ballot. This spring I asked for and received a copy of the information circulated in California for the particular ballot questions that had been placed there through the initiative and referendum process.

Mr. President, I was simply astounded at the information that was provided to voters to try to help them understand what these questions were, and I was astounded, not because of the completeness of the information, but because of the manner in which it was presented. It was more difficult than pulling a bill randomly out of the Senate or the House and expecting someone on the street to understand exactly what that bill said. Furthermore, in order to save costs in providing this information to its citizens, the State of California reduced the size of the print to the smallest possible size to cram as much information into a single publication as possible. Mr. President, even with a magnifying glass it was difficult for people without eyesight problems to be able to read those brochures.

In short, the idea of initiative and referendum sounds great; in practice, it has been less than great, and it has, in fact, turned government over to the special interests. I urge defeat of this amendment.

LEGISLATIVE LEAVES

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

Senator LINCOLN. Mr. President, I request temporary Capitol leaves for Senator Andrezeski, Senator Bodack, Senator Fumo, and Senator Mellow.

The PRESIDENT. Senator Lincoln requests temporary Capitol leaves for Senator Andrezeski, Senator Bodack,

Senator Fumo, and Senator Mellow. The Chair hears no objection. Those leaves will be granted.

The Chair recognizes the gentleman from Delaware, Senator Loeper.

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

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

LEGISLATIVE LEAVE CANCELLED

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

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

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

Senator HART. Mr. President, I regrettably rise in opposition to the amendment. I say that, Mr. President, because I am a supporter of the ideal contained in the proposal for initiative and referendum. In fact, I am a sponsor of a bill that would propose just that. However, I think bringing up the issue now as a constitutional amendment and attaching it as an amendment to another constitutional amendment does quite complicate the issue.

We are considering one constitutional amendment which, as we know, has to pass consecutive Sessions of the legislature. It is difficult enough to pass a single-issue constitutional amendment, and I would urge my colleagues to reject this amendment simply to make sure that we are clear on what we are voting on and that the passage of my constitutional amendment contained in the bill is not hampered by that.

Thank you, Mr. President.

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

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

YEAS—26

Andrezeski	Helfrick	Peterson	Shaffer
Baker	LaValle	Porterfield	Shumaker
Bell	Marks	Punt	Stapleton
Bortner	Mowery	Rhoades	Stewart
Corman	Musto	Robbins	Stout
Fisher	O'Pake	Salvatore	Tilghman
Greenleaf	Pecora		

NAYS—24

Afflerbach	Fattah	Jubelirer	Mellow
Armstrong	Fumo	Lemmond	Reibman
Belan	Hart	Lewis	Schwartz
Bodack	Heckler	Lincoln	Wagner

Brightbill	Holl	Loeper	Wenger
Dawida	Jones	Madigan	Williams

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

The PRESIDENT. Senate Bill No. 416 will go over in its order as amended.

LEGISLATIVE LEAVE CANCELLED

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

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 Fattah.

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

LEGISLATIVE LEAVES CANCELLED

The PRESIDENT. The Chair recognizes the presence on the floor of Senator Andrezeski and Senator Bodack. Their temporary Capitol leaves will be cancelled.

SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR ROBERT D. ROBBINS PRESENTED TO THE SENATE

The PRESIDENT. Senator Robbins has some guests, and the Chair is pleased to recognize at this time, the gentleman from Mercer, Senator Robbins.

Senator ROBBINS. Mr. President, today I would like to introduce a group of young people from Crawford County nicknamed the Soundwaves. They are a group of young people from my district who participate in a radio club known as the Soundwaves, and they write, produce, and deliver a weekly radio program on WMGW in Meadville, produced by themselves, the children of Crawford County. Cast members range in age from 7 to 18, and 13 of the 23 members, along with their director, Margaret Douglas, are in Harrisburg today. Members attending are: Caren Fiorello, Joe Gagen, Stacey Peters, Dani Prester, Jason Sheffield, Carly Williams, Jessica Zimmer, Joe Tedesco, Marie Davis, Ben Murphy, Claire Merchen, Grant Hinterlighter, and Darren Bowersox. Also accompanying the group today were Sue Peters, Cindy Fiorello, Janet Hiland, Christy Fiorello, and Holly Tedesco. They were not able to stay this late, but they were visiting the Capitol today, and I just wanted, for the record, to let you know that they visited the Senate of Pennsylvania.

