

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, JANUARY 25, 1988

SESSION OF 1988 172ND OF THE GENERAL ASSEMBLY

No. 4

SENATE

MONDAY, January 25, 1988.

The Senate met at 5:45 p.m., Eastern Standard Time.

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

PRAYER

The following prayer was offered by the Secretary of the Senate, Hon. MARK R. CORRIGAN:

O God, we pray that You will give wisdom, faith, courage and vision to these Senators, so that they may be worthy trustees of the responsibility to safeguard and improve the family, the home, community, country and world. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of January 20, 1988.

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.

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS BY THE GOVERNOR REFERRED TO COMMITTEE

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

MEMBER OF THE CRIME VICTIM'S COMPENSATION BOARD

January 22, 1988.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Patricia A. Crawford, 6361 Stephen's Crossing, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Crime Victim's Compensation Board, to serve until March 22, 1991, and until her successor is appointed and qualified, vice Marvin E. Miller, Lancaster, resigned.

ROBERT P. CASEY.

MEMBER OF THE CRIME VICTIM'S COMPENSATION BOARD

January 22, 1988.

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 Marianne F. McManus, 312 Glen Road, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, for appointment as a member of the Crime Victim's Compensation Board, to serve until March 22, 1993, and until her successor is appointed and qualified, vice Patricia A. Crawford, Mechanicsburg, whose term expired.

ROBERT P. CASEY.

MEMBER OF THE COUNCIL OF TRUSTEES OF EAST STROUDSBURG UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

January 22, 1988.

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 Cosmo G. Lalli, 136 East Pine Street, Dunmore 18512, Lackawanna County, Twenty-second Senatorial District, for reappointment as a member of the Council of Trustees of East Stroudsburg University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January, 1989, and until his successor is appointed and qualified.

ROBERT P. CASEY.

MEMBER OF THE STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS

January 22, 1988.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Raymond Kohl, 9535 Northeast Avenue, Philadelphia 19115, Philadelphia County, Fifth Senatorial District, for appointment as a member of the State Registration Board for Professional Engineers, to serve for a term of six years or until his successor has been appointed and qualified, but not longer than six months beyond that period, vice William G. McLean, Scranton, whose term expired.

ROBERT P. CASEY.
MEMBER OF THE BOARD OF TRUSTEES
OF FARVIEW STATE HOSPITAL

January 22, 1988.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate John P. Moran, 47 Garfield Avenue, Carbondale 18407, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Board of Trustees of Farview State Hospital, to serve until the third Tuesday of January, 1993, and until his successor is appointed and qualified, vice George J. Gleason, Honesdale, whose term expired.

ROBERT P. CASEY.
MEMBER OF THE BOARD OF TRUSTEES
OF FARVIEW STATE HOSPITAL

January 22, 1988.

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 J. O'Peil, 48 Orchard Street, Carbondale 18407, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Board of Trustees of Farview State Hospital, to serve until the third Tuesday of January, 1993, and until his successor is appointed and qualified, vice Frank C. Grecco, Jr., Carbondale, whose term expired.

ROBERT P. CASEY.
MEMBER OF THE BOARD OF TRUSTEES
OF FARVIEW STATE HOSPITAL

January 22, 1988.

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 Rose, R. D. 1, Box 114-58, Hawley 18428, Pike County, Twentieth Senatorial District, for appointment as a member of the Board of Trustees of Farview State Hospital, to serve until the third Tuesday of January, 1991, and until his successor is appointed and qualified, vice Dorothy T. Muhlhauser, Milford, whose term expired.

ROBERT P. CASEY.
MEMBER OF THE STATE BOARD
OF VETERINARY MEDICINE

January 22, 1988.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Dean C. Rishel, Box 65, Coburn 16832, Centre County, Thirty-fourth Senatorial District, for appointment as a member of the State Board of Veterinary Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Stanley Saylor, Beaver Springs, whose term expired.

ROBERT P. CASEY.
MEMBER OF THE STATE BOARD
OF VETERINARY MEDICINE

January 22, 1988.

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 Otto Schilling (Public Member), 906 Dixon Avenue, Croydon 19020, Bucks County, Sixth Senatorial District, for appointment as a member of the State Board of Veterinary Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Martha Schwartz, Lancaster, whose term expired.

ROBERT P. CASEY.
MEMBER OF THE STATE BOARD
OF VETERINARY MEDICINE

January 22, 1988.

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 Eugene Witiak, V.M.D., 4505 Bath Pike, Bethlehem 18017, Northampton County, Eighteenth Senatorial District, for appointment as a member of the State Board of Veterinary Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Vernon R. Yingling, V.M.D., Howard, whose term expired.

ROBERT P. CASEY.
MEMBER OF THE BUCKS COUNTY
BOARD OF ASSISTANCE

January 22, 1988.

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 Benjamin R. Tillman (Democrat), 1302 Gibson Road L-141, Bensalem 19020, Bucks County, Sixth Senatorial District, for appointment as a member of the Bucks County Board of Assistance, to serve until December 31, 1989, and until his successor is appointed and qualified, vice Mary Johnson, Levittown, whose term expired.

ROBERT P. CASEY.
MEMBER OF THE LACKAWANNA COUNTY
BOARD OF ASSISTANCE

January 22, 1988.

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 P. Corcoran (Democrat), 1021 Delaware Street, Scranton 18509, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Lackawanna County Board of Assistance, to serve until December 31, 1988, and until his successor is appointed and qualified, vice Joan E. Hoffman, Scranton, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE LACKAWANNA COUNTY
BOARD OF ASSISTANCE**

January 22, 1988.

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 J. Wayne Morgan (Democrat), 801 Laconia Circle, Clarks Summit 18411, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Lackawanna County Board of Assistance, to serve until December 31, 1989, and until his successor is appointed and qualified, vice David Morgan, Dunmore, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE LACKAWANNA COUNTY
BOARD OF ASSISTANCE**

January 22, 1988.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Joseph G. Wargo (Democrat), 408 Cleveland Street, Olyphant 18447, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the Lackawanna County Board of Assistance, to serve until December 31, 1989, and until his successor is appointed and qualified, vice Margaret Cole, Chinchilla, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE WYOMING COUNTY
BOARD OF ASSISTANCE**

January 22, 1988.

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 Harold A. Grow (Democrat), R. D. 5, Box 35, Tunkhannock 18657, Wyoming County, Twentieth Senatorial District, for appointment as a member of the Wyoming County Board of Assistance, to serve until December 31, 1990, and until his successor is appointed and qualified, vice Enola Hawk, Dalton, whose term expired.

ROBERT P. CASEY.

**MEMBER OF THE BLAIR COUNTY
BOARD OF ASSISTANCE**

January 25, 1988.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate The Reverend Bonaventure N. Midili (Democrat), 806 Eleventh Street, Altoona 16602, Blair County, Thirtieth Senatorial District, for appointment as a member of the Blair County Board of Assistance, to serve until December 31, 1988, and until his successor is appointed and qualified, vice Lucy Mae Johnson, Altoona, whose term expired.

ROBERT P. CASEY.

**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 STATE BOARD
OF VETERINARY MEDICINE**

January 22, 1988.

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 October 16, 1987 for the appointment of Dean C. Rishel, Box 65, Coburn 16832, Centre County, Thirty-fourth Senatorial District, as a member of the State Board of Veterinary Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Stanley Saylor, Beaver Springs, whose term expired.

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

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD
OF VETERINARY MEDICINE**

January 22, 1988.

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 October 16, 1987 for the appointment of Otto Schilling (Public Member), 906 Dixon Avenue, Croydon 19020, Bucks County, Sixth Senatorial District, as a member of the State Board of Veterinary Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Martha Schwartz, Lancaster, whose term expired.

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

ROBERT P. CASEY.

**MEMBER OF THE STATE BOARD
OF VETERINARY MEDICINE**

January 22, 1988.

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 October 16, 1987 for the appointment of Eugene Witiak, V.M.D., 4505 Bath Pike, Bethlehem 18017, North-

ampton County, Eighteenth Senatorial District, as a member of the State Board of Veterinary Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Vernon R. Yingling, V.M.D., Howard, whose term expired.

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

ROBERT P. CASEY.
MEMBER OF THE BUCKS COUNTY
BOARD OF ASSISTANCE

January 22, 1988.

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 October 20, 1987 for the appointment of Benjamin R. Tillman (Democrat), 1302 Gibson Road L-141, Bensalem 19020, Bucks County, Sixth Senatorial District, as a member of the Bucks County Board of Assistance, to serve until December 31, 1989, and until his successor is appointed and qualified, vice Mary Johnson, Levittown, whose term expired.

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

ROBERT P. CASEY.
MEMBER OF THE BLAIR COUNTY
BOARD OF ASSISTANCE

January 25, 1988.

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 October 20, 1987 for the appointment of The Reverend Bonaventure N. Midili (Democrat), 806 Eleventh Street, Altoona 16602, Blair County, Thirtieth Senatorial District, as a member of the Blair County Board of Assistance, to serve until December 31, 1988, and until his successor is appointed and qualified, vice Lucy Mae Johnson, Altoona, whose term expired.

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

ROBERT P. CASEY.

HOUSE MESSAGE

HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bill for concurrence, which was referred to the committee indicated:

January 25, 1988

HB 1120 — Committee on Environmental Resources and Energy.

BILLS INTRODUCED AND REFERRED

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

January 25, 1988

Senator WILT presented to the Chair **SB 1234**, entitled:

An Act to provide for the prevention, detection, treatment and follow-up of cases of hepatitis B among firefighters, paramedics and emergency medical technicians; and making an appropriation.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, January 25, 1988.

Senator WILT presented to the Chair **SB 1235**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for payment to counties of certain costs in driving while under the influence of alcohol or controlled substances cases where a defendant is accepted into an Accelerated Rehabilitative Disposition program.

Which was committed to the Committee on JUDICIARY, January 25, 1988.

Senators BELL, PECORA, SALVATORE, CORMAN and ROCKS presented to the Chair **SB 1236**, entitled:

An Act making an additional appropriation to the Department of Public Welfare for the low-income energy assistance program.

Which was committed to the Committee on APPROPRIATIONS, January 25, 1988.

Senators GREENWOOD, PECORA, SALVATORE, GREENLEAF and ANDREZESKI presented to the Chair **SB 1237**, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), entitled "Public School Code of 1949," further providing for hazardous walking routes.

Which was committed to the Committee on EDUCATION, January 25, 1988.

Senators GREENWOOD and SALVATORE presented to the Chair **SB 1238**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further regulating rates charged outside the boundaries of municipal corporations.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, January 25, 1988.

Senators STAPLETON, REIBMAN, SHAFFER, WENGER, O'PAKE, STOUT, BODACK, PETERSON and REGOLI presented to the Chair **SB 1239**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," dedicating the Capitol Addition Project, including the Plaza, to the honor of Pennsylvania firemen who have died in the line of duty.

Which was committed to the Committee on STATE GOVERNMENT, January 25, 1988.

Senators STAPLETON, SHAFFER, REIBMAN, WENGER, O'PAKE, STOUT, BODACK, STEWART, PETERSON, REGOLI and AFFLERBACH presented to the Chair **SB 1240**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for residency of members of the armed forces of the United States and of the United States Coast Guard.

Which was committed to the Committee on GAME AND FISHERIES, January 25, 1988.

Senators STAPLETON, WENGER, AFFLERBACH, REIBMAN, MELLOW, RHOADES, WILT and PETERSON presented to the Chair **SB 1241**, entitled:

An Act amending the act of May 17, 1956 (1955 P. L. 1609, No. 537), entitled "Pennsylvania Industrial Development Authority Act," further providing for the definition of "small business."

Which was committed to the Committee on COMMUNITY AND ECONOMIC DEVELOPMENT, January 25, 1988.

RESOLUTION INTRODUCED AND REFERRED

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

January 25, 1988

**MEMORIALIZING THE GOVERNOR TO
PROCLAIM APRIL 11 THROUGH APRIL 17,
1988, AS "LOCAL GOVERNMENT WEEK;"
AND THANKING AND COMMENDING LOCAL
OFFICIALS WITHIN THIS COMMONWEALTH**

Senators PECORA, SHAFFER, STAUFFER, PETERSON, SHUMAKER, SALVATORE, CORMAN, HESS, ZEMPRELLI, ROCKS, STOUT, RHOADES, MADIGAN, GREENWOOD, GREENLEAF, HOPPER, STEWART, WENGER, REIBMAN, FISHER, JUBELIRER and ARMSTRONG offered the following resolution (**Senate Resolution No. 149**), which was read and referred to the Committee on Local Government:

In the Senate, January 25, 1988.

A RESOLUTION

Memorializing the Governor to proclaim April 11 through April 17, 1988, as "Local Government Week;" and thanking and commending local officials within this Commonwealth.

WHEREAS, Our local governments have been the backbone of American Democracy and the bedrock of our political system; and

WHEREAS, It is in our communities, our own backyards, where we first govern ourselves through a process of debate, understanding and majority decisionmaking; and

WHEREAS, The Commonwealth of Pennsylvania is the sum of 67 counties, 53 cities, 968 boroughs, 1,550 townships, 501 school districts, 2,523 municipal authorities, and an incorporated town; and

WHEREAS, These governments are administered by over 75,000 hard-working and dedicated citizen-officials, many of whom serve without reward because of their devotion to the principles of the Constitutions of the Commonwealth of Pennsylvania and the United States; and

WHEREAS, Our local governments are a testimony to liberty, freedom and the right to elected self-government; and

WHEREAS, We have celebrated our pride in our local governments and their achievements each spring since 1965; therefore be it

RESOLVED, That the Senate of Pennsylvania memorialize Governor Robert P. Casey to proclaim April 11 through April 17, 1988, as "Local Government Week" in this Commonwealth and that the week be celebrated accordingly; and be it further

RESOLVED, That the Senate of Pennsylvania commend and thank the Commonwealth's local officials for their labor as the unsung heroes of government; and be it further

RESOLVED, That the Senate direct that a copy of this document, sponsored by Senator Frank A. Pecora, Chairman of the Senate Local Government Committee, be transmitted to each of the local government State associations.

RESOLUTIONS REPORTED FROM COMMITTEE

Senator LOEPER, from the Committee on Rules and Executive Nominations, reported the following resolutions:

SR 6 (Pr. No. 1730) (Amended)

A Resolution amending Senate Rules III, VII, VIII, X and XI, section 7 of XIII, sections 1, 6 and 10 of XVI, and section 4 of XXII.