Thank you, Mr. President.

The PRESIDENT. The Chair thanks the gentleman, and the Chair recognizes their presence and appreciates them making the trip.

RECESS

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

Senator LOEPER. Mr. President, before we resolve ourselves into Executive Session, it is going to be necessary that we recess for a short Republican caucus in the Rules room at the rear of the Senate Chamber, hopefully for no more than 10 minutes, and then we will be back on the floor before we go into Executive Session.

The PRESIDENT. Is there a request for a Democratic caucus?

Senator LINCOLN. Mr. President, at this particular time there is really no need for a Democratic caucus. We will just mill around the floor and wait for them to come back.

The PRESIDENT. For the purpose of a Republican caucus, the Senate will stand in brief recess.

AFTER RECESS

The PRESIDENT *pro tempore* (Robert C. Jubelirer) in the Chair.

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

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

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

Which was agreed to.

NOMINATIONS TAKEN FROM THE TABLE

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

The Clerk read the nominations as follows:

MEMBER OF THE BOARD OF GOVERNORS OF THE STATE SYSTEM OF HIGHER EDUCATION

May 12, 1994

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, Jennifer M. Alexander, 1842 Arnold Street, Philadelphia 19152, Philadelphia County, Fifth Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to

serve until graduated or separated, vice Irvin Hartman, Jr., separated.

ROBERT P. CASEY
Governor

MEMBER OF THE BOARD OF GOVERNORS OF
THE STATE SYSTEM OF HIGHER EDUCATION

May 12, 1994

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, Jeremy A. Haugh, 76 Twin Hill Drive, Waynesboro 17268, Franklin County, Thirty-third Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until graduated or separated, vice Janice L. Michaud, Lawrenceville, New Jersey, graduated.

ROBERT P. CASEY
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF
INDIANA UNIVERSITY OF PENNSYLVANIA

April 7, 1994

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Susan Snell Delaney, 122 Greenview Drive, Indiana 15701, Indiana County, Forty-first Senatorial District, for reappointment as a member of the Council of Trustees of Indiana University of Pennsylvania, to serve until the third Tuesday of January 1999, and until her successor is appointed and qualified.

ROBERT P. CASEY
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF
INDIANA UNIVERSITY OF PENNSYLVANIA

April 7, 1994

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, Wayne C. Gorell, 7 Whites Wood Trail, Indiana 15701, Indiana County, Forty-first Senatorial District, for appointment as a member of the Council of Trustees of Indiana University of Pennsylvania, to serve until the third Tuesday of January 1995, and until his successor is appointed and qualified, vice Roy R. Fairman, Punxsutawney, deceased.

ROBERT P. CASEY
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF
LOCK HAVEN UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION

March 31, 1994

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Ronald Jury, 400 Montrose Street, Harrisburg 17110, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Council of Trustees of Lock Haven 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 Larry H. Lytle, M.D., Lock Haven, whose term expired.

ROBERT P. CASEY
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF
LOCK HAVEN UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION

May 20, 1994

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Larry Hunter Lytle, M.D., 23 Hemlock Drive, Box 790, Lock Haven 17745, Clinton County, Thirty-fourth Senatorial District, for appointment as a member of the Council of Trustees of Lock Haven University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 1999, and until his successor is appointed and qualified, vice Michael K. Hanna, Sr., Esquire, Lock Haven, whose term expired.

ROBERT P. CASEY
Governor

MEMBER OF THE LACKAWANNA COUNTY
BOARD OF ASSISTANCE

April 6, 1994

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, Terrence J. McDonald (Democrat), 2325 North Washington Avenue, Scranton 18512, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Lackawanna County Board of Assistance, to serve until December 31, 1996, and until his successor is appointed and qualified, to add to complement.

ROBERT P. CASEY
Governor

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

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

Senator LINCOLN. Mr. President, on the information that was given to us before our caucus sometime earlier today, a gentleman by the name of Robert Grant was included on that list and I did not hear that name read.

The PRESIDENT pro tempore. I suspect that is a form of interrogation of you, Senator Salvatore.

Senator SALVATORE. Mr. President, Mr. Grant had not been before our Caucus, and some of our Caucus Members wanted to ask some questions. He will be brought up on Monday. He has done a great job over there. He will be brought out on Monday and voted on and voted affirmatively.

Senator LINCOLN. Mr. President, okay. Well, the only reason I asked, Mr. President, is that it was on the list to be run today, and I did not know whether it was an inadvertent omission or whether it was for a purpose. I thank the gentleman.

LEGISLATIVE LEAVES

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

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

The PRESIDENT pro tempore. Senator Lincoln requests a temporary Capitol leave for Senator Andrezeski. Without objection, that leave will be granted.

The Chair recognizes the gentleman from Allegheny, Senator Fisher.

Senator FISHER. Mr. President, I request temporary Capitol leaves for Senator Hart, Senator Brightbill, and Senator Robbins.

The PRESIDENT pro tempore. Senator Fisher requests temporary Capitol leaves for Senator Hart, Senator Brightbill, and Senator Robbins. Without objection, those leaves will be granted.

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

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

YEAS—50

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

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.

NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

JUDGE, COURT OF COMMON PLEAS,
ALLEGHENY COUNTY

April 22, 1994

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, Lester George Nauhaus, Esquire, 5837 Northumberland Street, Pittsburgh 15217, Allegheny County, Forty-third Senatorial District, for appointment as Judge of the Court of Common Pleas of Allegheny County, to serve until the first Monday of January 1996, vice The Honorable Ralph H. Smith, Jr., deceased.

ROBERT P. CASEY
Governor

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

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

YEAS—27

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

NAYS—23

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

Less than a constitutional two-thirds majority of all the Senators having voted "aye," the question was determined in the negative.

Ordered, That the Governor be informed accordingly.

RECONSIDERATION OF EXECUTIVE NOMINATION

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

Senator LINCOLN. Mr. President, I move that the vote by which the nomination for Mr. Nauhaus was defeated be reconsidered.

The PRESIDENT pro tempore. It has been moved by Senator Lincoln that the vote by which the nomination for Mr. Nauhaus received less than a two-thirds majority for confirmation be reconsidered.

The motion was agreed to.

On the question,

Will the Senate advise and consent to the nomination of Lester George Nauhaus, Esquire?

NOMINATION LAID ON THE TABLE

Senator LINCOLN. Mr. President, I move that the nomination of Lester Nauhaus be laid on the table.

The motion was agreed to.

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

NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

JUDGE, COURT OF COMMON PLEAS,
CLEARFIELD COUNTY

May 20, 1994

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, Fredric J. Ammerman, Esquire, 129 South West Third Avenue, Clearfield 16830, Clearfield County, Thirty-fifth Senatorial District, for appointment as Judge of the Court of Common Pleas of Clearfield County, to serve until the first Monday of January, 1996, vice The Honorable Joseph S. Ammerman, resigned.

ROBERT P. CASEY
Governor

On the question,

Will the Senate advise and consent to the nomination?

LEGISLATIVE LEAVES

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

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

The PRESIDENT pro tempore. Senator Lincoln requests a temporary Capitol leave for Senator Jones. Without objection, that leave is granted.

The Chair recognizes the gentleman from Allegheny, Senator Fisher.

Senator FISHER. Mr. President, I request a temporary Capitol leave for Senator Armstrong.

The PRESIDENT pro tempore. Senator Fisher requests a temporary Capitol leave for Senator Armstrong, and without objection, that leave also will be granted.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Hart. Her temporary Capitol leave is cancelled.

And the question recurring,

Will the Senate advise and consent to the nomination?

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

YEAS—25

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

NAYS—25

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

Less than a constitutional two-thirds majority of all the Senators having voted "aye," the question was determined in the negative.