SR 130 (Pr. No. 1522))

A Resolution designating January 30, Franklin Delano Roosevelt's birthday, as "Day of the Disabled."

The PRESIDENT. The resolutions will be placed on the Calendar.

SPECIAL ORDER OF BUSINESS

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator BRIGHTBILL,

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.

NOMINATION TAKEN FROM THE TABLE

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

The Clerk read the nomination as follows:

**MEMBER OF THE BOARD OF TRUSTEES
OF SHAMOKIN STATE GENERAL HOSPITAL**

December 22, 1987.

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 Mary Brennan, 1709 Raven Avenue, Shamokin 17872, Northumberland County, Twenty-seventh Senatorial District, for appointment as a member of the Board of Trustees of Shamokin State General Hospital, to serve until the third Tuesday of January, 1993, and until her successor is appointed and qualified, vice Albert T. Green, Mount Carmel, whose term expired.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

LEGISLATIVE LEAVES

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

Senator ZEMPRELLI. Mr. President, I would request a temporary Capitol leave on behalf of Senator O’Pake.

The PRESIDENT. Senator Loeper requests a temporary Capitol leave for Senator Moore. Senator Zemprelli requests temporary Capitol leave for Senator O’Pake. Are there objections to the leave requests? The Chair hears none. The leaves will be granted.

LEAVES OF ABSENCE

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

Senator ZEMPRELLI asked and obtained leaves of absence for Senator HANKINS and Senator WILLIAMS, for today’s Session, for personal reasons.

And the question recurring,

Will the Senate advise and consent to the nomination?

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

YEAS—47

Afflerbach	Hess	Mellow	Salvatore
Andrezeski	Holl	Moore	Scanlon
Armstrong	Hopper	Musto	Shaffer
Bell	Jones	O’Pake	Shumaker
Bodack	Jubelirer	Pecora	Stapleton
Brightbill	Kelley	Peterson	Stewart
Corman	Lemmond	Regoli	Stout
Fisher	Lewis	Reibman	Tilghman
Fumo	Lincoln	Rhoades	Wenger
Greenleaf	Loeper	Rocks	Wilt
Greenwood	Lynch	Romanelli	Zemprelli
Helfrick	Madigan	Ross	

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

The Clerk read the nomination as follows:

MEMBER OF THE BOARD OF TRUSTEES OF SELINGSGROVE CENTER

October 20, 1987.

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

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Douglas M. Garrison, P. O. Box 130, Beaver Springs 17812, Snyder County, Twenty-seventh Senatorial District, for appointment as a member of the Board of Trustees of Selingsgrove Center, to serve until the third Tuesday of January, 1993, and until his successor is appointed and qualified, vice Stanley Saylor, Beaver Springs, whose term expired.

ROBERT P. CASEY.

On the question,

Will the Senate advise and consent to the nomination?

(During the calling of the roll, the following occurred.)

Senator JUBELIRER. Mr. President, I would like to change my vote from “aye” to “no.”

The PRESIDENT. The gentleman will be so recorded.

Senator HOLL. Mr. President, I would like to change my vote from “aye” to “no.”

The PRESIDENT. The gentleman will be so recorded.

Senator CORMAN. Mr. President, I would like to change my vote from “aye” to “no.”

The PRESIDENT. The gentleman will be so recorded.

Senator HOPPER. Mr. President, I would like to change my vote from “aye” to “no.”

The PRESIDENT. The gentleman will be so recorded.

Senator BELL. Mr. President, I would like to change my vote from “aye” to “no.”

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—21

Afflerbach	Lewis	O’Pake	Scanlon
Andrezeski	Lincoln	Regoli	Stapleton
Bodack	Lynch	Reibman	Stewart
Fumo	Mellow	Romanelli	Stout
Jones	Musto	Ross	Zemprelli
Kelley			

NAYS—26

Armstrong	Helfrick	Madigan	Salvatore
Bell	Hess	Moore	Shaffer
Brightbill	Holl	Pecora	Shumaker
Corman	Hopper	Peterson	Tilghman
Fisher	Jubelirer	Rhoades	Wenger
Greenleaf	Lemmond	Rocks	Wilt
Greenwood	Loeper		

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

Ordered, That the Governor be informed accordingly.

COMMUNICATIONS FROM THE GOVERNOR TAKEN FROM THE TABLE

Senator BRIGHTBILL called from the table communications from His Excellency, the Governor of the Commonwealth, recalling the following nominations, which were read by the Clerk as follows:

MEMBER OF THE STATE BOARD
OF VETERINARY MEDICINE

January 22, 1988.

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 October 16, 1987 for the appointment of Dean C. Rishel, Box 65, Coburn 16832, Centre County, Thirty-fourth Senatorial District, as a member of the State Board of Veterinary Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Stanley Saylor, Beaver Springs, whose term expired.

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

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD
OF VETERINARY MEDICINE

January 22, 1988.

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 October 16, 1987 for the appointment of Otto Schilling (Public Member), 906 Dixon Avenue, Croydon 19020, Bucks County, Sixth Senatorial District, as a member of the State Board of Veterinary Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Martha Schwartz, Lancaster, whose term expired.

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

ROBERT P. CASEY.

MEMBER OF THE STATE BOARD
OF VETERINARY MEDICINE

January 22, 1988.

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 October 16, 1987 for the appointment of Eugene Witiak, V.M.D., 4505 Bath Pike, Bethlehem 18017, Northampton County, Eighteenth Senatorial District, as a member of the State Board of Veterinary Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Vernon R. Yingling, V.M.D., Howard, whose term expired.

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

ROBERT P. CASEY.

MEMBER OF THE BLAIR COUNTY
BOARD OF ASSISTANCE

January 25, 1988.

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 nomina-

tion dated October 20, 1987 for the appointment of The Reverend Bonaventure N. Midili (Democrat), 806 Eleventh Street, Altoona 16602, Blair County, Thirtieth Senatorial District, as a member of the Blair County Board of Assistance, to serve until December 31, 1988, and until his successor is appointed and qualified, vice Lucy Mae Johnson, Altoona, whose term expired.

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

ROBERT P. CASEY.

MEMBER OF THE BUCKS COUNTY
BOARD OF ASSISTANCE

January 22, 1988.

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 October 20, 1987 for the appointment of Benjamin R. Tillman (Democrat), 1302 Gibson Road L-141, Bensalem 19020, Bucks County, Sixth Senatorial District, as a member of the Bucks County Board of Assistance, to serve until December 31, 1989, and until his successor is appointed and qualified, vice Mary Johnson, Levittown, whose term expired.

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

ROBERT P. CASEY.

NOMINATIONS RETURNED TO THE GOVERNOR

Senator BRIGHTBILL. Mr. President, I move the nominations just read by the Clerk be returned to His Excellency, the Governor.

The motion was agreed to.

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

EXECUTIVE SESSION RISES

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

The motion was agreed to.

DISCHARGE PETITIONS

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

In the Senate, January 25, 1988.

A PETITION

To place before the Senate the nomination of Theresa Chalich as a member of the Allegheny County Board of Assistance.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Theresa Chalich, Pittsburgh, Pennsylvania, as a member of the Allegheny County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

F. Joseph Loeper
Robert C. Jubelirer
William J. Moore
David J. Brightbill
Ralph W. Hess

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

In the Senate, January 25, 1988.

A PETITION

To place before the Senate the nomination of Clinton M. Hawkins as a member of the Allegheny County Board of Assistance.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Clinton M. Hawkins, Pittsburgh, Pennsylvania, as a member of the Allegheny County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

F. Joseph Loeper
Robert C. Jubelirer
William J. Moore
David J. Brightbill
Ralph W. Hess

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

In the Senate, January 25, 1988.

A PETITION

To place before the Senate the nomination of James F. Henry as a member of the Allegheny County Board of Assistance.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of James F. Henry, Bethel Park, Pennsylvania, as a member of the Allegheny County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

F. Joseph Loeper
Robert C. Jubelirer
William J. Moore
David J. Brightbill
Ralph W. Hess

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

In the Senate, January 25, 1988.

A PETITION

To place before the Senate the nomination of Charles R. Stowell as a member of the Allegheny County Board of Assistance.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Charles R. Stowell, Pittsburgh, Pennsylvania, as a member of the Allegheny County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

F. Joseph Loeper
Robert C. Jubelirer
William J. Moore
David J. Brightbill
Ralph W. Hess

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

In the Senate, January 25, 1988.

A PETITION

To place before the Senate the nomination of Clyde J. Holmes as a member of the Forest County Board of Assistance.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Clyde J. Holmes, Tionesta, Pennsylvania, as a member of the Forest County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

F. Joseph Loeper
Robert C. Jubelirer
William J. Moore
David J. Brightbill
Ralph W. Hess

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

In the Senate, January 25, 1988.

A PETITION

To place before the Senate the nomination of Audrey Troutman as a member of the McKean County Board of Assistance.

TO: The Presiding Officer of the Senate

WE, The undersigned members of the Senate, pursuant to section 8 (b) of Article IV of the Constitution of Pennsylvania, do hereby request that you place the nomination of Audrey Troutman, Mount Jewett, Pennsylvania, as a member of the McKean County Board of Assistance, before the entire Senate body for a vote, the nomination not having been voted upon within 15 legislative days:

F. Joseph Loeper
Robert C. Jubelirer
William J. Moore
David J. Brightbill
Ralph W. Hess

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

SENATE CONCURRENT RESOLUTION

WEEKLY ADJOURNMENT

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

In the Senate, January 25, 1988.

RESOLVED, (the House of Representatives concurring), That when the Regular Session of the Senate adjourns this week it reconvene on Monday, February 1, 1988, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the Regular Session of the House of Representatives adjourns this week it reconvene on Monday, February 1, 1988, 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.

LEGISLATIVE LEAVE

Senator LOEPER. Mr. President, I would request a temporary Capitol leave for Senator Brightbill who has been called to his office.

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

CALENDAR

BILL ON CONCURRENCE IN HOUSE AMENDMENTS TO SENATE AMENDMENTS

BILL OVER IN ORDER

HB 446 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

THIRD CONSIDERATION CALENDAR

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 918 (Pr. No. 1156) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for electric service supplied to places of religious worship.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

Senator KELLEY. Mr. President, I desire to interrogate the gentleman from Northumberland, Senator Helfrick.

The PRESIDENT. Will the gentleman from Northumberland, Senator Helfrick, permit himself to be interrogated?

Senator HELFRICK. I will, Mr. President.

Senator KELLEY. Mr. President, would the gentleman explain the purpose of this bill and what his intention is, for legislative history, please?

Senator HELFRICK. Mr. President, what my bill does, it amends the Public Utility Code to permit a church, synagogue, meetinghouse or other actual place of regularly stated worship to receive electrical service pursuant to a residential rate upon execution of a minimum one-year contract.

Senator KELLEY. Mr. President, is it the intention of the gentleman that this bill would result in lesser electric utility bills by those places of worship?

Senator HELFRICK. Yes, it is, Mr. President.

Senator KELLEY. Mr. President, what is the intention of the gentleman where the differential would be made up to the utility companies for the kilowatt production costs?

Senator HELFRICK. Mr. President, that is a question I am not prepared to answer right now. I am sure if the utility companies asked for an increase in rates, if it is necessary for them to ask for an increased rate, it will be an overall rate for everyone, but at the present time I do not know exactly who would make it up.

Senator KELLEY. Does the gentleman concur, Mr. President, that by giving a reduced rate to those covered in his bill, that the differential would have to be made up by the other ratepayers somewhere?

Senator HELFRICK. I would say that is probably true, Mr. President, but on the other hand there would be a differential in the rate saving for the churches. They would be saving some money right there in their contributions to the church.

Senator KELLEY. Mr. President, I thank the gentleman very much.

Senator LINCOLN. Mr. President, would the prime sponsor of this legislation, the gentleman from Northumberland, Senator Helfrick, stand for further interrogation?

The PRESIDENT. Will the gentleman from Northumberland, Senator Helfrick, permit himself to be interrogated?

Senator HELFRICK. I will, Mr. President.

Senator LINCOLN. Mr. President, I ask these questions only because when we caucused, the bill was marked to go over, and there was a change in the procedure here on the floor after that caucus. In your legislation, does it include all places of religious worship? Would it be any church, any synagogue?

Senator HELFRICK. Yes, it does, Mr. President.

Senator LINCOLN. Mr. President, is there any criteria for eligibility, such as need? There are, unfortunately, some churches in this country that are very wealthy and some that are not, and are we going to extend this same courtesy to those that have maintained a very strong economic stability throughout whatever period of time they have been in existence? Also, will we give it to those that are really and truly in need, as well as churches and church groups who will be getting this break that financially do not really need it?

Senator HELFRICK. Mr. President, the church is not a commercial establishment, and when we are determining which church is better off or not better off, one than the other, I think that is very difficult to determine because it has been my experience with all types of churches that no matter how much money they have, they use it for the good of the community, for the poor people, for charitable things, and things like that. I do not think there is any reason that we should differentiate between one church and another because they happen to be in an area where, let us say, they have more affluent members of the church or poorer members of the church.

Senator LINCOLN. Mr. President, I agree with that. That is all well and good, but we are asking other individuals in that community who have to abide by—let us say the senior citizens—criteria for need before they are eligible for the PACE program, before they are eligible for rent rebates, property tax rebates. They are limited by the amount of income they have and the wealth they have, but yet this same area church is going to get a financial break on the rate they pay for electricity, regardless of whether they financially need it or not, and somebody in that area, some senior citizen who may not be eligible for the PACE program, may not be eligible for the

rent and property rebate, is going to be asked to pay a higher percentage for their electricity to help that church. On the surface this sounds like an excellent idea, although I know that most utility companies have a program where they offer off-peak rates to churches during the week and the whole weekend they give them an off-peak rate which, you know, is something I think is extremely fair. I am not sure whether this is a good idea or not, when we are asking people to fit a criteria for all the other benefits we are offering to the state. Yet, it does not make any difference whether a church is formed by someone that has three members or somebody that has 3,000. It does not make any difference whether they have a bank account that is overflowing or one that is under whatever they need, and I am just not so sure there has been a whole lot of thought given to this particular issue.

Senator BELL. Mr. President, I would like to put in the record, I do not have any wealthy churches in my district.