Ordered, That the Governor be informed accordingly.

RECONSIDERATION OF EXECUTIVE NOMINATION AND NOMINATION LAID ON THE TABLE

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

Senator LINCOLN. Mr. President, I move that the vote by which the nomination for Mr. Ammerman was defeated be reconsidered and that the nomination be laid on the table.

The PRESIDENT pro tempore. Do you want to put both motions in one?

Senator LINCOLN. Mr. President, if that can be done.

The PRESIDENT pro tempore. It appears that it can be. Senator Lincoln moves that the vote by which the nomination for Fredric J. Ammerman, Esquire, failed confirmation be reconsidered and that the nomination be laid on the table.

The motion was agreed to.

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

NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

JUDGE, COURT OF COMMON PLEAS,
MONTGOMERY COUNTY

February 10, 1994

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Richard J. Hodgson, 10 Kormar Road, Norristown 19401, Montgomery County, Seventeenth Senatorial District, for appointment as Judge of the Court of Common Pleas of Montgomery County, to serve until the first Monday of January 1996, vice The Honorable William W. Vogel, resigned.

ROBERT P. CASEY
Governor

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

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

YEAS—27

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

NAYS—23

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

Less than a constitutional two-thirds majority of all the Senators having voted "aye," the question was determined in the negative.

Ordered, That the Governor be informed accordingly.

**MOTION TO RECONSIDER EXECUTIVE
NOMINATION AND LAY NOMINATION
ON THE TABLE**

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Montgomery, Senator Tilghman.

Senator TILGHMAN. Mr. President, I move that the vote by which the nomination for Richard J. Hodgson was defeated be reconsidered and that the nomination be laid on the table.

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

Senator LINCOLN. Mr. President, if that is done, it will have to be an immediate vote.

The PRESIDENT pro tempore. Senator Tilghman, the gentleman is on the 25th day, I believe, and Senator Lincoln

raises the point that if we reconsider him he would have to be considered again today because under our rules, he would be automatically confirmed if he were to be laid on the table. And because he is on discharge, we cannot adjourn without taking a vote.

Senator TILGHMAN. Mr. President, aside from anything, the motion is to lay his name on the table. We can do that, is that not right?

The PRESIDENT pro tempore. Under our rules, the Senate cannot adjourn without taking a vote. That is Senator Lincoln's point, and it is well-taken. The Senate would have to vote, because he is under a discharge petition, unlike the other ones.

Senator TILGHMAN. Mr. President, well, I am not going to insist on a vote. Is the gentleman from Fayette, Senator Lincoln, insisting on a vote?

Senator LINCOLN. Mr. President, all I insist on is that we follow our rules.

The PRESIDENT pro tempore. Senator, the rules of the Senate provide that a vote has to be taken before the Senate can adjourn because he is on the 25th day and he is on discharge. The Chair has no other alternative. The nomination cannot be laid on the table without a vote.

Senator TILGHMAN. Mr. President, the Chair is always right.

The PRESIDENT pro tempore. I do not know whether I would go that far, Senator Tilghman, but, unfortunately, I am obligated and responsible for following the rules.

Senator LINCOLN. Mr. President, I think it should be made very clear that as a leader I have no choice either. They are the rules, and all I am asking is that we follow the rules.

The PRESIDENT pro tempore. Senator Lincoln, I know that you always wish to follow the rules.

MOTION WITHDRAWN

The PRESIDENT pro tempore. Am I correct that you withdraw your motion, Senator Tilghman?

Senator TILGHMAN. Mr. President, I withdraw the motion.

The PRESIDENT pro tempore. Senator Tilghman withdraws his motion.

Again, for the benefit of the Members, the difference between this nominee and the others is that this nominee is on the 25th day and under the rules of the Senate would have to be voted on it before we adjourn.

NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

JUDGE, COURT OF COMMON PLEAS,
THIRTY-SEVENTH JUDICIAL DISTRICT

February 10, 1994

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, Paul H. Millin, Esquire, 525 Elm Street, P. O. Box 477, Tionesta 16353, Forest County, Twenty-fifth Senatorial District, for appointment as Judge of the Court of Common Pleas of the Thirty-seventh Judicial District, to serve until the first Monday of January 1996, vice The Honorable Robert Wolfe, resigned.

ROBERT P. CASEY
Governor

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

The PRESIDENT pro tempore. For the benefit of the Members, this nominee is also on the 25th day and is under discharge petition.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT pro tempore. The Chair notes the presence on the floor of Senator Armstrong, and his temporary Capitol leave is cancelled.

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

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

YEAS—27

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

NAYS—23

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

Less than a constitutional two-thirds majority of all the Senators having voted "aye," the question was determined in the negative.

Ordered, That the Governor be informed accordingly.

NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

JUDGE, COURT OF COMMON PLEAS,
WESTMORELAND COUNTY

March 30, 1994

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 Joseph Driscoll, Esquire, 100 University Drive, Greensburg 15601, Westmoreland County, Thirty-ninth Senatorial District, for appointment as Judge of the Court of Common Pleas of Westmoreland County, to serve until the first Monday of January 1996, vice The Honorable Donetta W. Ambrose, resigned.

ROBERT P. CASEY
Governor

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

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

YEAS—28

Afflerbach	Fisher	Lewis	Reibman
Andrezeski	Fumo	Lincoln	Schwartz
Belan	Greenleaf	Mellow	Stapleton
Bodack	Hart	Musto	Stewart
Bortner	Heckler	O'Pake	Stout
Dawida	Jones	Pecora	Wagner
Fattah	LaValle	Porterfield	Williams

NAYS—22

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

Less than a constitutional two-thirds majority of all the Senators having voted "aye," the question was determined in the negative.

Ordered, That the Governor be informed accordingly.

RECONSIDERATION OF EXECUTIVE NOMINATION AND NOMINATION LAID ON THE TABLE

Senator LINCOLN. Mr. President, I move that the vote by which the nomination of John Driscoll from Westmoreland County was defeated be reconsidered and that the nomination be laid on the table.

The PRESIDENT pro tempore. For the information of the Members, this nominee is not under discharge petition. He is on the 21st day.

Senator Lincoln moves that the vote by which the nomination for John J. Driscoll failed confirmation be reconsidered and that the nomination be laid on the table.

The motion was agreed to.

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

EXECUTIVE SESSION RISES

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

The motion was agreed to.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR

BILLS REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

HB 103, HB 490, and SB 1560 – Without objection, the bills were passed over in their order at the request of Senator LOEPER.

PREFERRED APPROPRIATION BILL OVER IN ORDER

HB 2624 – Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILLS OVER IN ORDER

SB 15, HB 162, HB 217, SB 386 and SB 532 – Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 553 (Pr. No. 3953) – 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, extending enforcement powers of liquor control enforcement officers; and further providing for local options and for unlawful acts.

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—50

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

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.

BILLS OVER IN ORDER

SB 561, SB 562, SB 678, SB 794, SB 877, SB 896, SB 1057, SB 1058, SB 1288, HB 1313, SB 1400, SB 1504, HB 1514, SB 1526, SB 1569, SB 1596, SB 1708, SB 1727, SB 1728, SB 1729 and HB 2630 – Without objection, the bills were passed over in their order at the request of Senator LOEPER.

SECOND CONSIDERATION CALENDAR

BILLS REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

SB 376, HB 589, SB 1059 and SB 1735 – Without objection, the bills were passed over in their order at the request of Senator LOEPER.

PREFERRED APPROPRIATION BILLS ON SECOND CONSIDERATION

HB 2828 (Pr. No. 3727) – The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 1994, to June 30, 1995, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1994.

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

HB 2829 (Pr. No. 3774) – The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 1994, to June 30, 1995, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1994.

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

HB 2830 (Pr. No. 3956) – The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry and the Department of Commerce to provide for the expenses of administering the Workers' Compensation Act, The Pennsylvania Occupational Disease Act and the Office of Small Business Advocate for the fiscal year July 1, 1994, to June 30, 1995, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1994.

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

HB 2831 (Pr. No. 3740) — The Senate proceeded to consideration of the bill, entitled:

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto.

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

HB 2832 (Pr. No. 3741) — The Senate proceeded to consideration of the bill, entitled:

An Act making an appropriation to the Treasury Department out of the Fish Fund for payment of general obligation debt service.

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

BILLS OVER IN ORDER

HB 287 and HB 296 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

HB 358 (Pr. No. 3475) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of August 31, 1971 (P.L.398, No.96), known as the County Pension Law, providing for special early retirement incentives for county employees.

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

BILLS OVER IN ORDER

SB 602, SB 603, SB 738, SB 997, SB 998, SB 999, HB 1135, HB 1145, HB 1146, SB 1158, SB 1159, HB 1242, HB 1244, HB 1247, HB 1249, HB 1250, HB 1251, HB 1344, SB 1380, SB 1532, HB 1637, SB 1686 and SB 1687 — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

HB 2372 (Pr. No. 3817) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of January 25, 1966 (1965 P.L.1546, No.541), entitled "An act providing scholarships and providing funds to secure Federal funds for qualified students of the Commonwealth of Pennsylvania who need financial assistance to attend postsecondary institutions of higher learning,

making an appropriation, and providing for the administration of this act," further providing for the amount of scholarships and for eligibility for scholarships.

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

UNFINISHED BUSINESS REPORTS FROM COMMITTEE

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

HB 24 (Pr. No. 2130) (Rereported)

An Act providing for protection of public health and prevention of fraud and deception by prohibiting the manufacture or sale of, the offering for sale or exposing for sale of or the having in possession with intent to sell adulterated, misbranded or deleterious foods; and making repeals.

HB 1717 (Pr. No. 3858) (Rereported)

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for definitions, for registration of protection from abuse orders, for responsibilities of law enforcement agencies, for commencement of protection from abuse proceedings, for hearings on petitions for protection from abuse, for relief, for service of protection from abuse orders, for emergency relief by the minor judiciary, for disclosure of addresses, for arrest, for violation of orders and for indirect criminal contempt; imposing a surcharge against defendants where a protection order is entered; providing for private criminal complaints for violations of orders or agreements and for civil contempt; further providing for confidential communications and for procedure and remedies; and providing for full faith and credit regarding certain orders.

HB 2202 (Pr. No. 3769) (Rereported)

An Act authorizing counties to impose sales and use, personal income or earned income and net profits taxes; authorizing municipalities to impose personal income, earned income and net profits and municipal service taxes; authorizing certain counties to impose a hotel occupancy tax; empowering municipalities to require county sales and use taxes; authorizing school districts to impose taxes on personal income, earned income and net profits; providing for the levying, assessment and collection of such taxes; providing for the powers and duties of the Department of Community Affairs, the Department of Revenue and the State Treasurer; providing for limitations on debt of school districts; exempting counties, municipalities and school districts from compliance with certain laws that require counties, municipalities and school districts to spend funds or that limit the ability of counties, municipalities and school districts to raise revenue.

HB 2791 (Pr. No. 3951)

A Supplement to the act of April 1, 1863 (P.L.213, No.227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect; and providing for a basis for payments of such

appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure.

HB 2792 (Pr. No. 3948)

A Supplement to the act of July 28, 1966 (3rd Sp.Sess., P.L.87, No.3), entitled "An act providing for the establishment and operation of the University of Pittsburgh as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the chancellor to make an annual report of the operations of the University of Pittsburgh," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

HB 2793 (Pr. No. 3952)

A Supplement to the act of November 30, 1965 (P.L.843, No.355), entitled "An act providing for the establishment and operation of Temple University as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; providing for preference to Pennsylvania residents in tuition; providing for public support and capital improvements; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the President to make an annual report of the operations of Temple University," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

HB 2794 (Pr. No. 3950)

A Supplement to the act of July 7, 1972 (P.L.743, No.176), entitled "An act providing for the establishment and operation of Lincoln University as an instrumentality of the Commonwealth to serve as a State-related institution in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; providing for preference to Pennsylvania residents in tuition; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the President to make an annual report of the operations of Lincoln University," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations;

and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

HB 2795 (Pr. No. 3949)

An Act making an appropriation to the Trustees of Drexel University, Philadelphia.