Senator KELLEY. Mr. President, on reflection, it just occurred to me that the institution of higher learning at which the gentleman from Delaware graduated, Swarthmore College, as I understand it, is a Friends institution. If I am not mistaken, I believe the Friends worship in their meetinghouse and, since it is an institution of higher learning, I wonder what parameters or limitations there are and would Swarthmore College be eligible for this? In another Catholic institution where you have a nunnery or a monastery attached to it, would they be eligible for it? I think the language in here, "or other actual place of regularly stated religious worship," could apply literally to monastic structures that are attached to institutions of higher learning. They very much religiously carry on religious worship on a regular, routine basis. It seems to me there could be a lot of church-related schools which have places there of regular worship—Westminster College, Thiel College, institutions at Gettysburg College—where they have theological schools attached to them.

Mr. President, I desire to interrogate the gentleman from Northumberland, Senator Helfrick.

The PRESIDENT. Will the gentleman from Northumberland, Senator Helfrick permit himself to be interrogated?

Senator HELFRICK. I will, Mr. President.

Senator KELLEY. I wonder if the gentleman from Northumberland would explain for legislative history purposes, Mr. President, what parameters he envisions being covered by that last clause on line 11, "other actual place of regularly stated religious worship"?

Senator HELFRICK. Mr. President, I think that on line 11, "other actual place of regularly stated religious worship," is very definitive in religious worship. Let us say synagogue, church, or whatever place we worship in, is covered in here. I cannot see how a college or anything like that would be covered, but it says, "other actual place of regularly stated religious worship."

As you know, we have also extended this same thing to volunteer fire companies and non-profit senior citizen centers, and I do not think that question was asked whether the fire

company has any other buildings or anything else that they apply it to.

Senator KELLEY. Mr. President, would the gentleman be so kind, then, as to express whether it is his intention that institutions that have regular religious worship—and I am thinking of theological schools as down the road in Gettysburg and elsewhere, of which there are many—be covered by this bill?

Senator HELFRICK. It is my intention, just as the line states, Mr. President, "other actual place of regularly stated religious worship." If that is a regularly stated religious worship building, I think it would be covered.

Senator KELLEY. So, for clarification, Mr. President, the gentleman does intend to have covered those parts of higher education which deal specifically in religious training, where they have regular religious worship such as theological schools, seminaries and that nature?

Senator HELFRICK. Mr. President, that is not the intention of the legislation.

Senator KELLEY. Mr. President, so it is the intention, then, to exclude those, is that correct, Mr. President?

Senator HELFRICK. Let me say this, Mr. President. It was not intended to include them in the original legislation. It was intended to include churches as we know churches or places of worship.

Senator KELLEY. For clarity, Mr. President, I am only directing these questions so we will have legislative history, so we will have parameters for the meaning of this phrase. I ask the gentleman, then, is it his intention to cover regular places of religious worship dealing in the civil side of society, not related to any educational facility?

Senator HELFRICK. Mr. President, that is correct.

Senator KELLEY. I thank the gentleman.

Senator BELL. Mr. President, I thought the gentleman from Westmoreland, Senator Kelley, was going to interrogate himself because he is one of the sponsors.

Senator LOEPER. Mr. President, I rise to support this legislation, and I think particularly it has been pointed out by the prime sponsor that the organizations that would benefit under this legislation certainly parallel the good that is done by many of the benefits that we bestow upon our volunteer fire companies and our senior citizen organizations. I would like to see this benefit extended as set forth in the legislation of the gentleman from Northumberland, Senator Helfrick, and, therefore, would ask for its support.

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—47

Afferbach	Hess	Mellow	Salvatore
Andrezeski	Holl	Moore	Scanlon
Armstrong	Hopper	Musto	Shaffer
Bell	Jones	O'Pake	Shumaker
Bodack	Jubelirer	Pecora	Stapleton
Brightbill	Kelley	Peterson	Stewart
Corman	Lemmond	Regoli	Stout
Fisher	Lewis	Reibman	Tilghman

Fumo	Lincoln	Rhoades	Wenger
Greenleaf	Loeper	Rocks	Wilt
Greenwood	Lynch	Romanelli	Zemprelli
Helfrick	Madigan	Ross	

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 OVER IN ORDER

SB 987 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 1053 (Pr. No. 1719) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of September 30, 1985 (P. L. 240, No. 61), entitled "Turnpike Organization, Extension and Toll Road Conversion Act," further providing for appointments to the commission and officers of the commission; reestablishing the Pennsylvania Turnpike Commission; and providing for an interim audit.

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?

Senator CORMAN. Mr. President, I think it is probably unusual when a bill has been prime sponsored by an individual and then you find that individual speaking against the legislation, but that is my intention today. I will be voting "no" on Senate Bill No. 1053. I think it is important legislation. It is Sunset legislation of the Turnpike, and we certainly need to extend the Turnpike Commission's responsibility. However, two amendments were inserted into the bill back in November, I think, that would extend the confirmation procedure from a majority vote to a two-thirds vote. Another issue of it states that the Secretary of the Department of Transportation may not, except on, I believe, a limited sixty-day basis, be the Chairman of the Turnpike Commission. I think each of these features are inappropriate. I think we had many long and hard battles over confirmation of individuals to serve on the Turnpike Commission in the past, and I think we resolved that by saying in the future it ought to be by majority confirmation. I believe for the continued good working of government in Pennsylvania, it ought to remain at a majority confirmation. I believe there will be lots of times in the future, as it was apparent to the Governor in the past, that the Secretary of the Department of Transportation should be the Chairman of the Turnpike Commission. Therefore, I believe we ought not to avoid that option. Because of those two features of this bill, I will be voting "no" on Senate Bill No. 1053.

MOTION TO REVERT TO PRIOR PRINTER'S NUMBER

Senator ROMANELLI. Mr. President, I move we revert to prior Printer's No. 1647.

The PRESIDENT. Senator Romanelli moves that the Senate revert to the prior printer's number on Senate Bill No. 1053, which would be Senate Bill No. 1053, Printer's No. 1647. The Chair would point out that goes back two printer's numbers, for the benefit and the information of the Members of the Senate.

On the question,

Will the Senate agree to the motion?

Senator LOEPER. Mr. President, I would request that copies of the bill with the prior printer's number be distributed to the Members and that we be at ease pending that.

The PRESIDENT. The Secretary is hereby directed to provide the Members of the Senate with copies of the bill.

POINT OF ORDER

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

The PRESIDENT. The gentleman from Fayette, Senator Lincoln, will state it.

Senator LINCOLN. Mr. President, what is the purpose and under what Rule is the request for a distribution of copies of the bill under the prior printer's number legitimately part of this process at this particular time?

The PRESIDENT. The Chair would advise the gentleman that a reversion technically constitutes an amendment to the bill. That being the case, there being a change in the legislation, any Member would be entitled to see the version in print.

Senator LINCOLN. Mr. President, in my knowledge I have never seen the copy of a previously numbered bill distributed prior to a vote on a motion to revert to the prior printer's number. I am wondering if there is something within that effort that would be different than the two amendments that were there that the gentleman from Centre, Senator Corman, spoke about?

The PRESIDENT. The Chair really is not in a position to answer that question, except to say that in the spirit of fairness and equity, which has been a hallmark of my chairmanship as President of the Senate, I think it is imperative that all Members have the right to review whatever language is before them for a vote.

Senator LOEPER. Mr. President, may we be at ease for a moment.

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

Senator LINCOLN. Mr. President, I would ask for a "no" vote on the motion to revert to the prior printer's number.

Senator LEWIS. Mr. President, it has been my belief that the gentleman from Allegheny, Senator Romanelli, was inclined to want to make substantive changes with regard to two specific areas of the bill as before us on the Calendar in its current printer's number, and the reason for moving to revert,

I believe, was to accomplish those changes. In looking at the copy of the Senate bill delivered to us, Printer's No. 1647, it appears to me that that is in a form which does not accomplish that which Senator Romanelli sought to achieve.

I would ask, for that reason, to be at ease for one moment so that we can determine just what the confusion is with regard to printer's numbers.

The PRESIDENT. The Senate will be at ease.

(The Senate was at ease.)

Senator ROMANELLI. Mr. President, I feel there is no one more qualified to serve as a member of the Turnpike Commission than the Secretary of Transportation. Therefore, I made the motion and would encourage an affirmative vote.

LEGISLATIVE LEAVES

Senator LINCOLN. Mr. President, Senator Mellow and Senator Stapleton have been called to their offices for a meeting and I would request temporary Capitol leaves for both of those gentlemen, please.

The PRESIDENT. Senator Lincoln requests temporary Capitol leaves for Senator Mellow and Senator Stapleton. The Chair hears no objection. The leaves will be granted.

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

Senator FISHER. Mr. President, I rise in support of the motion. The Turnpike Commission as it is presently constituted is made up of five members. One of them happens to be the Secretary of Transportation. The means by which the chairman of that commission is selected is through the membership itself. I do not believe this General Assembly, through this legislation or any other, should restrict the eligibility for the chairmanship of that commission to only four of those members. It so happens that today the Secretary of Transportation is, in fact, the Chairman of the Turnpike Commission. That may continue, that may end in some short period of time, but I think it is sound public policy that so long as the Secretary of Transportation remains a member of that commission, that he, too, should remain eligible to serve as chairman of that commission. By approving this motion to revert, we will retain that permission in law. I would urge support for the motion.

Senator LOEPER. Mr. President, for the information of the Members, we had discussed this issue earlier, and by reversion to this prior printer's number, it only deals with the chairmanship of the Turnpike Commission. It does not deal with the confirmation process. I add that as part of the record just for the information of the Members.

Senator BELL. Mr. President, I have sat through a number of public hearings involving the Turnpike, both on the watchdog committee and the Committee on Transportation, and we uncover a lot of shortcomings. Once the present chairman, the Secretary of Transportation, became chairman, he immediately initiated an awful lot of improvement. I think if somebody were to go over and analyze what was wrong a year ago and what is there today, they would be very favorably impressed. I know the Secretary of Transportation has a lot of

work to do. In fact, I wish he had two heads, but he has done a lot of constructive work there, and I do not want to give him a "thank you" by saying you are fired.

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

(During the calling of the roll, the following occurred:)

Senator GREENLEAF. Mr. President, I would like to change my vote from "aye" to "no."

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—20

Bell	Helfrick	Lewis	Romanelli
Bodack	Hess	Lynch	Ross
Corman	Hopper	Peterson	Scanlon
Fisher	Jones	Regoli	Shumaker
Greenwood	Kelley	Reibman	Zemprelli

NAYS—27

Afflerbach	Jubelirer	Musto	Stapleton
Andrezski	Lemmond	O'Pake	Stewart
Armstrong	Lincoln	Pecora	Stout
Brightbill	Loeper	Rhoades	Tilghman
Fumo	Madigan	Rocks	Wenger
Greenleaf	Mellow	Salvatore	Wilt
Holl	Moore	Shaffer	

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?

MOTION TO LAY BILL ON THE TABLE

Senator ROMANELLI. Mr. President, I move to table Senate Bill No. 1053.

The PRESIDENT. Senator Romanelli moves that Senate Bill No. 1053 be laid upon the table.

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

Senator LINCOLN. Mr. President, may I inquire of the Chair as to what we are doing at this time?

The PRESIDENT. There is a motion on the floor to table Senate Bill No. 1053. We are attempting a voice vote.

Senator LINCOLN. Mr. President, I would oppose that motion and ask for a roll call vote.

Senator LOEPER. Mr. President, I join with the gentleman and also would ask for a roll call vote and a negative 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 ROMANELLI, Senator LINCOLN and Senator LOEPER and were as follows, viz:

YEAS—1

Romanelli

NAYS—46

Afflerbach	Hess	Mellow	Salvatore
Andrezeski	Holl	Moore	Scanlon
Armstrong	Hopper	Musto	Shaffer
Bell	Jones	O'Pake	Shumaker
Bodack	Jubelirer	Pecora	Stapleton
Brightbill	Kelley	Peterson	Stewart
Corman	Lemmond	Regoli	Stout
Fisher	Lewis	Reibman	Tilghman
Fumo	Lincoln	Rhoades	Wenger
Greenleaf	Loeper	Rocks	Wilt
Greenwood	Lynch	Ross	Zemprelli
Helfrick	Madigan		

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?

(During the calling of the roll, the following occurred:)
Senator ROCKS. Mr. President, I would like to change my vote from "no" to "aye."

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—40

Afflerbach	Holl	Moore	Scanlon
Andrezeski	Hopper	Musto	Shaffer
Armstrong	Jones	O'Pake	Shumaker
Bell	Jubelirer	Pecora	Stapleton
Bodack	Lemmond	Peterson	Stewart
Brightbill	Lincoln	Reibman	Stout
Fumo	Loeper	Rhoades	Tilghman
Greenleaf	Lynch	Rocks	Wenger
Greenwood	Madigan	Ross	Wilt
Helfrick	Mellow	Salvatore	Zemprelli

NAYS—6

Corman	Hess	Regoli	Romanelli
Fisher	Lewis		

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 LAID ON THE TABLE

SB 1093 (Pr. No. 1518) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for financial responsibility; and providing for payment to the Commonwealth of fines assessed for violations of financial responsibility provisions.

Considered the third time,

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

Senator LOEPER. Mr. President. I move that Senate Bill No. 1093 be laid on the table.

On the question,

Will the Senate agree to the motion?

LEGISLATIVE LEAVES

Senator LINCOLN. Mr. President, I would request temporary Capitol leaves for Senator Fumo, Senator Bodack and Senator Stout.

The PRESIDENT. Senator Lincoln requests temporary Capitol leaves for Senator Fumo, Senator Bodack and Senator Stout. The Chair hears no objection. Those temporary Capitol leaves will be granted.

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

The motion was agreed to.

The PRESIDENT. Senate Bill No. 1093 will be laid on the table.

BILLS OVER IN ORDER

SB 1204 and **1205** — Without objection, the bills were passed over in their order at the request of Senator LOEPER.

SECOND CONSIDERATION CALENDAR

PREFERRED APPROPRIATION BILLS
ON SECOND CONSIDERATION

SB 1221 (Pr. No. 1711) — The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of July 3, 1987 (P. L. , No. 9A), entitled "An act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 1987, to June 30, 1988, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1987;," making a supplemental appropriation; imposing additional restrictions on the appropriations for the Human Services Development Fund; and making repeals.