HB 2796 (Pr. No. 3972)

An Act making appropriations to the Hahnemann University, Philadelphia.

HB 2797 (Pr. No. 3960)

An Act making appropriations to The Medical College of Pennsylvania, East Falls, Philadelphia.

HB 2798 (Pr. No. 3961)

An Act making an appropriation to the Pennsylvania College of Optometry, Philadelphia.

HB 2799 (Pr. No. 3962)

An Act making an appropriation to the Philadelphia College of Osteopathic Medicine, Philadelphia.

HB 2800 (Pr. No. 3963)

An Act making an appropriation to the Pennsylvania College of Podiatric Medicine, Philadelphia.

HB 2801 (Pr. No. 3964)

An Act making appropriations to the Thomas Jefferson University, Philadelphia.

HB 2802 (Pr. No. 3965)

An Act making an appropriation to the University of the Arts, Philadelphia.

HB 2803 (Pr. No. 3966)

An Act making appropriations to the Trustees of the University of Pennsylvania.

HB 2804 (Pr. No. 3713)

An Act making appropriations to the Trustees of the Berean Training and Industrial School at Philadelphia.

HB 2805 (Pr. No. 3714)

An Act making an appropriation to the Johnson Technical Institute of Scranton.

HB 2806 (Pr. No. 3715)

An Act making an appropriation to the Williamson Free School of Mechanical Trades in Delaware County.

HB 2807 (Pr. No. 3967)

An Act making an appropriation to the Fox Chase Institute for Cancer Research, Philadelphia, for the operation and maintenance of the cancer research program.

HB 2808 (Pr. No. 3968)

An Act making appropriations to the Wistar Institute-Research, Philadelphia.

HB 2809 (Pr. No. 3969)

An Act making an appropriation to the Central Penn Oncology Group.

HB 2810 (Pr. No. 3719)

An Act making an appropriation to the Trustees of the University of Pennsylvania for cardiovascular studies.

HB 2811 (Pr. No. 3720)

An Act making an appropriation to St. Francis Hospital, Pittsburgh.

HB 2812 (Pr. No. 3721)

An Act making appropriations to St. Christopher's Hospital, Philadelphia.

HB 2813 (Pr. No. 3722)

An Act making an appropriation to the Lancaster Cleft Palate.

HB 2814 (Pr. No. 3723)

An Act making an appropriation to the Pittsburgh Cleft Palate.

HB 2815 (Pr. No. 3724)

An Act making an appropriation to the Trustees of Jefferson Medical College and Hospital of Philadelphia for a comprehensive program relating to Tay-Sachs disease.

HB 2816 (Pr. No. 3970)

An Act making an appropriation to the Burn Foundation, Philadelphia.

HB 2817 (Pr. No. 3726)

An Act making an appropriation to the Rehabilitation Institute of Pittsburgh.

HB 2818 (Pr. No. 3971)

An Act making an appropriation to the Arsenal Family and Children's Center.

HB 2819 (Pr. No. 3728)

An Act making an appropriation to the Beacon Lodge Camp.

HB 2820 (Pr. No. 3729)

An Act making an appropriation to the Trustees of the University of Pennsylvania for the general maintenance and operation of the University of Pennsylvania Museum.

HB 2821 (Pr. No. 3730)

An Act making an appropriation to The Carnegie for the Carnegie Museum of Natural History and the Carnegie Science Center.

HB 2822 (Pr. No. 3731)

An Act making an appropriation to the Franklin Institute Science Museum.

HB 2823 (Pr. No. 3732)

An Act making an appropriation to the Academy of Natural Sciences.

HB 2824 (Pr. No. 3733)

An Act making an appropriation to the Museum of the Philadelphia Civic Center for maintenance and the purchase of apparatus, supplies and equipment.

HB 2825 (Pr. No. 3734)

An Act making an appropriation to the Afro-American Historical and Cultural Museum for operating expenses.

HB 2826 (Pr. No. 3735)

An Act making an appropriation to the Everhart Museum in Scranton.

HB 2827 (Pr. No. 3736)

An Act making an appropriation to the Mercer Museum in Doylestown, Pennsylvania.

BILL IN PLACE

The PRESIDENT pro tempore. The Chair recognizes the gentleman from Cambria, Senator Stewart.

Senator STEWART. Mr. President, I rise in place to present a bill.

For the information of the Members, I would like to lay it up here for cosponsorship. I know everyone has gotten a memo from my office concerning the potential proposed contract between SEPTA and its general manager. This legislation would limit the salary and benefits of the general manager of SEPTA. I will lay it on the desk and solicit cosponsorship.

The PRESIDENT pro tempore. Senator Stewart stands in place and presents a bill to the Chair, which will be available for cosponsorship here at the table.

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to George A. Gerber by Senator Brightbill.

Congratulations of the Senate were extended to Jose Pares de la Rosa of Spain by Senator Greenleaf.

Congratulations of the Senate were extended to Mr. and Mrs. Donald Betz, Sr., Chad Eberhart, Eric Gill, Dan Mausteller, Jill Snyder and to John A. Venarchick by Senator Helfrick.

Congratulations of the Senate were extended to Margaret Bonning by Senator Lemmond.

Congratulations of the Senate were extended to Mr. and Mrs. Warren A. Buttorff, Jr., Mr. and Mrs. Gerald Carr, Mr. and Mrs. Allan Harris, Mr. and Mrs. Glenn Potter, Jason J. Gorski, Anthony Rucker and to Jeremy Rucker by Senator Madigan.

Congratulations of the Senate were extended to James T. Martin, Sr., by Senator Musto.

Congratulations of the Senate were extended to Myrtle Epley by Senator Punt.

Congratulations of the Senate were extended to Mr. and Mrs. Frank Gaval, Mr. and Mrs. Edward O'Gorman, Melissa Beibleheimer and to Anna Chuba by Senator Rhoades.

Congratulations of the Senate were extended to Penn National Insurance of Harrisburg by Senator Shumaker.

Congratulations of the Senate were extended to Mr. and Mrs. William A. Iams and to Mr. and Mrs. Joseph Martys by Senator Stout.

BILLS ON FIRST CONSIDERATION

Senator SHAFFER. 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 52, SB 79, SB 461, SB 644, SB 751, SB 848, SB 849, SB 850, SB 994, SB 1738, SB 1752, SB 1757, SB 1776, SB 1778, SB 1779, HB 1914, HB 2568, HB 2791, HB 2792, HB 2793, HB 2794, HB 2795, HB 2796, HB 2797, HB 2798, HB 2799, HB 2800, HB 2801, HB 2802, HB 2803, HB 2804, HB 2805, HB 2806, HB 2807, HB 2808, HB 2809, HB 2810, HB 2811, HB 2812, HB 2813, HB 2814, HB 2815, HB 2816, HB 2817, HB 2818, HB 2819, HB 2820, HB 2821, HB 2822, HB 2823, HB 2824, HB 2825, HB 2826 and HB 2827.

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

COMMUNICATION FROM THE GOVERNOR

**RECALL COMMUNICATION
LAID ON THE TABLE**

The PRESIDENT pro tempore laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows and laid on the table:

DISTRICT JUSTICE

June 21, 1994

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 April 4, 1994 for the appointment of Mary K. Wheeler, Esquire, 223 Sumner Street, Cresson 16630, Cambria County, Thirty-fifth Senatorial District, as District Justice, in and for the County of Cambria, Magisterial District 47-3-04, to serve until the first Monday of January 1996, vice Kenneth Robine, resigned.

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

ROBERT P. CASEY
Governor

ADJOURNMENT

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Wednesday, June 22, 1994, at 10:30 a.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 5:42 p.m. Eastern Daylight Saving Time.