Considered the second time and agreed to,

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

SB 1222 (Pr. No. 1712) — The Senate proceeded to consideration of the bill, entitled:

A Supplement to the act of July 3, 1987 (P. L. , No. 9A), entitled "An act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 1987, to June 30, 1988, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 1987;," making supplemental appropriations; imposing additional restrictions on the appropriations for the Human Services Development Fund; and making repeals.

Considered the second time and agreed to,

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

HB 1988 (Pr. No. 2705) — The Senate proceeded to consideration of the bill, entitled:

An Act appropriating money from the Sunny Day Fund to the Department of Commerce for various projects through this Commonwealth for fiscal year 1987-1988.

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

BILLS ON SECOND CONSIDERATION

SB 75 (Pr. No. 80) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," providing that no tax shall be imposed on sales by volunteer firemen's, ambulance or rescue organizations.

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

SB 114 (Pr. No. 119) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," exempting sales of Christmas trees by charitable organizations from the tax.

The bill was considered.

On the question,
 Will the Senate agree to the bill on second consideration?
 Senator ROMANELLI offered the following amendment No. A0169:

Amend Title, page 1, line 11, by inserting after "organizations": and the sale or use of auto emission control devices and testing equipment

Amend Sec. 1, page 1, line 16 by striking out "a clause" and inserting: clauses

Amend Sec. 1 (Sec. 204), page 1, line 20, by striking out "(46)" and inserting: (47)

Amend Sec. 1 (Sec. 204), page 1, by inserting after line 22: (48) The sale at retail or use of auto emission control devices, testing equipment or parts of such devices or equipment.

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

Senator ROMANELLI. Mr. President, a short time ago, forced on the citizens of Pittsburgh and Allegheny County was a very unpopular move which was the emission control inspections. Our citizens are unfairly penalized with this emission control inspection and people have to have it done by virtue of state law. I move that this be exempted, the equipment used to perform the testing be removed from the state sales tax.

Senator LOEPER. Mr. President, this is an amendment that has been placed before the Senate in previous Sessions dealing with the auto emission problem. As the Members may recall, there was an extensive amount of debate as far as that issue, one that impacted on many of us in a number of counties throughout the state. However, under the circumstances, I would ask for a negative vote on this amendment as far as its germaneness to the bill.

Senator ROMANELLI. Mr. President, it also exempts people who need replacement parts.

Senator LINCOLN. Mr. President, I agree with the mover of this amendment. We went through a terrible period of time

in the General Assembly here in Pennsylvania trying to keep this emission test from taking place. Even though it does not affect my Senate district, there was a lot of confusion about people traveling into these areas, and I think it was proven, truthfully, that it was unnecessary. It really has not helped and it is something that has been a burden to the people whom the southeastern Pennsylvania representatives represent in the Allentown area and the Allegheny County area. I think the gentleman from Allegheny, Senator Romanelli, has a very good idea to exempt replacement purchases only for any equipment that has to be replaced. Plus, if we remember correctly, we placed in that legislation that we finally passed a limit as to what could be charged by the individuals who did the inspections. The equipment is extremely costly and, to be quite honest with you, it would take you probably the whole period of time that the equipment would last in doing thousands of these inspections before you would ever really turn a profit. So I see nothing wrong with exempting the equipment that is used and the person who has to replace equipment. I think it is an excellent amendment and I would ask for its support.

LEGISLATIVE LEAVE

Senator LOEPER. Mr. President, Senator Salvatore has been called from the floor to his office and I would ask for a temporary Capitol leave on his behalf.

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

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

(During the calling of the roll, the following occurred:)

Senator PECORA. Mr. President, I would like to change my vote from "no" to "aye."

The PRESIDENT. The gentleman will be so recorded.

Senator BELL. Mr. President, I would like to change my vote from "no" to "aye."

The PRESIDENT. The gentleman will be so recorded.

Senator GREENWOOD. Mr. President, I would like to change my vote from "aye" to "no."

The PRESIDENT. The gentleman will be so recorded.

Senator PECORA. Mr. President, I would like to change my vote from "aye" to "no."

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—22

Afflerbach	Jones	O'Pake	Scanlon
Andrezeski	Lewis	Regoli	Stapleton
Bell	Lincoln	Reibman	Stewart
Bodack	Lynch	Romanelli	Stout
Fisher	Mellow	Ross	Zemprelli
Fumo	Musto		

NAYS—24

Armstrong	Hess	Madigan	Salvatore
Brightbill	Holl	Moore	Shaffer
Corman	Hopper	Pecora	Shumaker
Greenleaf	Jubelirer	Peterson	Tilghman

Greenwood Helfrick	Lemmond Loeper	Rhoades Rocks	Wenger Wilt
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Less than a majority of the Senators having voted "aye," the question was determined in the negative.

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

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

BILL OVER IN ORDER

SB 503 — Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL LAID ON THE TABLE

SB 657 (Pr. No. 1641) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 6, 1980 (P. L. 197, No. 57), entitled "Optometric Practice and Licensure Act," further providing for definitions, for the powers and duties of the State Board of Optometry and for licensing.

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

BILL ON SECOND CONSIDERATION

SB 928 (Pr. No. 1365) — The Senate proceeded to consideration of the bill, entitled:

An Act providing for grants by the Secretary of Community Affairs to promote social services for Pennsylvania's ethnic and multicultural communities and to insure that ethnic groups are not discriminated against or prohibited from receiving services because of language barriers, cultural obstacles, lack of education or lack of accessibility to government-related or public social programs; and making an appropriation.

Considered the second time and agreed to,

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

LEGISLATIVE LEAVE

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

The PRESIDENT. Senator Lincoln requests temporary Capitol leave for Senator Scanlon. The Chair hears no objection. The leave is granted.

SECOND CONSIDERATION CALENDAR RESUMED

BILL ON SECOND CONSIDERATION

SB 1022 (Pr. No. 1343) — The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, prohibiting public utilities that furnish water from imposing a certain charge.

Considered the second time and agreed to,

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

SENATE CONCURRENT RESOLUTION NO. 147, CALLED UP

Senator LOEPER, without objection, called up from page 4 of the Calendar, **Senate Concurrent Resolution No. 147**, entitled:

A Concurrent Resolution urging the Citizen Stamp Advisory Committee of the United States Postal Service to issue a stamp commemorating the 50th Anniversary of the opening of the Pennsylvania Turnpike.

On the question,
Will the Senate adopt the resolution?

SENATE CONCURRENT RESOLUTION NO. 147, ADOPTED

Senator LOEPER. Mr. President, I move that the Senate do adopt Senate Concurrent Resolution No. 147.

The motion was agreed to and the resolution was adopted.

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

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR NO. 1

SENATE RESOLUTION NO. 6, CALLED UP

Senator LOEPER called up from page 1 of Supplemental Calendar No. 1, **Senate Resolution No. 6**, entitled:

A Resolution amending Senate Rules III, VII, VIII, X and XI, section 7 of XIII, sections 1, 6 and 10 of XVI, and section 4 of XXII.

POINT OF ORDER

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

The PRESIDENT. The gentleman from Allegheny, Senator Zemprelli, will state it.

Senator ZEMPRELLI. Mr. President, does the consideration of this resolution, having been reported out of committee today, require unanimous consent?

The PRESIDENT. Technically, the issue must lie over one day for consideration, and it would require a suspension of the Rules to accomplish that.

Senator ZEMPRELLI. Mr. President, I would object to the consideration of this resolution until it has been on the table for the required period of time.

MOTION TO SUSPEND RULES

Senator LOEPER. Mr. President, in light of that, I would move for a suspension of the Rules, specifically Rule XXXI, Section 2.

The PRESIDENT. The Chair puts before the Body the motion, and the motion is to suspend Rule XXXI, subsection 2, to allow consideration of the resolution.

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

LEGISLATIVE LEAVE

Senator ZEMPRELLI. Mr. President, I would request temporary Capitol leave on behalf of Senator Ross.

The PRESIDENT. Senator Zemprelli requests temporary Capitol leave on behalf of Senator Ross. The Chair hears no objection. The leave will be granted.

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

Senator ZEMPRELLI. Mr. President, I request a roll call vote, please.

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

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

YEAS—26

Armstrong	Helfrick	Madigan	Salvatore
Bell	Hess	Moore	Shaffer
Brightbill	Holl	Pecora	Shumaker
Corman	Hopper	Peterson	Tilghman
Fisher	Jubelirer	Rhoades	Wenger
Greenleaf	Lemmond	Rocks	Wilt
Greenwood	Loeper		

NAYS—20

Afflerbach	Lewis	O'Pake	Scanlon
Andrezeski	Lincoln	Regoli	Stapleton
Bodack	Lynch	Reibman	Stewart
Fumo	Mellow	Romanelli	Stout
Jones	Musto	Ross	Zemprelli

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

The PRESIDENT. Senate Resolution No. 6 is now before us.

On the question,
Will the Senate adopt the resolution?
Senator LEWIS offered the following amendment A0237:

Amend Title, page 1, line 1, by striking out "and" and inserting a comma

Amend Title, page 1, line 2, by striking out "AND"

Amend Title, page 1, line 2, by removing the period after "XXII" and inserting: and XXIV.

Amend First Resolve Clause, page 1, line 4, by striking out "AND" and inserting a comma

Amend First Resolve Clause, page 1, line 5, by inserting after "XXIII": and Rule XXIV

Amend First Resolve Clause, page 11, by inserting after line 21:

XXIV RADIO AND TELEVISION

1. [Filming, televising or broadcasting of any sessions of the Senate, within the Senate Chamber is prohibited except by resolution, which upon introduction shall be referred to the Committee on Rules. Violation of this rule shall be dealt with as the Committee on Rules shall direct.] Filming, televising, photographing, transcribing, recording or broadcasting of any sessions of the Senate within the Senate Chamber shall be permitted.

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

LEGISLATIVE LEAVE

Senator LOEPER. Mr. President, before we proceed with this amendment, Senator Corman has been called to his office and I would ask for a temporary Capitol leave on his behalf.

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

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

Senator LEWIS. Mr. President, very briefly, this is an amendment which has been spoken about by most of the Members of this Senate before. It would permit the use of television cameras and radio equipment on the floor of the Senate. I would envision that to be similar to what is currently done in the House of Representatives. I think the time has long since passed for this Chamber to begin to open up its proceedings to the people of the Commonwealth. This amendment will provide us with the opportunity to do that and I would urge its adoption.

Senator LOEPER. Mr. President, this is an amendment we have seen many times before in this Senate. It seems to be offered on a regular basis as far as opening up the Senate to have TV coverage here in the Body and I would recommend, as we have in the past, a negative vote on behalf of the amendment.

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

(During the calling of the roll, the following occurred:)

Senator ZEMPRELLI. Mr. President, I note the arrival of the gentleman from Westmoreland, Senator Kelley, on the floor who wanted to be voted on this particular measure.

The PRESIDENT. The Clerk will complete the roll call.

Senator GREENLEAF. Mr. President, I would like to change my vote from "aye" to "no."

The PRESIDENT. The gentleman will be so recorded.

Senator GREENWOOD. Mr. President, I would like to change my vote from "aye" to "no."

The PRESIDENT. The gentleman will be so recorded.

Are there further corrections or additions to the roll call?

PARLIAMENTARY INQUIRY

Senator LINCOLN. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The gentleman from Fayette, Senator Lincoln, will state it.

Senator LINCOLN. Mr. President, did the gentleman from Philadelphia, Senator Rocks, vote on this issue?

The PRESIDENT. The Chair would advise the gentleman that he has not.

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

YEAS—21

Afflerbach	Lewis	O'Pake	Scanlon
Andrezeski	Lincoln	Regoli	Stapleton
Bodack	Lynch	Reibman	Stewart
Fumo	Mellow	Romanelli	Stout
Jones	Musto	Ross	Zemprelli
Kelley			

NAYS—25

Armstrong	Helfrick	Loeper	Salvatore
Bell	Hess	Madigan	Shaffer
Brightbill	Holl	Moore	Shumaker
Corman	Hopper	Pecora	Tilghman
Fisher	Jubelirer	Peterson	Wenger
Greenleaf	Lemmond	Rhoades	Wilt
Greenwood			

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

And the question recurring,

Will the Senate adopt the resolution?

Senator ZEMPRELLI offered the following amendment A0238:

Amend Resolve Clause, page 3, line 19, by striking out "PRESIDENT PRO TEMPORE" and inserting: Minority Floor Leader

On the question,

Will the Senate agree to the amendment?

Senator LOEPER. May we have a roll call vote, please, Mr. President.

Senator ZEMPRELLI. Mr. President, I guess I offer this amendment with a dual sense of frivolity and, yet, at the same time a sense of great seriousness. I do it because I understand one of the amendments that is to be presented would—as a matter of fact, the amendment is already in—take and require the Secretary-Parliamentarian of the Senate to be subject to the direction of the President pro tempore. Inasmuch as this office is elected by all the Members of the Senate, and inasmuch as the President of the Senate is elected along with the Governor and has certain delegated mandates by the Constitution, I figured if it was going to be delegated to one party, the President pro tempore, it might as well be delegated to the Minority Leader or the Majority Leader, or somebody else. Now I am being facetious. I certainly hope this amendment does not pass. Yet, I think it is probably just as important that I make an argument at this time as to the kind of madness that is going on in this Senate, and to an extent I would like to call attention to a bastion of someone who was on the other side of the aisle, who if here tonight would not allow this to happen, because he would prevail with reason upon the Majority as to the wisdom of not attempting to write a new Constitution. A power grab, that is all it is, a simple power grab to try to restate the Constitution.

Let me call attention to the provisions that we are referring to. Article IV, referring to Section 4, the Lieutenant Governor, inter alia says, "...he shall be President of the Senate." Then, relating to Article II, Section 9, Election of Officers; Judge of Election and Qualifications of Members. "The Senate shall, at the beginning and close of each regular session

and at such other times as may be necessary, elect one of its members President pro tempore, who shall perform the duties of the Lieutenant Governor," the duties of the Lieutenant Governor, derivative. That, of course, is not in the language of the Constitution, but it continues, "in any case of absence or disability of that officer," meaning to serve when the President is not available, "and whenever the said office of Lieutenant Governor shall be vacant," meaning a specific power of delegation at a time designated on a vacancy, not at the wisdom and discretion of this Body.

Mr. President, it is just unconscionable that this Body would be so brazen, so arrogant and so retaliatory to take the power that vests in the President of this Senate, you, Mr. Lieutenant Governor, by the pretense of a revision of a Rule that would vest that power with the President pro tempore.

Let me say something about a difference in attitudes that has existed over a period of time. This is not a new issue. This is not a novel issue. The situation was reversed a number of years ago. I happened to be serving as Majority Leader and at that time Senator Murray was the President pro tempore. Not coincidentally, the Lieutenant Governor was Governor Scranton, and a corollary, yes, a parity issue, came up as to the delegation and the referral of bills to committee. It came within the purview of our attention and our discussion that maybe we as Democrats should make a move to do precisely what is trying to be done here this evening and, hopefully, will not be done. We did not do it. We did not want to abrogate the Rules of this Commonwealth to the extent that you are trying to do it tonight and take a brazen, arrogant and defenseless grab of the power structure established by Constitution. Dare we rewrite the Constitution of this Commonwealth by a Rule of this Senate? And why the unseemly haste? Why are we here tonight at 8:00 o'clock to accomplish these things and the other matters that we are about? Simply because you can count twenty-six in number and, hopefully, you will not be able to count twenty-six in number. You are saying that the President of this company has been stripped of his powers in favor of somebody whose derivative powers are only at a time when he is either absent or there is a vacancy in that office. I ask you to defend that position. I ask someone to stand up and tell me where and under what such set of circumstances the people of this Commonwealth, the framers of that Constitution, meant that the Rule structure should prevail above the Constitution, and, secondly, that we would strip the President of our company by delegating the powers that are vested in him under the Constitution to a President pro tempore who has no power, except in the absence of that officer and as there would be a vacancy.

My amendment does not become so ludicrous, does it? If you say you can give it to the President pro tempore, you can give it to any other Member of this Senate, because you are delegating a duty, a responsibility of a subservient officer to one person in this Senate, somebody who has been elected to that office by each and every Member of this Body. You people in the Senate who are officers in corporations, would you believe this was the proper way to run the company,

regardless of the fact that there is a Constitution that speaks to the contrary? What have you done to the electorate who believe when they elected a Governor and a Lieutenant Governor that they had the right to believe the mandates of that Body and the mandates of that document would be adhered to? I do not think it takes a genius to understand the powers vested in the Lieutenant Governor and the powers that are vested in the President pro tempore, which speak exclusively to the inability of the President of the Senate to act.

Ladies and gentlemen of the Senate, I introduce to you the Lieutenant Governor, elected by the people of the Commonwealth to serve under the laws of the Commonwealth of Pennsylvania, vested with the power by Constitution to operate, supervise and otherwise lead the Senate of Pennsylvania, not the President pro tempore. I say to you, do not do this because you will rue the day when the shoe is on the other foot. Illustration number one, Zemprelli, Majority Leader; Senator Martin Murray, President pro tempore; and a Lieutenant Governor, William Scranton. We did not do it. I ask you with all the sincerity in my heart to vote against this amendment.

Senator BELL. Members of the Senate, I introduce you to the Lieutenant Governor, who, under Section 1, Article IV of the Constitution is a member of the Executive Department. I will read, "The Executive Department of this Commonwealth shall consist of a Governor, Lieutenant Governor," and you can read the rest. I am, perhaps, a little better reader than some of you people because you have told me to read for you. I am not going to waste your time, neither can I outshout the Minority Leader, but I am awfully puzzled because the Minority Leader, who has just crucified those of us who will vote against him, did not tell you that he voted for the Rules that gave the Lieutenant Governor this power. The same Rules which we are now amending, which did not come from God, did not come from the Constitution, but it came from the Senators who, I remind the Minority Leader, were also elected by the people. The simple power grab the Minority Leader is talking about is trying to do by the back door what you cannot do by the front door by electing a majority. I am going to use the gentleman's illustration of a corporation. I know the Minority Leader is a most capable lawyer and I know he has heard of a chief executive officer and I know that Members of the Minority not too long ago were saying the Office of the Lieutenant Governor is a mere ceremonial office. My, how things have changed. That was said about Lieutenant Governor Scranton. If we go to the Constitution, I cannot find the basis in the Constitution of Pennsylvania for all these things the Minority Leader just said. I can find where it says that the Lieutenant Governor is President of the Senate. But, if the Minority Leader were correct, why do we have the existing Rules of the Senate which we are amending? In the Committee on Rules and Executive Nominations I can well recall today the Minority Leader saying, in much fancier words than I could ever use, we will see you in court. Well, I would suggest that is the place to see us, because what you are endeavoring to do tonight is to push onto the Majority the

belief of the Minority Leader as to what the Constitution says. I learned a long time ago to not read new words into the Constitution of Pennsylvania because they are not there to support the Minority Leader. When you go to court, probably three of the justices will support me and four will support the Minority Leader.

Senator ZEMPRELLI. Mr. President, I wish to refer the gentleman to page 14 of what has been at least titled the "Constitution of the Commonwealth of Pennsylvania" that contains Article II, Section 9, which I did, in fact, read verbatim except for the digressions I made in terms of emphasis upon the particular sections, but if you paraphrase those out I used the exact language. I, of course, did not refer to the commas and periods that existed and I did not read the language that was not relevant. I also refer the gentleman to page 23, which is Article IV, and I said, inter alia, and I referred specifically to the language, "he shall be President of the Senate." If the gentleman does not have that I will be very happy to supply him with what has been given to me as the 1985 edition of the printing of the Constitution.

I would only say one thing further, and that is, if we are able to accomplish tonight by twenty-six votes of this Senate the Rule amendment that is being proposed, then I sincerely suggest to you that there is nothing that is not within the ability of the Majority to do, Constitution notwithstanding.

Senator BELL. Mr. President, in answer to the Minority Leader, who has the 1985 edition of the Constitution, I have the 1986 edition. Even the gentleman from Westmoreland, Senator Kelley, must be moved by the fact that as a good Irishman, the Senate of Pennsylvania should not have everything done by a member of the Executive Department. Let us go back in history. What is the Executive Department? That is the Crown. What is the Legislature? We are the people and in no place under the separation of powers is there a concept that the Crown shall rule Parliament.

Senator ANDREZESKI. Mr. President, I do not have a copy of the Constitution in front of me nor did I have the desire to attend law school and talk about the legal aspects of this, but for some Members on my side of the aisle the only frequency with which they saw the former Lieutenant Governor was the frequency of which they looked at the Pennsylvania Manual. I think it is noble under the past Rules and under the past leadership of the Senate that nothing was done to strip him of powers, whether he came to work or not. I think that under our present circumstances we have a Lieutenant Governor who, in my opinion, has been here 100 percent of the time. I do not think it would be in the best interest of us as a Chamber or as a Body to reward somebody in such a negative manner for showing up for work and doing his job. I think that it would be very remiss in the history of the Senate to say that if we kept the rules and the powers and duties of the President of the Senate the same when we had somebody here, perhaps 20 percent or 25 percent of the time, that we should turn around and reverse ourselves. We have a President of the Senate who has been here, who has worked, and who has led the Office of President of the Senate in an exemplary manner.

Senator LOEPER. Mr. President, in response, I would simply point out to many of the Members that with the sections of the Constitution that were cited earlier by the Minority Leader, I believe if he had followed down the page a little further, to quote actually Article II, "The Legislature," Section 11, "Powers of Each House," where "Each House shall have the power to determine the rules of its proceedings...." That is exactly what we are doing here this evening, determining the rules of proceeding, and we are amending those rules of procedure which we previously have adopted. It is not the Constitution that prescribes the manner in which the Senate of Pennsylvania is operated, however, it is the rules adopted by its Members.

Senator AFFLERBACH. Mr. President, earlier this evening at about 6:22 p.m., in the consideration of Senate Bill No. 1053, the President of this Body instructed—and I underline the word "instructed"—the Secretary of the Senate to distribute a prior printer's number of a bill to all Members of the Chamber. That instruction was made at the suggestion of the Majority Leader. I submit that had the change the Majority now proposes in Senate Resolution No. 6 been in effect at that time or the change in the amendment before us been in effect at that time, the question could legitimately be raised as to whether or not the President, the presiding officer of the Senate, could, in fact, require the Secretary to do such a simple thing as distribute a prior printer's number of a bill without the permission of the President pro tempore. What folly does the Majority attempt to put upon this Body? It seems the Majority is trying to do with its twenty-six votes to manipulate the Rules of this Chamber, that which was denied to it by the electorate in November 1986. I suggest to the Majority that the electorate shall remember that it is the manipulation, the backroom manipulation of the twenty-six Members of the Majority who will vote to change these Rules tonight that has denied the electorate of this Commonwealth the President of the Senate which they chose, in the sense that it strips from him powers which he should rightfully have.

PARLIAMENTARY INQUIRY

Senator LINCOLN. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The gentleman from Fayette, Senator Lincoln, will state it.

Senator LINCOLN. Mr. President, we are in the process of debating the amendment of the gentleman from Allegheny, Senator Zemprelli?

The PRESIDENT. The gentleman is correct.

Senator LINCOLN. Mr. President, I wish to be involved in the debate which has gone far and wide on this amendment, but I would rather have my debate more to the point of the amendments which were put in in the Committee on Rules and Executive Nominations. Will there be any restriction of debate at any point in time after this amendment is disposed of?

The PRESIDENT. The gentleman's point is well taken. It has been my practice to give latitude to the debate until there was an objection, but I would remind all Members of the

Senate that we are on the Zemprelli amendment and the debate should be restricted to that amendment. There will be an opportunity to debate the other amendments that are contained in the existing Senate Resolution No. 6 after we dispose of the Zemprelli amendment.

LEGISLATIVE LEAVE

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

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

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

(During the calling of the roll, the following occurred:)

Senator GREENLEAF. Mr. President, I would like to change my vote from "aye" to "no."

The PRESIDENT. The gentleman will be so recorded.

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

YEAS—0

NAYS—46

Afflerbach	Hess	Mellow	Salvatore
Andrezski	Holl	Moore	Scanlon
Armstrong	Hopper	Musto	Shaffer
Bell	Jones	O'Pake	Shumaker
Bodack	Jubelirer	Pecora	Stapleton
Brightbill	Kelley	Peterson	Stewart
Corman	Lemmond	Regoli	Stout
Fisher	Lewis	Reibman	Tilghman
Fumo	Lincoln	Rhoades	Wenger
Greenleaf	Loeper	Romanelli	Wilt
Greenwood	Lynch	Ross	Zemprelli
Helfrick	Madigan		

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

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

Senator LINCOLN. Mr. President, before I get into what I really want to say concerning this resolution, I was interested in the Majority Whip's rebuttal and argument on the Constitution. It is really interesting that the section—I believe it was Article II, Section 11—that was quoted, wherein that "Each House shall have power to determine the rules of its proceedings...." If you look at the heading on that particular section, it is the "Powers of Each House," and it says "expulsion," and that is precisely what we are doing here this evening. We are expelling the Lieutenant Governor from his constitutional duties which are prescribed. In all my sixteen years in the House and Senate, I have never heard anyone—including Herb Fineman who happened to be the best manipulator of the Rules and the best person to get them passed of anyone I have ever seen, and I say that with a great deal of respect—ever say that we should alter our Rules in any way which would try to circumvent the Constitution because that is the thing that keeps this Body operating. The Constitution has

made this state and this nation, the national Constitution, grow and be strong. There are many of us here who were in Philadelphia for our Session down there who said those kind of things, and we have probably lived most of our lives thinking that the Constitution is the strength of our government and tonight it does not seem to make any difference.

What I have to say is probably going to strike a little bit to the bone in some of the people on the other side of the aisle. On January 5th, I think it was, which was twenty short days ago, I stood at this same podium and I made some very complimentary remarks about the present President pro tempore. They were things I think that surprised him, the words that I said, and I think they were surprising to some of the people who serve on my side of the aisle. What I said about Bob Jubelirer on his being reelected to serve the second year of this Session as the President pro tempore came from the heart. I had no notes and I did not have to have anybody prepare a speech for me to give about him because I have served with him. I was sincere in saying that the power that office has is one that is so tremendous that it takes a good individual not to abuse that power. I see that the gentleman from Blair, Senator Jubelirer, has left the floor. Knowing him as well as I do, he is leaving the floor right now because he knows there is some shame involved in what the Majority is attempting to do with the resolution to change the Rules.

This all takes place because of a vote on a fellow by the name of Ollie Slinker to the LCB, where this side of the aisle attempted to get the Lieutenant Governor to do what has been done for years by the Majority when they had the Lieutenant Governor, to ship something the hell out of here as soon as they got it passed so it could not be reviewed, it could not be reversed, it could not be anything. To take that narrow of an approach to something that happened in the heat of a very heated debate is shameful, because I was here during the very first decision that the Lieutenant Governor had to make. He ruled against the gentleman from Allegheny, Senator Zemprelli, in a ruling that he felt very strongly about, and he answered that call for partisanship by showing that he was a statesman and that he was going to do his job in spite of the partisanship on this floor. In twenty short days since we had the occasion to reelect a President pro tempore—tonight I am going to have to go home and think a little bit about the power and whether it might be just being abused a little bit—the shame of what is taking place here tonight is that not only are we watching the Majority be very arrogant in their power and strip a Lieutenant Governor of constitutional duties that are given to him by the people of this Commonwealth, but we are combining that with the most ridiculous thing I have ever seen. We are going to put into existence a committee at the cost of \$150,000 for a very questionable need, and it is funny that it comes within four weeks after a Democrat, elected as a Democrat, defects and becomes a Republican. I say to the Members, is this committee being brought into existence for the betterment of this Senate? Is it being brought into existence for the betterment of this Commonwealth? Or is it being brought into existence because there were not enough commit-

tees to satisfy the needs of everybody in that Majority Party? Combine that with what we are doing to the Lieutenant Governor, and I am telling the Members that I have seen some abuses from both sides of the aisle, but this is the most abusive and arrogant display of power I have witnessed in sixteen years in this Body and the one on the other side. To say that we need a Committee on Intergovernmental Affairs with a Committee on State Government and a Committee on Local Government is almost as bad as telling me that you believe in your heart that Lieutenant Governor Mark Singel should not be directing this Senate. To say that any employee in this Senate should report to the President pro tempore rather than the Lieutenant Governor is more ludicrous and more serious, but to combine that with the action of putting into effect a brand new committee, which we do not see any need for. How many Sessions of the General Assembly have gone by? How many times have we had committees formed at the beginning of each Session that we have in some manner, shape or form formed a new committee during that twenty-four month time? Even in the case of Milton Street, the committee was formed prior to reorganization. It was not dangled out there so much like a plum for leaving a district where you were elected by one party and turned to the other one, for who knows what reason, and all at once, four weeks later, we have a committee being formed in the Senate with a minimum of \$150,000 expenditure. You can explain and explain and explain all you want, and you may be able to sluff that one over by not making that person chairman of this committee and making someone else chairman and shifting him into that. I would like to know, Mr. President, how you are going to explain to the other Majority Members who are not a chairman of a committee?

POINT OF ORDER

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

The PRESIDENT. The gentleman from Delaware, Senator Loeper, will state it.

Senator LOEPER. Mr. President, I believe the debate has gone far enough afield that we are now impugning the motives of a Member of the Senate.

Senator LINCOLN. Mr. President, I am discussing the committee. What have I said?

The PRESIDENT. The gentleman's point is well taken and the gentleman will restrict his comments to the issue at hand.

Senator LINCOLN. Mr. President, the issue at hand is the formation of a brand new committee, the formation of a committee that I have no idea what its functions could possibly be. Intergovernmental Affairs, is that not a beautiful name? I remember an intergovernmental affairs thing that used to be over in Camp Hill that I got garbage from every week. I did not have enough time to read the covers, let alone what was in it, and that is just about how productive this committee is going to be. What intergovernments are they going to deal with? Are they going to deal with Fayette County and Philadelphia County and Erie County? Wonderful. Then what does the Local Government Commission and the Committee on Local Government do? Are they going to interact with the

Committee on Intergovernmental Affairs, or are we going to talk about Dunbar Borough with a population of 1,100 people? Are they going to be able, because of the Committee on Intergovernmental Affairs, to be transformed into Dunmore? Dunbar and Dunmore. I think Dunmore is up in the district of the gentleman from Schuylkill, Senator Rhoades. We have a lot of similarities. Maybe this committee can put us together and we can find a way to solve our sewage problems. I know this is going to be a very beneficial committee, this Committee on Intergovernmental Affairs. We will not have anything to do with the Committee on State Government now. Why would we want that? The Committee on State Government can start saying that your responsibilities are to deal with the State of California. Do not do anything here now. The only thing you deal with is other states. Committee on Local Government, you do not deal with anything because the Committee on Intergovernmental Affairs is going to take care of all of the needs of the local governments and everybody else in Pennsylvania. It sure is funny, though. I mean, it gets a little touchy when I start mentioning that four or five weeks ago we had somebody change parties. Five weeks later, we have a brand new committee. It may be impugning but, buddy, I can read too, and I imagine the press can, and it is \$150,000 off these people who pay our bills and pay the rents and pay the taxes. It is their money. You can play games in being arrogant with your power, and you can do anything you want in trying to take away the powers of the Lieutenant Governor because that one will come back to haunt you. That is absolutely atrocious, but the other one is pure gutter, bottom line politics, and you will wear the mantle for that, too.

Senator RHOADES. Mr. President, I have just one correction. Dunmore is not located in the Twenty-ninth Senatorial District. I think the gentleman from Lackawanna, Senator Mellow, still wants to keep it in his district.

Senator ZEMPRELLI. Mr. President, would the gentleman from Delaware, Senator Loeper, submit to a very short interrogation?

The PRESIDENT. Will the gentleman from Delaware, Senator Loeper, permit himself to be interrogated?

Senator LOEPER. I will, Mr. President.

Senator ZEMPRELLI. Mr. President, can you tell us what the Committee on Intergovernmental Affairs would do that does not embrace the jurisdiction of the Committee on Local Government or the Committee on State Government?

Senator LOEPER. Mr. President, the new Committee on Intergovernmental Affairs would be a replacement of the old Committee on Federal/State Relations that used to be in place in the Senate; particularly with many of the issues that we are seeing on the federal level today, with the reduction in federal revenue sharing, the impact it is having upon not only our counties but our local municipalities. There are many issues of intergovernmental cooperation and intergovernmental cooperation issues that would come before this committee for its consideration. We see where it would have a very significant role for the future of Pennsylvania.

Senator ZEMPRELLI. Mr. President, is the gentleman aware that there was a similar committee some time ago and that it was disposed of by the Republican Majority at that time?

Senator LOEPER. Yes, Mr. President. In fact, when I served as a Member of the Minority, I served on that particular committee. I believe the changing times reflect the need for the revitalization of that committee.

Senator ZEMPRELLI. Mr. President, is it the intent of the Majority to at least suggest or recommend to the Lieutenant Governor or the President pro tempore—and I admit I am a little confused now on the reference matters that may be a matter for the contention—to refer bills that are not now being referred to either the Committee on Local Government or the Committee on State Government?

Senator LOEPER. Mr. President, the gentleman is correct.

Senator ZEMPRELLI. Can you tell me, Mr. President, what bills have been introduced thus far this year that would have fallen into the jurisdiction of this Committee on Intergovernmental Affairs?

Senator LOEPER. Mr. President, at this time I would not be able to list those bills by number or even issue, but I would be pleased to sit down and review them and have an answer for the gentleman.

Senator ZEMPRELLI. Speaking very generally, Mr. President, can the gentleman at least acknowledge that there were bills that should have gone to the Committee on Intergovernmental Affairs rather than to the committee they went to?

Senator LOEPER. Mr. President, it is my view that they could. That is correct.

Senator ZEMPRELLI. Are these bills, Mr. President, in embryo, are they suspended out in space and have they been referred to committee for consideration?

Senator LOEPER. They have been, Mr. President.

Senator ZEMPRELLI. Does the gentleman, Mr. President, know where those bills went for consideration?

Senator LOEPER. Mr. President, they have gone to different committees that would have functions that could consider one part or another part of the legislation.

Senator ZEMPRELLI. Mr. President, does the gentleman believe that these bills he is alluding to generally have been adequately dealt with and disposed of in the regular course of procedures in the Senate by the committee process?

Senator LOEPER. Mr. President, I would not be in a position to determine that today.

Senator ZEMPRELLI. Mr. President, does he know of any bill that has been referred, of the nature that he would allude to, that has not been properly dealt with in the committee to which it was assigned?

Senator LOEPER. Mr. President, there could be bills that are still sitting in committee that could be assigned to the Committee on Intergovernmental Affairs, and the referral could very well be proper.

Senator ZEMPRELLI. Mr. President, does he have any complaint from anyone that a bill dealing with federal rela-

tionships or intergovernmental relationships was not properly cared for in the committee to which it was assigned?

Senator LOEPER. Mr. President, it is the view of the Majority that a Committee on Intergovernmental Affairs could much better deal with some of these issues and view it with a much broader scope than some of the committees with a narrower scope.

Senator ZEMPRELLI. I wonder, Mr. President, if the gentleman would explain to me how they could be better dealt with in this new committee as opposed to any old committee or Standing Committee, inasmuch as the membership is still composed of Members of this Senate?

Senator LOEPER. Mr. President, as I explained initially, this committee was felt to be initiated due to the changing circumstances of government and its relations on the various levels, particularly the relationship of the federal government to the state and thus the state to its counties and local municipal entities and, therefore, it seems that this type of a committee could deal better with those types of issues.

Senator ZEMPRELLI. Mr. President, is the gentleman suggesting that the Members of the present Standing Committees are overworked?

Senator LOEPER. Mr. President, each committee has its particular purview of assignment, and it is believed that a committee with a much broader purview could take a much closer look at these bills.

Senator ZEMPRELLI. Mr. President, does intergovernmental, so far as the gentleman is concerned, involve state government relationship with boroughs?

Senator LOEPER. It could very possibly, Mr. President.

Senator ZEMPRELLI. Mr. President, does the gentleman, therefore, suggest that neither the Committee on Local Government nor the Committee on State Government could adequately deal with that bill, as those committees are presently composed?

Senator LOEPER. Mr. President, it would seem to me it would be more appropriate for those bills dealing with relationships between state government and its local governments to be referred to a committee of that type, and bills dealing strictly with local government or state government to be referred to the appropriate committees on that level.

Senator ZEMPRELLI. Mr. President, does the gentleman know of any bill that is before us that deals with government that does not have an impact on some other government?

Senator LOEPER. Mr. President, I am not specifically aware of any one particular bill.

Senator ZEMPRELLI. I have one final question, Mr. President. Can the gentleman tell me who is going to be named the chairman of this new committee?

Senator LOEPER. That is the prerogative of the President pro tempore, Mr. President, and I have no knowledge of who will be chairman of that committee at this point.

Senator ZEMPRELLI. Is the answer to your question, Mr. President, that you do not know who is going to be the chairman of this committee?

Senator LOEPER. My answer to the question, Mr. President, is that it is the prerogative of the President pro tempore to appoint that chairman.

Senator ZEMPRELLI. Mr. President, I thank the gentleman.

Mr. President, I wonder if the President pro tempore would submit to a one question interrogatory which will not shock anybody, or should not.

The PRESIDENT. Will the gentleman from Blair, Senator Jubelirer, permit himself to be interrogated?

Senator JUBELIRER. I will, Mr. President.

Senator ZEMPRELLI. Mr. President, I wonder if the gentleman could tell me whether he knows or has any idea who will be named as the Chairman of the Committee on Intergovernmental Affairs, if this resolution passes?

Senator JUBELIRER. Without question, Mr. President, I certainly intend to deal with this committee as I have dealt with other committees and I shall indeed review it. I certainly have some ideas, and I will make them known to the Members of the Senate, as I have every other committee which I have appointed, and I would ask you for your recommendations as to the ranking Democrat on that committee, as I have on every other committee, as well. But at this time I choose not to discuss the makeup of that committee until such time as that committee is indeed in existence, and at this time it is not. If and when the Senate passes the Rule change providing for the new committee, then and then only will I deal with this as a realistic and actual matter.

Senator ZEMPRELLI. Mr. President, I wonder if the gentleman could tell me whether he has had any discussions with the Members of the Senate relative to appointment to the chairmanship of this committee or on the committee?

Senator JUBELIRER. Mr. President, that is a very broad question. Certainly, with some Members of the Senate I have indeed discussed this, if, indeed, this change should take place. Of course, I have had some discussions with some Members of the Senate, not all, but sure.

Senator ZEMPRELLI. Mr. President, as President pro tempore of the Senate, has the gentleman promised the chairmanship of this committee to any Member of the Senate?

Senator JUBELIRER. Mr. President, the word "promise" is one that I take very seriously. I have discussed this matter with a Member and Members of my caucus, Members of my leadership. I have discussed it with other Members of the Senate. The word "promise" to me means there was something that was given for that. Let me just say this: I am not trying to play games here. I, indeed, have certainly the newest Member of our caucus in mind. I believe he would make a fine chairman for this. I am not trying to play games. If, indeed, this becomes a fait accompli, I believe I would ask that the gentleman from Philadelphia, Senator Rocks, take this position. I hope he would. He would make a fine chairman for this committee. If that is what you mean by "promise," I do not know that I promised it, but I do believe I have discussed it. I believe that gentleman would indeed make the best chairman and would be the one I would have in mind. I would ask

the Members of my caucus for support for such a chairmanship.

Senator ZEMPRELLI. Mr. President, I do not share the same definition the gentleman does, that the word "promise" means some consideration. Let me, therefore, withdraw the word and reask the question. Has any commitment been made to any Member of the Senate for the Majority chairmanship of this committee?

Senator JUBELIRER. I think I have answered the question, Mr. President. The connotation that the gentleman gives is not the connotation that I choose to leave. Therefore, I have indicated that I have not made a promise or a commitment in return for, and that is what I believe a promise or commitment is. Indeed, I believe the gentleman is on a fishing expedition of sorts. I believe the person I would recommend, the person I believe would be the best chairman for this is the gentleman whom I have named. That is as far as I have gone. I might tell you that gentleman did not come to me. I went to him and suggested that he might be interested in this after I knew that he was interested in anything, but the key to this entire situation is that we have been discussing this chairmanship before. It is something I believe is going to enhance the Senate in the daily operation of the Senate.

Senator ZEMPRELLI. Mr. President, I do not want the gentleman under any set of circumstances to read into my interrogatories any sense of quid pro quo. That is not what I am suggesting in any shape or form. Mr. President, I am, however, reading into the word commitment, with consideration. I am suggesting, without consideration, when did the gentleman ask the gentleman from Philadelphia, Senator Rocks, if he would take the chairmanship of this committee?

Senator JUBELIRER. Mr. President, I try to be as candid as I possibly can, and I will try to do that at this point. There is no committee at this point. If this Senate passes it, that offer shall be, indeed, with the support of my caucus, formally offered. I cannot remember. I have discussed it. I cannot tell you when, I cannot tell you precisely when. I am not sure of the relevancy of this thing. I understand the reason you are asking the question, of course, but I have given you the very best answer I can. Assuming that Senate Resolution No. 6 passes, that will then make the committee, a committee for which I would make such an appointment and ask you for your suggestions.

Senator ZEMPRELLI. Mr. President, we in leadership know that we oftentimes speak prospectively of things that are going to happen in the future. If they happen, and I assume that is what the context of any conversation would have to be relative to a committee that was not in existence, and so that we can broaden this thing down and I can get finished asking questions, I would ask the gentleman whether he can remember whether the discussions of commitment to the gentleman from Philadelphia, Senator Rocks, took place before or after he joined the Republican caucus?

Senator JUBELIRER. Mr. President, to the best of my knowledge, I went to the gentleman whom I would recommend for this after he had indicated his sincere reasons why he

intended to leave the Democratic caucus and join the Republican caucus. It was at a later time I indicated to him that I would hope he could make another contribution that was really just in the embryo discussion stage of possibility. That is really all it was at that time, without any commitments, without any promises, without any requests on the part of this gentleman whose motives, I believe, were extraordinarily sincere, because I have been involved in this process before, as have you, and as have matters in the House. This gentleman asked for nothing, absolutely nothing to join the Republican caucus.

Senator ZEMPRELLI. Mr. President, again, I do not want to leave an imputation. I certainly have not said anything that involved the gentleman from Philadelphia, Senator Rocks, in any way except to endeavor to find out—and I will ask the question again and I am really not looking for an all embracing answer—and what I am simply asking, Mr. President, is if the gentleman can fix the time when he went to the gentleman from Philadelphia, Senator Rocks, and discussed the committee chairmanship of the committee that may be formed here this evening, that of intergovernmental agencies?

Senator JUBELIRER. Mr. President, I believe I have tried to stand before this Body, a Body that has placed its confidence in me, and answer questions, very personal questions and political questions as well, in as honest and sincere manner as best I can. I believe I am finished answering those questions. The private discussions I have had with any other Member of this caucus are not germane to the issue of Senate Resolution No. 6. I have gone far beyond because of the confidence that the gentleman from Allegheny, Senator Zemprelli, and others, have indicated in me in the past as being somebody who tries to be fair. If I were, frankly, a regular Member of this Senate, I probably would not have gone this far. But, because I am representing the entire Senate, I felt the necessity to go as far as I did, but I have no intention of answering any more questions of a personal nature, of a political nature, which are private in manner and which I believe I have answered as honestly as I know how. I do not think there is anything more for me to say.

Senator ZEMPRELLI. Mr. President, the question was a very simple one. It did not impute anybody's honesty. It did not impute anything about any conversation that took place. The simple question was as to whether or not we could fix a date when the President pro tempore went to see the gentleman from Philadelphia, Senator Rocks. That is the whole of the question. It is a simple question that the gentleman can answer. If he cannot answer, I am satisfied as to that, also.

Senator STEWART. Mr. President, would the Majority Leader, the gentleman from Delaware, Senator Loeper, stand for a brief interrogation?

The PRESIDENT. Will the gentleman from Delaware, Senator Loeper, permit himself to be interrogated?

Senator LOEPER. I will, Mr. President.

Senator STEWART. Mr. President, as I understand it, listening to the debate, Senate Resolution No. 6 takes away the powers from the President. This side, of course, is opposed to

that, and the Republicans have stated their reasons why they think that ought to happen. It appears the votes are there to pass Senate Resolution No. 6. My question is, once it passes and those become the new Rules, what happens when we look at Rule V, paragraph 2 (a) that lays out the chain of command and says in the absence of the President, the President pro tempore becomes in charge, and in the absence of the President pro tempore, the Majority Leader becomes in charge, but it also says that at that time the Majority Leader shall be vested with all the powers of the President? If we are taking the powers of the President away, and the President is gone and the President pro tempore is gone, and the Rule says the Majority Leader has only the powers of the President, who is in charge in that instance?

Senator LOEPER. Mr. President, in answer to the gentleman, essentially what we are trying to do by this amendment is to codify the practice of the Senate over a long period of time. There have been some situations that have occurred recently that have dictated this codification. As to the gentleman's specific inquiry, I am not certain that is covered in the Rule change in Resolution No. 6, and, therefore, we would be happy to take it under consideration to amend it into a change at a later time.

Senator STEWART. Mr. President, I realize that does not happen that often where the President and President pro tempore are both gone, for whatever reason, but, again, why the haste at 8:50 in the evening to pass a Rule change that you have just stated is flawed?

Senator LOEPER. Mr. President, we do not believe the Rule change is flawed. We believe it is very necessary and should be done in a quick fashion, and it is our intention to complete that change this evening.

Senator STEWART. Then, Mr. President, for the record, in the eventuality that from the time this Rule change passes and you deliver us the corrective language to take care of the problem you state is a problem, just in the eventuality that the President is gone and the President pro tempore is gone, who would you say is in charge as far as the powers that Senate Resolution No. 6 is going to take away from the President, or is it the Chief Clerk and the Parliamentarian, are they in charge at that point?

Senator LOEPER. Mr. President, at that particular time and on that particular day I would have to consult with the Parliamentarian for a ruling.

Senator STEWART. Mr. President, but Senate Resolution No. 6 says the Parliamentarian is subject to the direction of the President pro tempore, and my scenario is the President pro tempore is not here.

Senator LOEPER. Mr. President, my view would be, since the President of the Senate is not here nor the President pro tempore of the Senate or even if the President pro tempore was absent, I would still feel comfortable as the acting Majority Leader in asking the Parliamentarian for a ruling.

Senator STEWART. I thank the gentleman, Mr. President. On the resolution, I believe that exchange indicates one more reason why we should not rush into this. There is plenty

of time to do it, and rather than pass a resolution that is admittedly flawed and possibly open ourselves up to another parliamentary web, I would urge a "no" vote.

Senator LEWIS. Mr. President, before I begin my main remarks, for the benefit of those who have preceded me, who may have been concerned about whether the rest of us have been listening or not, there are a few items that may have been misspoken that I think we should attempt to correct. Specifically, I listened to the gentleman from Allegheny, Senator Zemprelli, assure the Majority he was not imputing any improper motives or dishonesty, and I suggest what he was really trying to say was he was not impugning them, because to attempt to feel the need to impute them would have had the same impact as if he had asked the other question. All of which, I think, reflects to some extent the circuitry of much of the debate that has gone on this evening.

I have listened especially to the attempts to provide constitutional interpretation by way of understanding where we have been or what this proposed Rule change might do. I have listened with interest to the discussions about prior procedure and who might have done what under differing circumstances at different times in the history of the Senate, all of which I think was very interesting and quite germane and material to the issue that is before us. But I want to express a view that might be just a little bit different than those we have heard so far, because although I think they are on point, it seems to me that any time we are dealing with an issue or a proposal to make a change, the common and simple thing that every one of us would do is to step back a bit from the proposal and say, what is really going on here? Why is this happening? What is the problem that needs to be changed? And if there is not a problem, then why should any of this really occur? In that context, Mr. President, it seems to me there are two particular sections of this proposed resolution that we should focus on. I think there has been broad ranging discussion about the creation of the new committee, and I would rather focus on the other two proposed changes in this resolution in the context of that kind of simple question.

As I begin with the first, and I see the proposal to strip the powers of the President of the Senate, I say to myself, what is wrong? What has he done that has met with the dissatisfaction of those who are making this proposal? Because as I have reviewed in my mind the history of the nearly thirteen months in which the current President has served this Body, there have been some things which have come to the forefront very quickly and none of them seem to me to provide the justification for the proposal that is in front of us. The President, it seems to me, has been an individual who has treated all of the Members of this Senate with tremendous fairness. The President seems to have been a person who has been extremely considerate of all of the Members and of the history and of the pride and the reputation of this Senate and, most importantly, it seems to me that the President has dealt very professionally with all of the matters that have been before us. In fact, as I reflected on these circumstances, one of the things that came to the forefront of my mind was the time, a number

of months ago, shortly prior to a legislative recess, when the President issued a ruling which stimulated the very broad ire of many of the Democratic Members of this Senate and, yet, notwithstanding the fact that he, too, was a Democrat and there were attempts to prevail upon him to follow a party objective, he stood firm behind his belief and conviction that the ruling he had issued was the right one under the circumstances. We had an issue just earlier this evening on a question of the breadth of the debate that was taking place, an issue raised by the Majority Leader in which the President ruled that the point raised by the Majority Leader was an appropriate one. And so I view all of these things and see this continued pattern of fairness, of objectivity, of reasonableness, and I become confused. I have to say to myself there must be something here about which there is a fear. I think the Majority Leader alluded to it in his comments just a few moments ago. There have been some things which have happened recently which have given us cause to believe we had better change the Rules. I think that is very unfortunate in light of the history not only of this Presiding Officer but the history of this Senate as it has been presented to so many other people. It seems to me to be clear that there is one incident, or maybe more, in the course of these thirteen months which has met with the disfavor of the Majority and, therefore, they are going to change the Rules to make sure that this kind of a situation never occurs again. The history of fairness is apparently not the litmus test that we are going to use. It is the question of whether there may be one incident with which they are a bit dissatisfied. As I reflected upon that, a phrase that has found its way into constitutional history in such a meaningful way across the last few decades came to my mind. What we are experiencing here is a clear effort to create a chilling effect upon the workings of this Senate. If we do not like one thing that is going on, regardless of where it is occurring, then we are going to be prepared to cast the chilling effect across this Body by changing Rules, or doing whatever is necessary. I think that is a situation which ought to alarm every one of us here, because what is the next incident that is likely to occur?

Mr. President, I look across some of the other provisions which are retained in this resolution as duties and responsibilities of the Presiding Officer and I see, for example, on page 2 on line 6 that the President will continue to decide, when two or more Senators arise, who shall be the first to speak. Well, maybe you had better be just a little bit careful about making any decision that might offend the Majority. There is a chilling effect that is being recommended this evening that better not escape your future consideration, Mr. President, because if you improperly recognize someone in an order that is not to their liking, then maybe that is the next Rule to go. We did talk about the creation of a new committee and the bills that might be referred to that committee, and I find it very interesting, Mr. President, that one of the duties which continues to reside within your purview, as put forth in line 17 on page 2, is the duty to refer to the appropriate standing committee any bill and joint resolution. Mr. President, this chilling effect which is being cast over the operation of your

office this evening better put you on firm notice that if you fail to refer a bill to a committee in accordance with the desires of the Majority, then this will likely become the next part of the Rule which will change because circumstances have occurred which do not meet with the pleasure of the Majority at the time, and so on, and so on they will go until every whim and dictate of the Majority will, in fact, be the rule of the day and not the appropriate and impartial and professional conduct of the business of this Senate on behalf of the people of Pennsylvania.

It is in that context, then, that I cannot help but also look at one earlier action we took in the Senate with regard to this resolution and the third item proposed in here which has not yet been addressed by any Member of the Senate. It is interesting to me that in an attempt to try to do all of these improvements, we continue to refuse to permit any further observation or review of the speeches or the conduct of the Members of this Body by continuing to insist upon the exclusion of the electronic media. What is it that we are afraid of? Why, then, do we take or seem to feel it necessary to add the additional language about allowing employees of the Senate to sit in the press boxes behind us? I see the language says that, when there are seats available. Does that mean all of the seats as we have now or two of the seats? Maybe we want some employees of the Majority to stand back there and look over the shoulders of the legislative correspondents because that will further help us to implement the chilling effect which we seem to want to blanket over this Senate tonight. How far are we really going to go? Has the system worked that poorly in the past? I think not, Mr. President. I think this is a clear overreaction and one which brings me much sorrow. I am very disappointed that this Senate is apparently on the verge of taking an action which I think we will regret far into the future.

There will be times when each of us here, regardless of whether we are in the Majority or the Minority, find that there will be things which occur with which we do not agree. That is in the nature of a deliberative and legislative body. Yet, what we have shown more importantly than anything else is the capacity to work them out, to put our minds together, to follow the prescribed Rules, because we know that only under rule can there be order, and if there is anything we respect, it is that orderliness of the constitutional and legislative process which brings us all here. When we start to find it expedient to change the Rules because we are afraid that our own perspective of the orderliness might be interrupted, I would say we are really embarking upon very dangerous territory.

Mr. President, for all of those reasons, I would hope that each Member of this Senate will give a second or third thought to the issue that is in front of us and cast a negative vote on these proposed Rule changes.

RECONSIDERATION OF LEWIS AMENDMENT

Senator LEWIS. Before we do that, Mr. President, I believe it would be in order and would, therefore, move that we reconsider the vote by which the amendment I previously offered was defeated.

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

Senator LOEPER. Mr. President, I ask for a negative vote.

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

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

(During the calling of the roll, the following occurred:)

PERSONAL PRIVILEGE

Senator ROMANELLI. Mr. President, I rise to a point of personal privilege.

The PRESIDENT. The gentleman from Allegheny, Senator Romanelli, will state it. If it relates to the roll call itself, it is in order. If not, it is not in order at this time.

Senator ROMANELLI. Mr. President, I would like the record to show that at seven minutes after 9:00 p.m. on Monday, January 25th, I am on my two feet, present and voting.

The PRESIDENT. The gentleman's remark will be spread upon the record and he will be voted with one very healthy affirmative vote.

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

YEAS—21

Afflerbach	Lewis	O'Pake	Scanlon
Andrezski	Lincoln	Regoli	Stapleton
Bodack	Lynch	Reibman	Stewart
Fumo	Mellow	Romanelli	Stout
Jones	Musto	Ross	Zemprelli
Kelley			

NAYS—26

Armstrong	Helfrick	Madigan	Salvatore
Bell	Hess	Moore	Shaffer
Brightbill	Holl	Pecora	Shumaker
Corman	Hopper	Peterson	Tilghman
Fisher	Jubelirer	Rhoades	Wenger
Greenleaf	Lemmond	Rocks	Wilt
Greenwood	Loeper		

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

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

SENATE RESOLUTION NO. 6, ADOPTED

Senator LOEPER. Mr. President, I move that the Senate do adopt Senate Resolution No. 6.

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

Senator AFFLERBACH. Mr. President, not to belabor the issue, but I found it interesting about half an hour ago when the President pro tempore cast out the line of a fishing expedition. Indeed, I thought that was a most apropos remark because, truthfully, this Senate Resolution No. 6 reminds me

of watching a dead fish floating in the moonlight. To some at a distance, it may appear to be a thing of beauty as it bobs about in the waves with the light reflecting from it, but to anyone who takes the time to pay close attention to it, they will discover that it, indeed, emits a stench that is unpalatable to the human senses. We have on this particular resolution on page 3, the issue whereby the Majority, through manipulation of the Rules is attempting to mute the will of the electorate by removing from the President of this Senate powers that have customarily and rightfully belonged to him. We have on page 8 the creation of a new committee and, indeed, if we are to listen closely to the remarks of the President pro tempore, we can expect within the next few days to see the newest Member of the Republican caucus made a committee chairman. Mr. President, the transparencies are too thin for even the most uninformed of our electorate. I believe very firmly that the stench of this fish being served up by the Majority to the populace of Pennsylvania tonight will float throughout this Commonwealth until each and every one who votes for this resolution and this abrogation stands accountable for it. I would urge a "no" vote.

LEGISLATIVE LEAVE

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

The PRESIDENT. Senator Lincoln requests temporary Capitol leave for Senator Jones. Is there an objection to the request? The Chair hears none. The leave will be granted.

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

(During the calling of the roll, the following occurred:)

PARLIAMENTARY INQUIRY

Senator LINCOLN. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The gentleman from Fayette, Senator Lincoln, will state it. The Chair would remind the gentleman that we are in the middle of the roll call and would hope that the inquiry pertains to the roll call itself.

Senator LINCOLN. It does very pointedly, Mr. President.

Under a direct interrogation by the Minority Leader, the President pro tempore stated that the chairman of this committee would be Senator Joseph Rocks of Philadelphia. My point of inquiry is, under those circumstances, with a very definite gain by the gentleman from Philadelphia, is it proper for him to vote on this matter?

The PRESIDENT. The Chair would respond to the gentleman's inquiry that it is the opinion of the Chair that any benefit to be derived by the chairmanship would accrue to the Senator as a Senator and not as an individual. Therefore, there is no personal gain to be made even if the Senator were to receive the chairmanship.

Senator LINCOLN. Mr. President, I thank the Chair and admire him for his fairness.

The PRESIDENT. The Chair tries. Lord knows, he tries.

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

YEAS—26

Armstrong	Helfrick	Madigan	Salvatore
Bell	Hess	Moore	Shaffer
Brightbill	Holl	Pecora	Shumaker
Corman	Hopper	Peterson	Tilghman
Fisher	Jubelirer	Rhoades	Wenger
Greenleaf	Lemmond	Rocks	Wilt
Greenwood	Loeper		

NAYS—21

Afflerbach	Lewis	O'Pake	Scanlon
Andrezeski	Lincoln	Regoli	Stapleton
Bodack	Lynch	Reibman	Stewart
Fumo	Mellow	Romanelli	Stout
Jones	Musto	Ross	Zemprelli
Kelley			

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

UNFINISHED BUSINESS

CONGRATULATORY RESOLUTIONS

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

Congratulations of the Senate were extended to Mr. and Mrs. Willis J. Eckman, Mr. and Mrs. Cornelius G. Musser, Mr. and Mrs. Nathan Y. Newcomer, Mr. and Mrs. John G. Stewart and to Senator Noah W. Wenger by Senator Armstrong.

Congratulations of the Senate were extended to Linda L. Garnett by Senator Bell.

Congratulations of the Senate were extended to William Kudes by Senator Bodack.

Congratulations of the Senate were extended to Donald, Rosene, Harold and Amy Bollinger, Cyrus and Sallie Bomberger, Ethel F. George, Harold Adam Leiby, Lester and Faye Miller and to Edna and Helen Stump by Senator Brightbill.

Congratulations of the Senate were extended to Mr. and Mrs. William A. Edwards by Senator Corman.

Congratulations of the Senate were extended to The Benevolent and Protective Order of Elks, Pittsburgh South Hills Lodge No. 2213 by Senator Fisher.

Congratulations of the Senate were extended to James J. McCloskey by Senator Fumo.

Congratulations of the Senate were extended to Mr. and Mrs. Albert Clark, Mr. and Mrs. Fred Ranck, Mr. and Mrs. Patrick Stewart, Mr. and Mrs. John S. Walker, Mr. and Mrs. Franklin A. Young, Sr., Elwood R. Gotschal and to Armando "Al" Lenzini by Senator Helfrick.

Congratulations of the Senate were extended to Mr. and Mrs. John J. Booths, Mr. and Mrs. Fred Brodbeck, Mr. and Mrs. Peter DeMartini, Mr. and Mrs. Anthony Harchar, Mr. and Mrs. Albert Herring, Mr. and Mrs. Fred Kleman, Mr. and Mrs. W. Gerald LaBar, Mr. and Mrs. Foster Lee, Mr.

and Mrs. James Lombardo, Mr. and Mrs. Stanley Weaver and to Theodore Sewall Abbott by Senator Lemmond.

Congratulations of the Senate were extended to Robert Shellenberger by Senator Lewis.

Congratulations of the Senate were extended to Margaret M. Oravez, Handley W. Ricks and to Eric Van Blunk by Senator Loeper.

Congratulations of the Senate were extended to Mr. and Mrs. George E. Cline and to Mr. and Mrs. Clifford W. Miner by Senator Madigan.

Congratulations of the Senate were extended to Paul F. Scott and to the Lakeland Chiefs High School Football Team by Senator Mellow.

Congratulations of the Senate were extended to Mr. and Mrs. Richard A. Haas and to Rinaldo Secola by Senator Pecora.

Congratulations of the Senate were extended to Eugene R. Hartzell by Senator Reibman.

Congratulations of the Senate were extended to the Aliquippa High School Football Team, the Beaver High School Football Team, the Ellwood City High School Football Team, the Geneva College Football Team and to the Monaca High School Football Team by Senator Ross.

Congratulations of the Senate were extended to Helen Johnson and to Mark H. Morris by Senator Salvatore.

Congratulations of the Senate were extended to Mr. and Mrs. Charles T. Bryner by Senator Stout.

Congratulations of the Senate were extended to Terry L. Kauffman by Senator Wenger.

Congratulations of the Senate were extended to Brian Joseph Jones and to Mr. and Mrs. Paul Kirst by Senator Wilt.

CONDOLENCE RESOLUTION

The PRESIDENT laid before the Senate the following resolution, which was read, considered and adopted:

Condolences of the Senate were extended to the family of the late Jae K. Chung by Senator Stapleton.

PETITIONS AND REMONSTRANCES

Senator GREENLEAF. Mr. President, I rise to comment on the resolution introduced by the gentleman from Bucks County in regard to television coverage and other media coverage of this Chamber. For a number of years I have been in favor of such a move and continue to be so. This evening I voted against this resolution for a number of reasons, one of which was, I did not really believe that this amendment was a serious amendment, in that on checking the Rules and checking the Senate record, there is no resolution or bill introduced to accomplish this fact introduced by anybody in the Senate, and it seemed to me quite suspicious on my part as to why this would suddenly be introduced at this appropriate time when we are dealing with an issue that is very important to our caucus, possibly and obviously from the debate and from the vote not important to or at least of priority to the Minority caucus. I think that in reviewing the amendment, the amend-

ment is extremely broad, has no regulation and has no steps in order to regulate the access. Although I would be in favor of quite liberal coverage of the Senate, I think the way this amendment was apparently hastily drawn up, it does not really adequately deal with the issue. As a result, I have spoken to the Senate Majority leadership, and they have assured me that we will deal with this issue on an up or down vote in the very near future. At that time I would hope and plan to vote in the affirmative, so that we can, as I voted in the past, have media coverage in the Senate Chamber.

Senator GREENWOOD. Mr. President, as the previous speaker, I had mixed feelings on the vote on the television coverage of the Senate proceedings, particularly because having served in the House for six years where television coverage is permitted, I thought it added to the public's opportunity to see their Legislature at work, to better understand the workings and the issues that face the Legislature. I am a proponent of television coverage of this Senate. I could not, however, upon carefully reviewing the language of the amendment, support this particular amendment because of its broadness and because of the lack of detail. For instance, I read this amendment in such fashion that it would permit multiple operators of multiple cameras at any given moment to proceed up and down the aisles of this Senate, to turn and face a Member of the Senate during debate without any direction from this Senate as to the manner in which the filming would be conducted. I think that once we as a Senate can come to some understanding about how the television would function on a day-to-day basis, then I think a majority in this Senate would support that and so would I.

Senator SHUMAKER. Mr. President, I rise for the same reason as the gentleman from Montgomery, Senator Greenleaf, and the gentleman from Bucks, Senator Greenwood, to indicate I also favor, under the proper bill, the use of television in the Senate. When I saw this for the first time tonight—and it was also the first time I had any knowledge that this issue was going to be raised—I looked at the amendment as prepared and I, too, agree it was extremely too broad. As a matter of fact, if this would have been adopted in the form presented, it could have led to continuous disruption of the orderly business of the Senate. I think we should have television. I think we should permit media coverage within the halls of the Chamber, but I do think it should be in a method and in a manner in which we can still maintain our decorum, do our business without interruption, but still have the public participate in viewing what we do within these Chambers. I will join with the gentleman from Bucks, Senator Greenwood, and with the gentleman from Montgomery, Senator Greenleaf, and with any other parties who wish to introduce a reasonable, nondisruptive version of legislation which would permit television within the halls of the Chamber. I think the time has come. I think it is not something that should be put off, and I hope we will do this posthaste.

Senator FUMO. Mr. President, I was in my office when I first heard the comments of the three previous speakers and could not let their comments go unanswered. I was outraged

by what I heard. I have been in the vanguard of this battle to bring television into this Chamber in all the years I have been here. As far as people in this Chamber not knowing what was going on and having to have things in print and everything else, this language was the same language we have introduced continuously. In fact, in the last battle over this we let the gentleman from Philadelphia, Senator Rocks—who was a Member of our caucus then—lead the fight. This was his language. Staff went back and pulled out his exact language and had it drafted that way, yet the gentleman from Philadelphia, Senator Rocks, saw fit not to vote on it and then came back in and voted “no.” Mr. President, if you are for bringing this Chamber into the future, if you are for television in this Chamber to adequately cover the proceedings that go on here rather than keep this as some sort of secret club, then you vote that way. You do not vote one way and then come back on Petitions and Remonstrances and try to give lame excuses for the media or your people back home when the truth of the matter is that maybe some of those people support this in concept, but they have demonstrated today when they get orders from their leadership, they know how to follow and obey. Regrettably, this thing did not pass today. It could have and would have if there would have been some courage exhibited by the other gentlemen who spoke in saying they liked the idea but came up with a bunch of lame excuses as to why they did not vote that way. Mr. President, I sat here and voted when it was 48 to 1 on issues I believed in. I did not make any excuses about it. I voted my conscience and did it. I voted against my caucus. I led the fight against my own caucus when the President of this Chamber, who you stripped today, ruled against them. He ruled against my caucus. I backed up the President because he did the right thing. But, it just seems that around here if those people think they are going to get away with words and not actions, that is not the case. They want television in this Chamber. Stand up and have the courage of your beliefs to vote for it. Do not run away and hide. Do not take marching orders from leadership just because a deal was made to induce someone to switch the aisles. You have to live up to it, as distasteful as it may be. Do it. But do not come back and make a lame excuse. Have the courage to admit that you made a deal and had to go along with it. Take the heat for what you did. Do not try to deflect it on some ridiculous excuse, especially when you voted one way and then listened to leadership and got up and changed your vote back the other way to facilitate the deal. I have no problem with that, the media does not have a problem with that, and your constituents do not have problems with that. Be honest about it. You cannot have it both ways sometimes and most times. Stand up and admit you did the political thing rather than vote your own conscience. Do not make fools of yourselves and get up and do the political thing, then come back and admit it was not what you really wanted to do in the first place. Let us start having some courage in this Chamber. Thank you, Mr. President. I will yield to the Majority Leader so he can make another excuse, I guess. Thank you.

Senator LOEPER. Mr. President, even though the gentleman from Philadelphia has determined he has concluded his remarks, I think it would be remiss if we did not place upon the record that I think much of what the gentleman had to say was totally out of order and was really impugning the integrity of a Member and any Member's motives.

Senator GREENLEAF. Mr. President, I would like to continue to deal with this issue. If this issue was such a pressing issue with the Minority, then why did they not introduce a resolution sometime in the last year and a half to allow television in this Chamber? There are not any. Why did they not sometime in the last year and a half offer an amendment in the Committee on Rules and Executive Nominations on any of the Rules that were in front of them to allow this amendment? They did not. The reason they brought it up today was not for any reason other than to try to kill the resolution in front of us. That was the reason. It was not motivated by a fact that they wanted television on it, because, in fact, it would have never passed. If that amendment would have gone into this Rule, there would have been some procedural motion that would have occurred and the amendment would not have passed. We have now a commitment from the Majority that they will deal with this issue and they will have a vote up or down. It will be interesting at that time to see how many on the Minority side vote for that amendment to allow television in the Chamber. I will be one of them who will be voting for it.

Senator FUMO. Mr. President, in response to the gentleman's remarks, I think people on this side of the aisle know the futility sometimes of introducing resolutions and having them buried in the Committee on Rules and Executive Nominations, number one. Number two, the gentleman should check the Journal. He will find there were no Rules considered during this Session that could be amended in such a fashion. Finally, Mr. President, if the gentleman is such an advocate of the cause, why does he not introduce a resolution and use his clout as a Member of the Majority to get it on the floor? I submit, Mr. President, that the remarks I made previously have been proven again to be true.

ANNOUNCEMENTS BY THE SECRETARY

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

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, JANUARY 26, 1988

9:30 A.M.	LABOR AND INDUSTRY (Public Hearing on Minimum Wage)	Room 461, 4th Floor Conference Rm., North Wing
10:00 A.M.	PUBLIC HEALTH AND WELFARE (Department of Health Regulation 10-98)	Room 460, 4th Floor Conference Rm., North Wing

11:30 A.M.	URBAN AFFAIRS AND HOUSING (to consider Senate Bills No. 381, 382, 1182 and 1219)	Room 460, 4th Floor Conference Rm., North Wing
12:00 Noon	JUDICIARY (to consider nominations for appointment of John B. Leete, Esq., Judge, Court of Common Pleas, Potter County; John M. Cascio, Esq., Judge, Court of Common Pleas, Somerset County and Thomas G. Frame, reappointment to Board of Pardons and Senate Bill No. 1200)	Senate Majority Caucus Room

WEDNESDAY, JANUARY 27, 1988

9:00 A.M. to 11:00 A.M.	JUDICIARY (Public Hearing on Senate Bill No. 1101)	Room 461, 4th Floor Conference Rm., North Wing
10:00 A.M.	LAW AND JUSTICE (to consider House Bill No. 668 (Underage drinking))	Room 459, 4th Floor Conference Rm., North Wing

TUESDAY, FEBRUARY 2, 1988

9:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider Senate Bills No. 964, 1176 and House Bill No. 265)	Room 461, 4th Floor Conference Rm., North Wing
10:00 A.M.	LOCAL GOVERNMENT (to consider House Bills No. 183, 829, 830, 831, 832, 1099, 1271, 1342, 1577, Senate Bills No. 535, 1081, 1168 and any other business that shall come before the committee)	Room 459, 4th Floor Conference Rm., North Wing

WEDNESDAY, FEBRUARY 3, 1988

10:00 A.M.	Conference Committee to consider Senate Bill No. 515	Room 460, 4th Floor Conference Rm., North Wing
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WEDNESDAY, FEBRUARY 10, 1988

10:00 A.M.	Special Session - LEGISLATION (to consider tax reform)	Gold Room, Allegheny County Court House, Pittsburgh
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TUESDAY, MARCH 22, 1988

9:30 A.M. to 12:30 P.M.	JUDICIARY (Public Hearing on Senate Bill No. 1100)	Senate Majority Caucus Room
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ADJOURNMENT

Senator LOEPER. Mr. President, I move the Senate do now adjourn until Tuesday, January 26, 1988, immediately following adjournment of the First Special Session.

The motion was agreed to.

The Senate adjourned at 9:30 p.m., Eastern Standard Time.